

SSB 5118 - S AMD 164

By Senators Carrell, Rivers

ADOPTED 03/11/2013

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 26.33.345 and 1993 c 81 s 3 are each amended to read
4 as follows:

5 (1) The department of social and health services, adoption
6 agencies, and independent adoption facilitators shall release the name
7 and location of the court where a relinquishment of parental rights or
8 finalization of an adoption took place to an adult adoptee, a birth
9 parent of an adult adoptee, an adoptive parent, a birth or adoptive
10 grandparent of an adult adoptee, or an adult sibling of an adult
11 adoptee, or the legal guardian of any of these.

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

15 (3)(a) For adoptions finalized after October 1, 1993, the
16 department of health shall make available a noncertified copy of the
17 original birth certificate to ~~((the adoptee after the adoptee's
18 eighteenth birthday unless the birth parent has filed an affidavit of
19 nondisclosure))~~ an adopted person eighteen years of age or older upon
20 request, unless the birth parent has filed an affidavit of
21 nondisclosure before the effective date of this section or a contact
22 preference form that indicates he or she prefers not to be contacted:
23 PROVIDED, That the affidavit of nondisclosure, the contact preference
24 form, or both have not expired.

25 (b) For adoptions finalized on or before October 1, 1993, the
26 department of health may not make available the original birth
27 certificate to the adopted person for inspection or copying until after
28 June 30, 2014. After June 30, 2014, the department of health shall
29 make available a noncertified copy of the original birth certificate to
30 an adopted person eighteen years or older upon request, unless the

1 birth parent has filed a contact preference form that indicates he or
2 she prefers not to be contacted: PROVIDED, That the contact preference
3 form has not expired.

4 (4)(a) Regardless of whether a birth parent has filed an affidavit
5 of nondisclosure or when the adoption was finalized, a birth parent may
6 at any time complete a contact preference form stating his or her
7 preference about personal contact with the adopted person, which, if
8 available, must accompany a birth certificate issued under subsection
9 (3) of this section.

10 (b) The contact preference form must include the following options:

11 (i) I would like to be contacted;

12 (ii) I would like to be contacted only through a confidential
13 intermediary as described in RCW 26.33.343; and

14 (iii) I prefer not to be contacted and have also completed the
15 birth parent updated medical history form.

16 (c) If the birth parent indicates he or she prefers not to be
17 contacted, personally identifying information on the contact preference
18 form must be kept confidential and may not be released.

19 (d) A contact preference form expires upon the death of the birth
20 parent.

21 (5) If a birth parent files a contact preference form, the birth
22 parent must also file a medical history form with the department of
23 health. Upon request of the adopted person, the department of health
24 must provide the adopted person with the medical history form filed by
25 the adopted person's birth parent.

26 (6) Both a completed contact preference form and birth parent
27 updated medical history form are confidential and must be placed in a
28 secure file until a match with the adopted person's file is made. Once
29 a match is made, the forms must be placed in the adopted person's
30 sealed file.

31 (7) If the contact preference form is filed within six months of
32 the first time an adopted person requests a copy of his or her original
33 birth certificate as provided in subsection (3) of this section, the
34 department of health must forward the form to the address of the
35 adopted person. If applicable, the department of health must also
36 forward the birth parent updated medical history form to the address of
37 the adopted person.

1 (8) The department of health may charge a fee not to exceed twenty
2 dollars for providing a noncertified copy of a birth certificate to an
3 adopted person.

4 (9) The department of health must create the contact preference
5 form and medical history form. The contact preference form must
6 provide a method to ensure personally identifying information can be
7 kept confidential. The medical history form may not require the birth
8 parent to disclose any identifying information about the birth parent.

9 (10) An affidavit of nondisclosure expires upon the death of the
10 birth parent."

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11 On page 1, line 2 of the title, after "finalization;" strike the
12 remainder of the title and insert "and amending RCW 26.33.345."

EFFECT: Maintains current law regarding access to birth records for adoptions finalized after October 1, 1993, but prior to June 30, 2014.

After June 30, 2014, all adoptees will be able to access noncertified copies of their original birth records unless the birth parent has filed an affidavit of nondisclosure before the effective date of this act or contact preference form stating that they do not want to be contacted: PROVIDED, That the affidavit of nondisclosure or the contact preference form has not expired.

Both the affidavit of nondisclosure and the contact preference form expire upon the death of the birth parent.

Modifies an option on the contact preference form.

States that a contact preference form can be filed at any time, regardless of the date of the adoptions.

If a birth parent files a contact preference form, the birth parent must also file a medical history form.

The medical history form must be provided to the adoptee upon request.

The department of health must create a contact preference form and medical history form. The affidavit of nondisclosure form must have

the birth parent's social security number.

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