



POLICY AND PROCEDURE FOR RELEASE OF ADOPTION INFORMATION AND SEARCH

Introduction:

Bright Futures is committed to assisting adopted persons, birth parents, and adoptive parents who are interested in seeking information from their records. Our practice is based on the philosophy that interest in one's birth family is normal and natural and that any person touched by adoption may need information from an adoption record at some point in the lifetime journey of adoption. It is the policy of Bright Futures to provide as much information as is allowable by law, and to provide such information in a manner that adheres to good clinical practice.

Background:

Individuals may be seeking **non-identifying** or **identifying** information.

- **Non-identifying** information is that which will not reveal or tend to reveal the person's identity or present or former locations. Information such as age, occupation, medical and mental health history is generally considered to be non-identifying information. In addition, non-identifying information may include the circumstances of the adoption at Bright Futures' discretion.
- **Identifying** information is that which identifies or tends to lead to identifying the person, or present or former locations. Name, address and telephone number are identifying information.

In Massachusetts, the information available from adoption records is governed by state law. Current law (M.G.L. C. 210, s.5D) sets very specific requirements about the kind of information that can be released by an adoption agency and the circumstances of the release.

The law states that an adopted person cannot request, without parental consent, non-identifying information before they are 18, and identifying information before they are 21. It states that identifying information cannot be released without a signed consent from a birth parent or an adopted person. It also states that a birth parent's release needs to be at least 30 days old before identifying information is released. However, it does not address or preclude the agency from utilizing that information to locate or contact any

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member of the adoption triad and inquire as to their wishes regarding contact. If permission is granted, it must be in writing. If permission is not granted, either because the person cannot be found or the party has declined to grant permission, release of identifying information is prohibited by the above law.

Siblings and other family members are not addressed in the statute and therefore have no legal standing to information separate from the birth parents. Confidentiality, with all its rights and responsibilities, belongs to the birth parent(s) and the adopted person, and only they or a court of competent jurisdiction may waive their rights.

In accordance with this, siblings who were not themselves adopted and other family members who wish to receive information or initiate a search cannot do so unless the birth parent is deceased.

Guiding Principles:

Bright Futures provides information to adopted persons, adoptive parents and birth parents and performs searches in accordance with applicable law and this Policy.

Bright Futures must receive written notarized consent from both parties to release identifying information. Release of identifying information must be at least thirty (30) days after Bright Futures has received written consent from the birth parent.

In all cases, the decision to proceed with a search to locate someone is at the discretion of the agency. It is also Bright Futures' policy to attempt to notify all parties who have a signed release on record to determine if they still want to release identifying information, unless the release clearly indicates that prior notification is not required.

Bright Futures prefers to release adoption information in person whenever possible. The information will be given in writing and will be reviewed with the individual by a social worker. When an in-person meeting is not possible, Bright Futures will release written information by mail, and will make a social worker available to the individual by telephone.

The term **birth parent**, as used in this policy, means a birth mother, or a father named on the birth certificate of the adopted person filed in court with the adoption papers, or a man who has signed, as father, an adoption surrender filed in court with the adoption papers.

Requests by Adopted Persons

- An adopted person can update their birth family/adoptive family's files with personal information and their wish for contact with their birth parents if their birth parents contact Bright Futures.

- An adopted person who is under age eighteen (18) may ask his/her adoptive parent(s) to make a written request for **non-identifying** information.
- An adopted person who is eighteen (18) or older may make a written request for **non-identifying** information about his/her birth parents.
- An adopted person who is under twenty-one (21) may ask his/her adoptive parent(s) to request **identifying** information about his/her birth parent(s).
- An adopted person who is twenty-one (21) or older may make a written request for **identifying** information about his/her birth parent(s) and may give permission for his/her identity to be released.

Requests by Birth Parents

- Birth parents are encouraged to update their file with personal information and their disposition regarding contact with the child they placed for adoption.
- A birth parent may make written request for **non-identifying** information about his/her child and adoptive family, regardless of the child's age.
- A birth parent may make a written request for **identifying** information about his/her child and may give permission for his/her identity to be released. If the adopted person is twenty-one (21) years of age or older, the adopted person must consent. If the adopted person is under twenty-one (21) years of age, the adoptive parent(s) must consent.
- A birth parent may make a written request for any personal data about him/herself that is contained in the adoption file. Bright Futures shall remove from the information any personal identifiers of third parties.

Requests by Adoptive Parents

- An adoptive parent of an adopted person under age eighteen may make a written request for **non-identifying** information about the birth parent(s).
- An adoptive parent of an adopted person under age twenty-one may make a written request for **identifying** information about his/her child's birth parent(s) and may give permission for the identity of the adopted person to be released.
- An adoptive parent may make a written request for any personal data about him/herself that is contained in the adoption file. Bright Futures shall remove from the information any personal identifiers of third parties.

