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ADOPTION DISCLOSURE PROCESS

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ADOPTION DISCLOSURE PROCESS

5.1 Introduction

The Virginia Department of Social Services (VDSS) Adoption Unit has maintained a permanent record of all adoptions finalized in Virginia since July 1, 1942. It has the primary responsibility for preserving adoption files and administering the release of information from those files. Public and private child-placing agencies (CPAs) are responsible for releasing closed adoption files upon approval from the Commissioner. Adoption Disclosure refers to the official release of information from a sealed adoption file relating to legal adoption. There are two types of adoption disclosure: the disclosure of identifying information and the disclosure of non-identifying information. For more information on identifying and non-identifying information, see [Section 5.4 Types of Information Available for Disclosure](#). Based on Virginia Code §§ [63.2-1246](#) and [63.2-1247](#), members of the adoption triad may access information in the closed adoption file when an application is submitted, and VDSS determines they have met applicable search criteria.

In addition to providing disclosure services, the Department, through a child-placing agency (CPA) acting as a confidential intermediary, also provides search and reunion services and can seek to obtain critical family medical information. A confidential intermediary is an authorized CPA, acting on behalf of the Commissioner to facilitate the sharing of adoption information between a biological parent, an adoptee, and/or other eligible family members.

5.2 Confidentiality

All paper, records, and information about adoption are confidential and may be disclosed only in accordance with §§ [32.1-262](#), [63.2-1818](#) and [63.2-1245](#) through [63.2-1248](#) of the Code of Virginia. These papers, records, and information include the following:

- The official adoption file;
- The permanent record of the court;

- A file in the State Department of Health, Division of Vital Records;
- A file in the Regional Offices;
- A file in any child-placing agency (CPA);
- Any electronic case documentation system; or
- A file maintained by any health care provider.

5.3 Types of Information Available for Disclosure

There are two types of information available for release during the disclosure process: identifying and non-identifying information. The information disclosed is determined by the party requesting the information and date of finalization.

When an adoptee submits an [Application for Disclosure](#) for identifying or non-identifying information, it is for the release of the actual paper contents of the sealed adoption case file. When a request for disclosure of identifying information is received, the adoptee is requesting access to the un-redacted adoption case file. This information may lead to the adoptee being able to identify and locate their birth family members.

Important ideas to remember when receiving and conducting searches:

- Not all adoptees who request a search seek reunification with their birth family, nor do they want to exchange contact information. The CPA should clarify the purpose of the search with the adoptee so that the adoptee understands the different types of requests. The purpose can vary and includes:
 - Historical information from the file;
 - Family medical history; and
 - Historical information with a request for the birth parent to provide their contact information. This request is common for the adoptee who may want to reach out but may not be ready and doesn't want to go through this process again. The adoptee does not provide their contact information.
- If the adoptee is unwilling to exchange identifying information with the birth parents, be sure not to share that information with the birth parents.
- Not every birth parent is excited to learn about the search. Many birth parents have unresolved trauma. Tread lightly and give them a little time.

- Birth parents may be unwilling to consent to a full search and reunion; however, they may consider updating their family medical history.

When initially contacting the adoptee, it is important to discuss all of these options, so no opportunity is missed. For more information on searching, see [Section 5.7 Conducting Disclosure a Search](#).

Anyone requesting disclosure services must submit proof of identity with their request to search. To verify the applicant's identity, the CPA may use a copy of their photo ID or other legal document determined to be acceptable by the CPA.

5.3.1 Non-Identifying Information

Non-identifying information is information from the preserved adoption file, which does not identify the birth family. Trace information is any information in the adoption file that could lead to the identification of the birth family, e.g., the birth parents' date of birth, the name of the hospital where the child was born. When an eligible party requests non-identifying information, all identifying and trace information must be redacted from the file (See [Section 5.8](#) for redacting the adoption file).

