

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 1394*

Short Title: Adoption Registry.

(Public)

Sponsors: Senators Lucas, Moore; Ballance, Ballantine, Forrester, Hartsell, Martin of Guilford, Rucho, Shaw of Cumberland, Shaw of Guilford, Warren, Weinstein, and Winner.

Referred to: Children & Human Resources.

May 27, 1998

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE ADOPTION LAWS PERTAINING TO ACCESS TO
3 ADOPTION RECORDS, AND TO ESTABLISH AN ADOPTION REGISTRY.

4 The General Assembly of North Carolina enacts:

5 Section 1. Chapter 48 of the General Statutes is amended by adding the
6 following new Article to read:

7 **"ARTICLE 11.**

8 **"ADOPTION REGISTRY.**

9 **"§ 48-11-101. Department to maintain mutual consent voluntary adoption registry;**
10 **when disclosure authorized.**

11 (a) The Department shall establish and maintain a statewide, confidential, mutual
12 consent, voluntary adoption registry for receiving, filing, and retaining documents that
13 request, authorize, or deny authorization of the release of identifying information. The
14 purpose of the registry shall be to facilitate voluntary contact between mutually
15 consenting adopted persons and their biological relatives.

16 (b) The use of the registry shall be limited to adoptees who have reached the age
17 of 18 years and their biological relatives. For purposes of this section, 'biological relative'
18 includes only:

- 1 (1) The biological mother of an adoptee; and
2 (2) The biological father of an adoptee if such person:
3 a. Is presumed by law to be the biological father of the adoptee;
4 b. Has established paternity judicially or by affidavit that has been
5 filed in a central registry maintained by the Department;
6 c. Has legitimated the adoptee pursuant to the provisions of G.S.
7 49-10 or by marriage to the biological mother of the adoptee; or
8 d. Has provided substantial financial support or consistent care with
9 respect to the adoptee and the biological mother prior to the
10 adoption; and
11 (3) An adoptee's biological sibling or biological half-sibling who has
12 reached the age of 18 years. A half-sibling related to an adoptee
13 through the adoptee's biological father shall only be eligible to use the
14 registry if the biological father is eligible to use the registry.
15 (c) No person shall be permitted to use the registry to obtain identifying
16 information until the person about whom the information is requested has reached the age
17 of 18 years.
18 (d) A person eligible to use the registry may consent to the disclosure of
19 identifying information about the person or request the disclosure of identifying
20 information about an adoptee or a biological relative by filing with the Department a
21 consent form that sets forth the following information to the extent known by the person
22 submitting the form:
23 (1) The current name, address, and telephone number of the person
24 submitting the form;
25 (2) Any prior names used by that person;
26 (3) The original or adopted name of the adoptee;
27 (4) The place and date of birth, and sex, of the adoptee;
28 (5) The name and address of the agency that placed the adoptee or prepared
29 the report to the court;
30 (6) The persons to whom identifying information about the person
31 submitting the consent form may be disclosed; and
32 (7) If submitted by a biological relative, the relationship of the relative to
33 the adoptee.
34 (e) The person submitting the consent form shall notify the registry of any change
35 in the person's name, address, or telephone number that occurs after the person files the
36 consent form.
37 (f) No identifying information about an adoptee may be disclosed to a biological
38 relative unless that relative has been designated to receive identifying information by the
39 adoptee on the adoptee's consent form.
40 (g) An adoptee or a biological relative may submit a denial of consent form with
41 the registry, which shall remain in effect until such time, if ever, the person revokes the
42 form.
43 (h) Any form filed with the registry:

- 1 (1) Shall be notarized;
2 (2) Is effective as of the time it is filed with the registry; and
3 (3) May be revoked at any time by the person who submitted it.
4 (i) No consent or revocation form shall be accepted by the registry until the
5 person submitting it presents satisfactory proof of the person's identity in accordance with
6 rules adopted by the Social Services Commission.
7 (j) The Department shall recommend to a person submitting any form with the
8 registry that the person obtain counseling, voluntarily, at that person's own cost, from a
9 licensed counselor.
10 (k) The Department shall process each consent form filed with the registry in an
11 attempt to match the adoptee with a biological relative. The Department shall determine
12 that there is a match when an adoptee and a biological relative have both filed consent
13 forms with the registry designating the other as a person to whom identifying information
14 may be disclosed.
15 (l) If it is determined that there is a match, then the Department shall, within one
16 month of the filing of the second of the corresponding consent forms, send a copy of the
17 corresponding consent forms to the agency that placed the adoptee or prepared the report
18 to the court. That agency shall contact the persons who submitted the consent forms.
19 The agency shall then notify the persons submitting the consent forms of the match and
20 the agency shall disclose to them the identifying information contained in the consent
21 forms. No identifying information shall be disclosed pursuant to this section until it is
22 determined there is a match.
23 (m) If the adoptee was placed by a licensed child-placing agency that is no longer
24 in existence at the time the consent form is filed with the registry, then any notification or
25 disclosure required by this section shall be made by an employee or agent of the
26 Department.
27 (n) All communications with adoptees and biological relatives required by this
28 section shall be made in a confidential manner by a social worker who has expertise in
29 postadoption services.
30 (o) If the agency has information that the person about whom identifying
31 information is requested is deceased, the fact of the person's death shall be disclosed to
32 the requesting person. No identifying information about the deceased person shall be
33 disclosed, except pursuant to G.S. 48-9-104(b), unless the registry has on file an
34 unrevoked consent form filed by the deceased authorizing the disclosure of identifying
35 information to the requesting person.
36 (p) Users fees shall be collected to offset the costs of maintaining the registry.
37 The user fee shall be fifty dollars (\$50.00) and shall be charged to persons who use the
38 registry. Any fees authorized by this subsection may be waived for any person who
39 provides an affidavit of financial inability to pay the fee.
40 (q) The Social Services Commission shall adopt rules for use of and access to the
41 registry in accordance with the requirements of this Article.

