
SUBSTITUTE HOUSE BILL 1525

State of Washington 63rd Legislature 2013 Regular Session

By House Judiciary (originally sponsored by Representatives Orwall, Pedersen, Goodman, Hunt, Roberts, Upthegrove, Ryu, and Jinkins)

READ FIRST TIME 02/21/13.

1 AN ACT Relating to birth certificates and other birth-related
2 information; amending RCW 26.33.330, 26.33.340, 26.33.345, 26.33.020,
3 70.58.080, 70.58.055, 70.58.095, and 70.58.104; and adding a new
4 section to chapter 26.33 RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 26.33.330 and 1996 c 243 s 3 are each amended to read
7 as follows:

8 (1) All records of any proceeding under this chapter shall be
9 sealed and shall not be thereafter open to inspection by any person
10 except upon order of the court for good cause shown, or except by using
11 the procedure described in RCW 26.33.343 or 26.33.345. In determining
12 whether good cause exists, the court shall consider any certified
13 statement on file with the department of health as provided in RCW
14 26.33.347.

15 (2) The state registrar of vital statistics may charge a reasonable
16 fee for the review of any of its sealed records.

17 **Sec. 2.** RCW 26.33.340 and 1993 c 81 s 2 are each amended to read
18 as follows:

1 Department, agency, and court files regarding an adoption shall be
2 confidential except as provided for in RCW 26.33.345 and except that
3 reasonably available nonidentifying information (~~may~~) shall be
4 disclosed upon the written request for the information from the
5 adoptive parent, the adoptee, or the birth parent. If the adoption
6 facilitator refuses to disclose nonidentifying information, the
7 individual may petition the superior court. Identifying information
8 may also be disclosed through the procedure described in RCW 26.33.343
9 and 26.33.345.

10 **Sec. 3.** RCW 26.33.345 and 1993 c 81 s 3 are each amended to read
11 as follows:

12 (1) The department of social and health services, adoption
13 agencies, and independent adoption facilitators shall release the name
14 and location of the court where a relinquishment of parental rights or
15 finalization of an adoption took place to an adult adoptee, a birth
16 parent of an adult adoptee, an adoptive parent, a birth or adoptive
17 grandparent of an adult adoptee, or an adult sibling of an adult
18 adoptee, or the legal guardian of any of these.

19 (2) The department of health shall make available a noncertified
20 copy of the original birth certificate of a child to the child's birth
21 parents upon request.

22 (3) (~~For adoptions finalized after October 1, 1993,~~) After
23 receiving a request from an adoptee who is eighteen years of age or
24 older, the department of health shall (~~make available~~) provide the
25 adoptee with a noncertified copy of the adoptee's original birth
26 certificate (~~to the adoptee after the adoptee's eighteenth birthday~~)
27 unless the birth parent has filed (~~an~~) a valid affidavit of
28 nondisclosure pursuant to this section.

29 (4)(a) Regardless of when the adoption was finalized, a birth
30 parent may file with the department of health an affidavit of
31 nondisclosure pursuant to this section.

32 (b) An affidavit of nondisclosure filed by a birth parent for an
33 adoption finalized prior to October 1, 1993, is valid for ten years
34 from the date the affidavit is filed.

35 (c) An affidavit of nondisclosure filed by a birth parent for an
36 adoption finalized on or after October 1, 1993, is valid for five years
37 from the date the affidavit is filed, unless the affidavit was filed

1 before the effective date of this section. An affidavit of
2 nondisclosure filed before the effective date of this section for an
3 adoption finalized on or after October 1, 1993, is valid until July 1,
4 2018.

5 (5)(a) A birth parent may renew his or her affidavit of
6 nondisclosure by filing a new affidavit with the department of health
7 before the expiration of the previously filed affidavit. A birth
8 parent may continue to renew his or her affidavit of nondisclosure or
9 file a new affidavit of nondisclosure if a previously filed affidavit
10 has expired.

11 (b) If a birth parent does not renew his or her affidavit of
12 nondisclosure before the expiration date, the affidavit of
13 nondisclosure is deemed expired and is no longer valid. An affidavit
14 of nondisclosure is deemed expired and no longer valid upon the death
15 of the birth parent. A personal representative or agent of a deceased
16 birth parent may not file an affidavit of nondisclosure on the deceased
17 birth parent's behalf.

