

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 869*
Judiciary I (Civil) Committee Substitute Adopted 5/8/07
Finance Committee Substitute Adopted 7/12/07
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House Committee Substitute Favorable 7/17/08
House Committee Substitute #2 Favorable 7/17/08

Short Title: Confidential Intermediary Changes.

(Public)

Sponsors:

Referred to:

March 19, 2007

A BILL TO BE ENTITLED

AN ACT ALLOWING ADULT BIOLOGICAL SIBLINGS OF ADULT ADOPTEES,
ADULT BIOLOGICAL HALF SIBLINGS OF ADULT ADOPTEES, ADULT
FAMILY MEMBERS OF DECEASED ADOPTEES, ADULT FAMILY
MEMBERS OF BIOLOGICAL PARENTS, AND ADULT ADOPTIVE PARENTS
OF AN ADULT ADOPTEE WHO IS INCOMPETENT TO HAVE ACCESS TO
CONFIDENTIAL INTERMEDIARY SERVICES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 48-1-101 reads as rewritten:

"§ 48-1-101. Definitions.

...

(5a) "Confidential intermediary" means a licensed adoption agency staff person who may act as a third party to facilitate the sharing of information authorized by G.S. 48-9-104. ~~contact between an adult adoptee or the adult lineal descendant of a deceased adoptee and the biological parent.~~

...

(9a) ~~"Lineal descendant of a deceased adoptee" means any person who descends from the direct line of the adoptee.~~

...."

SECTION 2. G.S. 48-9-101 reads as rewritten:

"§ 48-9-101. ~~Certain terms~~ Records defined.

(a) For purposes of this Article, "records" means any petition, affidavit, consent or relinquishment, transcript or notes of testimony, deposition, power of attorney, report, decree, order, judgment, correspondence, document, invoice, receipt, certificate,

1 or other printed, written, microfilmed or microfiched, video-taped or tape-recorded
2 material or electronic data processing records regardless of physical form or
3 characteristics pertaining to a proceeding for adoption under this Chapter.

4 (b) ~~Notwithstanding G.S. 48-1-101, for purposes of this Article, "adult" means an~~
5 ~~individual who has attained 21 years of age."~~

6 **SECTION 3.** G.S. 48-9-104 reads as rewritten:

7 "**§ 48-9-104. Release of identifying ~~information.~~information; confidential**
8 **intermediary services.**

9 (a) Except as provided in this section or in G.S. 48-9-109(2) or (3), no person or
10 entity shall release from any records retained and sealed under this Article the name,
11 address, or other information that reasonably could be expected to lead directly to the
12 identity of an adoptee, an adoptive parent of an adoptee, an adoptee's parent at birth, or
13 an individual who, but for the adoption, would be the adoptee's sibling or grandparent,
14 except upon order of the court for cause pursuant to G.S. 48-9-105.

15 (b) A child placing agency licensed by the Department or a county department of
16 social services may agree to act as a confidential intermediary for ~~a biological parent or~~
17 ~~adult adoptee or adult lineal descendant of a deceased adoptee, without appointment by~~
18 ~~the court pursuant to G.S. 48-9-105, in order to obtain and share nonidentifying birth~~
19 ~~family health information or facilitate contact or share identifying information with~~
20 ~~adult adoptees, adult lineal descendants of deceased adoptees, and biological parents~~
21 ~~with the written consent of all parties to the contact or the sharing of information.~~ any of
22 the following:

23 (1) An adult adoptee.

24 (2) An adult biological parent.

25 (3) An adult biological sibling of an adult adoptee.

26 (4) An adult biological half sibling of an adult adoptee.

27 (5) An adult family member of a biological parent.

28 (6) An adult family member of a deceased adoptee.

29 (7) An adult adoptive parent or legal guardian, if the adult adoptee is
30 incompetent.

31 (c) For any individual listed in subsection (b) of this section, a confidential
32 intermediary, without appointment by the court pursuant to G.S. 48-9-105, may Further,
33 ~~a child placing agency licensed by the Department or a county department of social~~
34 ~~services may agree to act as a confidential intermediary for the adoptive parents of a~~
35 ~~minor adoptee, without appointment by the court pursuant to G.S. 48-9-105, to obtain~~
36 ~~and share nonidentifying birth family health information.~~

37 (d) For any individual listed in subdivision (1) or (7) of subsection (b) of this
38 section, a confidential intermediary, without appointment by the court pursuant to
39 G.S. 48-9-105, may obtain and share identifying information with an adult biological
40 parent with the written consent of the parties to the contact or the sharing of information
41 and may facilitate contact between the parties. If the biological parent is deceased, the
42 confidential intermediary may obtain and share identifying information with any other
43 individuals listed in subsection (b) of this section with the written consent of the parties

1 to the contact or the sharing of information and may facilitate contact between those
2 parties.

3 (e) For any individual listed in subdivision (2), (3), (4), (5), or (6) of subsection
4 (b) of this section, a confidential intermediary, without appointment by the court
5 pursuant to G.S. 48-9-105, may obtain and share identifying information with an adult
6 adoptee with the written consent of the parties to the contact or the sharing of
7 information and may facilitate contact between the parties. If the adult adoptee is
8 deceased, the confidential intermediary may obtain and share identifying information
9 with any other individuals listed in subsection (b) of this section with the written
10 consent of the parties to the contact or the sharing of information and may facilitate
11 contact between those parties.

12 (f) A confidential intermediary shall contact individuals in a manner reasonably
13 calculated to prevent incidental disclosure of confidential information. ~~An agency that~~
14 ~~agrees to provide~~ A confidential intermediary services may charge a reasonable fee for
15 ~~doing so, providing confidential intermediary services,~~ which fee must be pursuant to
16 written agreement signed by the individual to be charged. The Division shall establish
17 guidelines for confidential intermediary services.

18 (g) If in the provision of confidential intermediary services, a confidential
19 intermediary determines that the individual who is the subject of the search is deceased,
20 the confidential intermediary may continue to search for other family members or
21 siblings of that individual.

22 (h) For purposes of this section only, the term 'family member' means a spouse,
23 child, stepchild, parent, stepparent, grandparent, or grandchild."

24 **SECTION 3.** This act becomes effective October 1, 2008.