

**TITLE 15 DOMESTIC RELATIONS
CHAPTER 7.2 PASSIVE VOLUNTARY ADOPTION MUTUAL CONSENT
REGISTRY ACT**

§ 15-7.2-1. Definitions

As used in this chapter:

- (1) "Adoptee" means a person who has been adopted in the state of Rhode Island.
- (2) "Adoption" means the judicial act of creating the relationship of parent and child where it did not exist previously.
- (3) "Adoptive parent" means an adult who has become a parent of a child through adoption.
- (4) "Adult" means a person twenty-one (21) years of age or older.
- (5) "Agency" means any public or private organization licensed or authorized under the laws of this state to place children for adoption.
- (6) "Birth parent" is:
 - (i) The person who is legally presumed under the laws of this state to be the father or mother of genetic origin of a child; and
 - (ii) A putative father of the child if the birth mother alleges he is the father and the putative father, by written affidavit at any time or by surrender and release executed within one year of the relinquishment of the child by the birth mother or termination of parental rights of the birth mother, acknowledges being the child's biological father.
- (7) "Court" is family court seating in Providence county.
- (8) "Genetic and social history" is a comprehensive report, when obtainable, on the birth parents, siblings to the birth parents, if any, other children of either birth parent, if any, and parents of the birth parents, and contains so much of the following information that is available:
 - (i) Medical history;
 - (ii) Health status;
 - (iii) Cause of and age at death;
 - (iv) Height, weight, eye and hair color;
 - (v) Ethnic origins; and
 - (vi) Religion, if any.
- (9) "Health history" is a comprehensive report, when obtainable, of the child's health status

and medical history at the time of placement for adoption, including neonatal, psychological, developmental, physiological, and medical care history.

(10) "Passive voluntary adoption reunion registry" is a registry, which is not authorized to seek registrants out but is authorized only to accept voluntary registration from eligible parties as designated in this chapter.

(11) "Putative father" is a man who, under the laws of this state, is not legally presumed to be the father of genetic origin of a child, but who claims or is alleged to be the father of genetic origin of the child.

(12) "Registry" is a passive voluntary adoption reunion registry as established under this chapter.

(13) "Relevant parties" are only those parties eligible to register and to use a registry pursuant to § 15-7.2-7.

(14) "Successor agency" is an agency which has the adoption records of another agency because of the merger of the agency and the successor agency or because a former agency has ceased doing business and has given its adoption records to the successor agency as provided in this chapter.

§ 15-7.2-2. Policy

It is the policy of this state that adoption is based upon the legal termination of parental rights and responsibilities of birth parents and the creation of the legal relationship of parents and child between an adoptee and the adoptive parents. These legal and social premises underlying adoption must be maintained. The state recognizes that some adults who are adopted as children have a strong desire to obtain identifying information about their birth parents while other adult adoptees have no such desire. The state further recognizes that some birth parents have a strong desire to obtain identifying information about their biological children who were adopted, while other birth parents have no such desire. The state fully recognizes the right to privacy and confidentiality of birth parents whose children were adopted, the adoptees, and the adoptive parents. The purpose of this chapter is to:

(1) establish a passive voluntary adoption reunion registry where birth parents, adult adoptees, and surviving relatives of deceased birth parents and deceased adoptees as defined in this chapter may register their willingness of the release of identifying information to each other;

(2) provide for the disclosure of identifying information to birth parents and their genetic offspring through the court if a birth parent or parents and the adult adoptee are registered;

(3) provide for the transmission of non-identifying health and social and genetic history of the adult adoptees, birth parents, and other specified persons; and

(4) provide a mechanism in the court to inform registrants of the functions and procedures of the registry at the time of registration.

§ 15-7.2-3. Adoption records to be permanently maintained

(a) All records of any adoption finalized in this state shall be permanently maintained by the

department of children, youth, and families or by the agency arranging the adoption.

(b) If an agency which handles adoptions ceases to do business, the agency shall transfer the adoption records to the department of children, youth, and families or to a successor agency, provided that the agency gives notice of the transfer to the department of children, youth, and families.

§ 15-7.2-4. Information--Confidential exceptions

A person or agency shall not disclose any confidential information relating to an adoption except as provided by this chapter or pursuant to a court order.

§ 15-7.2-5. Information of registry confidential

(a) Notwithstanding another provision of law, the information acquired by any voluntary adoption reunion registry shall not be disclosed under any freedom of information legislation or practice.

(b) A class action suit shall not be maintained in any court of this state to require the registry to disclose identifying information.

(c) Any registrant who discloses or causes to be disclosed identifying information about a biological parent or adult adoptee without that person's express written consent shall be guilty of a misdemeanor punishable by imprisonment for a term of not more than one year, or by a fine of not more than one thousand dollars (\$1,000), or both.

§ 15-7.2-6. The court to maintain registry

A passive voluntary adoption reunion registry shall be established and maintained by the court.

