
SENATE BILL 5782

State of Washington

54th Legislature

1995 Regular Session

By Senators Sellar and Roach

Read first time 02/06/95. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to adoption; and amending RCW 26.33.343.

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

3 **Sec. 1.** RCW 26.33.343 and 1990 c 145 s 1 are each amended to read
4 as follows:

5 (1) An adopted person over the age of twenty-one years, or under
6 twenty-one with the permission of the adoptive parent, or a birth
7 parent or member of the birth parent's family after the adoptee has
8 reached the age of twenty-one may petition the court to appoint a
9 confidential intermediary. The intermediary shall search for and
10 ~~((discreetly))~~ contact in writing the birth parent or adopted person,
11 or if they are not alive or cannot be located within one year, the
12 intermediary may attempt to locate members of the birth parent or
13 adopted person's family. These family members shall be limited to the
14 natural grandparents of the adult adoptee, a brother or sister of a
15 natural parent, or the child of a natural parent. The court, for good
16 cause shown, may allow a relative more distant in degree to petition
17 for disclosure. At the time the intermediary first attempts to contact
18 the birth parent or adopted person, the intermediary shall provide

1 written notification to the adoptive parents that the intermediary is
2 attempting contact with the birth parent or adopted person.

3 (2)(a) Confidential intermediaries appointed under this section
4 shall complete training provided by a licensed adoption service or
5 another court-approved entity and file an oath of confidentiality and
6 a certificate of completion of training with the superior court of
7 every county in which they serve as intermediaries. The court may
8 dismiss an intermediary if the intermediary engages in conduct which
9 violates professional or ethical standards.

10 (b) The confidential intermediary shall sign a statement of
11 confidentiality substantially as follows:

12 I,, signing under penalty of contempt of court, state:
13 "As a condition of appointment as a confidential intermediary, I affirm
14 that, when adoption records are opened to me:

15 I will not disclose to the petitioner, directly or indirectly, any
16 identifying information in the records without further order from the
17 court.

18 I will conduct a diligent search for the person being sought and
19 make a discreet and confidential inquiry as to whether that person will
20 consent to being put in contact with the petitioner, and I will report
21 back to the court the results of my search and inquiry.

22 If the person sought consents to be put in contact with the
23 petitioner, I will attempt to obtain a dated, written consent from the
24 person, and attach the original of the consent to my report to the
25 court. If the person sought does not consent to the disclosure of his
26 or her identity, I shall report the refusal of consent to the court.

27 I will not make any charge or accept any compensation for my
28 services except as approved by the court, or as reimbursement from the
29 petitioner for actual expenses incurred in conducting the search.
30 These expenses will be listed in my report to the court.

31 I recognize that unauthorized release of confidential information
32 may subject me to civil liability under state law, and subjects me to
33 being found in contempt of court."

34 /s/ _____ date _____

35 (c) The confidential intermediary shall be entitled to
36 reimbursement from the petitioner for actual expenses in conducting the
37 search. The court may authorize a reasonable fee in addition to these
38 expenses.

1 (3) If the confidential intermediary is unable to locate the person
2 being sought within one year, the confidential intermediary shall make
3 a recommendation to the court as to whether or not a further search is
4 warranted, and the reasons for this recommendation.

5 (4)(a) In the case of a petition filed on behalf of a natural
6 parent or other blood relative of the adoptee, written consent of any
7 living adoptive parent shall be obtained prior to contact with the
8 adoptee if the adoptee:

9 ((~~a~~)) (i) Is less than twenty-five years of age and is residing
10 with the adoptive parent; or

11 ((~~b~~)) (ii) Is less than twenty-five years of age and is a
12 dependent of the adoptive parent; and

13 (b) In all other cases of a petition filed on behalf of a natural
14 parent or other blood relative of the adoptee, the intermediary shall
15 provide written notification to the adoptive parents that the
16 intermediary is attempting contact with the birth parent or adoptee.

17 (5) If the confidential intermediary locates the person being
18 sought, a ((~~discreet and~~)) confidential written inquiry shall be made
19 as to whether or not that person will consent to having his or her
20 present identity disclosed to the petitioner. The identity of the
21 petitioner shall not be disclosed to the party being sought. If the
22 party being sought consents to the disclosure of his or her identity,
23 the confidential intermediary shall obtain the consent in writing and
24 shall include the original of the consent in the report filed with the
25 court. If the party being sought refuses disclosure of his or her
26 identity, the confidential intermediary shall report the refusal to the
27 court and shall refrain from further and subsequent inquiry without
28 judicial approval.

29 (6)(a) If the confidential intermediary obtains from the person
30 being sought written consent for disclosure of his or her identity to
31 the petitioner, the court may then order that the name and other
32 identifying information of that person be released to the petitioner.

33 (b) If the person being sought is deceased, the court may order
34 disclosure of the identity of the deceased to the petitioner.

35 (c) If the confidential intermediary is unable to contact the
36 person being sought within one year, the court may order that the
37 search be continued for a specified time or be terminated.

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