5.3.2 Who Can Request Non-Identifying Information

The CPA can release non-identifying information from the adoption file to the:

- Adoptive parents
 - Adoptive parents may have access to non-identifying information from the adoption file at any time after the entry of the final order of adoption.
- Adoptee who is 18 years of age or older
 - Suppose the adult adoptee wants information on the adoptive parents (e.g., the home study or Report of Investigation). In that case, the adult adoptee must have notarized consent from each adoptive parent or verify the parents' death.
- The CPA providing services to the adoptee or adoptive parents.

5.3.3 Special Types of Non-Identifying Information

There are three types of non-identifying information that require special handling: family medical history, critical medical information and letters.

5.3.3.1 Request for Updated Family Medical History Only

The adult adoptee may have a desire only to obtain current family medical information. Procedures for receiving an updated medical information request is as follows:

- The adoptee will submit a written request for family medical information on the form Adoptee Application for Disclosure form and provide proof of identification to the VDSS Adoption Unit.
- VDSS will ensure that the adoptee has included proper identification and is eligible to receive information.
- VDSS will enter the request and adoptee's information into the current database system and complete a search of the adoption registry to verify that a record exists.
- VDSS will assign the case to the appropriate CPA to complete a diligent search for the birth parents utilizing all available search engines.
- If the diligent search was successful, the CPA must make contact with the birth parents. The CPA staff will verify the individual's identity to ensure they are part of the adoption record. Staff will explain why the updated information is needed.
 - If the contacted parent is unwilling to provide any updated information, the [Report of Inquiries](#) form is completed and submitted to VDSS. See [5.8 Report of Inquiries](#) and [5.9 Final Disposition](#).
 - If both biological parents are willing to provide updated medical information, the CPA must notify the adoptee that their request has been approved and provide the adoptee with the Medical Information Form(s).

If both biological parents have refused to provide any updated medical information, the CPA must deny the request for one or both parents. The CPA must deny the application and notify the adoptee.

If only one parent has refused the request, the CPA can deny the request for the parent and approve the request for the other parent. The CPA must then provide the completed Medical Information Form to the adoptee.

If the biological parents cannot be located or are deceased, the CPA must deny the application and notify the adoptee.

- If the contacted parent is willing to provide updated medical information, be sure to advise the parent that no identifying information will be released and complete the Medical Information Form. Once the search is complete and information obtained, the CPA will complete the [Report of Inquiries](#) and submit it to VDSS, see [5.8 Report of Inquiries](#) and [5.9 Final Disposition](#).

The [Report of Inquiries](#) must state whether one or both parents provided updated medical information and must document if the applicant received the Medical Information Forms. The CPA must include a copy of the completed Medical Information Forms with the [Report of Inquiries](#) for preservation purposes.

If one or both biological parents refused to provide updated medical information, the CPA must indicate the denial in the [Report of Inquiries](#).

5.3.3.2 Critical Medical Information Requested from a Licensed Provider

When a member of the adoption triad must convey critical medical information to any other member of the adoption triad, the request must come from a physician or licensed mental health provider on their letterhead, indicating the following:

- specifically, what medical, psychological, or genetic information must be conveyed, and
- a statement regarding why it is necessary ([§ 63.2-1247 C](#)).

The CPA that does the investigation must inform the adult adoptee, adoptive parents, birth parents, or adult birth siblings, whichever is applicable. It is the responsibility of VDSS to provide information from the adoption file if necessary to facilitate the search. The CPA must maintain the confidentiality of all parties and must not share **identifying information**. **The CPA is only permitted to share** the non-identifying critical medical information.

If an adult adoptee, birth parent, birth sibling, or adoptive parent contacts a CPA with critical medical information to share with other members of the adoption triad, the requirements are as follows:

- The birth parent, adoptive parent, or adoptee completes the Adoption File Update form and mails it to VDSS, and attaches verifications of critical medical information.
- The physician or licensed mental health provider, using letterhead, must send a letter indicating the need to convey critical medical, psychological,

or genetic information to the other party. The letter must state the reasons why this is necessary.