Requests by Siblings and Relatives

Siblings and other relatives of the birth parent may only request adoption information as indicated in this section if the birth parent is deceased. In order to establish this, the sibling or relative will need to provide an official copy of the birth parent's death certificate, and an official copy of their own birth certificate. The only exception to this is when the sibling was placed for adoption, and is looking for another sibling placed for adoption. In these cases, the birth parent does not need to be deceased.

- A sibling or other relative can update the related file with information about themselves and their wish as to whether they would want contact with the individual placed for adoption if that person was to contact Bright Futures.
- A sibling or other relative can request the related file be reviewed to see if the individual placed for adoption has signed a release that is on file.

Search Requests

Who can make a search request?

- An adopted person can request a search for their birth parent(s) provided they are 21 years or older, or adoptive parent can make such a request on behalf of their adopted child who is under 21.
- Birth parents can request a search for the child that they placed for adoption provided that their child is at least 21 years of age or older.
- A sibling or other relative can request a search for an adopted person provided that the adopted person is at least 21 years of age, and the adopted person's birth parent is deceased.

Search Process

When a search is requested and there is no consent to release identifying information in the record, Bright Futures' clinical team will determine whether to grant such a request. If the request is approved, Bright Futures will make reasonable efforts to locate the identified individual and will act as an intermediary to determine whether that person is agreeable to contact. The agency will discuss search-related issues and concerns with either party as needed. If the identified person is agreeable to contact, Bright Futures will facilitate contact between the two parties. The parties will be responsible for the nature and extent of continued communication.

When a search is requested and there is a consent in the record but the information is not current, Bright Futures will attempt to locate the identified party to establish their current disposition. If the identified person is agreeable to contact, Bright Futures will facilitate contact between the parties.

When a search is requested and there is a current release in the record, Bright Futures will notify the parties involved and facilitate contact as requested.

If the searcher has the identity and whereabouts of the individual with whom they are seeking to make contact, they can request that an adoption professional make the initial contact. Bright Futures will verify the information that is provided, and contact the individual to determine if they agree to contact. The agency will discuss search-related issues and concerns with each party and facilitate contact.

A few things to know about search and our services:

- Locating individuals depends on the availability of historical documentation.
- Documentation in the record of the identified individual's medical and social history can be limited.
- When Bright Futures is unable to locate an individual after reasonable efforts, the search services end.
- When an individual is located and does not agree to contact, identifying information is not released.
- When an individual is deceased, Bright Futures cannot release identifying information.
- If the identified person agrees to contact, Bright Futures may assist with facilitating the contact, but Bright Futures has no way of controlling the nature or extent of the relationship. Relationships can vary tremendously depending on a variety of factors.
- When considering a search, it is helpful to explore your expectations and consider all possible outcomes.
- A search and subsequent contact can change your life and the lives of others.
- Bright Futures encourages the utilization of resource services such as adoption support groups, conferences and current literature.

International Adoptions

International adopted persons or their adoptive parent(s) if the adopted person is under 18 years old may request their adoption information at any time, which may include referral information, legal documentation, medical information, developmental information and any other information pertaining directly to the adopted person or the adopted person's birth family that is available in the record.

Application Process

Any person requesting the release of information or assistance with searching for or reuniting with relatives must complete Bright Futures' Adoption Search Application and Consent Forms and attach appropriate payment for the services requested. All Adoption Search Application and Consent Forms must be mailed or faxed to Bright Futures. Consent Forms will be placed in the sender's file so that if their child or birth parent(s)

are interested in making contact, the information contained in the Consent Form will be immediately available.

You may wish to consider:

- requesting non-identifying information first, or
- having the agency review the record to see if there is a consent on file before pursuing other search services.

Please know:

- All requests for service are honored in the order in which the applications are received, except for those constituting a medical, psychiatric or legal emergency.
- Due to the volume of requests, it can take four to eight weeks to receive non-identifying information or to begin a search.
- Some triad members have notified Bright Futures that they do not wish to be contacted. If this is noted in the file, Bright Futures will notify the requestor and take no further action.
- Bright Futures will release identifying information only when both parties agree to such release.

Fees

| Type of Service | Fee |
|--|---------------|
| Receiving, Processing, or Checking Records for Consents for Release of Identifying Information | No Charge |
| Requests for Non-Identifying Information | \$25 |
| Requests for Identifying Information when Consents are already in the file | \$25 |
| Requests for Information from International Records | \$25 |
| Initial Search (for up to 5 hours of work) | \$250 |
| Initial Facilitation of Contact – when consents are in record or when parties already have identifying information (for up to 3 hours of work) | \$150 |
| Additional Search or Facilitation work beyond the designated number of hours above | \$50 per hour |

All fees charged by Bright Futures in connection with the release of adoption information are intended to cover the basic costs of retrieving the file, copying or summarizing the required information, and staff time spent on the search and reunion process. ***We believe that all adopted persons should have access to their adoption information. If our fee structure creates a hardship for you, please let us know, and we will determine if a fee reduction or waiver is appropriate.***