

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 200

Short Title: Voluntary Adoption Registry.

(Public)

Sponsors: Representatives S. Thompson; Greenwood and Huffman.

Referred to: Human Resources.

February 13, 1989

A BILL TO BE ENTITLED

AN ACT TO GIVE ADOPTEES AND THEIR BIOLOGICAL RELATIVES
GREATER ACCESS TO RELEVANT MEDICAL INFORMATION AND TO
ESTABLISH A MUTUAL CONSENT VOLUNTARY ADOPTION REGISTRY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 48-25(e) is repealed.

Sec. 2. Chapter 48 of the General Statutes is amended by adding the following new sections to read:

"§ 48-25.1. Disclosure of medical information.

(a) Notwithstanding any other provision of law, a complete health history of the adoptee's biological relatives, to the extent it is available, shall be given by the county department of social services or licensed child-placing agency that has the information to:

(1) The adoptive parent or parents not later than the date of finalization of the adoption proceedings;

(2) The adoptee at any time upon his written request; and

(3) The adoptive parent or parents or legal guardian of any minor adoptee at any time upon the written request of such person.

Notwithstanding any other provision of law, a complete health history of the adoptee, to the extent it is available, shall be given by the county department of social services or licensed child-placing agency that has the information to a biological relative of the adoptee at any time upon the written request of such person.

The information available under this subsection shall be given on a standardized form provided by the Department of Human Resources and shall include any

1 information that would have a substantial bearing on the mental or physical health of the
2 adoptee or his biological relative.

3 (b) An adoptee, a biological relative, or an adoptive parent, upon presenting
4 satisfactory proof of his identity, may submit any relevant medical information
5 concerning an adoptee or the biological relative of an adoptee to the department or
6 agency that has the health history described by subsection (a) of this section and that
7 department or agency shall add the information to the health histories maintained by it.

8 (c) An adoptee who has reached the age of 21 years or the adoptive parent of an
9 adoptee under the age of 21 years who wishes to obtain nonidentifying medical
10 information about a biological relative of the adoptee, or a biological relative who
11 wishes to obtain nonidentifying medical information about an adoptee, that is not
12 otherwise available under subsection (a) of this section may request the county
13 department of social services or licensed child-placing agency that placed the adoptee or
14 investigated the adoption to conduct a search for the biological relative or the adoptee to
15 obtain the information. The request must be accompanied by a statement from a
16 licensed physician certifying that there is a need for the information.

17 Upon receiving such a request, the department or agency shall undertake a diligent
18 search for the person about whom the information has been requested and, upon
19 locating that person, notify him of the request and the need for the information. If the
20 person agrees to provide the information requested, the department or agency shall relay
21 the medical information provided to the requesting person. If the person refuses to
22 provide the information requested or if the department or agency is unable to locate the
23 person, the requesting person shall be informed of that fact. If it is determined that the
24 person about whom the medical information has been requested is deceased, the fact
25 and the cause of the person's death may be disclosed to the requesting person.

26 Under no circumstances is the identity or location of the person about whom the
27 information has been requested to be disclosed to the requesting person except as
28 provided under G.S. 48-25.2 or G.S. 48-26.

29 The diligent search required by this subsection shall be completed no later than six
30 months from the date the request for the search was received by the department or
31 agency.

32 (d) The Department of Human Resources shall cooperate with any county
33 department of social services or licensed child-placing agency undertaking a search
34 pursuant to this section and shall make any records within its control needed to conduct
35 the search available to the department or agency.

36 (e) A reasonable fee for the cost of conducting a search pursuant to this section
37 may be charged to the person who requested the search. This fee may be waived in
38 whole or in part, however, for any person who provides satisfactory proof of his
39 financial inability to pay the fee.

40 **"§ 48-25.2. Mutual consent voluntary adoption registry.**

41 (a) The Department of Human Resources shall establish and maintain a mutual
42 consent voluntary adoption registry for the purpose of facilitating voluntary contact
43 between mutually consenting adopted persons and their biological relatives.

