

# SENATE BILL REPORT

## SHB 1525

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As of March 20, 2013

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

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

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

**Brief History:** Passed House: 3/06/13, 95-2.

**Committee Activity:** Human Services & Corrections: 3/21/13.

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Staff:** Joan Miller (786-7784)

**Background:** Generally, adoption records are sealed and may not be released except upon a court order for good cause or by using a confidential intermediary.

An adoptee over the age of 21, an adoptee under age 21 with the permission of the adoptive parent, or a member of the birth parent's family after the adoptee reaches age 21 may petition the court to appoint a confidential intermediary. If appointed by the court, the intermediary will search for and discreetly contact the birth parent or adoptee. If the birth parent or adoptee are not alive or cannot be contacted within one year, the intermediary may attempt to locate family members of the birth parent or adoptee. If the person being sought is located, the intermediary must make a discreet and confidential inquiry as to whether the person will consent to having the person's identity disclosed to the petitioner. If the person being sought refuses disclosure, then the intermediary must report the refusal to the court and refrain from further inquiry without judicial approval.

Upon written request from the adoptive parent, the adoptee, or the birth parent, nonidentifying information contained in adoption records held by the Department of Social and Health Services, held by an adoption agency, or maintained in court files, may be disclosed. Nonidentifying information includes, but is not limited to, the following information about the birth parents, adoptive parents, and the adoptee: age at the time of adoption; heritage; education; general physical appearance; religion; occupation; medical and genetic history; first names; and the name of the agency or individual who facilitated the adoption.

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*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.*

For adoptions finalized after October 1, 1993, the Department of Health (DOH) must make available a noncertified copy of the original birth certificate to the adoptee after the adoptee's 18th birthday, unless the birth parent filed an affidavit of nondisclosure.

**Summary of Bill:** The disclosure of reasonably available nonidentifying 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.

Regardless of when an adoption was finalized and upon the request of an adoptee age 18 or older, DOH must provide a noncertified copy of the adoptee's original birth certificate, unless the birth parent filed a valid affidavit of nondisclosure. For an adoption finalized before October 1, 1993, an affidavit of nondisclosure is valid for ten years from the date of filing. For an adoption finalized on or after October 1, 1993, an affidavit is valid for five years from the date of filing, unless the affidavit was filed before the effective date of this legislation. An affidavit filed before the effective date of this legislation for adoptions finalized on or after October 1, 1993 is valid until July 1, 2018.

A birth parent may renew the affidavit of nondisclosure before it expires by filing a new affidavit and may continue to renew the affidavit. A birth parent may also file a new affidavit if the previously filed affidavit expired. An affidavit also expires upon the death of the birth parent. DOH may charge a fee not to exceed \$20 for providing a noncertified copy of a birth certificate to an adoptee.

Regardless of when an adoption was finalized, birth parents may file with DOH a contact preference form indicating whether they want 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. DOH must create the contact preference form and the medical history form, which may not request any identifying information. DOH must also amend the affidavit of nondisclosure to include the birth parent's social security number.

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

DOH must modify the language on the certified birth certificate to reflect the mother's or parent's name, date, and place of birth, as well as the father's or parent's name, date, and place of birth. Language in the statutes governing birth certificates is amended to replace some gender-specific terms with gender-neutral terms.

**Appropriation:** None.

**Fiscal Note:** Available.

[OFM requested ten-year cost projection pursuant to I-960.]

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.