



North Carolina Department of Health and Human Services  
Division of Social Services  
325 North Salisbury Street • Raleigh, North Carolina 27603  
Courier # 56-20-25 MSC 2409

Michael F. Easley, Governor  
Dempsey Benton, Secretary

Sherry S. Bradsher, Director  
(919) 733-3055

**December 4, 2007**

**Dear County Director of Social Services**

**RE: Clarification for Adoption Confidential Intermediary and Question and Answer Document**

The purpose of this letter is to provide additional guidance regarding fee structure for Confidential Intermediary Services, and to provide you with a copy of a Question and Answer document related to the new law.

The administrative letter FSCWS-15-07 issued November 1, 2007 attempted to provide guidance on the new law amending N.C.G.S. 489-101; 48-9-104 and 48-9-109, hereafter referred to as Confidential Intermediary.

In that letter, a framework was suggested to assist county departments of social services as to appropriate fees to charge for services related to search and intermediary services. Since the issuance of that letter, the division has obtained additional information, from a variety of sources, including county fiscal staff from numerous counties representing a range of staff and other costs that will be a factor in determining the reasonable and actual costs related to these services.

Counties will need to develop a fee structure that can be supported by reasonable and customary cost methodology. The actual fees charged will need to take into consideration the specific task being performed, and the role of the staff person performing the task.

Some of the areas you will need to plan for are:

- Provide initial consultation regarding your county's policy in addressing the changes to the laws.
- Conduct an in-house record review and a search for the person listed above, including, but not limited to, an Internet based search;
- Initiate contact with any person found in an attempt to obtain current non-identifying health and background information; and/or

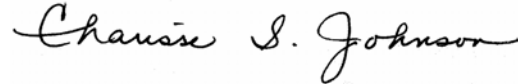
- Ascertain that person's willingness to share identifying information or have contact with the applicant.
- Provide the intermediary services needed to ensure all parties are addressing the psycho-social issues in a healthy and productive manner.

Once areas have been identified, consider the staff and overhead costs involved when developing a fee structure. Use a similar process to other fees set by your agency and consult with other counties as needed. Consider all potential services to insure the fee developed encompasses all relevant costs. If you need assistance, please contact your Local Business Liaison.

Also, the members of the Foster Care and Adoption Policy Team and the Adoption Review and Indexing team are developing a Question and Answer document related to the new Confidential Intermediary law that goes in effect January 1, 2008. The current document is attached below. It will be updated periodically and will be posted at the following website: <http://www.dhhs.state.nc.us/dss/adoption/index.htm>. Scroll down to Questions and Answers-Confidential Intermediary. Our staff will electronically notify you when the document has been updated and advise you to visit the website.

If you have questions related to this document please feel free to contact Tammy Johnson (Tammy.T.Johnson@ncmail.net) or Tamika Williams (Tamika.Williams@ncmail.net). They can also be reached at (919) 733-3801 for Tammy and (919) 733-9464 for Tamika.

Sincerely,



Charisse Johnson, Section Chief  
Family Support and Child Welfare Services

cc: Sherry Bradsher  
Jo Ann Lamm  
Sarah Barham  
Family Support and Child Welfare Team Leaders  
Children's Programs Representatives  
Work First Program Representatives  
Local Business Liaisons  
Private Adoption Agency Directors

**FSCWS-77-07**

# Questions and Answers—Confidential Intermediary

## Qualification/Eligibility

**1) Q:** How do I know if I am eligible to sign up for this service?

**A:** You must be 21 years old or older and an adoptee or the lineal descendant of a deceased adoptee, or the birth parent of an adoptee who is now 21 or older. Lineal descendant is anyone who is in the direct line of the deceased adoptee, such as a son/daughter, grandson/granddaughter. If you are the adoptive parent of a minor adoptee, you can use this process to try and obtain non-identifying medical information from the birth parents. The other requirement is that the adoption must have been finalized in North Carolina.

**2) Q:** I am eligible for this service, but I work for the agency that handled my adoption, what should I do?

**A:** This is potentially a conflict of interest, so the agency should refer you to another DSS or licensed adoption agency. The agency can also determine what other relationships may be a conflict, such as members of the local DSS Board, foster parents licensed through the agency, etc.

**3) Q:** What kind of proof will be required to permit release of identifying information? Must these documents be certified?

**A:** Certified birth, death or marriage certificates are required. Flexibility will need to be shown in those cases where a certified copy is no longer available. The agency will determine if copies that are not certified are acceptable.