1 **(b)** The use of the registry shall be limited to adoptees who have reached the age
2 of 21 years and their biological relatives. For purposes of this section, 'biological
3 relative' includes only:

4 **(1)** The biological mother of an adoptee; and

5 **(2)** The biological father of an adoptee if such person:

6 **a.** Is presumed by law to be the biological father of the adoptee;

7 **b.** Established his paternity judicially or by affidavit which has
8 been filed in a central registry maintained by the Department of
9 Human Resources;

10 **c.** Legitimated the adoptee pursuant to the provisions of G.S. 49-
11 10 or by marriage to the biological mother of the adoptee; or

12 **d.** Provided substantial financial support or consistent care with
13 respect to the adoptee and the biological mother prior to the
14 adoption; and

15 **(3)** An adoptee's biological sibling or biological half-sibling who has
16 reached the age of 21 years. A half-sibling related to an adoptee
17 through his biological father shall only be eligible to use the registry if
18 his biological father is eligible to use the registry.

19 No person shall be permitted to use the registry to obtain identifying information
20 until the person about whom the information is requested has reached the age of 21
21 years.

22 **(c)** A person eligible to use the registry may indicate his consent to the disclosure
23 of identifying information about himself or request the disclosure of identifying
24 information about an adoptee or a biological relative by filing with the Department of
25 Human Resources a consent form that sets forth the following information to the extent
26 known by the person submitting the form:

27 **(1)** The current name, address, and telephone number of the person
28 submitting the form;

29 **(2)** Any prior names used by that person;

30 **(3)** The original and adopted names of the adoptee;

31 **(4)** The place and date of birth, and sex, of the adoptee;

32 **(5)** The name and address of the county department of social services or
33 licensed child-placing agency that placed the adoptee or investigated
34 the adoption;

35 **(6)** The persons to whom identifying information about the person
36 submitting the consent form may be disclosed; and

37 **(7)** If submitted by a biological relative, the relationship of the relative to
38 the adoptee.

39 The person submitting the consent form shall notify the registry of any change in his
40 name, address, or telephone number that occurs after he files the consent form.

41 No identifying information about an adoptee may be disclosed to a biological
42 relative unless that relative has been designated to receive identifying information by
43 the adoptee on his consent form.

1 (d) Any adoptee or biological relative who does not want to ever be contacted
2 regarding a request made for the disclosure of identifying information about himself
3 shall file a denial of consent form with the registry, which shall remain in effect until
4 such time, if ever, the person revokes that form. If a person has on file with the registry
5 an unrevoked denial of consent form, he shall not under any circumstances be contacted
6 by the Department of Human Resources, a county department of social services, or a
7 licensed child-placing agency regarding a request made for the disclosure of identifying
8 information about himself.

9 (e) Any form filed with the registry:

10 (1) Shall be notarized;

11 (2) Is effective as of the time it is filed with the registry; and

12 (3) May be revoked at any time by the person who submitted it.

13 (f) No consent, denial of consent, or revocation form may be accepted by the registry
14 until the person submitting it presents satisfactory proof of his identity in accordance
15 with rules promulgated by the Secretary of the Department of Human Resources.

16 (g) Before any identifying information may be disclosed pursuant to this section,
17 the persons filing corresponding consent forms shall participate in not less than two
18 hours of counseling with a trained social worker who has expertise in post-adoption
19 services employed by a county department of social services or a licensed child-placing
20 agency. County departments of social services and licensed child-placing agencies shall
21 make counseling available to persons using the registry.

22 (h) The Department of Human Resources shall process each consent form filed
23 with the registry in an attempt to match the adoptee with a biological relative. It shall
24 be determined that there is a match when an adoptee and a biological relative have both
25 filed consent forms with the registry designating the other as a person to whom
26 identifying information may be disclosed.

27 If it is determined that there is a match, then the Department of Human Resources
28 shall, within one week of the filing of the second of the corresponding consent forms,
29 send a copy of the corresponding consent forms to the county department of social
30 services or licensed child-placing agency that placed the adoptee or investigated the
31 adoption for contact to be made with the persons who submitted the consent forms. The
32 department or agency shall then notify the persons submitting the consent forms of the
33 match and remind them of the requirement for counseling. After the persons submitting
34 the corresponding consent forms have completed the counseling required by this
35 section, the department or agency shall disclose to them the identifying information
36 contained in the consent forms. No identifying information may be disclosed pursuant
37 to this section, however, until it is determined there is a match and, except as provided
38 in subsection (j) of this section, the persons submitting the corresponding consent forms
39 have completed the required counseling.