- Upon receipt of the doctor's letter certifying the necessity to share critical medical information, the CPA should inform VDSS of the request and attempt to locate the other family members.
- The CPA can contact the adult adoptee directly if there is critical medical information from the birth family.
- The CPA can share the medical diagnosis and related information but cannot release names, locations, or other identifying information to the other party.

5.3.3.3 Letters

Suppose the CPA that was involved in the adoption is willing. In that case, the CPA can act as an intermediary to exchange non-identifying information, such as letters, with the adoptive parent and birth parent when they agree in writing at the time of the adoption and the whereabouts of the adoptive parent and birth parent are known or readily accessible ([§ 63.2-1247 D](#)). The words "readily accessible" eliminate the need for the agency to search, such as those conducted when an adult adoptee applies for identifying information. A review of generally available resources, as a current or recent location contained in the file, satisfies the requirement.

Such an arrangement can occur when at least one of the adoptive parents and one of the birth parents agree in writing. It does not need to include both of the birth parents or both adoptive parents if married. Either party at any time may withdraw this arrangement. The adult adoptee may also withdraw the arrangement.

5.3.4 Identifying Information

Identifying information is information that identifies the adoptee or birth family. It includes "trace" information that may lead to the identity of the birth family. Identifying information on birth family members is only granted by the Commissioner or circuit court upon showing good cause. Good cause for adoption disclosure shows a compelling and necessitous need to identify information ([§ 63.2-1246](#)).

An application submitted when identifying information is requested from the adoption file ([§ 63.2-1246](#)). There are four types of disclosure applications: adoptee, adoptive parent, birth parent, and adult birth sibling.

By using the Application for Disclosure, the following people may apply for a disclosure of identifying information:

- Adoptees who are 18 or older may apply for disclosure.
 - The adoptee submits the [Adoptee Application for Disclosure](#).
- Birth parents and adult birth siblings, if the adoption was finalized on or after July 1, 1994, and the adopted person is at least 21 years of age, may receive search and reunion services only.
 - The birth parent submits the Birth Parent Application for Disclosure.
 - The adult birth sibling submits the Adult Birth Sibling Application for Disclosure.
- Adoptive parents of a **minor child**, if the adoption was finalized on or after July 1, 1994.
 - The adoptive parent submits the Adoptive Parent Application for Disclosure.
- In a parental placement adoption, when the birth parent executed consent on or after July 1, 1994, the entire adoption file must be open to the adoptive parents, the adoptee who is 18 years of age or older, and the birth parent who executed the written consent. However, any criminal record checks for the adoptive parents, which show a criminal record conviction, cannot be released.

The applicant must apply for disclosure to VDSS, Adoption Unit at 801 East Main Street, Richmond, Virginia 23219. If the CPA receives the application directly, the CPA should send the application to VDSS with all attachments and inform the applicant.

The Commissioner has the responsibility for deciding whether information from the adoption file is released. CPAs assist the Commissioner by conducting searches to locate birth family members. In cases where an adult adoptee seeks disclosure about their birth parents, but consent is not obtainable (death or mental capacity of the birth parents), the Commissioner may release the identifying information. The adult adoptee must show good cause as to why the information should be made available.

5.4 Adding information to the closed adoption file

Birth parents, birth siblings, and birth family members have the right to send letters to be included in the adoption file using the Adoption File Update form. Sometimes birth family members will call or write to provide updated information for the adoption file. The CPA should explain the rights of the adoptive parents and the adult adoptee for obtaining information from a closed adoption file. Providing this explanation will help the family to understand the importance of sending letters to update the adoption file of the current address and telephone number. The worker can update the information in the CPA file

and at the state level by advising the Adoption Disclosure Specialist, VDSS Adoption Unit, of the updates.

