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A LEGAL UPDATE

INFORMATION FOR PARENTS OF ADOPTED CHILDREN IN WASHINGTON

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August 2013

Effective July 28, 2013, Washington law allows all children adopted in this state to obtain copies of their uncertified pre-adoption birth certificates. This law provides that prior to July 1, 2014, original birth certificates are available to adoptees age 18 and older, if the adoption occurred after October 1, 1993, and provided that the birth parent has not filed a contact preference form with the Washington State Department of Health, indicating that he or she does not want the information released.

Beginning July 1, 2014 all adoptees 18 and older can get an uncertified original birth certificate regardless of the date of the adoption, unless a birth parent files a contact preference form indicating that he or she does not want the information released.

If the birth parent fails to file a contact preference form, directing a limitation upon release, information will be released. A birth parent may update the contact preference form, changing the provisions. An updated medical history is required with the filing of a contact preference form.

The contact preference form which is provided for in the statute allows the birth parent to indicate whether he or she agrees to the release of identifying information to the adoptee. It permits the birth parent to provide for such release of information and contact by a confidential intermediary, or release of information without a confidential intermediary, or to direct that there be no identifying information released to the adoptee.

If the birth parent contact preference form provides for no release of information, the non-disclosure provision expires with the death of the birth parent. An adult adoptee may request, no more often than once per year, that the Department of Health conduct a records search to determine whether the birth parent is deceased.

Provision is made in the statute for preserving the confidentiality of the identifying information, including medical information, which is provided by birth parents, from all persons except adult adoptees. Upon request of the adoptee, the Department of Health must provide the adoptee with the updated medical history form filed by the adoptee's birth parent. Both a completed contact preference form and birth parent updated medical history form are confidential and must be placed in the adoptee's sealed file.

If a birth parent files a contact preference form within six months after the first time an adoptee requests a copy of his or her original birth certificate, the Department of Health must forward the contact preference form and the birth parent updated medical history form to the address of the adoptee.