

CERTIFICATION OF ENROLLMENT
SUBSTITUTE SENATE BILL 6576

Chapter 243, Laws of 1996

54th Legislature
1996 Regular Session

ADULT ADOPTEES--PRIVACY

EFFECTIVE DATE: 6/6/96

Passed by the Senate March 4, 1996
YEAS 43 NAYS 0

JOEL PRITCHARD

President of the Senate

Passed by the House February 27, 1996
YEAS 98 NAYS 0

CLYDE BALLARD

**Speaker of the
House of Representatives**

Approved March 28, 1996

MIKE LOWRY

Governor of the State of Washington

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6576** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MARTY BROWN

Secretary

FILED

March 28, 1996 - 5:18 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6576

AS AMENDED BY THE HOUSE

Passed Legislature - 1996 Regular Session

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 adoptee refuses to consent to the release of any
17 identifying information to a biological parent, biological sibling, or
18 other biological relative and does not wish to be contacted by a

1 confidential intermediary except in the case of a medical emergency as
2 determined by a court of competent jurisdiction;

3 (b) The adoptee consents to the release of any identifying
4 information to a confidential intermediary appointed under RCW
5 26.33.343, a biological parent, biological sibling, or other biological
6 relative;

7 (c) The adoptee desires to be contacted by his or her biological
8 parents, biological siblings, other biological relatives, or a
9 confidential intermediary appointed under RCW 26.33.343;

10 (d) The current name, address, and telephone number of the adoptee
11 who desires to be contacted.

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

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

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

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

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

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

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

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

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

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

29 I will not disclose to the petitioner, directly or indirectly, any
30 identifying information in the records without further order from the
31 court.

32 I will conduct a diligent search for the person being sought and
33 make a discreet and confidential inquiry as to whether that person will
34 consent to being put in contact with the petitioner, and I will report
35 back to the court the results of my search and inquiry.

36 If the person sought consents to be put in contact with the
37 petitioner, I will attempt to obtain a dated, written consent from the
38 person, and attach the original of the consent to my report to the

1 court. If the person sought does not consent to the disclosure of his
2 or her identity, I shall report the refusal of consent to the court.

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

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

10 /s/ _____ date _____

11 (c) The confidential intermediary shall be entitled to
12 reimbursement from the petitioner for actual expenses in conducting the
13 search. The court may authorize a reasonable fee in addition to these
14 expenses.

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

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

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

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

27 (5) If the confidential intermediary locates the person being
28 sought, a discreet and confidential inquiry shall be made as to whether
29 or not that person will consent to having his or her present identity
30 disclosed to the petitioner. The identity of the petitioner shall not
31 be disclosed to the party being sought. If the party being sought
32 consents to the disclosure of his or her identity, the confidential
33 intermediary shall obtain the consent in writing and shall include the
34 original of the consent in the report filed with the court. If the
35 party being sought refuses disclosure of his or her identity, the
36 confidential intermediary shall report the refusal to the court and
37 shall refrain from further and subsequent inquiry without judicial
38 approval.

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

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

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

Passed the Senate March 4, 1996.

Passed the House February 27, 1996.

Approved by the Governor March 28, 1996.

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