5.5 Search and Reunion Services

Adoptees, birth parents, and relatives who were separated by adoption may decide they want to search for each other and reunite. A CPA is designated by the Commissioner to locate and assess the mutual desire for communication or disclosure of contact information on behalf of these parties. If all parties agree, and as authorized by the Commissioner, the CPA must provide each party with contact information. The Application for Disclosure Form corresponding to the party making the request must be used to begin the process for search and reunion services.

5.6 Conducting a Disclosure Search

Upon receiving an application for disclosure, the Commissioner of VDSS must designate the CPA initially involved in the adoption to locate and advise the birth family or adoptee of the application using the Letter of Appointment. If the private CPA is no longer in operation, VDSS may ask the local department or another private CPA to search.

5.6.1 Letter of Appointment

The Adoption Disclosure Specialist at VDSS will act on behalf of the Commissioner by sending the Letter of Appointment to the CPA. The Letter of Appointment will include the following:

- The applicant's name.
- The type of application (adoptee, birth parent, adoptive parent, or adult birth sibling).
- The type of information requested (non-identifying and/or identifying information).
- Special instructions, such as how to give the applicant their non-identifying information when they live out of the area.
- The timeframe to complete the search or provide the non-identifying information is 90 days from the date of the Letter of Appointment.
- The Adoption Disclosure Specialist's name and contact information.
- Include the following with the Letter of Appointment to the CPA:
 - A copy of the application for disclosure.
 - A copy of the adoption file.

The Adoption Disclosure Specialist mails a copy of the Letter of Appointment to the adoptee. Once the CPA receives the Letter of Appointment, they are authorized to begin working on the disclosure case.

5.6.2 Searching for Information

There is no correct sequence of methods that work for every case. The CPA should try a combination of search techniques, and the use of a person locator tool is

permissible (such as Accurint or CLEAR). The CPA should consider multiple avenues to find information for the search and may have to go back a generation or more.

- Review the entire adoption file, from start to finish, gathering all information possible, looking for clues about the people being searched for, paying close attention to detail, and noting any piece of information that could be significant.
- Workers should note the following:
 - Full names (including variations in spellings),
 - Nicknames,
 - Addresses,
 - Relatives' names,
 - Dates of birth,
 - Professions or information on employment,
 - Locations mentioned (such as another state),
 - A physical description of the birth parents,
 - Hobbies they may have had, and
 - Handwritten notations in the margins of the file.
- Even information that may seem trivial may be significant if it will assist the worker in the search.
- When the CPA cannot identify a birth parent's identity from the adoption file, the agency's worker should obtain a copy of the child's original birth certificate. For children born in Virginia, the Adoption Disclosure Specialist may assist the agency in obtaining a copy of the original birth certificate from the Bureau of Vital Statistics.
- When the adoptee requests a birth family search, the CPA should contact the adoptee to gather information. A questionnaire format will assist the CPA in staying focused and gathering information that may be helpful for the search. The following questions are a guide:
 - What has prompted you to search? What do you hope to find?

- Describe your relationship with your family, both your adoptive family and any present family structure.
 - How and when did you find out you were adopted? How did your family handle the subject? Do you know the identity of your birth family?
 - What family members or friends are aware you are searching? What was their reaction to the news?
 - What information about you would you share with your birth parents?
 - If we can locate your birth relatives but are unwilling to have their identity disclosed, what information would you like to obtain from them?
 - List specific questions that the adoptee would like to have asked, such as their family medical history
 - If we can locate your birth relatives, and they are willing to have contact with you, how would you prefer your first contact to occur (e.g., via phone, email, letter, face-to-face)?
- If the search is to locate the adult adoptee for the birth parent or birth sibling, contact the birth parent or adult birth sibling using the above questions to gather information from the birth family.
 - The CPA should use discretion when contacting relatives or persons who know the birth parent/sibling, even when these relatives can aid in the search. Do not reveal the confidential nature of the inquiry unless it is clear from the adoption file or other information that the contacted person knows the circumstances surrounding the child's placement or knowledge of the adoption.
 - The CPA should complete a general inquiry to the relative by phone or letter without revealing any information. The CPA must not reveal the adoptee's status unless the relative states they are aware of the adoption.
 - Try to locate and search any in-house files that are related to the adoption file. Check to see if there are any other files related to the case. These could be siblings' records or records that are now in the agency's archives. Search these records.
 - Search any logs or books that your agency may have to track inquiry calls made by birth family, adoptees, or adoptive parents.
 - Check in-house databases.

