

CONFIDENTIAL INTERMEDIARY SERVICES INFORMATION GUIDE

Q. Is there a contact person at the DHHS who can assist me with any additional questions I have about adoption searches?

A. Yes. Please call (919)527-6370 to have your call directed to a consultant.

Qualifications/Eligibility

Q. What is a Confidential Intermediary?

A. A Confidential Intermediary (CI) is a licensed child-placing agency that acts as a third party to facilitate the sharing of adoption information between a biological parent, an adoptee and/or other eligible family members.

Q. At what age is an adoptee eligible to apply for CI services?

A. Effective October 1, 2010 an adoptee who has reached the age of eighteen (18) may participate in CI services.

Q. Who is eligible to apply for CI services?

A. Effective October 1, 2010 the following individuals are eligible to participate in CI services:

- a biological parent
- an adult adoptee
- an adult biological sibling of an adult adoptee
- an adult biological half-sibling of an adult adoptee
- an adult family member of a deceased biological parent
- an adult family member of a deceased adoptee

For the purposes of CI services, the definition of 'family member' includes a spouse, child, stepchild, parent, stepparent, grandparent or grandchild.

Q. Are all North Carolina child-placing agencies required to provide CI services?

A. No, inclusion of CI services is voluntary. Each agency has the discretion to decide if they will provide the service.

Q. Is there a fee for this service?

A. Yes. Participating agencies set their own fees based on the cost necessitated to perform searches, share information and facilitate meetings. Each agency has the discretion to waive or amend their fees to meet the needs of indigent or low income clients.

Q. What proof of kinship is required in determining eligibility for CI services?

A. Certified birth, death and/or marriage certificates will suffice. Reasonable flexibility may be considered if an individual cannot produce *certified* copies of any of these documents.

Q. If a person seeking information about a North Carolina adoption lives in another state that provides CI services, can they participate in CI services offered in that state?

A. No, only child placing agencies licensed by the Division of Social Services can provide CI services for an adoption finalized in North Carolina.

Q. What action should be taken if an individual is eligible for CI services but is employed by an agency that was involved in their adoption?

A. In order to prevent a conflict of interest the individual seeking CI Services should be referred to another CI service provider. Agencies should evaluate other relationships that may pose a conflict such as local DSS board members and foster parents.

Process For Initiating a Search

Q. How does an individual initiate the process?

A. Those requesting CI services typically begin their search by making a written request to the Division of Social Services for confirmation of: 1) the approving agency and 2) the county of jurisdiction. The Division will verify if the approving agency is providing CI services and, if it is, will instruct the individual to contact that agency to begin the application process.

If the approving agency is not providing CI services the Division will provide the requester with a list of agencies who have agreed to conduct CI services for any eligible applicant and the individual may select the agency of their choice.

Q. What information do I need to include in the request?

A. The name and date of birth of the adoptee, the name of the adoptive parents and/or the name of the birth parents and your relationship to the individual being sought. A picture form of identification is also required.

Q. Where should I submit the request?

A. Requests can be faxed to **CI Services @ (919) 334-1123** or mailed to:

Confidential Intermediary Services
NC Division of Social Services
820 S. Boylan Avenue
2425 Mail Service Center
Raleigh, NC 27699-2425

Q: If I already know the approving agency may I bypass the step above and contact the agency directly to initiate CI services?

A: Yes. However, keep in mind that not all agencies provide CI services. A complete listing of the participating agencies can be found at:

www.ncdhhs.gov/dss/adoption/index.htm.

(click on the *Agencies and Counties with CI Services* link at the bottom of the page)

Q. Am I limited to using the agency that approved the adoption?

A. No, a requester may use any North Carolina licensed child-placing agency to conduct a CI search on their behalf.

Q. What steps does an agency take to complete the screening process?

A. An individual may submit their request for a search in person, in writing or by phone. Once a notarized *Application for Confidential Intermediary Services* (DSS-5031) is submitted the agency must verify the identity/eligibility of the applicant and provide the applicant with a written copy of the fee policy. The CI service provider has the discretion to deny any potential client and criminal background checks may be used in determining suitability.

Q. The CI provider has accepted the case, what happens next?

A. The client and the agency will complete the *Confidential Intermediary Agreement* (DSS-5030) wherein the agency will describe in detail the duties they will perform and the time frame in which the duties will be completed. The client will also complete *Consent to Release of Information*



and/or Contact (DSS-5032) and a Release of Liability and Agreement to Hold Harmless (DSS-5033) if the search leads to the release of identifying information.

The Search Process/Release of Identifying Information

Q. Whose consent is required before identifying information can be shared with the individual who initiated the search?

A. The consent of the party being sought is required in all CI searches. If the individual being sought fails to give their consent the searchee will be notified and the case will be closed.

The written consent of the biological parent(s) must also be obtained prior to the search of a sibling or family member. If the biological parent(s) cannot be located, or refuse to submit their consent, the searchee will be notified and the case will be closed.

Q. When does the CI share the results of their search?

A. The agency should send a written report to the individual who initiated the search within ninety (90) days of the signed *CI Agreement* informing them of the efforts taken and any subsequent findings. The client and the agency may agree to extend the time of the search, amend the plan, renegotiate fees or terminate the service.

