

 <b>VERMONT</b> DEPARTMENT FOR CHILDREN AND FAMILIES Family Services Policy Manual		<h1>194</h1>
Chapter:	Adoption Services	
Subject:	Release of Information by the Adoption Registry	Page 1 of 7
Approved	Cynthia K. Walcott, Deputy Commissioner	Effective: 6/30/07

## Purpose

33 VSA, Title 15A, Article 6 governs the release of information from adoption records. This policy provides information and guidance to the Adoption Registry about the retention of, and release of information from, sealed adoption records.

## Definitions

**Adoption Registry:** the entity established by 33 VSA, Title 15A to maintain a master index of all Vermont adoptions and to oversee the disclosure of information from sealed adoption records—according to statute. The Department for Children and Families is responsible for administering the registry.

**Identifying Information:** any information that might establish the identity and current whereabouts of an adoptee, the adoptee’s former parent, or another family member. This can include, for example, any part of a person’s name, date and place of birth, and last known address.

## Policy

### Records Confidential

Adoption records on file with the court or in the possession of an agency, the department of health, the registry, or other provider of professional services in connection with an adoption are confidential and may not be inspected except as governed by statute. Statute requires that records be retained permanently and kept sealed for 99 years after the date of the adoptee’s birth.

### Memorandum of Understanding with the Department of Health

An MOU signed in 2004, permits Vermont Adoption Registry employees to inspect permanent, confidential, or sealed records pertaining to an adoption and maintained by the Department of Health if the following information is provided prior to inspection:

- 1) Name of employee who will inspect;
- 2) Position of employee who will inspect;
- 3) Specific obligation of law being discharged by employee who will inspect;
- 4) Written agreement by employee that information obtained by such employee’s inspection will be kept confidential as required by law;

A form has been developed to request information from an adoptee’s sealed birth record from the Vital Records Division of the Department of Health (see Appendix 1)

 <b>VERMONT</b> DEPARTMENT FOR CHILDREN AND FAMILIES Family Services Policy Manual		<h1>194</h1>
Chapter:	Adoption Services	
Subject:	Release of Information by the Adoption Registry	Page 2 of 7

### Adoption Registry

The Adoption Registry is charged with:

- Maintaining an index of all adoptions completed in the state (since the 1940's), including the adoptee's name at birth, name after adoption, and date of birth; the names and addresses of the adoptee's former parents and adoptive parents; the date and court in which a consent or relinquishment was filed; the date and court in which the petition was filed; any agency involved in the adoption; and the date and nature of the disposition of the petition;
- Maintaining originals and/or copies of any statements about the disclosure of identifying information;
- Maintaining a copy of the adoptee's' social and health history (e.g. birthparent information form) as filed in the court record; and
- Releasing non-identifying and identifying information as provided by law.

### Release of Non-identifying Information by the Adoption Registry

Non-identifying information is available from the *agency* that placed the child for adoption—according to statute and that agency's policy.

The Adoption Registry only provides non-identifying information:

- if there was no agency involved (as in the case of private or stepparent adoptions);
- if the agency that was involved is no longer active;
- if the child was adopted from DCF custody—regardless of the agency that finalized the adoption. (Note: because the Adoption Registry is part of DCF and we are the *agency* that placed the child for adoption.)

This policy specifically governs the release of non-identifying information by the Adoption Registry.

### Regarding an Adoptee's Background, Former Parents, and Other Family Members

The following persons may request this non-identifying information:

- The adoptive parent;
- The legal custodian or guardian of an adoptee;
- An adoptee who has attained the age of 18;
- An emancipated adoptee; and
- A deceased adoptee's direct descendant who has attained the age of 18 or the parent or guardian of a direct descendant who has not attained the age of 18.

