

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 445
Committee Substitute Favorable 5/8/07

Short Title: Access to Information for Adult Adoptees.

(Public)

Sponsors:

Referred to:

March 5, 2007

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE CHILD PLACEMENT AGENCIES TO ACT AS
CONFIDENTIAL INTERMEDIARIES BETWEEN ADULT ADOPTEES, AN
ADULT LINEAL DESCENDANT OF A DECEASED ADOPTEE, AND A
BIOLOGICAL PARENT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 48-9-101 reads as rewritten:

"§ 48-9-101. Records-Certain terms 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, or other printed, written, microfilmed or microfiched, video-taped or tape-recorded material or electronic data processing records regardless of physical form or characteristics pertaining to a proceeding for adoption under this Chapter.

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

SECTION 2. G.S. 48-1-101 is amended by inserting in alphabetical order the following new subdivisions to read:

"In this Chapter, the following definitions apply:

...

(*) 'Confidential intermediary' means a licensed adoption agency staff person who may act as a third party to facilitate contact between an adult adoptee or the adult lineal descendant of a deceased adoptee and the biological parent.

(*) 'Lineal descendant of a deceased adoptee' means any person who descends from the direct line of the adoptee.

...."

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

"§ 48-9-104. Release of identifying information.

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

7 (b) A child placing agency licensed by the Department or a county department of
8 social services may agree to act as a confidential intermediary for a biological parent or
9 adult adoptee or adult lineal descendant of a deceased adoptee, without appointment by
10 the court pursuant to G.S. 48-9-105, in order to obtain and share nonidentifying birth
11 family health information or facilitate contact or share identifying information with
12 adult adoptees, adult lineal descendants of deceased adoptees, and biological parents
13 with the written consent of all parties to the contact or the sharing of information.
14 Further, a child placing agency licensed by the Department or a county department of
15 social services may agree to act as a confidential intermediary for the adoptive parents
16 of a minor adoptee, without appointment by the court pursuant to G.S. 48-9-105, to
17 obtain and share nonidentifying birth family health information. An agency that agrees
18 to provide confidential intermediary services may charge a reasonable fee for doing so,
19 which fee must be pursuant to written agreement signed by the individual to be charged.
20 The Division shall establish guidelines for confidential intermediary services."

21 **SECTION 4.** G.S. 48-9-109 reads as rewritten:

22 **"§ 48-9-109. Certain disclosures authorized.**

23 Nothing in this Article shall be interpreted or construed to prevent:

- 24 (1) An employee of a court, agency, or any other person from:
- 25 a. Inspecting permanent, confidential, or sealed records, other than
26 records maintained by the State Registrar, for the purpose of
27 discharging any obligation under this Chapter.
- 28 b. Disclosing the name of the court where a proceeding for
29 adoption occurred, or the name of an agency that placed an
30 adoptee, to an individual described in G.S. 48-9-104 who can
31 verify his or her identity.
- 32 c. Disclosing or using information contained in permanent and
33 sealed records, other than records maintained by the State
34 Registrar, for statistical or other research purposes as long as
35 the disclosure will not result in identification of a person who is
36 the subject of the information and subject to any further
37 conditions the Department may reasonably impose.
- 38 (2) In agency placements, a parent or guardian placing a child for adoption
39 and the adopting parents from authorizing an agency to release
40 information or from releasing information to each other that could
41 reasonably be expected to lead directly to the identity of an adoptee, an
42 adoptive parent of an adoptee, or an adoptee's placing parent or
43 guardian. The consent to the release of identifying information shall be
44 in writing and signed prior to the adoption by any placing parent or

1 guardian and the adopting parents and acknowledged under oath in the
2 presence of an individual authorized to administer oaths or take
3 acknowledgments. Any consent to release identifying information
4 shall be filed under G.S. 48-2-305.

5 (3) The Division from sharing information from its records regarding the
6 identity of birth parents with an agency acting as a confidential
7 intermediary pursuant to G.S. 48-9-104(b), if the information is needed
8 by the agency to carry out its duties as a confidential intermediary.
9 Any information disclosed to the agency pursuant to this subdivision
10 shall not be redisclosed by the agency except as allowed by
11 G.S. 48-9-104(b)."

12 **SECTION 7.** This act becomes effective January 1, 2008.