
HOUSE BILL 2211

State of Washington

62nd Legislature

2012 Regular Session

By Representatives Orwall, Ormsby, Upthegrove, and Hunt

Prefiled 12/20/11. Read first time 01/09/12. Referred to Committee on Judiciary.

1 AN ACT Relating to adoptees' access to information, including
2 original birth certificates; and amending RCW 26.33.330, 26.33.340,
3 26.33.345, and 26.33.020.

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

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

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

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

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

18 Department, agency, and court files regarding an adoption shall be

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

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

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

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

21 (3) ~~((For adoptions finalized after October 1, 1993,))~~ After
22 receiving a request from an adopted person eighteen years of age or
23 older, the department of health shall ~~((make available))~~ provide the
24 person with a noncertified copy of the adopted person's original birth
25 certificate ~~((to the adoptee after the adoptee's eighteenth birthday))~~
26 unless the birth parent has filed ~~((an))~~ a valid affidavit of
27 nondisclosure in compliance with subsection (4) of this section.

28 (4)(a) Regardless of when the adoption was finalized, a birth
29 parent may file with the department of health an affidavit of
30 nondisclosure pursuant to this section.

31 (b) Affidavits of nondisclosure filed before the effective date of
32 this section expire July 1, 2014, and will no longer be valid, unless
33 the birth parent files a new affidavit of nondisclosure after the
34 effective date of this section and before July 1, 2014.

35 (c) Affidavits of nondisclosure filed after the effective date of
36 this section are valid for two years from the date of filing. Before
37 the expiration of an affidavit of nondisclosure, a birth parent may

1 file a new affidavit of nondisclosure which will be valid for two years
2 from the date of filing. A birth parent may continue to renew his or
3 her affidavit of nondisclosure by filing a new affidavit with the
4 department within the required time.

5 (d) If a birth parent does not file a new affidavit of
6 nondisclosure before the expiration date, the affidavit of
7 nondisclosure is deemed expired and is no longer valid.

8 (e) An affidavit of nondisclosure is deemed expired and no longer
9 valid upon the death of the birth parent. A personal representative or
10 agent of a deceased birth parent may not file an affidavit of
11 nondisclosure on the deceased birth parent's behalf.

12 (5) Regardless of when the adoption was finalized and whether or
13 not the birth parent has filed an affidavit of nondisclosure, a birth
14 parent may file with the department of health a contact preference form
15 and medical history form. The contact preference form must indicate
16 whether the birth parent desires or does not desire contact with the
17 adoptee. Nothing in this section precludes a birth parent from
18 subsequently filing another contact preference form to rescind the
19 previous contact preference form and state a different preference.

20 (6)(a) If the department of health provides a noncertified copy of
21 the original birth certificate to an adoptee under this section, the
22 department must also provide the adoptee with a copy of any contact
23 preference form and any medical history form filed by the adoptee's
24 birth parent.

25 (b) The department may charge a fee not to exceed twenty dollars
26 for providing a noncertified copy of a birth certificate to an adoptee.

27 (c) The department shall create the contact preference form and
28 medical history form.

29 **Sec. 4.** RCW 26.33.020 and 1993 c 81 s 1 are each amended to read
30 as follows:

31 Unless the context clearly requires otherwise, the definitions in
32 this section apply throughout this chapter.

33 (1) "Alleged father" means a person whose parent-child relationship
34 has not been terminated, who is not a presumed father under chapter
35 26.26 RCW, and who alleges himself or whom a party alleges to be the
36 father of the child. It includes a person whose marriage to the mother

1 was terminated more than three hundred days before the birth of the
2 child or who was separated from the mother more than three hundred days
3 before the birth of the child.

4 (2) "Child" means a person under eighteen years of age.

5 (3) "Adoptee" means a person who is to be adopted or who has been
6 adopted.

7 (4) "Adoptive parent" means the person or persons who seek to adopt
8 or have adopted an adoptee.

9 (5) "Court" means the superior court.

10 (6) "Department" means the department of social and health
11 services.

12 (7) "Agency" means any public or private association, corporation,
13 or individual licensed or certified by the department as a child
14 placing agency under chapter 74.15 RCW or as an adoption agency.

15 (8) "Parent" means the natural or adoptive mother or father of a
16 child, including a presumed father under chapter 26.26 RCW. It does
17 not include any person whose parent-child relationship has been
18 terminated by a court of competent jurisdiction.

19 (9) "Legal guardian" means the department, an agency, or a person,
20 other than a parent or stepparent, appointed by the court to promote
21 the child's general welfare, with the authority and duty to make
22 decisions affecting the child's development.

23 (10) "Guardian ad litem" means a person, not related to a party to
24 the action, appointed by the court to represent the best interests of
25 a party who is under a legal disability.

26 (11) "Relinquish or relinquishment" means the voluntary surrender
27 of custody of a child to the department, an agency, or prospective
28 adoptive parents.

29 (12) "Individual approved by the court" or "qualified salaried
30 court employee" means a person who has a master's degree in social work
31 or a related field and one year of experience in social work, or a
32 bachelor's degree and two years of experience in social work, and
33 includes a person not having such qualifications only if the court
34 makes specific findings of fact that are entered of record establishing
35 that the person has reasonably equivalent experience.

36 (13) "Birth parent" means the biological mother or biological or
37 alleged father of a child, including a presumed father under chapter
38 26.26 RCW, whether or not any such person's parent-child relationship

1 has been terminated by a court of competent jurisdiction. "Birth
2 parent" does not include a biological mother or biological or alleged
3 father, including a presumed father under chapter 26.26 RCW, if the
4 parent-child relationship was terminated because of an act for which
5 the person was found guilty under chapter 9A.42 or 9A.44 RCW.

6 (14) "Nonidentifying information" (~~includes~~) shall include if it
7 is available, but is not limited to, the following information about
8 the birth parents, adoptive parents, and adoptee:

- 9 (a) Age in years at the time of adoption;
10 (b) Heritage, including nationality, ethnic background, and race;
11 (c) Education, including number of years of school completed at the
12 time of adoption, but not name or location of school;
13 (d) General physical appearance, including height, weight, color of
14 hair, eyes, and skin, or other information of a similar nature;
15 (e) Religion;
16 (f) Occupation, but not specific titles or places of employment;
17 (g) Talents, hobbies, and special interests;
18 (h) Circumstances leading to the adoption;
19 (i) Medical and genetic history of birth parents;
20 (j) First names;
21 (k) Other children of birth parents by age, sex, and medical
22 history;
23 (l) Extended family of birth parents by age, sex, and medical
24 history;
25 (m) The fact of the death, and age and cause, if known;
26 (n) Photographs;
27 (o) Name of agency or individual that facilitated the adoption.

--- END ---