

FINAL BILL REPORT

SHB 1525

C 321 L 13
Synopsis as Enacted

Brief Description: Concerning access to original birth certificates after adoption.

Sponsors: House Committee on Judiciary (originally sponsored by Representatives Orwall, Pedersen, Goodman, Hunt, Roberts, Upthegrove, Ryu and Jinkins).

House Committee on Judiciary

House Committee on Appropriations Subcommittee on Health & Human Services

Senate Committee on Human Services & Corrections

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.

Reasonably available nonidentifying 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. "Nonidentifying information" includes information such as age, heritage, education, general physical appearance, religion, occupation, other children of the birth parents, and medical and genetic history.

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

Summary:

The DOH must provide an adult adoptee with a noncertified copy of the original birth certificate upon request unless the birth parent has filed an affidavit of nondisclosure prior to the effective date of the act, or a contact preference form indicating the birth parent does not want the original birth certificate released. For adoptions finalized on or before October 1, 1993, the DOH may not release an original birth certificate until after June 30, 2014.

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.

A birth parent may at any time complete a contact preference form indicating his or her preferences regarding contact with the adoptee and release of the original birth certificate. The contact preference form must include the following options:

- I would like to be contacted. The DOH may release the original birth certificate to the adoptee.
- I would like to be contacted only through a confidential intermediary. The DOH may release the original birth certificate to the adoptee.
- I prefer not to be contacted and have completed an updated medical history form. The DOH may release the original birth certificate to the adoptee.
- I prefer not to be contacted and have completed an updated medical history form. I do not want the DOH to release the original birth certificate to the adoptee.

A birth parent who files a contact preference form must also file an updated medical history form, which must be provided to an adult adoptee upon request. If the DOH provides a noncertified copy of the original birth certificate to an adult adoptee, the DOH must also provide the adult adoptee with any contact preference form filed by the birth parent. The contact preference form and the updated medical history form are confidential and must be placed in the adoptee's sealed file.

The contact preference form and the affidavit of nondisclosure do not expire until the death of the birth parent. A birth parent may rescind a contact preference form by filing a new contact preference form indicating a different preference. If the DOH does not provide an adoptee with the original birth certificate because an affidavit of nondisclosure or contact preference form has been filed, the DOH must, upon the request of the adoptee, conduct a search of public records available to the DOH to determine if the birth parent is deceased. The adoptee may not request a search more than once per year.

The DOH must create the contact preference form and the medical history form. The DOH may charge a fee not to exceed \$20 dollars for providing a noncertified copy of the original birth certificate, and may charge a reasonable fee to cover the cost of conducting a search to determine whether a birth parent is deceased.

Votes on Final Passage:

House	95	2	
Senate	39	8	(Senate amended)
House	94	1	(House concurred)

Effective: July 28, 2013