
Judiciary Committee

ESSB 5118

Title: An act relating to access to original birth certificates after adoption finalization.

Brief Description: Addressing access to original birth certificates after adoption finalization.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Carrell, Benton, Darneille, Bailey, Roach and Honeyford).

Brief Summary of Engrossed Substitute Bill

- Establishes standards under which an adopted person over the age of 18 may obtain an uncertified copy of the original birth certificate.
- Requires the Department of Health to develop a contact preference form for birth parents to indicate their preferences regarding contact with the adopted person, and a birth parent medical history form that will be released to an adult adopted person upon request.

Hearing Date: 3/26/13

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 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.

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.

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.

Summary of Bill:

A birth parent may at any time complete a contact preference form, which must include the following options: (1) I would like to be contacted; (2) I would like to be contacted only through a confidential intermediary; (3) I prefer not to be contacted and have completed the birth parent updated medical history form. If the birth parent indicates a preference not to be contacted, personally identifying information on the form must be kept confidential.

For adoptions finalized after October 1, 1993, the DOH must provide a noncertified copy of the original birth certificate to an adopted person age 18 or older upon request, unless the birth parent has filed a valid affidavit of nondisclosure before the effective date of the act, or has filed a valid contact preference form that indicates the birth parent prefers not to be contacted.

For adoptions finalized on or before October 1, 1993, the DOH may not make available a copy of the original birth certificate until after June 30, 2014. After June 30, 2014, the DOH must provide a noncertified copy of the original birth certificate to an adopted person age 18 or older upon request, unless the birth parent has filed a valid contact preference form that indicates the birth parent prefers not to be contacted.

The DOH may charge a fee of up to \$20 for providing a noncertified copy of the original birth certificate to an adopted person. Both the affidavit of nondisclosure and the contact preference form expire upon the death of the birth parent.

If the DOH provides a noncertified copy of the original birth certificate to an adopted person, the DOH must also provide the adopted person with any contact preference form filed by the birth parent. If a contact preference form is filed within six months of the first time an adopted person requests a copy of the original birth certificate, the DOH must forward the contact preference form to the adoptee.

A birth parent who files a contact preference form must also file a medical history form. The DOH must provide the birth parent's medical history form to an adopted person upon request.

A completed contact preference form and updated medical history form are confidential and must be placed in a secure file until a match with the adopted person's file is made. Once a match is made, the forms must be placed in the adopted person's sealed file.

The DOH must create the contact preference form, which must provide a means to ensure the confidentiality of identifying information, and the medical history form, which may not require the birth parent to disclose identifying information.

Appropriation: None.

Fiscal Note: Requested on March 22, 2013.

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