Q. Who will coordinate the initial meeting between the consenting parties?

A. A face-to-face meeting between the parties should be coordinated by the agency no later than thirty days after all parties have signed a *Consent to Release of Information and/or Contact (DSS-5032)* form and the individual who initiated the search signs a *Release of Liability and Agreement to Hold Harmless (DSS-5033)* form.

Q. What information will be shared if it is confirmed that the person being sought is deceased?

A. The agency will provide a copy of the death certificate to the individual who initiated the search. The agency must inform the searchee in advance of any additional fees required to obtain a death certificate from Vital Records.

Q. Just to be clear, what are the possible outcomes of a CI search?

- the party being sought agrees to share identifying information, allowing the agency share letters, coordinate phone calls and facilitate a meeting between the parties
- the party being sought refuses to share identifying information (i.e. face-to-face contact) but agrees to update non-identifying information to be shared with the individual who initiated the search
- the party being sought is located but refuses to participate
- the agency is unsuccessful in locating the party sought
- the agency determines the party sought is deceased

Q. If an individual whose consent is required refuses to participate in CI services but later changes their mind, can the case be reopened?

A. Yes. If a declining party reconsiders and decides at a later date that they would like to participate in CI services they may contact the agency to request that the case be reopened.

Q. Will participating in CI Services allow me access to an adoption file?

A. No. Adoption records remain sealed and can only be released upon order of the Court in the original county of jurisdiction.



Miscellaneous Information - Adoption Searches

Q. Is there an alternate method (other than CI) for obtaining identifying information?

A. Yes. Anyone seeking information about a finalized adoption may file a petition to release adoption records with the Special Proceedings clerk in the original county of jurisdiction. A hearing will be scheduled and the judge maintains full discretion to determine what, if anything, will be unsealed and shared with the petitioner.

Q. What is 'county of jurisdiction' and how do I determine the one I am inquiring about?

A. The county of jurisdiction is the county courthouse where the adoption proceedings were filed and finalized. If an individual is uncertain about a county of jurisdiction they may fax a written request to **CI Services @ (919) 334-1123** or mail it to:

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Q. Are the services of a lawyer required to pursue this option?

A. No, an individual can file this action on their own behalf, however, anyone representing themselves *pro se* will be expected to adhere to the legal protocols mandated by the Court. Should you decide to retain an attorney and need assistance with a referral it is recommended that you contact the Special Proceedings clerk in the county of jurisdiction.

Q: I live in another state, how can I file a petition to release the records?

A: The petition can be filed by mail, however, either you or an attorney representing your interests must be present at the hearing.

Q. I'm considering filing a petition to release the records. Are there any resources that can assist me with this process?

A. Yes. The Division of Social Services has a sample packet that can be used as a guide for initiating this action. Clerks are not legal advisors and, therefore, are prohibited from providing legal advice. Should you decide to represent yourself be prepared to guide yourself through the process.

Q. What is non-identifying information?

A. Non-identifying information are documents which detail the health and background information of an adoptee's biological family. This information is usually completed by the biological parent(s) during the adoption proceedings but can be updated at any time. Names, addresses or any other information that could lead to the identity of birth family members will be redacted before information is shared with a requester.

Q. Who is entitled to non-identifying information?

A. Any adoptive parent, an adoptee who has reached the age eighteen (18) or a minor adoptee who is a parent or an expectant parent. Requests for non-identifying information must be made directly to the approving agency. Any individual who is eligible to participate in CI services is also entitled to non-identifying information.



Q. Does every adoption file contain non-identifying information?

A. No. Completion of this information relies heavily on the participation of an adoptee's biological parents. In some cases non-identifying information may be unavailable because the birth parents refused to provide the information or could no longer be located.

Q. Is there a fee for non-identifying information?

A. No. All adoptees are entitled to this information (if available) without cost.

Q: Is there a fee for locating an adoptee to share updated medical information by a birth parent or birth relative?

A: No, when a birth parent or birth relative of an adoptee provides updated medical or genetic information the approving agency must make reasonable efforts to locate and share the information with the adult adoptee or the adoptive parent of a minor adoptee, at no charge. If the adoptee cannot be located the updated information is placed in the agency's file so that it is accessible to the adoptee should they make a request for non-identifying information at a later date.

Q: Are foster care records sealed when a foster child is adopted?

A. Adoptees who were formerly in foster care are entitled to non-identifying information from the agency's foster care files. Any identifying information will be redacted and a summary may be provided which details the non-identifying information (i.e. when did foster care begin, how many placements were there, what happened in court).

Q. If a CI search is initiated by an individual for whom Guardianship has been appointed or if a search reveals that an individual being sought has an appointed Guardian what steps must be taken before initiating contact?

A. The CI must first take careful steps to confirm that it is a Guardianship of the Person (not Guardianship of the Estate) by reviewing the legal documents. Once this information is confirmed all contact, including the completion of CI forms, must be directed to the Guardian. The Guardian represents the best interest of the individual and has full authority to make decisions on their client's behalf, including any involvement with CI services.

