
ENGROSSED SUBSTITUTE SENATE BILL 5118

State of Washington

63rd Legislature

2013 Regular Session

By Senate Human Services & Corrections (originally sponsored by Senators Carrell, Benton, Darneille, Bailey, Roach, and Honeyford)

READ FIRST TIME 02/12/13.

1 AN ACT Relating to access to original birth certificates after
2 adoption finalization; and amending RCW 26.33.345.

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

4 **Sec. 1.** RCW 26.33.345 and 1993 c 81 s 3 are each amended to read
5 as follows:

6 (1) The department of social and health services, adoption
7 agencies, and independent adoption facilitators shall release the name
8 and location of the court where a relinquishment of parental rights or
9 finalization of an adoption took place to an adult adoptee, a birth
10 parent of an adult adoptee, an adoptive parent, a birth or adoptive
11 grandparent of an adult adoptee, or an adult sibling of an adult
12 adoptee, or the legal guardian of any of these.

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

16 (3)(a) For adoptions finalized after October 1, 1993, the
17 department of health shall make available a noncertified copy of the
18 original birth certificate to ~~((the adoptee after the adoptee's~~
19 ~~eighteenth birthday unless the birth parent has filed an affidavit of~~

1 nondisclosure)) an adopted person eighteen years of age or older upon
2 request, unless the birth parent has filed an affidavit of
3 nondisclosure before the effective date of this section or a contact
4 preference form that indicates he or she prefers not to be contacted:
5 PROVIDED, That the affidavit of nondisclosure, the contact preference
6 form, or both have not expired.

7 (b) For adoptions finalized on or before October 1, 1993, the
8 department of health may not make available the original birth
9 certificate to the adopted person for inspection or copying until after
10 June 30, 2014. After June 30, 2014, the department of health shall
11 make available a noncertified copy of the original birth certificate to
12 an adopted person eighteen years or older upon request, unless the
13 birth parent has filed a contact preference form that indicates he or
14 she prefers not to be contacted: PROVIDED, That the contact preference
15 form has not expired.

16 (4)(a) Regardless of whether a birth parent has filed an affidavit
17 of nondisclosure or when the adoption was finalized, a birth parent may
18 at any time complete a contact preference form stating his or her
19 preference about personal contact with the adopted person, which, if
20 available, must accompany a birth certificate issued under subsection
21 (3) of this section.

22 (b) The contact preference form must include the following options:

23 (i) I would like to be contacted;

24 (ii) I would like to be contacted only through a confidential
25 intermediary as described in RCW 26.33.343; and

26 (iii) I prefer not to be contacted and have also completed the
27 birth parent updated medical history form.

28 (c) If the birth parent indicates he or she prefers not to be
29 contacted, personally identifying information on the contact preference
30 form must be kept confidential and may not be released.

31 (d) A contact preference form expires upon the death of the birth
32 parent.

33 (5) If a birth parent files a contact preference form, the birth
34 parent must also file a medical history form with the department of
35 health. Upon request of the adopted person, the department of health
36 must provide the adopted person with the medical history form filed by
37 the adopted person's birth parent.

1 (6) Both a completed contact preference form and birth parent
2 updated medical history form are confidential and must be placed in a
3 secure file until a match with the adopted person's file is made. Once
4 a match is made, the forms must be placed in the adopted person's
5 sealed file.

6 (7) If the contact preference form is filed within six months of
7 the first time an adopted person requests a copy of his or her original
8 birth certificate as provided in subsection (3) of this section, the
9 department of health must forward the form to the address of the
10 adopted person. If applicable, the department of health must also
11 forward the birth parent updated medical history form to the address of
12 the adopted person.

13 (8) The department of health may charge a fee not to exceed twenty
14 dollars for providing a noncertified copy of a birth certificate to an
15 adopted person.

16 (9) The department of health must create the contact preference
17 form and medical history form. The contact preference form must
18 provide a method to ensure personally identifying information can be
19 kept confidential. The medical history form may not require the birth
20 parent to disclose any identifying information about the birth parent.

21 (10) An affidavit of nondisclosure expires upon the death of the
22 birth parent.

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