

SENATE BILL REPORT

SB 6320

As of February 5, 2010

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

Brief Description: Addressing disclosure of adoption information.

Sponsors: Senators Brandland and Keiser.

Brief History:

Committee Activity: Human Services & Corrections: 2/05/10.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Staff: Jennifer Strus (786-7316)

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

An adopted person over the age of 21, or an adopted person under 21 with the permission of the adoptive parent, or a member of the birth parent's family after the adoptee has reached 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 adopted person. If they are not alive or cannot be contacted within one year, the intermediary may attempt to locate members of the birth parent or the adopted person's family. If the intermediary locates the person being sought, a discreet and confidential inquiry as to whether the person will consent to having his or her current identity disclosed to the petitioner must be made.

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 has filed an affidavit of nondisclosure.

Adoption records held by the Department of Social and Health Services (DSHS), an adoption agency, or maintained in court files must be kept confidential, except reasonably available non-identifying information may be disclosed upon the written request for information from the adoptive parent, the adoptee, or the birth parent.

Summary of Bill: Adoption records held by DSHS, an adoption agency, or maintained in court files must be confidential except reasonably available non-identifying information must

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be disclosed upon the written request for information from the adoptive parent, the adoptee, or the birth parent.

DOH, after receiving a request from an adopted person 18 years of age or older, or the adult child of an adult adopted person, must provide that person with a noncertified copy of the adopted person's original birth certificate and a certified copy of the adopted person's adoption decree.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: It is unfair to treat adoptees differently. Adopted people cannot develop healthy self-images without knowing where they came from. They have shame and guilt because of adoption. In the 1970s, when people gave their children up for adoption, they were never told that their children would not be given information and would not know where they came from. Sometimes medical issues develop later on and there is no way to get that information to the adopted child. The confidential intermediary system procedure results vary widely. The law passed in 1993 did not help this problem much. No one wants to force a relationship that one party does not want, but the ability to obtain medical and other family history should be available to all adult adoptees. Adoptees should not be treated differently just because of how they came into their families. States with open access to adoption information have not reported any problems. One of the issues that is critical is the whereabouts of the adoptee's siblings. Often children are adopted when they are older and have already developed connections with siblings, and allowing adoptees to obtain information about their adoptions would allow them to also have contact with siblings. A recent Google search disclosed that there are about six million people looking for information about their birth families. This bill is needed to eliminate the disparity between adoptions that occurred before 1993 and those that occurred after 1993.

Persons Testifying: PRO: Angie Langseth-Bostwick, Washington Coalition for Adoptee Rights and Equality; Kathleen Cooley, Stephanie Alphier, Jodi McBride, WA CARE; Michelle Meeker, WARM; Laurie Lippold, Children's Home Society; Deanna Dessau, Don Pierce, citizens.