- Initiate search in a person locator tool.
- Additional searchable databases:
 - [PIPL](#)
 - [Ancestry.com](#)
 - [RootsWeb](#)
 - [411.com](#)
 - [USGenWeb Project](#)
 - [Census Finder](#)
 - [Find a Grave](#)

5.6.3 Requesting an Extension

There may be instances when CPA cannot complete the search within the timeframe of 90 days. For example, the agency is waiting for consent from the birth family. If the CPA needs additional time to search, the CPA must request consent from the applicant to extend the 90-day timeframe. The CPA sends the applicant the Adoption Search: Request for Extension form. If the adoptee permits the CPA to request the extension, the CPA sends the completed form to the Adoption Disclosure Specialist, and at that time, the CPA may request a **30, 60, or 90-day** extension. If the adoptee does not wish to extend the search, the CPA sends the completed form to the Adoption Disclosure Specialist denying the search. The CPA must submit a written request to the Adoption Disclosure Specialist before the search deadline. The request for an extension should include the reason for the request and extension timeframe (30, 60, or 90 days).

5.6.3.1 Overdue Disclosure Cases

The Adoption Disclosure Specialist must send the CPA an overdue notice and offer the CPA technical assistance to complete the search under the following conditions:

- The CPA does not finish the disclosure search within the 90-day timeframe and has not requested an extension, or
- The CPA has asked to extend the search, and the time has expired.

The CPA must respond within seven business days by submitting the Report of Inquiries or requesting an extension.

The Adoption Disclosure Specialist must seek assistance from the Permanency Consultant, CPA Director/Designee, VDSS Adoption Supervisor/Program Manager, or Regional Director to ensure searches are completed and done timely.

5.6.4 Expediting a Disclosure Search

There may be an occasion where CPA should expedite a search. An example of this would be for a medical emergency or other situation of an emergency nature. The CPA should bring such issues to the attention of the Adoption Disclosure Specialist in the VDSS Adoption Unit so that the CPA can expedite the search process before the final disposition.

5.7 Redacting the Adoption File

Adult adoptees and adoptive parents have the right to request and receive non-identifying background information about the adoptee and the adoptee's birth family from the adoption file. The adult adoptee or adoptive parent should use the application for disclosure to request non-identifying information. When the adoptee or adoptive parent requests non-identifying information through the application process, the CPA must provide the non-identifying information in paper form.

The Adoption Disclosure Specialist must send a copy of the preserved file to the CPA once the application for disclosure is received. After receiving the copy, the CPA will closely review the documents, check word for word, and redact any information that would lead to the identity of the birth family. When working with older adoption files, the CPA worker should check the CPA historical or in-house files to ensure that the entire adoption file is reviewed and included in the redacting process.

The following identifying information must be redacted from the file, including any "trace" information that may lead to the identity of the birth family.