§ 15-7.2-7. Persons eligible to register and to use registry

An adult adoptee, each birth parent, any adult genetic sibling of any adoptee, an adoptive parent of a deceased adoptee, and any parent or adult sibling of a deceased birth parent or parents may register by submitting a signed affidavit to the appropriate registry. The affidavit shall contain the information listed in § 15-7.2-9 and a signed statement of the registrant's willingness to be identified to the other relevant persons who register. The affidavit gives authority to the registry to release identifying information related to the registrant to the other relevant persons who register. Each registration shall be accompanied by the birth certificate of the registrant.

§ 15-7.2-8. Failure of a necessary registrant to file an affidavit

(a) Except as provided in this chapter, if a birth parent or an adoptee fails to file an affidavit with the registry for any reason, including disability, but excluding death, identifying information shall not be disclosed to those relevant persons who do register. No registration shall be accepted unless the registry is satisfied as to the identity of the registrants.

(b) In the event of the death of the adoptee, the adoptive parent or parents of the deceased adoptee may register, may be considered the necessary registrant in lieu of the deceased adoptee, and identifying information may be disclosed to the relevant persons in the event of a

verified match.

(c) In the event of the death of the birth parent or birth parents, the parent or adult sibling of a deceased birth parent may register, may be considered the necessary registrant in lieu of the deceased birth parent, and identifying information may be disclosed to the relevant persons in the event of a verified match.

§ 15-7.2-9. Content of affidavit--Notice of change in information

(a) The affidavit required under § 15-7.2-7 shall contain:

- (1) The current name and address of the registrant;
- (2) Any previous name by which the registrant was known;
- (3) The original or adopted names of the adopted child;
- (4) The place and date of birth of the adopted child, if known;
- (5) The name and address of the agency, if known; and
- (6) The registrant's relationship to this adoption.

(b) The registrant shall notify the registry of any change in name or address which occurs after the registrant registers. Upon registering, the registry shall inform the registrant that the registrant has the responsibility to notify the registry of a change in address. The registry is not required to search for a registrant who fails to notify the registry of a change of address.

(c) A registrant may cancel the registrant's registration at any time by giving the registry written notice of the registrant's desires to cancel.

§ 15-7.2-10. Processing affidavits

(a) Upon receipt of the affidavit under § 15-7.2-7, the court shall review its data base and determine whether there is a match by comparing the dates and place of birth of the adopted person.

(b) If a likely match appears, the chief judge of the family court or an associate justice designated by the chief judge shall examine the original birth certificate or adoption records to verify a match. Examination of adoption records for purposes other than verifying a match and release of information from the adoption record is strictly prohibited.

(c) If the registry determines there is a match, and if the necessary relevant persons have registered with the registry, notification of the match may be given by the registry to the registrants only as defined in § 15-7.2-8.

(d) Notification of a match to the relevant parties shall be made through a direct and confidential contact at the address specified by the registrant. Subsequent to the notification of a match, and prior to the release of identifying information, the adult adoptee shall participate in not less than one hour of consultation designed specifically to assist in addressing the manifest issues that may be expected to transpire in these situations.

(e) Any eligible registrant may receive from the registry non-identifying genetic, social, and health history information as defined in this chapter, regardless of whether a verified match occurs.

§ 15-7.2-11. Registry information to be maintained permanently

Any affidavits filed and other information collected by a registry shall be permanently maintained.

§ 15-7.2-12. Limits on releasing information

(a) A registry shall release only information necessary for identifying a birth parent, adult adoptee or adult genetic sibling of an adult adoptee, and shall not release information of any kind pertaining to:

- (1) The adoptive parents;
- (2) The siblings to the adult adoptee who are children of the adoptive parents; and
- (3) The income of anyone.

(b) In the event of a verified match and release of identifying information, the registry, upon the written request of the adult adoptee of the match, shall certify to the state registrar of vital records that the adult adoptee is a party to a verified match and is entitled to receive uncertified copies of his or her original birth certificate. The certification shall also state that no person other than the adult adoptee is entitled to receive copies of the original birth certificate. However, no uncertified copy of the original birth certificate may be released to the adult adoptee unless each party named on the original birth certificate has registered. Registration by a birth parent not named on the original birth certificate shall not be required for release of the uncertified copy of the original birth certificate.

§ 15-7.2-13. Registration fee

There shall be a twenty-five dollar (\$25.00) fee imposed upon persons who register pursuant to this chapter.

§ 15-7.2-14. Objections to release of information

Any eligible registrant or any adoptive parent may file with the registry an objection to the release of identifying information. In the event of a verified match where an objection to the release of identifying information has been filed, the court shall hear the objection of the filing party prior to the release of identifying information and the court shall determine whether it is in the best interests of the parties to release the objected to identifying information.

§ 15-7.2-15. The court to promulgate rules and procedures

The court shall promulgate any rules and procedures that are necessary to establish the operation of the registry consistent with the purpose of this chapter.