Chapter:	Adoption Services	
Subject:	Release of Information by the Adoption Registry	Page 3 of 7

Upon the request of an individual listed above, the Registry shall provide a detailed summary of any relevant report or information in its possession about the adoptee, the adoptee's former parents, and the adoptee's genetic history—including information required by section 2-105 of Title 15A (see Appendix 1 at the end of this document for details). *The summary shall exclude identifying information concerning any individual who has not signed a waiver of confidentiality, including any part of their name, date of birth, and place of birth.*

#### Regarding an Adoptee's History after the Termination of Parental Rights

The following persons may request this non-identifying information: an adoptee's former parent, grandparent, or sibling.

Upon request of an individual listed above, the Registry shall provide a summary of any relevant report or information in its possession about the adoptee's history after the former parents' rights were terminated. *The summary shall exclude identifying information concerning any individual who has not signed a waiver of confidentiality, including any part of the adoptee's name after adoption and any part of the adoptive parent's name, date of birth, and place of birth.*

#### Safety Issues for DCF Adoptees under Age 18 - Non-Identifying Information

From time to time, the Adoption Registry receives requests for non-identifying information from the former parents or other family members of minor children who were adopted through DCF. Given that most children adopted through DCF were victims of child abuse or neglect, special attention must be paid to assure their safety. When the Adoption Registry receives such a request, the following actions will be taken before information is released:

- 1) The Registry Coordinator will prepare the summary of non-identifying information, excluding any part of the child's name after adoption and any part of the adoptive parent's name, date of birth, and place of birth—unless the adoptive parent has consented to the release of such information.
- 2) The Coordinator will send the summary to the Adoption Manager for review.
- 3) The Adoption Manager will contact the director of the last district office that served the child's former parent(s) to determine whether there are any safety concerns that would necessitate denying the request for non-identifying information.
- 4) If there are safety concerns, the Adoption Manager may recommend to the Deputy Commissioner that the request for non-identifying information be denied.
- 5) If the request is denied, the Adoption Manager will inform the former parent or other family member about their right to appeal the denial and the appeal process.

 <b>VERMONT</b> DEPARTMENT FOR CHILDREN AND FAMILIES Family Services Policy Manual		<h1>194</h1>
Chapter:	Adoption Services	
Subject:	Release of Information by the Adoption Registry	Page 4 of 7

*If the person decides to appeal the decision, it is important to note that 1) the Registry will have to provide the name of the Probate Court that finalized the adoption and 2) in some cases, this might help to identify the adoptive parents.*

**Safety Issues for DCF Adoptees under Age 18 - Post-Adoption Contact**

The Adoption Registry also serves as the *agency* conduit for post-adoption contact between children adopted through DCF and their former parents, siblings, and other family members. This can include the exchange of letters, photographs, phone calls, and sometimes visits.

When the Registry receives a request for post-adoption contact from a child's former parent or other family member, staff will consult the child's search file at the Registry to determine whether there is an agreement on file for post-adoption contact. If there is no agreement on file, or the one on file is very old, staff may contact the adoptive parents to determine their wishes regarding contact and note their wishes in the child's search file.

*Any correspondence exchanged will exclude any part of the child's name after adoption and any part of the adoptive parent's name—unless the adoptive parent consents to the release of such information.*

**Release of Identifying Information by the Adoption Registry**

Only the Adoption Registry can release identifying information without a court order.

**Regarding a Former Parent**

The following persons may request the release of identifying information about a former parent:

- An adoptee who is 18 or older.
- An emancipated adoptee.
- A deceased adoptee's direct descendant who is 18 or older or the parent or guardian of a direct descendant who is under 18.

For adoptions finalized before July 1, 1986, the Registry shall disclose identifying information if the former parent has filed in any probate court or agency any kind of document that clearly indicates that he or she consents to such disclosure. If a former parent is deceased, his or her adult descendant may consent to such disclosure. If a former parent has been declared incompetent, his or her guardian may also consent.

For adoptions finalized on or after July 1, 1986, the Registry shall disclose identifying information unless the former parent has filed in any court or agency any kind of document that clearly indicates that his or her identity not be disclosed and has not withdrawn that document.

Chapter:	Adoption Services	
Subject:	Release of Information by the Adoption Registry	Page 5 of 7

**Regarding a Former Sibling**

Identifying information about an adoptee's former sibling shall be disclosed to the adoptee upon request if both the sibling and the adoptee are 18 or older and the sibling consents to such disclosure.