18 (6) Regardless of whether a birth parent has filed an affidavit of
19 nondisclosure, a birth parent may file with the department of health a
20 contact preference form. The contact preference form must indicate
21 whether the birth parent desires or does not desire contact with the
22 adoptee. Nothing in this section precludes a birth parent from
23 subsequently filing another contact preference form to rescind the
24 previous contact preference form and state a different preference.

25 (7) If a birth parent files an affidavit of nondisclosure or a
26 contact preference form, the birth parent must also file a medical
27 history form with the department of health.

28 (8)(a) If the department of health provides a noncertified copy of
29 the original birth certificate to an adoptee under this section, the
30 department of health must also provide the adoptee with a copy of any
31 contact preference form and the medical history form filed by the
32 adoptee's birth parent. If the department of health does not provide
33 a noncertified copy of the original birth certificate because a valid
34 affidavit of nondisclosure has been filed, the department of health
35 must still provide the adoptee with the medical history form filed by
36 the adoptee's birth parent.

37 (b) If the department of health does not provide an adoptee with a
38 noncertified copy of the adoptee's original birth certificate because

1 a valid affidavit of nondisclosure has been filed, the adoptee may
2 request, no more than once per year, that the department of health
3 attempt to determine if the birth parent is deceased. Upon request of
4 the adoptee, the department of health must make a reasonable effort to
5 search public records that are accessible and already available to the
6 department of health to determine if the birth parent is deceased. The
7 department of health may charge the adoptee a reasonable fee to cover
8 the cost of conducting a search.

9 (c) The department of health may charge a fee not to exceed twenty
10 dollars for providing a noncertified copy of a birth certificate to an
11 adoptee.

12 (9) The department of health must create the contact preference
13 form and medical history form. The medical history form may not
14 require the birth parent to disclose any identifying information about
15 the birth parent. The department of health must modify the affidavit
16 of nondisclosure form to include the birth parent's social security
17 number.

18 **Sec. 4.** RCW 26.33.020 and 1993 c 81 s 1 are each amended to read
19 as follows:

20 Unless the context clearly requires otherwise, the definitions in
21 this section apply throughout this chapter.

22 (1) "Alleged father" means a person whose parent-child relationship
23 has not been terminated, who is not a presumed father under chapter
24 26.26 RCW, and who alleges himself or whom a party alleges to be the
25 father of the child. It includes a person whose marriage to the mother
26 was terminated more than three hundred days before the birth of the
27 child or who was separated from the mother more than three hundred days
28 before the birth of the child.

29 (2) "Child" means a person under eighteen years of age.

30 (3) "Adoptee" means a person who is to be adopted or who has been
31 adopted.

32 (4) "Adoptive parent" means the person or persons who seek to adopt
33 or have adopted an adoptee.

34 (5) "Court" means the superior court.

35 (6) "Department" means the department of social and health
36 services.

1 (7) "Agency" means any public or private association, corporation,
2 or individual licensed or certified by the department as a child
3 placing agency under chapter 74.15 RCW or as an adoption agency.

4 (8) "Parent" means the natural or adoptive mother or father of a
5 child, including a presumed father under chapter 26.26 RCW. It does
6 not include any person whose parent-child relationship has been
7 terminated by a court of competent jurisdiction.

8 (9) "Legal guardian" means the department, an agency, or a person,
9 other than a parent or stepparent, appointed by the court to promote
10 the child's general welfare, with the authority and duty to make
11 decisions affecting the child's development.

12 (10) "Guardian ad litem" means a person, not related to a party to
13 the action, appointed by the court to represent the best interests of
14 a party who is under a legal disability.

15 (11) "Relinquish or relinquishment" means the voluntary surrender
16 of custody of a child to the department, an agency, or prospective
17 adoptive parents.

18 (12) "Individual approved by the court" or "qualified salaried
19 court employee" means a person who has a master's degree in social work
20 or a related field and one year of experience in social work, or a
21 bachelor's degree and two years of experience in social work, and
22 includes a person not having such qualifications only if the court
23 makes specific findings of fact that are entered of record establishing
24 that the person has reasonably equivalent experience.

25 (13) "Birth parent" means the biological mother or biological or
26 alleged father of a child, including a presumed father under chapter
27 26.26 RCW, whether or not any such person's parent-child relationship
28 has been terminated by a court of competent jurisdiction. "Birth
29 parent" does not include a biological mother or biological or alleged
30 father, including a presumed father under chapter 26.26 RCW, if the
31 parent-child relationship was terminated because of an act for which
32 the person was found guilty under chapter 9A.42 or 9A.44 RCW.

