

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

D

HOUSE BILL 1463
Committee Substitute Favorable 5/5/09
PROPOSED SENATE COMMITTEE SUBSTITUTE H1463-PCS50792-RV-57

Short Title: Expand Access/Confidential Intermediaries.

(Public)

Sponsors:

Referred to:

April 13, 2009

A BILL TO BE ENTITLED

AN ACT ALLOWING ADULT BIOLOGICAL SIBLINGS OF ADULT ADOPTEES,
ADULT BIOLOGICAL HALF SIBLINGS OF ADULT ADOPTEES, ADULT FAMILY
MEMBERS OF DECEASED ADOPTEES, AND ADULT FAMILY MEMBERS OF
DECEASED BIOLOGICAL PARENTS TO HAVE ACCESS TO CONFIDENTIAL
INTERMEDIARY SERVICES UPON THE CONSENT OF THE PARTIES, AND
ALLOWING AN AGENCY ACTING AS A CONFIDENTIAL INTERMEDIARY TO
OBTAIN A COPY OF A DEATH CERTIFICATE OF THE PERSON WHO IS THE
SUBJECT OF THE SEARCH AND DELIVER IT TO THE PERSON REQUESTING
SERVICES.

The General Assembly of North Carolina enacts:

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

"§ 48-1-101. Definitions.

...

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

...

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

...."

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

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

(a) For purposes of this Article, "records" means any petition, affidavit, consent or relinquishment, transcript or notes of testimony, deposition, power of attorney, report, decree, order, judgment, correspondence, document, invoice, receipt, certificate, or other printed, written, microfilmed or microfiched, video-taped or tape-recorded material or electronic data processing records regardless of physical form or characteristics pertaining to a proceeding for adoption under this Chapter.

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

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



* H 1 4 6 3 - P C S 5 0 7 9 2 - R V - 5 7 *

1 "§ 48-9-104. Release of identifying information; confidential intermediary
2 services.

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

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

16 (1) A biological parent.

17 (2) An adult adoptee.

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

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

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

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

22 In order to obtain and share nonidentifying birth family health information, to facilitate contact,
23 or to share identifying information with any person listed in subdivisions (1) through (6) of this
24 subsection, an agency may act as a confidential intermediary without appointment by the court
25 pursuant to G.S. 48-9-105 and with the written consent of all parties to the contact or the
26 sharing of information. Written consent of the biological parent is required if the biological
27 parent is living at the time any party described in subdivisions (2) through (6) of this subsection
28 seeks to contact or share identifying information with any other party described in subdivisions
29 (2) through (6) of this subsection. Further, a child placing agency licensed by the Department
30 or a county department of social services an agency may agree to act as a confidential
31 intermediary for the adoptive parents of a minor adoptee or the guardian of a minor adoptee,
32 without appointment by the court pursuant to G.S. 48-9-105, to obtain and share nonidentifying
33 birth family health information. An agency providing confidential intermediary services shall
34 contact individuals in a manner reasonably calculated to prevent incidental disclosure of
35 confidential information. An agency that agrees to provide confidential intermediary services
36 may charge a reasonable fee for doing so, which fee must be pursuant to written agreement
37 signed by the individual to be charged. The Division shall establish guidelines for confidential
38 intermediary services.

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

41 (d) If an agency providing confidential intermediary services determines that the person
42 who is the subject of the search is deceased, the agency may obtain a copy of the death
43 certificate pursuant to G.S. 130A-93 and deliver it to the person who requested the services."

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

45 "(c2) An agency acting as a confidential intermediary in accordance with G.S. 48-9-104
46 shall be entitled to a certified copy of a death certificate upon request."

47 **SECTION 5.** This act becomes effective October 1, 2009.