

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

S

D

SENATE DRS55039-LU-6B (01/19)

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

Sponsors: Senators Cowell, and Jacumin.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE ACCESS TO ANY ADULT ADOPTEE OR ADULT
3 LINEAL DESCENDANT OF A DECEASED ADOPTEE WHO REQUESTS A
4 CERTIFIED COPY OF THE ADOPTEE'S ORIGINAL CERTIFICATE OF BIRTH.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 48-1-101 is amended by inserting in alphabetical order, to
7 be appropriately numbered by the Revisor of Statutes, the following new subdivisions to
8 read:

9 "In this Chapter, the following definitions apply:

10 ...

11 () 'Confidential intermediary' means a licensed adoption agency staff
12 person who may act as a third party to facilitate contact between an
13 adult adoptee or the adult lineal descendant of a deceased adoptee and
14 the biological parent.

15 () 'Contact preference form' means a form completed by a biological
16 parent indicating the biological parent's preference for contact with an
17 adult adoptee or the adult lineal descendant of a deceased adoptee and
18 the biological parent.

19 () 'Lineal descendant of a deceased adoptee' means any person who
20 descends from the direct line of the adoptee.

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

24"

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

26 "§ 48-9-104. **Release of identifying information.**

1 Except as provided in ~~G.S. 48-9-109(2)~~, G.S. 48-9-109(2) or G.S. 48-9-106.1, no
2 person or entity shall release from any records retained and sealed under this Article the
3 name, address, or other information that reasonably could be expected to lead directly to
4 the identity of an adoptee, an adoptive parent of an adoptee, an adoptee's parent at birth,
5 or an individual who, but for the adoption, would be the adoptee's sibling or
6 grandparent, except upon order of the court for cause pursuant to G.S. 48-9-105."

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

8 **"§ 48-9-105. Action for release of identifying and other nonidentifying**
9 **information.**

10 (a) ~~Any~~ Notwithstanding G.S. 48-9-106.1, any information necessary for the
11 protection of the adoptee or the public in or derived from the records, including medical
12 information not otherwise obtainable, may be disclosed to an individual who files a
13 written motion in the cause before the clerk of original jurisdiction. In hearing the
14 petition, the court shall give primary consideration to the best interest of the adoptee,
15 but shall also give due consideration to the interests of the members of the adoptee's
16 original and adoptive family."

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

18 **"§ 48-9-106. Release of original certificate of birth.**

19 ~~Upon~~ Notwithstanding G.S. 48-9-106.1, upon receipt of a certified copy of a court
20 order issued pursuant to G.S. 48-9-105 authorizing the release of an adoptee's original
21 certificate of birth, the State Registrar shall give the individual who obtained the order a
22 copy of the original certificate of birth with a certification that the copy is a true copy of
23 a record that is no longer a valid certificate of birth."

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

26 **"§ 48-9-106.1. Request for access to original certificate of birth; contact preference**
27 **form; medical history form.**

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

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

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

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

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

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

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

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

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

39 "**§ 48-9-107. New birth certificates.**

40 (a) ~~Upon~~ Notwithstanding G.S. 48-9-106.1, upon receipt of a report of the
41 adoption of a minor from the Division, or the documents required by G.S. 48-9-102(g)
42 from the clerk of superior court in the adoption of an adult, or a report of an adoption
43 from another state, the State Registrar shall prepare a new birth certificate for the
44 adoptee that shall contain the adoptee's full adoptive name, sex, state of birth, and date

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

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