
SUBSTITUTE SENATE BILL 6576

State of Washington

54th Legislature

1996 Regular Session

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

Read first time 02/01/96.

1 AN ACT Relating to certified statements filed by adult adoptees
2 concerning disclosure of adoption records; amending RCW 26.33.330 and
3 26.33.343; adding a new section to chapter 26.33 RCW; and creating a
4 new section.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The legislature finds that it is in the best
7 interest of the people of the state of Washington to support the
8 adoption process in a variety of ways, including protecting the privacy
9 interests of adult adoptees when the confidential intermediary process
10 is used.

11 NEW SECTION. **Sec. 2.** A new section is added to chapter 26.33 RCW
12 to read as follows:

13 (1) An adopted person over the age of eighteen may file with the
14 department of health a certified statement declaring any one or more of
15 the following:

16 (a) The adoption records contained in the court, the agency, and
17 the department of health files are confidential for any purpose other

1 than a medical emergency as determined by a court of competent
2 jurisdiction;

3 (b) The adoptee refuses to consent to the release of any
4 identifying information to a biological parent, biological sibling, or
5 other biological relative and does not wish to be contacted by a
6 confidential intermediary except in the case of a medical emergency as
7 determined by a court of competent jurisdiction;

8 (c) The adoptee consents to the release of any identifying
9 information to a confidential intermediary appointed under RCW
10 26.33.343, a biological parent, biological sibling, or other biological
11 relative;

12 (d) The adoptee desires to be contacted by his or her biological
13 parents, biological siblings, other biological relatives, or a
14 confidential intermediary appointed under RCW 26.33.343;

15 (e) The current name, address, and telephone number of the adoptee
16 who desires to be contacted.

17 (2) The certified statement shall be filed with the department of
18 health and placed with the adoptee's original birth certificate if the
19 adoptee was born in this state, or in a separate registry file for
20 reference purposes if the adoptee was born in another state or outside
21 of the United States. When the statement includes a request for
22 confidentiality or a refusal to consent to the disclosure of
23 identifying information, a prominent notice stating substantially the
24 following shall also be placed at the front of the file: "AT THE
25 REQUEST OF THE ADOPTEE, ALL RECORDS AND INFORMATION RELATING TO THIS
26 ADOPTION SHALL REMAIN CONFIDENTIAL AND SHALL NOT BE DISCLOSED OR
27 RELEASED WITHOUT A COURT ORDER SO DIRECTING."

28 (3) An adopted person who files a certified statement under
29 subsection (1) of this section may subsequently file another certified
30 statement requesting to rescind or amend the prior certified statement.

31 **Sec. 3.** RCW 26.33.330 and 1990 c 145 s 3 are each amended to read
32 as follows:

33 (1) All records of any proceeding under this chapter shall be
34 sealed and shall not be thereafter open to inspection by any person
35 except upon order of the court for good cause shown, or except by using
36 the procedure described in RCW 26.33.343. In determining whether good
37 cause exists, the court shall consider any certified statement on file
38 with the department of health as provided in section 2 of this act.

1 (2) The state registrar of vital statistics may charge a reasonable
2 fee for the review of any of its sealed records.

3 **Sec. 4.** RCW 26.33.343 and 1990 c 145 s 1 are each amended to read
4 as follows:

5 (1) An adopted person over the age of twenty-one years, or under
6 twenty-one with the permission of the adoptive parent, or a birth
7 parent or member of the birth parent's family after the adoptee has
8 reached the age of twenty-one may petition the court to appoint a
9 confidential intermediary. A petition under this section shall state
10 whether a certified statement is on file with the department of health
11 as provided for in section 2 of this act and shall also state the
12 intent of the adoptee as set forth in any such statement. The
13 intermediary shall search for and discreetly contact the birth parent
14 or adopted person, or if they are not alive or cannot be located within
15 one year, the intermediary may attempt to locate members of the birth
16 parent or adopted person's family. These family members shall be
17 limited to the natural grandparents of the adult adoptee, a brother or
18 sister of a natural parent, or the child of a natural parent. The
19 court, for good cause shown, may allow a relative more distant in
20 degree to petition for disclosure.

21 (2)(a) Confidential intermediaries appointed under this section
22 shall complete training provided by a licensed adoption service or
23 another court-approved entity and file an oath of confidentiality and
24 a certificate of completion of training with the superior court of
25 every county in which they serve as intermediaries. The court may
26 dismiss an intermediary if the intermediary engages in conduct which
27 violates professional or ethical standards.

28 (b) The confidential intermediary shall sign a statement of
29 confidentiality substantially as follows:

30 I,, signing under penalty of contempt of court, state:
31 "As a condition of appointment as a confidential intermediary, I affirm
32 that, when adoption records are opened to me:

33 I will not disclose to the petitioner, directly or indirectly, any
34 identifying information in the records without further order from the
35 court.

36 I will conduct a diligent search for the person being sought and
37 make a discreet and confidential inquiry as to whether that person will

1 consent to being put in contact with the petitioner, and I will report
2 back to the court the results of my search and inquiry.

3 If the person sought consents to be put in contact with the
4 petitioner, I will attempt to obtain a dated, written consent from the
5 person, and attach the original of the consent to my report to the
6 court. If the person sought does not consent to the disclosure of his
7 or her identity, I shall report the refusal of consent to the court.

8 I will not make any charge or accept any compensation for my
9 services except as approved by the court, or as reimbursement from the
10 petitioner for actual expenses incurred in conducting the search.
11 These expenses will be listed in my report to the court.

12 I recognize that unauthorized release of confidential information
13 may subject me to civil liability under state law, and subjects me to
14 being found in contempt of court."

15 /s/ _____ date _____

16 (c) The confidential intermediary shall be entitled to
17 reimbursement from the petitioner for actual expenses in conducting the
18 search. The court may authorize a reasonable fee in addition to these
19 expenses.

20 (3) If the confidential intermediary is unable to locate the person
21 being sought within one year, the confidential intermediary shall make
22 a recommendation to the court as to whether or not a further search is
23 warranted, and the reasons for this recommendation.

24 (4) In the case of a petition filed on behalf of a natural parent
25 or other blood relative of the adoptee, written consent of any living
26 adoptive parent shall be obtained prior to contact with the adoptee if
27 the adoptee:

28 (a) Is less than twenty-five years of age and is residing with the
29 adoptive parent; or

30 (b) Is less than twenty-five years of age and is a dependent of the
31 adoptive parent.

32 (5) If the confidential intermediary locates the person being
33 sought, a discreet and confidential inquiry shall be made as to whether
34 or not that person will consent to having his or her present identity
35 disclosed to the petitioner. The identity of the petitioner shall not
36 be disclosed to the party being sought. If the party being sought
37 consents to the disclosure of his or her identity, the confidential
38 intermediary shall obtain the consent in writing and shall include the

1 original of the consent in the report filed with the court. If the
2 party being sought refuses disclosure of his or her identity, the
3 confidential intermediary shall report the refusal to the court and
4 shall refrain from further and subsequent inquiry without judicial
5 approval.

6 (6)(a) If the confidential intermediary obtains from the person
7 being sought written consent for disclosure of his or her identity to
8 the petitioner, the court may then order that the name and other
9 identifying information of that person be released to the petitioner.

10 (b) If the person being sought is deceased, the court may order
11 disclosure of the identity of the deceased to the petitioner.

12 (c) If the confidential intermediary is unable to contact the
13 person being sought within one year, the court may order that the
14 search be continued for a specified time or be terminated.

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