40 If it is determined that there is not a match and if the person about whom identifying
41 information has been requested does not have a denial of consent form on file with the
42 registry, then the Department of Human Resources shall, within one week of the filing
43 of the consent form requesting the disclosure of identifying information, send a copy of
44 the consent form to the county department of social services or licensed child-placing

1 agency that placed the adoptee or investigated the adoption for contact to be made with
2 the person about whom identifying information has been requested. The department or
3 agency shall then make a diligent effort to contact the person about whom identifying
4 information has been requested to inform him of the existence of the registry and the
5 request that has been made.

6 If, upon being so informed, the person wishes to have his identity disclosed to the
7 requesting person, he shall indicate that fact by filing a consent form, as described in
8 subsection (c) of this section, with the registry. Upon the filing of the consent
9 form and completion of the required counseling, the identifying information contained
10 in the corresponding consent forms shall be disclosed to the persons submitting the
11 consent forms.

12 If the person does not wish to have his identity disclosed, the department or agency
13 shall inform the requesting person of that fact and no identifying information shall be
14 disclosed to the requesting person.

15 If after a diligent search the department or agency is unable to locate the person
16 about whom identifying information has been requested, the department or agency shall
17 inform the requesting person of that fact and no identifying information shall be
18 disclosed to the requesting person.

19 The diligent search required by this subsection shall be completed no later than six
20 months from the date the consent form requesting the disclosure of identifying
21 information was filed with the registry.

22 If the adoptee was placed by a licensed child-placing agency that is no longer in
23 existence at the time the consent form is filed with the registry, then any notification,
24 disclosure, or search required by this subsection shall be made by an employee or agent
25 of the Department of Human Resources.

26 All communications with adoptees and biological relatives required by this
27 subsection shall be made in a confidential manner by a trained social worker who has
28 expertise in post-adoption services.

29 (i) The Department of Human Resources shall cooperate with any county
30 department of social services or licensed child-placing agency undertaking a search
31 pursuant to this section and shall make any records within its control needed to conduct
32 the search available to the department or agency.

33 (j) If it is determined that the person about whom identifying information is
34 requested is deceased, the fact of the person's death shall be disclosed to the requesting
35 person. No identifying information about the deceased person may be disclosed,
36 however, unless the registry has on file an unrevoked consent form filed by the
37 deceased authorizing the disclosure of identifying information to the requesting person
38 in which case the identifying information may be disclosed regardless of whether the
39 deceased participated in the counseling required by this section.

40 (k) Costs for establishing and maintaining the registry may be obtained through
41 users' fees charged to persons who use the registry. In addition, reasonable fees for
42 counseling and for the cost of conducting a search pursuant to this section may be
43 charged to persons using the registry. Any fees authorized by this subsection may be

1 waived in whole or in part for any person who provides satisfactory proof of his
2 financial inability to pay the fee.

3 (l) Notwithstanding any other provision of law, the information acquired by the
4 registry may not be disclosed under any public records law or under any sunshine or
5 freedom of information legislation, rules, or practice.

6 (m) Nothing contained in this section shall limit a person's right to proceed under
7 G.S. 48-26 to obtain confidential adoption information."

8 Sec. 3. The Department of Human Resources shall develop and furnish any
9 forms necessary to carry out the provisions of this act. The Secretary of the Department
10 of Human Resources shall adopt rules necessary to carry out the intent of this act.

11 Sec. 4. G.S. 48-25(b) reads as rewritten:

12 "(b) With the exception of the information contained in the final order, it shall be
13 a misdemeanor for any person having charge of the file or the record to disclose, except
14 as provided in subsection (d) of this section, G.S. 48-25.1, G.S. 48-25.2, G.S. 48-26,
15 and as may be required under the provisions of G.S. 48-27, any information concerning
16 the contents of any papers in the proceeding."

17 Sec. 5. G.S. 48-25(c) reads as rewritten:

18 "(c) No director of social services or any employee of a social services department
19 nor a duly licensed child-placing agency or any of its employees, officers, directors or
20 trustees shall be required to disclose any information, written or verbal, relating to any
21 child or to its biological, legal or adoptive parents, acquired in the contemplation of an
22 adoption of the child, except as provided by G.S. 48-25.1 or G.S. 48-25.2 or by order of
23 the clerk of superior court of original jurisdiction of the adoption, approved by order of
24 a judge of that court, upon motion and after due notice of hearing thereupon given to the
25 director of social services or child-placing agency; provided, however, that every
26 director of social services and child-placing agency shall make to the court all reports
27 required under the provisions of G.S. 48-16 and 48-19."

28 Sec. 6. This act shall become effective January 1, 1990.