

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2007**

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**HOUSE BILL 445**

Short Title: Access to Information for Adult Adoptees. (Public)

Sponsors: Representatives Dickson, Crawford, Wilkins, Farmer-Butterfield (Primary Sponsors); Bryant, Carney, Current, Fisher, Glazier, T. Harrell, Harrison, Underhill, Wainwright, and Wray.

Referred to: Judiciary I.

March 5, 2007

A BILL TO BE ENTITLED

AN ACT TO PROVIDE ACCESS TO ANY ADULT ADOPTEE OR ADULT LINEAL DESCENDANT OF A DECEASED ADOPTEE WHO REQUESTS A COPY OF THE ADOPTEE'S ORIGINAL CERTIFICATE OF BIRTH.

The General Assembly of North Carolina enacts:

**SECTION 1.** 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.

(\*) 'Contact preference form' means a form completed by a biological parent indicating the biological parent's preference for contact with 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.

(\*) 'Medical history form' means a form completed by a biological parent providing updated family medical history to the adult adoptee or the adult lineal descendant of a deceased adoptee.

...."

**SECTION 2.** G.S. 48-9-104 reads as rewritten:

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

Except as provided in G.S. 48-9-109(2), G.S. 48-9-109(2) or G.S. 48-9-106A, no person or entity shall release from any records retained and sealed under this Article the

1 name, address, or other information that reasonably could be expected to lead directly to  
2 the identity of an adoptee, an adoptive parent of an adoptee, an adoptee's parent at birth,  
3 or an individual who, but for the adoption, would be the adoptee's sibling or  
4 grandparent, except upon order of the court for cause pursuant to G.S. 48-9-105."

5 **SECTION 3.** G.S. 48-9-105(a) reads as rewritten:

6 "**§ 48-9-105. Action for release of identifying and other nonidentifying**  
7 **information.**

8 (a) Any Notwithstanding G.S. 48-9-106A, any information necessary for the  
9 protection of the adoptee or the public in or derived from the records, including medical  
10 information not otherwise obtainable, may be disclosed to an individual who files a  
11 written motion in the cause before the clerk of original jurisdiction. In hearing the  
12 petition, the court shall give primary consideration to the best interest of the adoptee,  
13 but shall also give due consideration to the interests of the members of the adoptee's  
14 original and adoptive family."

15 **SECTION 4.** G.S. 48-9-106 reads as rewritten:

16 "**§ 48-9-106. Release of original certificate of birth.**

17 Upon Notwithstanding G.S. 48-9-106A, upon receipt of a certified copy of a court  
18 order issued pursuant to G.S. 48-9-105 authorizing the release of an adoptee's original  
19 certificate of birth, the State Registrar shall give the individual who obtained the order a  
20 copy of the original certificate of birth with a certification that the copy is a true copy of  
21 a record that is no longer a valid certificate of birth."

22 **SECTION 5.** Article 9 of Chapter 48 of the General Statutes is amended by  
23 adding a new section to read:

24 "**§ 48-9-106A. Request for access to original certificate of birth; contact preference**  
25 **form; medical history form.**

26 (a) Notwithstanding any other provision of law, an adult adoptee who has had an  
27 original certificate of birth sealed pursuant to an adoption in this State, or the adult  
28 lineal descendant of a deceased adoptee, may upon written request to the State  
29 Registrar, in a form prescribed by the State Registrar, receive a copy of the original  
30 certificate of birth. The adult adoptee or the adult lineal descendant of a deceased  
31 adoptee may also receive any evidence of the adoption held with the original record.  
32 The copy of the original certificate of birth shall be in a form that clearly indicates the  
33 certificate is not a certified copy and that the certificate shall not be used for legal  
34 purposes. Any procedures, fees, or waiting periods associated with the issuance of a  
35 certificate of birth in this State shall apply to an original certificate of birth issued  
36 pursuant to this section.

37 (b) A biological parent may at any time request from the State Registrar a contact  
38 preference form. When the biological parent requests a contact preference form, the  
39 State Registrar shall also provide the biological parent with a medical history form. The  
40 contact preference form and the medical history form shall be in a form prescribed by  
41 the State Registrar. The contact preference form shall provide the following information  
42 to be completed at the option of the biological parent:

43 (1) I would like to be contacted.

1           (2) I would prefer to be contacted only through a confidential  
2 intermediary. I have completed an updated medical history form and  
3 have filed the form with the State Registrar.

4           (3) I prefer not to be contacted at this time. If I decide later that I would  
5 like to be contacted, I will submit an updated contact preference form  
6 to the State Registrar. I have completed an updated medical history  
7 form and have filed the form with the State Registrar.

8 If a biological parent files a contact preference form, the form shall accompany an  
9 original certificate of birth issued under subsection (a) of this section. If a contact  
10 preference form is not filed, no presumption of preference for contact shall exist, and  
11 the adult adoptee or the adult lineal descendant of a deceased adoptee may only receive  
12 the original certificate of birth in accordance with subsection (a) of this section. When  
13 an adoptee is deceased, any declarations of preference contained in a contact preference  
14 form shall transfer to the adult lineal descendant of the deceased adoptee.

15       (c) The contact preference form and the medical history form are confidential  
16 communications from the biological parent to the person named on the sealed original  
17 certificate of birth, and the State Registrar shall place the forms in a sealed envelope  
18 upon receipt from the biological parent. The State Registrar shall then match the sealed  
19 envelope containing the contact preference form and the medical history form to the  
20 sealed original certificate of birth and place the sealed envelope in the file containing  
21 the sealed original certificate of birth.

22       (d) The sealed envelope containing the contact preference form and medical  
23 history form shall be released to an adult adoptee, or the adult lineal descendant of a  
24 deceased adoptee, requesting the original certificate of birth under subsection (a) of this  
25 section. The State Registrar shall not retain copies of contact preference forms or  
26 medical history forms filed pursuant to this section as those forms are private  
27 communications between a biological parent and the individual named on the sealed  
28 original certificate of birth.

29       (e) The State Registrar may adopt rules deemed necessary to carry out the  
30 provisions of this section.

31       (f) An adoption agency licensed or authorized by the Department to place minors  
32 for adoption in this State may use a confidential intermediary who is preapproved by the  
33 agency to facilitate contact between an adult adoptee or the adult lineal descendant of a  
34 deceased adoptee and the biological parent in accordance with this section. The  
35 Division shall provide guidance to adoption agencies in establishing guidelines for  
36 confidential intermediaries."

37       **SECTION 6.** G.S. 48-9-107(a) reads as rewritten:

38       "**§ 48-9-107. New birth certificates.**

39       (a) ~~Upon~~ Notwithstanding G.S. 48-9-106A, upon receipt of a report of the  
40 adoption of a minor from the Division, or the documents required by G.S. 48-9-102(g)  
41 from the clerk of superior court in the adoption of an adult, or a report of an adoption  
42 from another state, the State Registrar shall prepare a new birth certificate for the  
43 adoptee that shall contain the adoptee's full adoptive name, sex, state of birth, and date  
44 of birth; the full name of the adoptive father, if applicable; the full maiden name of the

1 adoptive mother, if applicable; and any other pertinent information consistent with this  
2 section as may be determined by the State Registrar. The new certificate shall contain  
3 no reference to the adoption of the adoptee and shall not refer to the adoptive parents in  
4 any way other than as the adoptee's parents."

5         **SECTION 7.** This act becomes effective January 1, 2008, and applies to  
6 requests made on or after that date.