33 (14) "Nonidentifying information" (~~includes~~) shall include if it
34 is available, but is not limited to, the following information about
35 the birth parents, adoptive parents, and adoptee:

36 (a) Age in years at the time of adoption;

37 (b) Heritage, including nationality, ethnic background, and race;

- 1 (c) Education, including number of years of school completed at the
2 time of adoption, but not name or location of school;
- 3 (d) General physical appearance, including height, weight, color of
4 hair, eyes, and skin, or other information of a similar nature;
- 5 (e) Religion;
- 6 (f) Occupation, but not specific titles or places of employment;
- 7 (g) Talents, hobbies, and special interests;
- 8 (h) Circumstances leading to the adoption;
- 9 (i) Medical and genetic history of birth parents;
- 10 (j) First names;
- 11 (k) Other children of birth parents by age, sex, and medical
12 history;
- 13 (l) Extended family of birth parents by age, sex, and medical
14 history;
- 15 (m) The fact of the death, and age and cause, if known;
- 16 (n) Photographs;
- 17 (o) Name of agency or individual that facilitated the adoption.

18 **Sec. 5.** RCW 70.58.080 and 2002 c 302 s 708 are each amended to
19 read as follows:

20 (1) Within ten days after the birth of any child, the attending
21 physician, midwife, or his or her agent shall:

22 (a) Fill out a certificate of birth, giving all of the particulars
23 required, including: (i) The birth mother's name and date of birth,
24 and (ii) if the mother and father are married at the time of birth or
25 an acknowledgment of paternity has been signed or one has been filed
26 with the state registrar of vital statistics naming the man as the
27 father, the father's name and date of birth; and

28 (b) File the certificate of birth together with the (~~mother's and~~
29 ~~father's~~) parents' social security numbers with the state registrar of
30 vital statistics.

31 (2) The local registrar shall forward the birth certificate, any
32 signed acknowledgment of paternity that has not been filed with the
33 state registrar of vital statistics, and the (~~mother's and father's~~)
34 parents' social security numbers to the state office of vital
35 statistics pursuant to RCW 70.58.030.

36 (3) The state registrar of vital statistics shall make available to

1 the division of child support the birth certificates, the ((~~mother's~~
2 ~~and father's~~)) parents' social security numbers and acknowledgments of
3 paternity.

4 (4) Upon the birth of a child to an unmarried woman, the attending
5 physician, midwife, or his or her agent shall:

6 (a) Provide an opportunity for the child's mother and natural
7 father to complete an acknowledgment of paternity. The completed
8 acknowledgment shall be filed with the state registrar of vital
9 statistics. The acknowledgment shall be prepared as required by RCW
10 26.26.305.

11 (b) Provide written information and oral information, furnished by
12 the department of social and health services, to the mother and the
13 father regarding the benefits of having the child's paternity
14 established and of the availability of paternity establishment
15 services, including a request for support enforcement services. The
16 oral and written information shall also include information regarding
17 the alternatives to, the legal consequences of, and the rights,
18 including, if one parent is a minor any rights afforded due to minority
19 status, and responsibilities that arise from, signing the
20 acknowledgment of paternity.

21 (5) The physician or midwife or his or her agent is entitled to
22 reimbursement for reasonable costs, which the department shall
23 establish by rule, when an acknowledgment of paternity is filed with
24 the state registrar of vital statistics.

25 (6) If there is no attending physician or midwife, the ((~~father or~~
26 ~~mother~~)) parent of the child, householder or owner of the premises,
27 manager or superintendent of the public or private institution in which
28 the birth occurred, shall notify the local registrar, within ten days
29 after the birth, of the fact of the birth, and the local registrar
30 shall secure the necessary information and signature to make a proper
31 certificate of birth.

32 (7) When an infant is found for whom no certificate of birth is
33 known to be on file, a birth certificate shall be filed within the time
34 and in the form prescribed by the state board of health.

35 (8) When no alleged father or second parent is named on a birth
36 certificate of a child born to an unwed mother the mother may give any
37 surname she so desires to her child but shall designate in space

1 provided for (~~father's~~) the second parent's name on the birth
2 certificate "None Named".

