

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 2186

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

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

Referred to: Judiciary I.

May 19, 2008

A BILL TO BE ENTITLED

AN ACT ALLOWING ADULT BIOLOGICAL SIBLINGS OF ADULT ADOPTEES,
ADULT BIOLOGICAL HALF SIBLINGS OF ADULT ADOPTEES, FAMILY
MEMBERS OF DECEASED ADULT ADOPTEES, AND FAMILY MEMBERS
OF DECEASED BIOLOGICAL PARENTS TO HAVE ACCESS TO
CONFIDENTIAL INTERMEDIARY SERVICES UNDER THE LAWS
PERTAINING TO ADOPTION 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. any of
the following:~~

(1) A biological parent.

- 1 (2) An adult adoptee.
2 (3) An adult biological sibling of an adult adoptee.
3 (4) An adult biological half sibling of an adult adoptee.
4 (5) A family member of a deceased biological parent.
5 (6) A family member of a deceased adult adoptee.

6 An agency may act as a confidential intermediary without appointment by the court
7 pursuant to G.S. 48-9-105 in order to obtain and share nonidentifying birth family
8 health information or facilitate contact or share identifying information with any person
9 listed in subdivisions (1) through (6) of this subsection with the written consent of all
10 parties to the contact or the sharing of information. Further, ~~a child placing agency~~
11 ~~licensed by the Department or a county department of social services~~ an agency may
12 agree to act as a confidential intermediary for the adoptive parents of a minor adoptee,
13 without appointment by the court pursuant to G.S. 48-9-105, to obtain and share
14 nonidentifying birth family health information. An agency that agrees to provide
15 confidential intermediary services may charge a reasonable fee for doing so, which fee
16 must be pursuant to written agreement signed by the individual to be charged. The
17 Division shall establish guidelines for confidential intermediary services. For purposes
18 of this subsection, the term 'family member' includes a spouse, child, stepchild, parent,
19 stepparent, grandparent, or grandchild."

20 **SECTION 2.** This act is effective when it becomes law.