

SENATE BILL REPORT

SB 5782

As Reported By Senate Committee On:
Human Services & Corrections, February 28, 1995

Title: An act relating to adoption.

Brief Description: Requiring notification to adoptive parents when a confidential intermediary is attempting contact with birth parents or an adopted person.

Sponsors: Senators Sellar and Roach.

Brief History:

Committee Activity: Human Services & Corrections: 2/16/95, 2/28/95 [DPS].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 5782 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Fairley, Kohl, Long, Moyer, Palmer, Prentice, Schow, Smith and Strannigan.

Staff: Richard Rodger (786-7461); Andrea McNamara (786-7483)

Background: In 1990, the Legislature created a process by which adopted persons and birth parents could petition the court for assistance in locating their natural relatives. When a court approves a petition, a confidential intermediary is appointed to search for and discreetly contact the birth parent or adopted person. If the intermediary is successful in locating the birth parent or adopted person, he or she then requests consent to disclose that person's identity to the petitioner and reports back to the court with that person's response.

Confidential intermediaries must complete training through a court-approved entity and sign an oath of confidentiality. Training is generally provided by licensed adoption services, such as Washington Adoption Rights Movement (WARM). Confidential intermediaries may be dismissed for violations of professional or ethical standards. No statewide standards for the qualifications or conduct of confidential intermediaries are currently in place. However, King County has developed minimum qualification guidelines as part of a comprehensive application process.

Summary of Substitute Bill: The process by which confidential intermediaries must operate when searching for birth parents or adopted persons is changed.

Before intermediaries may attempt to contact adoptees on behalf of natural relatives, they must attempt to notify each adoptive parent in writing that a natural relative is seeking contact with their adopted child. The content of the notice to be sent is prescribed, and the intermediary is required to file an affidavit with the court certifying compliance with the requirement.

A process is established for adult adoptees to file a certified statement with the court indicating their preference with regard to having information released from their adoption records or being contacted by a confidential intermediary. It is unlawful to release any information from a file containing a statement requesting that the adoption record remain confidential. The adoptee may rescind or amend a request at any time by filing a new certified statement. The court and intermediaries must honor the requests contained in a properly filed statement, except in the case of a medical emergency as determined by a court of competent jurisdiction. Intermediaries are required to check court records for a certified statement before attempting to contact an adoptee.

Substitute Bill Compared to Original Bill: The original bill required the initial contact by an intermediary with either a birth parent or an adoptee to be in writing. It also required written notice to adoptive parents whenever any search involved their adopted child, regardless of the age of the adoptee or who initiated the search.

The substitute eliminates the requirement that the initial contact be in writing and restores the requirement that the contact be "discreet." Written notice is required to be given to adoptive parents only when a search is initiated by a natural parent seeking an adopted child.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: The purpose of the bill is not to impede contact between the parties to an adoption, but to ensure that the contact is done in a more sensitive and less disruptive way than it is sometimes done now. Having the initial contact be in writing would allow the recipient to have time to react to the information privately before having to talk about it with anyone. Adoptive parents should be notified whenever there is a search involving their adopted child because the adopted child may not even be aware that he or she is adopted. Notice to the adoptive parents would allow them to prepare the adopted person for the contact. The current confidential intermediary law may deter some prospective adoptive parents who would not want their children contacted at some later date by a natural parent.

Testimony Against: Washington's confidential intermediary law has become a model for 18 other states. Intermediaries go through extensive training to address issues related to making the initial contact discreetly and sensitively. Telephone contact is usually the more sensitive way to relay the information; writing can never be guaranteed to be confidential and is often received as cold or impersonal. WARM has assisted in over 4,000 searches since 1977. Only 3 percent of the people sought have refused to consent to contact with their natural relative. Most adoptees tell their adoptive parents if they are going to search for their natural parents, and those that do not usually have very good reasons for not telling them. Adult adoptees should not have to notify their adoptive parents in writing before initiating a search.

Testified: Senator George Sellar, R-12th Dist. (pro); Paul Buntzler, adoptive parent (pro); Sophie Rood, Exec. Dir. WARM (con); Colleen Hogan-Taylor, WARM Pres. (con); Catherine Clark, WARM adoptee (con); Martha Faulkner, Children's Home Society (con);

Carole Vanderbos, Association of Confidential Intermediaries (con); Pat Alter, American Adoption Congress (con); Carol Schwerin, Medina Children's Services (con).