3 **Sec. 6.** RCW 70.58.055 and 2009 c 44 s 1 are each amended to read
4 as follows:

5 (1) To promote and maintain nationwide uniformity in the system of
6 vital statistics, the certificates required by this chapter or by the
7 rules adopted under this chapter shall include, as a minimum, the items
8 recommended by the federal agency responsible for national vital
9 statistics including social security numbers.

10 (2)(a) The state board of health by rule may require additional
11 pertinent information relative to the birth and manner of delivery as
12 it may deem necessary for statistical study. This information shall be
13 placed in a confidential section of the birth certificate form and
14 shall not be used for certification, nor shall it be subject to the
15 view of the public except as provided in (b) of this subsection. The
16 state board of health may eliminate from the forms items that it
17 determines are not necessary for statistical study.

18 (b) Information contained in the confidential section of the birth
19 certificate form may only be available for review by:

20 (i) A member of the public upon order of the court; or

21 (ii) The individual who is the subject of the birth certificate
22 upon confirmation of the identity of the requestor in a manner approved
23 by the state board of health. Confidential information provided to the
24 individual who is the subject of the birth certificate shall be limited
25 to information on the child and shall not include information on the
26 (~~mother or father~~) parents.

27 (3) Each certificate or other document required by this chapter
28 shall be on a form or in a format prescribed by the state registrar.

29 (4) All vital records shall contain the data required for
30 registration. No certificate may be held to be complete and correct
31 that does not supply all items of information called for or that does
32 not satisfactorily account for the omission of required items.

33 (5) Information required in certificates or documents authorized by
34 this chapter may be filed and registered by photographic, electronic,
35 or other means as prescribed by the state registrar.

1 **Sec. 7.** RCW 70.58.095 and 2012 c 117 s 387 are each amended to
2 read as follows:

3 The state registrar of vital statistics shall establish a new
4 certificate of birth for a person born in this state when he or she
5 receives a request that a new certificate be established and such
6 evidence as required by regulation of the state board of health proving
7 that such person has been acknowledged, or that a court of competent
8 jurisdiction has determined the ((~~paternity~~)) parentage of such person.
9 When a new certificate of birth is established, the actual place and
10 date of birth shall be shown. It shall be substituted for the original
11 certificate of birth. Thereafter, the original certificate and the
12 evidence of ((~~paternity~~)) parentage, or acknowledgment of paternity
13 shall not be subject to inspection except upon order of a court of
14 competent jurisdiction, or upon written request of the department of
15 social and health services, the attorney general, or a prosecuting
16 attorney, stating that the documents are being sought in furtherance of
17 an action to enforce a duty of support. If no certificate of birth is
18 on file for the person for whom a new certificate is to be established
19 under this section, a delayed registration of birth shall be filed with
20 the state registrar of vital statistics as provided in RCW 70.58.120.

21 **Sec. 8.** RCW 70.58.104 and 1991 c 96 s 4 are each amended to read
22 as follows:

23 (1)(a) The state registrar may prepare typewritten, photographic,
24 electronic, or other reproductions of records of birth, death, fetal
25 death, marriage, or decrees of divorce, annulment, or legal separation
26 registered under law or that portion of the record of any birth which
27 shows:

28 (i) The child's full name, sex, date of birth, and date of filing
29 of the certificate;

30 (ii) The mother's/parent's name at birth, date of birth, and place
31 of birth; and

32 (iii) The father's/parent's name at birth, date of birth, and place
33 of birth.

34 (b) Such reproductions, when certified by the state registrar,
35 shall be considered for all purposes the same as the original and shall
36 be prima facie evidence of the facts stated therein.

1 (2) The department may authorize by regulation the disclosure of
2 information contained in vital records for research purposes. All
3 research proposals must be submitted to the department and must be
4 reviewed and approved as to scientific merit and to ensure that
5 confidentiality safeguards are provided in accordance with department
6 policy.

7 (3) Local registrars may, upon request, furnish certified copies of
8 the records of birth, death, and fetal death, subject to all provisions
9 of state law applicable to the state registrar.

10 NEW SECTION. **Sec. 9.** A new section is added to chapter 26.33 RCW
11 to read as follows:

12 Nothing contained in chapter . . ., Laws of 2013 (this act) shall
13 be construed to alter or affect a person's rights under the state
14 Indian child welfare act, chapter 13.38 RCW, or the federal Indian
15 child welfare act, 25 U.S.C. Sec. 1901, et seq.

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