

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 2186
Committee Substitute Favorable 6/16/08
Third Edition Engrossed 6/18/08

Short Title: Expand Access/Confid. Intermediary Services. (Public)

Sponsors:

Referred to:

May 19, 2008

A BILL TO BE ENTITLED

1 AN ACT ALLOWING ADULT BIOLOGICAL SIBLINGS OF ADULT ADOPTees,
2 ADULT BIOLOGICAL HALF SIBLINGS OF ADULT ADOPTees, ADULT
3 FAMILY MEMBERS OF DECEASED ADOPTees, AND ADULT FAMILY
4 MEMBERS OF DECEASED BIOLOGICAL PARENTS TO HAVE ACCESS TO
5 CONFIDENTIAL INTERMEDIARY SERVICES AND TO ALLOW AN
6 AGENCY ACTING AS A CONFIDENTIAL INTERMEDIARY TO OBTAIN A
7 COPY OF A DEATH CERTIFICATE OF THE PERSON WHO IS THE SUBJECT
8 OF THE SEARCH AND DELIVER IT TO THE PERSON REQUESTING
9 SERVICES AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON
10 ADOPTee BIRTH CERTIFICATES.
11

12 The General Assembly of North Carolina enacts:

13 **SECTION 1.** G.S. 48-1-101 reads as rewritten:

14 "**§ 48-1-101. Definitions.**

15 ...

16 (5a) "Confidential intermediary" means a licensed adoption agency staff
17 person who may act as a third party to facilitate the sharing of
18 information authorized by G.S. 48-9-104. ~~contact between an adult~~
19 ~~adoptee or the adult lineal descendant of a deceased adoptee and the~~
20 ~~biological parent.~~

21 ...

22 (9a) ~~"Lineal descendant of a deceased adoptee" means any person who~~
23 ~~descends from the direct line of the adoptee.~~

24"

25 **SECTION 2.** G.S. 48-9-101 reads as rewritten:

26 "**§ 48-9-101. ~~Certain terms~~ Records defined.**

27 (a) For purposes of this Article, "records" means any petition, affidavit, consent
28 or relinquishment, transcript or notes of testimony, deposition, power of attorney,

1 report, decree, order, judgment, correspondence, document, invoice, receipt, certificate,
2 or other printed, written, microfilmed or microfiched, video-taped or tape-recorded
3 material or electronic data processing records regardless of physical form or
4 characteristics pertaining to a proceeding for adoption under this Chapter.

5 (b) ~~Notwithstanding G.S. 48-1-101, for purposes of this Article, "adult" means an~~
6 ~~individual who has attained 21 years of age."~~

7 **SECTION 3.** G.S. 48-9-104 reads as rewritten:

8 "**§ 48-9-104. Release of identifying information; information; confidential**
9 **intermediary services.**

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

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

24 (1) A biological parent.

25 (2) An adult adoptee.

26 (3) An adult biological sibling of an adult adoptee.

27 (4) An adult biological half sibling of an adult adoptee.

28 (5) An adult family member of a deceased biological parent.

29 (6) An adult family member of a deceased adoptee.

30 An agency may act as a confidential intermediary without appointment by the court
31 pursuant to G.S. 48-9-105 in order to obtain and share nonidentifying birth family
32 health information or facilitate contact or share identifying information with any person
33 listed in subdivisions (1) through (6) of this subsection with the written consent of all
34 parties to the contact or the sharing of information. Further, ~~a child placing agency~~
35 ~~licensed by the Department or a county department of social services~~ an agency may
36 agree to act as a confidential intermediary for the adoptive parents of a minor adoptee,
37 or the guardian of a minor adoptee without appointment by the court pursuant to
38 G.S. 48-9-105, to obtain and share nonidentifying birth family health information. An
39 agency providing confidential intermediary services shall contact individuals in a
40 manner reasonably calculated to prevent incidental disclosure of confidential
41 information. An agency that agrees to provide confidential intermediary services may
42 charge a reasonable fee for doing so, which fee must be pursuant to written agreement
43 signed by the individual to be charged. The Division shall establish guidelines for
44 confidential intermediary services.

1 (c) For purposes of this section only, the term 'family member' means a spouse,
2 child, stepchild, parent, stepparent, grandparent, or grandchild.

3 (d) If in the provision of confidential intermediary services a child placing
4 agency licensed by the Department or a county department of social services determines
5 that the person who is the subject of the search is deceased, the agency may obtain a
6 copy of the death certificate pursuant to G.S. 130A-93 and deliver it to the person who
7 requested the services."

8 **SECTION 4.** G.S. 130A-93 is amended by adding a new subsection to read:

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

13 **SECTION 5.** This act is effective when it becomes law.