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H.672

Introduced by Representative Townsend of South Burlington

Referred to Committee on

Date:

Subject: Adoption Act; records of adoption proceeding; retention,
confidentiality, and access

Statement of purpose of bill as introduced: This bill proposes to allow
adoption records to be disclosed to adoptees adopted prior to 1961 and public
agencies to disclose adoption records concerning an individual after that
individual has been deceased for 50 years.

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An act relating to the disclosure of adoption records

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 15A V.S.A. § 6-102 is amended to read:

§ 6-102. RECORDS CONFIDENTIAL

(a) All records on file with the court or in the possession of an agency, the
Department of Health, the registry, another public agency, or other provider of
professional services in connection with an adoption are confidential and may
not be inspected except as provided in this title. This subsection and any
otherwise applicable exemption under 1 V.S.A. § 317(c) shall not apply to

1 adoption records relating to an individual who has been deceased for 50 or
2 more years.

3 * * *

4 (d) All records related to an adoption on file with the court or agency shall
5 be retained permanently and kept confidential for 99 years after the date of the
6 adoptee's birth. Confidential records and indices are not open to inspection or
7 copying by any person except as provided in this title.

8 (e) The records of an agency that ceases operation in this State shall be
9 transferred to the Department ~~for retention~~ under the provisions of this title and
10 managed by the Department in accordance with 1 V.S.A. § 317a.

11 Sec. 2. 15A V.S.A. § 6-105 is amended to read:

12 § 6-105. DISCLOSURE OF IDENTIFYING INFORMATION

13 (a) Identifying information about an adoptee's former parent shall be
14 disclosed by the registry to any of the following persons upon request:

15 (1) An adoptee who is 18 or more years old.

16 (2) An adoptee who is emancipated.

17 (3) A deceased adoptee's direct descendant who is 18 or more years old
18 or the parent or guardian of a direct descendant who is less than 18 years old.

19 (b) ~~From July 1, 1996 to December 31, 1997, the registry shall disclose~~
20 ~~identifying information under subsection (a) of this section only if the former~~

1 ~~parent consents to such disclosure. After December 31, 1997, the~~ The registry
2 shall disclose information under subsection (a) of this section as follows:

3 (1) For adoptions that were finalized ~~prior to~~ between June 19, 1961 and
4 July 1, 1986, the registry shall disclose identifying information if the former
5 parent has filed in any Probate Division of the Superior Court or agency any
6 kind of document that clearly indicates that he or she consents to such
7 disclosure.

8 (2) For adoptions that were finalized on or before June 19, 1961 or on or
9 after July 1, 1986, the registry shall disclose identifying information without
10 requiring the consent of the former parent except the registry shall not disclose
11 such information if the former parent has filed a request for nondisclosure in
12 accordance with the provisions of section 6-106 of this title and has not
13 withdrawn the request or, prior to July 1, 1996, has filed in any court or agency
14 any kind of document that clearly indicates that his or her identity not be
15 disclosed and has not withdrawn the document.

16 (3) For adoptions in which the former parent has been deceased for
17 50 years or more, the registry shall disclose identifying information without
18 requiring the consent of the former parent and without requiring the
19 withdrawal by the former parent of any requests for nondisclosure filed in
20 accordance with section 6-106 of this chapter.

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