1 (r) The registry shall obtain only information necessary for identifying registrants.
2 In no event shall the registry obtain or release information of any kind pertaining to the
3 adoptive parents or siblings to the adult adoptee who are children of the adoptive parent.

4 (s) Any employee or authorized agent of an agency or the Department who
5 releases information or makes authorized contacts in good faith and in compliance with
6 this Article shall be immune from civil and criminal liability for the release of
7 information or authorized contact.

8 **"§ 48-11-102. Department to publicize the registry.**

9 The Department shall announce and publicize to the general public the existence of
10 the registry and the procedure for the consensual release of identifying information.

11 **"§ 48-11-103. Department to provide necessary forms and cooperate with registries**
12 **in other states.**

13 The Department shall develop and furnish any forms necessary to carry out the
14 provisions of this act. The Department shall cooperate with registries in other states to
15 facilitate the matching of documents filed pursuant to this Article by individuals in
16 different states."

17 Section 2. G.S. 48-9-103(e) reads as rewritten:

18 "(e) If the court or the agency receives information from an adoptee's former parent
19 or from an adoptee's former relative about a health or genetic condition that may affect
20 the health of the adoptee or the adoptee's child, an appropriate employee shall make a
21 reasonable effort to contact and forward the information to an adoptee who is 18 or more
22 years of age, or an adoptive parent of an adoptee who is under 18 years of age. If an
23 adoptee, who is 18 years of age or older, or an adoptive parent of a minor adoptee
24 submits medical documentation to the agency showing a need for accurate, updated
25 information about a health or genetic condition that may affect the health of the adoptee
26 or the adoptee's child, then an appropriate employee of the agency shall make a
27 reasonable effort to contact the adoptee's former parent or former relative to obtain
28 current information, and shall forward the nonidentifying information to the adoptee or
29 the adoptive parent of a minor adoptee. If at any time during contact with the adoptee's
30 former parent the former parent expresses a desire to make contact with the adoptee, then
31 the employee shall provide the former parent and the adoptee or the adoptive parent of a
32 minor adoptee with information about the adoption registry established under G.S. 48-11-
33 101."

34 Section 3. Article 1 of Chapter 48 of the General Statutes is amended by
35 adding the following new sections to read:

36 **"§ 48-1-110. Agency responsibility upon dissolution of adoption.**

37 If after an adoption becomes final under this Chapter, the minor adoptee is placed into
38 foster care or otherwise eligible for adoption, the agency that placed the minor adoptee in
39 the initial adoption or, in a direct placement, the agency that prepared the report to the
40 court shall notify a member of the adoptee's biological family of the placement. If
41 requested by a member of the adoptee's biological family, that agency shall review the
42 biological family's current circumstances for possible readoption under this Chapter.

1 **"§ 48-1-111. Agency may disclose a past occurrence of an adoption dissolution to**
2 **biological parent.**

3 Upon written request of the biological parent, the agency that placed the minor
4 adoptee in the initial adoption or, in a direct placement, the agency that prepared the
5 report to the court may disclose to that biological parent the fact that a finalized adoption
6 was dissolved."

7 Section 4. G.S. 48-9-104 reads as rewritten:

8 **"§ 48-9-104. Release of identifying information.**

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

16 (b) The Department may release to an adoptee aged 55 years or older, upon
17 request, identifying information about the adoptee's deceased biological mother or
18 deceased biological father, or both, from the records retained and sealed under this
19 Article. The Department shall not release identifying information about a biological
20 parent under this subsection unless the Department is able to confirm through death
21 records or otherwise, that the biological parent is deceased at the time of the request."

22 Section 5. There is appropriated from the General Fund to the Department of
23 Health and Human Services the sum of three hundred sixteen thousand four hundred
24 eighty-six dollars (\$316,486) for the 1998-99 fiscal year to establish and maintain the
25 registry.

26 Section 6. Section 5 of this act becomes effective July 1, 1998. The remainder
27 of this act becomes effective January 1, 1999.