

Who may have access to information from a finalized adoption record in Virginia?

Code of Virginia Sections 63.2-1246 and 63.2-1247

The adult adoptee that is (eighteen and over), the adoptive parent, the birth parent, and adult birth siblings have certain rights under Virginia law.

The Permanency Unit at the Virginia Department of Social Services keeps a permanent record of all adoptions finalized in Virginia since July 1, 1942. In addition, if the adoptee was placed for adoption through an agency with the legal authority to consent to the adoption, that agency may also have a copy of the record. The parties identified in this document have the right to identifying and non-identifying information from the adoption record under the conditions described below:

- **Identifying information** includes names and addresses of birth family members.
- **Non-identifying information** includes narrative information about the circumstances surrounding the placement, adoption and birth family, but it does not include names or trace information

RIGHTS OF ADULT ADOPTEES (EIGHTEEN AND OLDER)

Adult adoptees have the right to request and receive **non-identifying** background information about themselves and their birth family from their finalized adoption record.

Adult adoptees may also apply to the Virginia Department of Social Services for **identifying information** on their birth family, such as their names and addresses. Good cause must be shown for the release of this information. Good cause means consent from the birth family on whom identifying information is being sought.

The **Adoptee Application for Disclosure** may be found at the following web address and should be used to initiate the search:

http://www.dss.virginia.gov/files/division/dfs/ap/intro_page/forms/032-02-0018-02-eng.pdf

Adult adoptees may also request that an attempt be made, by the agency initially involved in the adoption, to convey critical medical, psychological, and genetic information to their birth parents or adult birth siblings. In order for the agency to provide this service, a physician or licensed mental health provider must certify in writing, with a clear explanation as to the reasons, that it is critical that the information be conveyed. Confidentiality of all parties is to be maintained by the agency.

In parental placement adoptions, where the consent to the adoption was executed on or after July 1, 1994, the adult adoptee may view the entire adoption record. However, any criminal record checks for the adoptive parent(s) which show a criminal record conviction cannot be released.

RIGHTS OF ADOPTIVE PARENTS

Adoptive parent(s) have the right to request and receive **non-identifying** background information from their child's finalized adoption record.

For adoptions finalized on or after **July 1, 1994**, the adoptive parent of a minor child may apply to the Virginia Department of Social Services for **identifying information** on the birth family, such as names and addresses. Good cause must be shown for the release of this information. Good cause means consent of the birth family member on whom identifying information is being sought.

The **Adoptive Parent Application for Disclosure** may be found at the following web address and should be used to initiate the search:

http://www.dss.virginia.gov/files/division/dfs/ap/intro_page/forms/032-04-0072-00-eng.doc

Adoptive parent(s) may also request that an attempt be made, by the agency initially involved in the adoption, to convey critical medical, psychological and genetic information to the birth parents or adult birth siblings of the adoptee. A physician or licensed mental health provider must certify in writing. In order for

the agency to provide this service, with a clear explanation as to the reasons, that it is critical that the information be conveyed. Confidentiality of all parties is to be maintained by the agency.

If the agency that was involved in the adoption is willing, the adoptive parent(s) may allow that agency to act as an intermediary for the purpose of exchanging pictures and non-identifying information, such as letters, with the birth parent(s). The adoptive parent(s) and birth parent(s) must both sign a written agreement to that effect.

In parental placement adoptions, where the consent to the adoption was executed on or after **July 1, 1994**, the adoptive parent(s) may view the entire record.

RIGHTS OF BIRTH PARENTS

Birth parent(s) have the right to send letters to the Virginia Department of Social Services to be included in their child's adoption record. In cases where the child was placed for adoption by a public or private child placing agency, and that agency maintains a record, the birth parent(s) may also send letters for inclusion in the agency's record.

For adoptions finalized on or after **July 1, 1994**, when the adult adoptee is twenty-one years of age or older, the birth parent(s) may apply to the Virginia Department of Social Services for **identifying information** on the adoptee, such as his/her current name and address. Good cause must be shown for the release of this information. Good cause means consent of the adoptee on whom identifying information is being sought.

The **Birth Parent Application for Disclosure** may be found at the following web address and should be used to initiate the search:

http://www.dss.virginia.gov/files/division/dfs/ap/intro_page/forms/032-04-0071-00-eng.doc

Birth parent(s) may also request that an attempt be made, by the agency initially involved in the adoption, to convey critical medical, psychological and genetic information to the adult adoptee or adoptive parent(s). In order for the agency to provide this service, a physician or licensed mental health provider must certify in writing, with a clear explanation as to the reasons, that it is critical that the

information be conveyed. Confidentiality of all parties is to be maintained by the agency.

If the agency that was involved in the adoption is willing, the birth parent(s) may allow that agency to act as an intermediary for the purpose of exchanging pictures and non-identifying information, such as letters, with the adoptive parent(s). The adoptive parent(s) and birth parent(s) must both sign a written agreement to that effect.

In parental placement adoptions, where the consent to the adoption was executed on or after July 1, 1994, any birth parent who executed a written consent to the adoption may view the entire adoption record. However, any criminal record checks for the adoptive parent(s) which show a criminal record conviction cannot be released.

RIGHTS OF ADULT BIRTH SIBLINGS

Birth siblings have the right to send letters to the Virginia Department of Social Services to be included in the adoptee's adoption record. In cases where the adoptee was placed for adoption by a public or private child placing, and that agency maintains a record, the sibling may also send letters for inclusion in that agency's record.

For adoptions **finalized on or after July 1, 1994, when the adult adoptee is twenty-one years of age or older**, the adult birth sibling may apply to the Virginia Department of Social Services for **identifying information** on the adoptee, such as his/her current name and address. Good cause must be shown for the release of this information. Good cause means consent of the adult adoptee for release of the **identifying information**.

The **Adult Birth Sibling Application for Disclosure** may be found at the following web address and should be used to initiate the search:

http://www.dss.virginia.gov/files/division/dfs/ap/intro_page/forms/032-04-0070-00-eng.doc

The adult birth sibling has the right to request that an attempt be made by the agency initially involved in the adoption, to convey critical medical, psychological and genetic information to the adult adoptee or adoptive parent(s). In order for the agency to provide this service, a physician or licensed mental health provider must certify in writing, with a clear explanation as to the reasons, that it is critical that the information be conveyed. Confidentiality of all parties is to be maintained by the agency.

RIGHTS OF OTHER BIRTH FAMILY MEMBERS

Any member of the birth family has the right to send letters to the Virginia Department of Social Services to be included in the adoptee's adoption record. In cases where the adoptee was placed for adoption by a public or private child placing, and that agency maintains a record, the birth family member(s) may also send letters for inclusion in that agency's record.

CONTACT INFORMATION

If you need further clarification, you may call Jackie Gill, Adoption Disclosure Specialist at: (804) 726-7526 or e-mail her at jackie.gill@dss.virginia.gov

WHERE TO SUBMIT AN APPLICATION FOR DISCLOSURE

Applicants must submit their **Application for Disclosure** to:

Virginia Department of Social Services
Permanency Program – Adoption Services—11th Floor
801 East Main Street
Richmond, Virginia 23219

All applications must be notarized.