Short Title:	Reporting Req's./Confidential Intermediaries. (Public)
Sponsors:	Representatives Dickson, Parmon, Farmer-Butterfield, Dollar (Primary Sponsors); Church, Faison, Fisher, Glazier, Goodwin, Harrison, Hurley, Insko, Rapp, Underhill, Walker, Weiss, and Wilkins.
Referred to:	Judiciary I.

May 19, 2008

1   A BILL TO BE ENTITLED
2 AN ACT REQUIRING ADOPTION AGENCIES ACTING AS CONFIDENTIAL
3   INTERMEDIARIES TO REPORT CERTAIN INFORMATION TO THE NORTH
4   CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES AND
5   REQUIRING THE DEPARTMENT TO MAINTAIN RECORDS OF THIS
6   INFORMATION AS WELL AS CERTAIN OTHER INFORMATION AS
7   RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON ADOPTEE
8   BIRTH CERTIFICATES.
9 The General Assembly of North Carolina enacts:
10   **SECTION 1.** G.S. 48-9-104 reads as rewritten:
11 "**§ 48-9-104.**   **Release of identifying** ~~information.~~**information; confidential**
12   **intermediary services.**
13   (a)   Except as provided in G.S. 48-9-109(2) or (3), no person or entity shall
14 release from any records retained and sealed under this Article the name, address, or
15 other information that reasonably could be expected to lead directly to the identity of an
16 adoptee, an adoptive parent of an adoptee, an adoptee's parent at birth, or an individual
17 who, but for the adoption, would be the adoptee's sibling or grandparent, except upon
18 order of the court for cause pursuant to G.S. 48-9-105.
19   (b)   A child placing agency licensed by the Department or a county department of
20 social services may agree to act as a confidential intermediary for a biological parent or
21 adult adoptee or adult lineal descendant of a deceased adoptee, without appointment by
22 the court pursuant to G.S. 48-9-105, in order to obtain and share nonidentifying birth
23 family health information or facilitate contact or share identifying information with
24 adult adoptees, adult lineal descendants of deceased adoptees, and biological parents
25 with the written consent of all parties to the contact or the sharing of information.
26 Further, a child placing agency licensed by the Department or a county department of
27 social services may agree to act as a confidential intermediary for the adoptive parents

1 of a minor adoptee, without appointment by the court pursuant to G.S. 48-9-105, to
2 obtain and share nonidentifying birth family health information. An agency that agrees
3 to provide confidential intermediary services may charge a reasonable fee for doing so,
4 which fee must be pursuant to written agreement signed by the individual to be charged.
5 The Division shall establish guidelines for confidential intermediary services.
6   (c)   Each child placing agency licensed by the Department or county department
7 of social services acting as a confidential intermediary shall report to the Department
8 annually by February 1 of each year for the previous calendar year the following
9 information:
10   (1)   The length of time it takes the agency to conduct an individual search.
11   (2)   The length of the agency's waiting list.
12   (3)   The number of biological parents found and the number of biological
13   parents unable to be found.
14   (4)   The number of adoptees found and the number of adoptees unable to
15   be found.
16   (5)   The number of biological parents refusing contact after being found.
17   (6)   The number of biological parents providing updated medical
18   information.
19   (7)   The number of reunions resulting from the provision of confidential
20   intermediary services.
21   (8)   The minimum and maximum fees paid by persons soliciting
22   confidential intermediary services.
23 The Department shall maintain records of the information reported by each agency. The
24 Department shall also maintain records of the number of agencies within each county
25 providing confidential intermediary services and the number of agencies within each
26 county not providing confidential intermediary services, which information shall be
27 made available to the public."
28   **SECTION 2.** This act is effective when it becomes law.