
Judiciary Committee

HB 2211

Title: An act relating to adoptees' access to information, including original birth certificates.

Brief Description: Regarding adoptees' access to information, including original birth certificates.

Sponsors: Representatives Orwall, Ormsby, Upthegrove and Hunt.

Brief Summary of Bill

- Makes disclosure of non-identifying information of a birth parent, adoptee, or adoptive parent mandatory, upon request.
- Allows an adult adoptee to obtain an uncertified copy of the original birth certificate, regardless of when the adoption was finalized, unless the birth parent filed an affidavit of nondisclosure.
- Provides that affidavits of nondisclosure expire within two years of filing unless renewed.

Hearing Date: 1/16/12

Staff: Trudes Tango (786-7384).

Background:

Generally, all records of adoption proceedings are sealed and not open to inspection except by a court order or through a confidential intermediary procedure.

Reasonably available non-identifying information may be disclosed without a court order upon the written request of the adoptive parent, the adoptee, or the birth parent. The statute contains a nonexclusive list of what constitutes non-identifying information of the birth parents, adoptive parents, and adoptee, such as: medical and genetic history of birth parents, educational level (but not the name or location of schools), general physical appearance, religion, occupation (but not specific titles or places of employment), and photographs.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Washington's confidential intermediary process allows a birth parent or an adoptee who is at least 21 years old to petition the court for a confidential intermediary to search for the person sought. If the person is found, the intermediary must discreetly inquire whether the person consents to having his or her identity disclosed. The intermediary must report the person's consent or refusal to the court.

Adoptees who are 18 years old or over (adult adoptees) may file with the Department of Health (DOH) a certified statement indicating his or her consent or refusal to be contacted by a confidential intermediary or the birth parent and consent or refusal to disclose personally identifying information.

An adult adoptee may obtain a copy of his or her original birth certificate from the DOH if: (1) the adoption was finalized after October 1, 1993; and (2) the birth parent has not filed an affidavit of nondisclosure.

Summary of Bill:

Non-identifying Information.

The disclosure of reasonably available non-identifying information in agency and court files is mandatory, rather than discretionary, upon the written request of the adoptive parent, the adoptee, or the birth parent. The definition of non-identifying information is amended to provide that the information must include, if available, the information listed in the statute.

Disclosure of Birth Certificates.

Regardless of when an adoption was finalized, the DOH must provide an adult adoptee, upon the adoptee's request, a noncertified copy of the adoptee's original birth certificate, unless the birth parent filed a valid affidavit of nondisclosure.

A birth parent may file an affidavit of nondisclosure, regardless of when the adoption was finalized. Affidavits of nondisclosure are valid for two years from the date of filing with the DOH. A birth parent may renew the affidavit before it expires by filing a new affidavit, and may continue to renew it every two years. An affidavit is considered expired upon the death of the birth parent. Affidavits that have been filed before the effective date of the bill expire July 1, 2014 unless the birth parent renews the affidavit.

Birth parents may file with the DOH a contact preference form and medical history form, indicating whether he or she desires to be contacted. If the DOH provides a copy of the original birth certificate to an adoptee, the DOH must also provide a copy of any contact preference form and any medical history form filed by the adoptee's birth parent. The DOH must create the contact preference form and medical history form.

The DOH may charge an adoptee a fee up to twenty dollars for providing a noncertified copy of the adoptee's birth certificate.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.