

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE DRH60426-LUz-128 (4/7)

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

Sponsors: Representatives Dickson, Farmer-Butterfield, Weiss, and Wilkins
(Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

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

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

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

1 of a minor adoptee, without appointment by the court pursuant to G.S. 48-9-105, to
2 obtain and share nonidentifying birth family health information. An agency that agrees
3 to provide confidential intermediary services may charge a reasonable fee for doing so,
4 which fee must be pursuant to written agreement signed by the individual to be charged.
5 The Division shall establish guidelines for confidential intermediary services.

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

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

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

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