

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 1206

Short Title: Adoption Registry.

(Public)

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Sponsors: Representatives Allred; Howard and Mosley.

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Referred to: Human Resources, if favorable, Finance.

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May 5, 1997

A BILL TO BE ENTITLED

AN ACT TO AMEND THE ADOPTION LAWS PERTAINING TO ACCESS TO  
ADOPTION RECORDS, AND TO ESTABLISH AN ADOPTION REGISTRY.

The General Assembly of North Carolina enacts:

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

"ARTICLE 11.

"Adoption Registry.

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

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

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

(1) The biological mother of an adoptee; and

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

- a. Is presumed by law to be the biological father of the adoptee;
- b. Established his paternity judicially or by affidavit which has been filed in a central registry maintained by the Department of Human Resources;
- c. Legitimated the adoptee pursuant to the provisions of G.S. 49-10 or by marriage to the biological mother of the adoptee; or
- d. Provided substantial financial support or consistent care with respect to the adoptee and the biological mother prior to the adoption; and

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

(c) No person shall be permitted to use the registry to obtain identifying information until the person about whom the information is requested has reached the age of 18 years.

(d) A person eligible to use the registry may consent to the disclosure of identifying information about the person or request the disclosure of identifying information about an adoptee or a biological relative by filing with the Department a consent form that sets forth the following information to the extent known by the person submitting the form:

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

(2) Any prior names used by that person;

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

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

(5) The name and address of the agency that placed the adoptee or investigated the adoption;

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

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

(e) The person submitting the consent form shall notify the registry of any change in the person's name, address, or telephone number that occurs after the person files the consent form.

(f) No identifying information about an adoptee may be disclosed to a biological relative unless that relative has been designated to receive identifying information by the adoptee on the adoptee's consent form.

(g) An adoptee or a biological relative may submit a denial of consent form with the registry, which shall remain in effect until such time, if ever, the person revokes the form.

(h) Any form filed with the registry:

(1) Shall be notarized;

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

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

3           (i) No consent or revocation form may be accepted by the registry until the person  
4 submitting it presents satisfactory proof of the person's identity in accordance with rules  
5 adopted by the Social Services Commission.

6           (j) The Department shall process each consent form filed with the registry in an  
7 attempt to match the adoptee with a biological relative. It shall be determined that there  
8 is a match when an adoptee and a biological relative have both filed consent forms with  
9 the registry designating the other as a person to whom identifying information may be  
10 disclosed.

11          (k) If it is determined that there is a match, then the Department shall, within one  
12 week of the filing of the second of the corresponding consent forms, send a copy of the  
13 corresponding consent forms to the agency that placed the adoptee or investigated the  
14 adoption for contact to be made with the persons who submitted the consent forms. The  
15 agency shall then notify the persons submitting the consent forms of the match and the  
16 agency shall disclose to them the identifying information contained in the consent forms.  
17 No identifying information may be disclosed pursuant to this section, however, until it is  
18 determined there is a match.

19          (l) If the adoptee was placed by a licensed child-placing agency that is no longer  
20 in existence at the time the consent form is filed with the registry, then any notification or  
21 disclosure required by this subsection shall be made by an employee or agent of the  
22 Department.

23          (m) All communications with adoptees and biological relatives required by this  
24 subsection shall be made in a confidential manner by a social worker who has expertise  
25 in post-adoption services.

26          (n) If the agency has information that the person about whom identifying  
27 information is requested is deceased, the fact of the person's death shall be disclosed to  
28 the requesting person. No identifying information about the deceased person may be  
29 disclosed, however, unless the registry has on file an unrevoked consent form filed by the  
30 deceased authorizing the disclosure of identifying information to the registering person.

31          (o) Costs for establishing and maintaining the registry shall be obtained through  
32 users' fees. The user fee shall not be less than thirty-five dollars (\$35.00) and shall be  
33 charged to persons who use the registry. Any fees authorized by this subsection may be  
34 waived in whole or in part for any person who provides satisfactory proof of the person's  
35 financial inability to pay the fee.

36          (p) The Social Services Commission shall adopt rules for use of and access to the  
37 registry in accordance with the requirements of this Article.

38          (q) Any employee or authorized agent of an agency or the Department who  
39 releases information or makes authorized contacts in good faith and in compliance with  
40 this Article shall be immune from civil and criminal liability for the release of  
41 information or authorized contact."

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

1       "(e) If the court or the agency receives information from an adoptee's former parent  
2 or from an adoptee's former relative about a health or genetic condition that may affect  
3 the health of the adoptee or the adoptee's child, an appropriate employee shall make a  
4 reasonable effort to contact and forward the information to an adoptee who is 18 or more  
5 years of age, or an adoptive parent of an adoptee who is under 18 years of age. If an  
6 adoptee, age 18 or older, submits medical documentation to the agency showing a need  
7 for accurate, updated medical information, then an appropriate employee of the agency  
8 shall make a reasonable effort to contact the adoptee's former parent or former relative to  
9 obtain current medical information, and shall forward the nonidentifying medical  
10 information to the adoptee. If at any time during contact with the adoptee's former parent  
11 the former parent expresses a desire to make contact with the adoptee, then the employee  
12 shall provide the former parent and the adoptee with information about the adoption  
13 registry established under G.S. 48-11-101."

14       Section 3. Article 2 of Chapter 48 of the General Statutes is amended by  
15 adding the following new section to read:

16 **"§ 48-2-608. Agency responsibility upon disruption of adoption.**

17       If after an adoption becomes final under this Chapter, the minor adoptee is placed into  
18 foster care or otherwise placed for adoption, the agency that handled the initial adoption  
19 shall notify the adoptee's birth family of the placement and, if requested by the birth  
20 family, shall review the birth family's current circumstances for possible readoption  
21 under this Chapter."

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

23 **"§ 48-9-104. Release of identifying information.**

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

30       (b) The Department may release to an adoptee aged 65 years or older, upon  
31 request, identifying information about the adoptee's deceased birth mother or deceased  
32 birth father, or both, from the records retained and sealed under this Article. The  
33 Department shall not release identifying information about a birth parent under this  
34 subsection unless the Department is able to confirm through death records or otherwise,  
35 that the birth parent is deceased at the time of the request."

36       Section 5. The Department of Human Resources shall announce and publicize  
37 to the general public the existence of the registry and the procedure for the consensual  
38 release of identifying information. The Department of Human Resources shall develop  
39 and furnish any forms necessary to carry out the provisions of this act. The Department  
40 of Human Resources shall cooperate with registries in other states to facilitate the  
41 matching of documents filed pursuant to this section by individuals in different states.

42       Section 6. There is appropriated from the General Fund to the Department of  
43 Human Resources the sum of forty-five thousand dollars (\$45,000) for the 1997-98 fiscal

- 1 year and the sum of twenty thousand dollars (\$20,000) for the 1998-99 fiscal year to
- 2 carry out the purposes of this act.
- 3           Section 7. This act becomes effective January 1, 1998.