
Judiciary Committee

HB 1525

Title: An act relating to birth certificates and other birth-related information.

Brief Description: Concerning birth certificates and other birth-related information.

Sponsors: Representatives Orwall, Pedersen, Goodman, Hunt, Roberts, Upthegrove, Ryu and Jinkins.

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 has filed an affidavit of nondisclosure.
- Requires the Department of Health to conduct a search to determine if a birth parent who signed an affidavit of nondisclosure is deceased, upon request of the adoptee.
- Amends provisions of the statutes relating to birth certificates to include gender-neutral terms.

Hearing Date: 2/6/13

Staff: Edie Adams (786-7180).

Background:

Generally, all records of court proceedings relating to adoptions are sealed, and all files relating to adoptions are confidential and may not be disclosed, except by court order or through a confidential intermediary process.

The confidential intermediary process allows a birth parent or an adoptee who is at least 21 years of age to petition for the appointment of a confidential intermediary to search for and make

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contact with the other party. An adopted person over the age of 18 may file a certified statement with the Department of Health (DOH) indicating his or her consent or refusal to the release of identifying information, or his or her consent or refusal to be contacted by a biological parent or a confidential intermediary.

Reasonably available non-identifying information of a birth parent, adoptive parent, or adoptee may be disclosed without a court order upon the request of the birth parent, adoptive parent, or adoptee. "Non-identifying information" includes a non-exclusive list of information, such as age, heritage, education, general physical appearance, religion, occupation, other children of the birth parents, and medical and genetic history.

The DOH must release the non-certified copy of the original birth certificate without a court order under some circumstances. The DOH must provide a non-certified copy of the original birth certificate to the child's birth parent's upon request. In addition, for adoptions finalized after October 1, 1993, the DOH must provide a non-certified copy of the original birth certificate to an adult adoptee unless the birth parent has filed an affidavit of nondisclosure.

The Indian Child Welfare Act allows an adult adoptee to obtain information from the court that finalized the adoption in order to protect any rights flowing from the adoptee's tribal relationship.

State laws regarding birth certificates and other vital records are administered by the DOH. These statutes establish a standard birth certificate form, use the requirements for completing and forwarding birth certificate information, and requirements for issuing new or amended birth certificates. Several of these statutes address information or other requirements specifically referencing the mother or father, or paternity acknowledgements or adjudications.

Summary of Bill:

Adoptee's Access to 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.

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 has filed a valid affidavit of nondisclosure. An affidavit of nondisclosure is valid for five years from the date of filing for an adoption finalized on or after October 1, 1993, and 10 years for an adoption finalized before October 1, 1993. A birth parent may renew the affidavit before it expires by filing a new affidavit and may continue to renew the affidavit or file a new affidavit if the previously filed affidavit expired. An affidavit is considered expired upon the death of the birth parent. The affidavit of nondisclosure must include the birth parent's social security number. The DOH may charge an adoptee a fee up to \$20 for providing a noncertified copy of the adoptee's birth certificate.

Birth parents may file with the DOH a contact preference form indicating whether he or she desires to be contacted. If the birth parent files an affidavit of nondisclosure or a contact

preference form, the birth parent must also file a medical history form. The DOH must create the contact preference form and the medical history form, which may not request any identifying information.

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 birth parent. If the DOH does not provide a copy of the original birth certificate to the adoptee because the birth parent has filed a valid affidavit of nondisclosure, the DOH must provide the medical history form, and, if the adoptee requests, must attempt to determine if the birth parent is deceased. The DOH must make a reasonable effort to search public records that are accessible and already available to the DOH. The DOH may charge the adoptee a reasonable fee to cover the cost of conducting the search. The adoptee may not request the DOH to conduct a search more than once per year.

An adult adoptee's rights under the state or federal Indian Child Welfare Act are not affected by the provisions of the act.

Language in the statutes governing birth certificates is amended to replace gender-specific terms with gender-neutral terms. References to "mother" and "father" are replaced with "first parent," "second parent," or "parent," and references to "paternity" are replaced with "parentage."

Appropriation: None.

Fiscal Note: Available.

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