
Judiciary Committee

HB 3028

Title: An act relating to access to original birth certificate information for adult adoptees.

Brief Description: Addressing disclosure of adoption information.

Sponsors: Representatives Orwall, Hunt and Simpson.

Brief Summary of Bill

- Requires disclosure of non-identifying information in agency and court files relating to adoption.
- Allows adult adoptees who were adopted before 1993 to obtain a copy of their original birth certificates, unless the adoptee's birth parent filed an affidavit of non-disclosure.
- Allows all adult adoptees and their adult children, beginning October 2010, to obtain copies of original birth certificates and adoption decrees unless the adoptee's birth parent filed an affidavit of non-disclosure prior to October 2010.

Hearing Date: 1/28/10

Staff: Trudes Tango (786-7384).

Background:

Generally, all records of adoption proceedings are sealed and not open to inspection except by a court order or through a confidential intermediary procedure. However, reasonably available non-identifying information *may* be disclosed without a court order upon the written request of the adoptive parent, the adoptee, or the birth parent. Non-identifying information includes medical and genetic history.

Washington's confidential intermediary process allows an adoptee who is 21 years old or over or a birth parent to petition the court for a confidential intermediary who will search for and contact the person sought. If the person is found, the intermediary must discreetly inquire whether the

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.

person consents to having his or her identity disclosed and whether the person desires contact with the petitioner. The identity of the petitioner must not be disclosed to the person being sought. The confidential intermediary must report the person's consent or refusal to the court. Procedures are in place to address confidentiality of adoptive parents when the petitioner is a birth parent seeking an adoptee who is under the age of 25 and is still living with the adoptive parent.

Adoptees who are 18 years old or over (adult adoptees) may file with the Department of Health (DOH) a certified statement indicating his or her consent or refusal to be contacted by a confidential intermediary or the birth parent, and consent or refusal to disclose personally identifying information.

An adult adoptee may obtain a copy of his or her original birth certificate from the DOH if the adoption was finalized after October 1, 1993, and if the birth parent has not filed an affidavit of non-disclosure.

Summary of Bill:

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 requirement that the DOH provide a copy of the original birth certificate to an adult adoptee unless the birth parent filed an affidavit of non-disclosure applies to adoptions finalized before 1993, as well as after 1993.

After October 1, 2010, the DOH must provide a copy of the original birth certificate and the adoption decree to any adult adoptee or an adult child of the adoptee, regardless of when the adoption was or is finalized, unless an affidavit of non-disclosure was filed before October 1, 2010.

Appropriation: None.

Fiscal Note: Requested.

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