

HOUSE BILL REPORT

SSB 6576

As Reported By House Committee On:

Children & Family Services

Title: An act relating to certified statements filed by adult adoptees concerning disclosure of adoption records.

Brief Description: Protecting the privacy of adult adoptees.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Schow, Prentice, Hale, McCaslin, Finkbeiner, Sellar, Moyer and Long).

Brief History:

Committee Activity:

Children & Family Services: 2/16/96, 2/20/96 [DPA].

HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

Majority Report: Do pass as amended. Signed by 10 members: Representatives Cooke, Chairman; Lambert, Vice Chairman; Stevens, Vice Chairman; Tokuda, Ranking Minority Member; Brown, Assistant Ranking Minority Member; Buck; Carrell; Dickerson; Patterson and Sterk.

Staff: Douglas Ruth (786-7134).

Background: Current law requires that all records connected to an adoption proceeding remain confidential unless a court orders disclosure. A court may order disclosure under two circumstances: (1) if the court finds good cause to unseal the adoption records, and (2) if a court-appointed confidential intermediary contacts the adoptee or birth parent and obtains the individual's consent to disclosure. If the individual refuses to give consent, the intermediary must refrain from any further contact. A confidential intermediary may be appointed by a court on the request of either the adoptee or the birth parent, but in either case the adoptee must be over the age of 21 or have the permission of the adoptive parent.

In addition to these procedures for protecting the identity of persons involved in adoptions, birth parents may also prevent disclosure of a child's original birth certificate by filing an affidavit of non-disclosure with the Department of Health.

Summary of Amended Bill: An additional procedure is established to protect the identities of adult adoptees from disclosure.

An adoptee over the age of 18 may file a statement with the Department of Health expressing the adoptee's desires regarding disclosure. The adoptee may choose from four levels of confidentiality, ranging from complete non-disclosure of all identifying information for any purpose other than a medical emergency to full release of the adoptee's current name, address, and telephone number. The adoptee may rescind or amend the statement at any time. If an adoptee chooses not to permit disclosure, a prominent notice stating the adoptee's desire is placed with the adoptee's birth certificate in the Department of Health's files.

Courts that are considering whether good cause exists to disclose the adoptee's records, or whether to appoint a confidential intermediary must consider the intent of the adoptee as expressed in the filed statement.

Amended Bill Compared to Substitute Bill: The original bill allowed an adoptee to direct that his or her complete file, including both identifying and non-identifying information, remain confidential. The amended bill allows the adoptee to restrict disclosure of only identifying information.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: (Original Bill) The bill prevents confidential intermediaries from contacting adoptees who do not wish to be contacted. Present law mandates that all records remain confidential absent a court order, so the bill provides additional protection against disclosure. A similar procedure is used for birth parents who do not want to be contacted by their children. Because present law separates between identifying and non-identifying information, and because it is important to have non-identifying information (for example, social history, medical history) available, an adoptee should be allowed to restrict access only to identifying information.

Testimony Against: None presented.

Testified: (Pro) Laurie Lippold, Children's Home Society.