

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 2187

Short Title: Access/Death Certificate/Conf. Intermediary. (Public)

Sponsors: Representatives Dickson, Farmer-Butterfield, Weiss, Wilkins (Primary Sponsors); Allen, Church, Faison, Fisher, Glazier, Goodwin, Harrison, Hurley, Insko, Parmon, Rapp, Underhill, and Walker.

Referred to: Judiciary I.

May 19, 2008

A BILL TO BE ENTITLED

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2 AN ACT TO ALLOW AN AGENCY ACTING AS A CONFIDENTIAL
3 INTERMEDIARY TO OBTAIN A COPY OF A DEATH CERTIFICATE OF A
4 BIOLOGICAL PARENT OR AN ADULT ADOPTEE WHEN IT IS
5 DETERMINED THE BIOLOGICAL PARENT OR ADULT ADOPTEE IS
6 DECEASED AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON
7 ADOPTEE BIRTH CERTIFICATES.

8 The General Assembly of North Carolina enacts:

9 **SECTION 1.** G.S. 48-9-104 reads as rewritten:

10 "**§ 48-9-104. Release of identifying ~~information~~information; confidential**
11 **intermediary services.**

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

18 (b) A child placing agency licensed by the Department or a county department of
19 social services may agree to act as a confidential intermediary for a biological parent or
20 adult adoptee or adult lineal descendant of a deceased adoptee, without appointment by
21 the court pursuant to G.S. 48-9-105, in order to obtain and share nonidentifying birth
22 family health information or facilitate contact or share identifying information with
23 adult adoptees, adult lineal descendants of deceased adoptees, and biological parents
24 with the written consent of all parties to the contact or the sharing of information.
25 Further, a child placing agency licensed by the Department or a county department of
26 social services may agree to act as a confidential intermediary for the adoptive parents
27 of a minor adoptee, without appointment by the court pursuant to G.S. 48-9-105, to

1 obtain and share nonidentifying birth family health information. An agency that agrees
2 to provide confidential intermediary services may charge a reasonable fee for doing so,
3 which fee must be pursuant to written agreement signed by the individual to be charged.
4 The Division shall establish guidelines for confidential intermediary services.

5 (c) If in the provision of confidential intermediary services a child placing
6 agency licensed by the Department or a county department of social services determines
7 that a biological parent or an adult adoptee who is the subject of the search is deceased,
8 the agency, on behalf of the person initiating the search, shall obtain a copy of the death
9 certificate of the biological parent or adult adoptee pursuant to G.S. 130A-93."

10 **SECTION 2.** G.S. 130A-93 is amended by adding a new subsection to read:

11 "(c2) A child placing agency licensed by the Department of Health and Human
12 Services or a county department of social services acting as a confidential intermediary
13 in accordance with G.S. 48-9-104 shall be entitled upon request to a certified copy of a
14 death certificate."

15 **SECTION 3.** This act is effective when it becomes law.