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HOUSE BILL 3028

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State of Washington                      61st Legislature                      2010 Regular Session

By Representatives Orwall, Hunt, and Simpson

Read first time 01/20/10. Referred to Committee on Judiciary.

1            AN ACT Relating to access to original birth certificate information  
2 for adult adoptees; amending RCW 26.33.330, 26.33.340, 26.33.345, and  
3 26.33.345; providing an effective date; and providing an expiration  
4 date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6            **Sec. 1.** RCW 26.33.330 and 1996 c 243 s 3 are each amended to read  
7 as follows:

8            (1) All records of any proceeding under this chapter shall be  
9 sealed and shall not be thereafter open to inspection by any person  
10 except upon order of the court for good cause shown, or except by using  
11 the procedure described in RCW 26.33.343 or 26.33.345. In determining  
12 whether good cause exists, the court shall consider any certified  
13 statement on file with the department of health as provided in RCW  
14 26.33.347.

15            (2) The state registrar of vital statistics may charge a reasonable  
16 fee for the review of any of its sealed records.

17            **Sec. 2.** RCW 26.33.340 and 1993 c 81 s 2 are each amended to read  
18 as follows:

1 Department, agency, and court files regarding an adoption shall be  
2 confidential except as provided for in RCW 26.33.345 and except that  
3 reasonably available nonidentifying information ((~~may~~)) shall be  
4 disclosed upon the written request for the information from the  
5 adoptive parent, the adoptee, or the birth parent. If the adoption  
6 facilitator refuses to disclose nonidentifying information, the  
7 individual may petition the superior court. Identifying information  
8 may also be disclosed through the procedures described in RCW 26.33.343  
9 and 26.33.345.

10 **Sec. 3.** RCW 26.33.345 and 1993 c 81 s 3 are each amended to read  
11 as follows:

12 (1) The department of social and health services, adoption  
13 agencies, and independent adoption facilitators shall release the name  
14 and location of the court where a relinquishment of parental rights or  
15 finalization of an adoption took place to an adult adoptee, a birth  
16 parent of an adult adoptee, an adoptive parent, a birth or adoptive  
17 grandparent of an adult adoptee, or an adult sibling of an adult  
18 adoptee, or the legal guardian of any of these.

19 (2) The department of health shall make available a noncertified  
20 copy of the original birth certificate of a child to the child's birth  
21 parents upon request.

22 (3) ((~~For adoptions finalized after October 1, 1993~~)) After  
23 receiving a request from an adopted person eighteen years of age or  
24 older, the department of health shall ((~~make available~~)) provide the  
25 person with a noncertified copy of the adopted person's original birth  
26 certificate ((to the adoptee after the adoptee's eighteenth birthday)),  
27 unless the birth parent has filed an affidavit of nondisclosure.

28 **Sec. 4.** RCW 26.33.345 and 1993 c 81 s 3 are each amended to read  
29 as follows:

30 (1) The department of social and health services, adoption  
31 agencies, and independent adoption facilitators shall release the name  
32 and location of the court where a relinquishment of parental rights or  
33 finalization of an adoption took place to an adult adoptee, a birth  
34 parent of an adult adoptee, an adoptive parent, a birth or adoptive  
35 grandparent of an adult adoptee, or an adult sibling of an adult  
36 adoptee, or the legal guardian of any of these.

1 (2) The department of health shall make available a noncertified  
2 copy of the original birth certificate of a child to the child's birth  
3 parents upon request.

4 (3) (~~For adoptions finalized after October 1, 1993~~) After  
5 receiving a request from an adopted person eighteen years of age or  
6 older, or the adult child of an adult adopted person, unless the birth  
7 parent filed an affidavit of nondisclosure prior to October 1, 2010,  
8 the department of health shall (~~make available~~) provide the person  
9 with a noncertified copy of the adopted person's original birth  
10 certificate (~~to the adoptee after the adoptee's eighteenth birthday~~  
11 ~~unless the birth parent has filed an affidavit of nondisclosure~~) and  
12 a certified copy of the adopted person's adoption decree.

13 NEW SECTION. Sec. 5. Section 3 of this act expires October 1,  
14 2010.

15 NEW SECTION. Sec. 6. Section 4 of this act takes effect October  
16 1, 2010.

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