

## 22 §2706-A. ADOPTION CONTACT FILES

### 22 §2706-A. ADOPTION CONTACT FILES

**1. File.** The state registrar shall maintain files of the names and addresses of adopted persons and their adoptive and biological parents, who have registered under this section.

[ 1979, c. 384, (NEW) . ]

**2. Registration.** This subsection governs participation in the adoption registry.

A. The following persons may register their names and addresses with the state registrar and request contact:

- (1) A person who is 18 years of age or older and:
  - (a) Who was adopted;
  - (b) Whose adoption was annulled;
  - (c) Whose adoptive parents surrendered and released parental rights to that person or had their parental rights terminated; or
  - (d) Who was freed for adoption but was never subsequently adopted;
- (2) An adoptive parent if:
  - (a) The adopted person is under 18 years of age;
  - (b) The adopted person is deceased; or
  - (c) The adopted person is at least 18 years of age and is determined by a court to be incapacitated; and
- (3) The legal custodian or guardian of:
  - (a) A person whose adoption was annulled, who was surrendered and released by that person's adoptive parents or whose adoptive parents' parental rights were terminated;
  - (b) An adopted person under 18 years of age who:
    - (i) Has been removed from the custody or guardianship of that person's adoptive parents by order of a court; or
    - (ii) Was freed for adoption but was never subsequently adopted; or
  - (c) An adopted person who is at least 18 years of age and has been determined by a court to be incapacitated. [1989, c. 818, §4 (RPR). ]

B. The following persons may register their names and addresses with the state registrar and request contact with an adopted person or a person freed for adoption as specified in paragraph A:

- (1) A biological parent of an adopted person or of a person freed for adoption but not subsequently adopted;
- (2) The legal custodian or guardian of a person under 18 years of age whose full sibling or half-sibling is an adopted person or a person freed for adoption;
- (3) If a biological parent of an adopted person or a person freed for adoption is deceased, a biological mother, legal father, grandparent, sibling, half-sibling, aunt, uncle or first cousin of the deceased biological parent; and
- (4) A biological sibling or half-sibling, who is at least 18 years of age, of an adopted person or a person freed for adoption. [1989, c. 818, §4 (RPR). ]

C. At the time of registration, each registrant shall indicate with which of the persons specified in paragraphs A and B contact is desired. [1989, c. 818, §4 (RPR). ]

D. A registrant may withdraw from the adoption registry at any time by submitting a written request to the state registrar. [1989, c. 818, §4 (NEW).]

E. When an adopted person reaches 18 years of age and has not been determined by a court to be incapacitated, the state registrar, after mailing notice to the registrant, shall delete from the adoption registry any prior registration under paragraph A, subparagraph (2), division (a), or subparagraph (3), division (b). [1989, c. 818, §4 (NEW).]

[ 1989, c. 818, §4 (RPR) .]

**3. Certification of identity and relationship.** The state registrar shall require each person registering or requesting contact to provide certification of the registrant's identity and relationship to the person with whom contact is desired and any additional information that is necessary to ensure accurate identification of the registrant and assist in identifying the other party.

[ 1989, c. 818, §5 (RPR) .]

**3-A. Providing information about available counseling.** The state registrar shall provide information about sources of counseling to any person registering or requesting contact.

[ 1989, c. 818, §6 (NEW) .]

**4. Reviewing departmental files.** The state registrar may review both public and confidential departmental files to assist in identifying or verifying the identification of the other party. If both parties have registered, he may release those names and addresses even if the relationship was identified or verified by the use of confidential departmental files. He may charge a fee for the assistance which shall reasonably reflect the cost of providing it.

[ 1979, c. 384, (NEW) .]

**5. Request for contact.** When the state registrar has requests for contact from a person specified in subsection 2, paragraph A, and a person specified in subsection 2, paragraph B, that are related to the same adoption and both persons indicated at the time of registration that contact with the other person was desired, the state registrar shall notify each party of the name and address of the other party and of sources of counseling. If a biological parent, an adoptive parent or an adopted person registered under this section has made a request for contact and the party being sought died in the State, the state registrar shall disclose to the requesting party the fact that the biological parent, adoptive parent or the adopted person has died.

[ 1989, c. 818, §7 (AMD) .]

**6. Confidentiality.** Except as provided in subsection 5, the files established under this section shall be confidential and not open to public inspection.

[ 1979, c. 384, (NEW) .]

**7. Public information.** The state registrar shall, by appropriate means, make known to the public the existence of the adoption contact files, the assistance the department may offer and the purposes of those files.

[ 1979, c. 384, (NEW) .]

#### SECTION HISTORY

1979, c. 384, (NEW). 1985, c. 673, (AMD). 1989, c. 818, §§4-7 (AMD).

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