

Information and resources on open records and ethical adoption

American Adoption Congress: <http://www.americanadoptioncongress.org/>
Evan B. Donaldson Adoption Institute: <http://www.adoptioninstitute.org/>
Ethica: <http://www.ethicanet.org/>

District of Columbia, Maryland and Virginia Adoption Records Laws

From the Child Welfare Information Gateway:

http://www.childwelfare.gov/systemwide/laws_policies/state/index.cfm?event=stateStatutes.showSearchForm

Access to Adoption Records: Summary of State Laws:

http://www.childwelfare.gov/systemwide/laws_policies/statutes/infoaccessapall.pdf

District of Columbia

Who May Access Information: This issue is not addressed in the statutes reviewed.

Access to Non-identifying Information: This issue is not addressed in the statutes reviewed.

Mutual Access to Identifying Information: Citation: Ann. Code § 16-311

All records are sealed and may not be inspected except upon order of the court, and then only if the welfare of the child is promoted.

Access to Original Birth Certificate: Citation: Ann. Code § 16-314

The original birth certificate is a sealed record that cannot be opened without order of the court.

Where the Information Can Be Located

The Child and Family Services Agency or the agency involved in the adoption

Maryland

Who May Access Information: Citation: Fam. Law §§ 5-4C-05; 5-356; 5-357

Only the following persons may register with the adoption registry for exchange of identifying information:

Birth parents and siblings

An adopted person, age 21 or older, who does not have a birth sibling under the age of 21 with the same adoptive parents

Non-identifying and medical information shall be available to:

The adoptive parents

The adopted person

The birth parents

Access to Non-identifying Information: Citation: Fam. Law §§ 5-329; 5-356; 5-357; 5-358

A local department shall make reasonable efforts to compile and make available to a prospective adoptive parent a comprehensive medical and mental health history of the prospective adoptive child.

On request of an adoptive parent, a local department shall make reasonable efforts to compile a pertinent medical and mental health history of each of the adoptive child's birth parents, if available to the local department, and to make the history available to the adoptive parent. A medical or mental health history may not contain identifying information about a parent or former parent.

On request of an adopted person, adoptive parent, or birth parent, a local department shall provide information in its adoption record on the adopted person. The records that are accessed may not contain any identifying information.

If, after a hearing on a petition of an adopted person or birth parent, a court is satisfied that the adopted person, a blood relative of the adopted person, or a birth parent urgently needs medical information not in department and court records, the court may appoint an intermediary to try to contact the adopted person or a birth parent for the information.

Mutual Access to Identifying Information: Citation: Fam. Law §§ 5-4C-06; 5-4C-07

To register with the Registry, an individual shall submit a notarized affidavit containing identifying information, including the individual's current name, any previous name by which the individual was known, address, and telephone number. A registrant may withdraw at any time by submitting an affidavit.

On receipt of an affidavit, the administration shall:

Attempt to match registrants or to provide matching information

If a match is made, direct the child-placing agency or the local department to notify the registrants through a confidential contact

Access to Original Birth Certificate: Citation: Fam. Law §§ 5-359; 5-3A-42; 5-3B-29

For adoptions finalized on or after 1-1-2000:

An adopted person who is at least 21 years old may apply to the Secretary for a copy of his or her original birth certificate.

If an adopted person is at least 21 years old, a birth parent may apply to the Secretary for a copy of the adopted person's original birth certificate.

A birth parent may file with the Director a disclosure veto to bar disclosure of information about that parent in an accessible record. The birth parent may also cancel a disclosure veto and refile a disclosure veto at any time.

An adult adopted person may file a disclosure veto to bar disclosure of information about him or her in an accessible record. The adopted person may also cancel a disclosure veto and refile a disclosure veto at any time.

Except as provided below, the Secretary shall give to each applicant who meets the requirements of this section a copy of each record that the applicant requested and that the Secretary has on file.

Whenever a birth parent applies for a record, the Secretary shall redact from the copy all information as to:

The other birth parent if that parent has filed a disclosure veto

The adopted person and each adoptive parent if the adopted person has filed a disclosure veto

Whenever an adopted person applies for a record, the Secretary shall redact from the copy all information as to the birth parent if that parent has filed a disclosure veto.

Where the Information Can Be Located: Maryland Mutual Consent Voluntary Adoption Registry, Social Services Administration

Virginia

Who May Access Information: Citation: Ann. Code §§ 63.2-1246; 63.2-1247

Non-identifying information may be disclosed to:

The adopted person who is age 18 or older

The licensed or authorized child-placing agencies providing services to the child

The adoptive parents

Identifying information may be released to:

The adopted person who is age 21 or older

The birth parents

An adult birth sibling

Access to Non-identifying Information: Citation: Ann. Code § 63.2-1246

Non-identifying information shall not be open to inspection, or be copied, by anyone other than those listed above, except upon the order of a circuit court upon good cause shown.

Mutual Access to Identifying Information: Citation: Ann. Code § 63.2-1247

For adoptions finalized on or after 7-1-1994, the following requests for disclosure of identifying information are permitted:

The adopted person who is age 21 or older may apply for information about the birth family.

The birth parents and adult birth siblings may apply information about the adopted person.

When the adopted person is under age 18, the adoptive parents or other legal custodian of the child may apply for information about the birth family.

The Commissioner shall designate the person or agency that made the investigation to attempt to locate and advise the person whose information is sought of the application. The designated person or agency shall report the results of the attempt to locate and advise the adopted person to the Commissioner, including the relative effects that disclosure of the identifying information may have on the adopted person, the adoptive parents, and the birth family. The adopted person and the birth family may submit to the Commissioner, and the Commissioner shall consider, written comments stating the anticipated effect that the disclosure of identifying information may have upon any party. Upon a showing of good cause, the Commissioner shall disclose the identifying information. When consent of the person being sought is not obtainable, due to the death or mental incapacity, the circuit court may release identifying information to the person making the request. In making this decision, the circuit court shall consider the needs and concerns of all persons involved.

In parental placement adoptions, where the consent to the adoption was executed on or after 7-1-1994, the entire adoption record shall be open to the adoptive parents, the adopted person who is age 18 or older, and a birth parent who executed a written consent.

Access to Original Birth Certificate: Citation: Ann. Code § 32.1-261

The original birth certificate is available only upon order of the court.

Where the Information Can Be Located: Department of Social Services, Permanency Unit