**Regarding an Adoptee**

Identifying information about an adoptee who is 18 or older shall be disclosed upon request to the adoptee's former parent or sibling (18 or older) if the adoptee consents to such disclosure.

Identifying information about an adoptee who is under 18 shall be disclosed to the adoptee's former parent upon request if the adoptive parent consents to such disclosure.

**Regarding a Deceased Adoptee**

Identifying information about a deceased adoptee shall be disclosed to the adoptee's former parent or sibling upon request if:

- 1) The deceased adoptee's direct descendant is 18 or older and consents to the disclosure; or
- 2) The parent or guardian of a direct descendant who is under 18 consents to the disclosure.

**Disclosure When Health is a Concern**

If the Registry receives a certified statement from a physician explaining in detail how a health condition may seriously affect the health or reproductive decision of an adoptee or a direct descendant of an adoptee, the Registry shall make a diligent effort to notify the adoptive parent of a minor adoptee, an adoptee who is 18 or older, or the adoptive parent of a deceased adoptee to inform them that this non-identifying information is available and may be requested from the Registry.

If the Registry receives a certified statement from a physician explaining in detail why a serious health condition of the adoptee or a direct descendant of the adoptee should be communicated to the adoptee's genetic parent or sibling to enable them to make informed reproductive and other health-related decisions, the Registry shall make a diligent effort to notify them that this non-identifying information is available and may be requested from the Registry.

**Verifying the Identify of the Requesting Party**

Any person requesting the release of information under Title 15A shall verify his or her identity by providing a copy of one or more of the following:

Chapter:	Adoption Services	
Subject:	Release of Information by the Adoption Registry	Page 6 of 7

- Current driver's license.
- Certified copy of birth certificate.
- Signed & notarized consent form provided by the Registry.

Other individuals may not request information on the authorized person's behalf except as provided by law. Information may only be released to the authorized person.

**Authorized Use of Records**

Department and Registry staff may inspect sealed adoption records in order to discharge their duties under Title 15A, provide services to the adoptee, or for other purposes in accordance with state or federal law.

**Fee for Services**

The Registry may charge a reasonable fee for costs associated with compiling and releasing information pursuant to Article 6. Any fees will be disclosed in advance.

Chapter:	Adoption Services	
Subject:	Release of Information by the Adoption Registry	Page 7 of 7

**Appendix One - § 2-105. Disclosure of information on background**

Non-identifying information may include the following information:

- 1) A social and health history of the minor, including:
  - a) date, time and place of birth;
  - b) first and middle name as given by the parent;
  - c) current health history, including an account of the minor's prenatal care, medical condition at birth, any drug or medication taken by the minor's mother during pregnancy;
  - d) any subsequent medical, psychological, psychiatric and dental information and diagnosis, and a record of any immunizations and health care received while in foster or other care;
  - e) any physical, sexual, or emotional abuse known to have been suffered by the minor;
  - f) enrollment and performance in school, results of educational testing, and any special educational needs; and
  - g) an account of the minor's past and existing relationship with any relative, foster parent, or other person with whom the minor has lived or visited on a regular basis;
- 2) A social and health history of the minor's parents and extended family, including:
  - a) health and genetic history, including any known hereditary condition or disease, the current health of each parent, a summary of the findings of any medical, psychological, or psychiatric evaluation of each parent completed prior to placement, history of use of drugs and alcohol and if a parent is deceased, the cause of and the age at death;
  - b) racial, ethnic, and religious background, and general physical description;
  - c) the levels and types of educational, vocational, athletic, artistic, or scientific achievement or interests, including academic performance and diagnosed learning problems;
  - d) the date of birth and sex of any other child of the parents and whether or not those children have been removed from the parent's custody or placed for adoption;
  - e) the facts and circumstances related to the consent or relinquishment or termination of parental rights; and
  - f) any information necessary to determine the minor's eligibility for state or federal benefits, including financial, medical, or other assistance.