## Agency Issues

**1) Q:** Is an agency required to provide the service if I ask? Is there a set fee for this service?

**A:** No. Provision of CI services by the agency is voluntary. Agencies may set their own fee for this service.

**2) Q:** I am a DSS Social Worker who does Confidential Intermediary work. How do I code my time on my day sheet?

**A:** There will be two new Service Information System (SIS) service codes developed for CI services. You will hear more about this from our Division soon.

**3) Q:** As a social worker doing CI work, what systems can I use to conduct searches?

**A:** Systems restricted by federal or state confidentiality laws and guidelines cannot be used for these searches. Any public record can be used, such as DMV or tax records. Internet search engines and public or private sites can be used at the agency's discretion. There is, however, a cost for the use of some of these sites.

**4) Q:** What kind of supportive services does the CI agency provide to the person receiving this service?

**A:** This process could be emotionally difficult for some people. When an agency agrees to provide CI services, time should be spent with the person seeking those services discussing possible outcomes and helping them manage their expectations. The agency should also continue to assess the person's needs as the process continues. There are several possible outcomes in the provision of CI services:

- 1) Updated non-identifying information
- 2) Unsuccessful attempts to locate or contact anyone
- 3) Persons located but may be unwilling to consent to contact with the person seeking the CI services, or the person may be deceased.
- 4) Persons located and agree to meet with the person seeking the CI services
- 5) Information indicates that the person being located is deceased

Regardless of the outcome, the agency should continue to be supportive of the person and assess their needs throughout the process.

**5) Q:** If the person contacted agrees to meet, what is the agency's role?

**A:** The agency acts in the role of facilitator. The agency representative should prepare both parties carefully before the meeting. In addition to arranging the visit, the agency representative should provide introductions and help guide the discussion during the visit.

**6) Q:** What follow-up services does the CI agency provide?

**A:** The agency should provide good social work practice that includes assessment and support long enough to determine if there is a need for additional services. It may be necessary to spend additional time after the meeting helping the individual process the meeting and what it may have meant for them. If at any time a more significant need is identified, the agency representative should discuss available services, through referral, and help facilitate contact with the appropriate agency.

### **Authorized Disclosures**

**1) Q:** Where do I begin if I do not know the name of the agency that handled the adoption?

**A:** You would need to submit a request to the Adoption Review and Indexing Unit, NC Division of Social Services, 325 N. Salisbury St., Raleigh, NC 27699.

**2) Q:** Can I contact an agency that may provide CI services directly?

**A:** Yes, you can contact them directly. Remember, however, agency participation in CI services is voluntary. For a complete listing of local DSS agencies can be found on line at: [www.dhhs.state.nc.us/dss/local/index.htm](http://www.dhhs.state.nc.us/dss/local/index.htm). A complete listing of North Carolina licensed adoption agencies can be found at: [www.dhhs.state.nc.us/dss/licensing/listings.htm](http://www.dhhs.state.nc.us/dss/licensing/listings.htm). Once there, click on the "Adoption Agency" link.

**3) Q:** What if the local DSS cannot locate the records for the client?

**A:** The local DSS can submit a request by fax to the NC Division of Social Services. The fax number will be provided in the near future.

**4) Q:** Can the CI agency, who was not the agency that handled the adoption, request the information directly from the NC DSS?

**A:** Yes. The agency will need to submit a copy of the Confidential Intermediary Agreement, Application for Confidential Intermediary Services and Consent to Release of Information and/or Contact forms. The forms can be mailed or faxed.

**5) Q:** Does this mean that the local DSS agency cannot share from their records thus requiring the Division to provide all records?

**A:** No, but the CI agency must provide to the DSS agency a copy of the Confidential Intermediary Agreement, Application for Confidential Intermediary Services and Consent to Release of Information and/or Contact forms. The DSS agency will need these documents to show proof of the CI's relationship to the case and to search for requested information.

### **Release of Identifying Information**

**1) Q:** Can the actual adoption record, or any part of the record itself, be provided to the person seeking CI services?

**A:** No. The information is given as a summary of the record. The record itself is still subject to court order under 48-9-105.

**2) Q:** What if I find out that my birth parent or the adoptee I'm trying to contact has died?

**A:** You would need to file a motion with the Clerk of Court where the adoption was finalized. This is subject to 48-9-105. There is a \$50 filing fee.