- Adoptee's pre-adoptive last name(s) (can leave in first and middle names)
- Full names and addresses of the birth family
- Full names and addresses of foster families
- Names of places of employment for birth parents or other relatives (if military, delete the branch, i.e., navy, army)
- Names of schools or colleges attended by birth parents or other relatives
- Month, day of birth for parents and birth siblings (can leave in the year)

- Place of birth parents and birth siblings (delete both city and state)
- Name of the hospital where the child was born
- Social security number of birth parents and other relatives
- Month and day of graduations, births, deaths, divorces of birth parents and other family members (can leave in the year)
- Name and location of the maternity home
- Name and address of churches attended by birth family
- Name and address of doctors (including OBGYN) of birth parents
- Names and addresses of any individuals who knew a member of the birth family; this could include the doctor who delivered the child, foster parents with whom the child lived, or any third party involved in the placement
- Names of agencies involved with the birth parents, except the CPA
- Any information in the file on other adoptees and foster children (if other adoptees in the same adoptive home as the one requesting information are birth siblings, their adoptive names can be left in)
- Locality and state on birth parents consent notarization (if different from the location of the circuit court where the adoption is filed)

When the adult adoptee requests non-identifying information, the CPA must not give information about the adoptive parents from the home study unless the adoptive parents are deceased (verification of death is required) or have given written notarized consent to release the home study. If one of the adoptive parents consent to the release of the home study, but the other parent does not consent, the CPA must deny the request. If one of the adoptive parents consent to release the home study, but the other parent is deceased, the adoptee must submit a copy of the deceased parent's death certificate with the consent. Consider the following reports/documents as part of the home study on the adoptive parents.

- Any report that only contains information on the adoptive family, such as the home study and any questionnaire completed by the adoptive parents.
- Reference letters on the adoptive parents.
- Medical and psychological on the adoptive parents.
- AREVA Family's Registration Form.

- Criminal record checks on the adoptive parents.
- Child protective service checks on the adoptive parents.
- The section of the Report of Investigation or Home Study Report entitled "Suitability of the Petitioners to Adopt."
- Any paragraph in the Report of Visitation that deals solely with the adoptive parents.
- The portion of the Commissioner's Confidential Report forms about the adoptive parents.

5.7.1 Releasing Non-Identifying Information

Non-identifying information can be mailed to the applicant; however, it must be sent by Certified Mail Restricted Delivery. Certified Mail Restricted Delivery guarantees that the USPS will relinquish possession of the mailed items only when identification has been verified and Proof of Signature has been obtained by the carrier. The USPS will send the Proof of Signature back to the LDSS. The LDSS must submit a copy of the Proof of Signature to the Home Office with the Report of Inquiries. The applicant may also pick up the non-identifying information in person from the CPA appointed to the case after showing identification. The CPA worker should copy the identification card and attach the copy to a receipt for the applicant to sign, indicating receipt of the non-identifying information. Verification that the non-identifying information was received is documented on the Report of Inquiries (See [Section 5.9](#) for information about the Report of Inquiries).

If the applicant lives out of the area, and the LDSS and/or applicant feel the applicant may need more support, the applicant may request that a child welfare agency or professional (such as a doctor, psychiatrist, psychologist, clergy, etc.) who is closer to their location to receive the non-identifying information. The applicant should contact the nearby child welfare agency or professional to request this service. After confirming with the child welfare agency or professional that they will receive the information, the applicant will provide the CPA with the mailing address of the receiving child welfare agency or professional and a written statement that authorizes the named party to receive the non-identifying information. Additionally, the receiving child welfare agency or professional must send a written statement to the CPA that they are willing to accept the information on behalf of the applicant. The CPA will verify the identity of the applicant before the release of non-identifying information.

5.8 Report of Inquiries

Once the CPA completes the request from the application for disclosure (e.g., search for birth family or non-identifying information release), the CPA must send a Report of Inquiries to the Adoption Disclosure Specialist in the VDSS Adoption Unit. The Report of

Inquiries is a form that is used to document the results of the attempt to locate and advise the applicant of the search results and for the CPA to make a recommendation about disclosing identifying information to the applicant as well as document if the applicant received non-identifying information from the adoption file.

The following should be included on the Report of Inquiries:

- No identifying information should be disclosed to the adoptee, birth family parents, or birth family members without proper authorization from the Commissioner.
- The resources used to locate the birth family members should be fully documented, specifically in those cases where agency efforts were unsuccessful.
- When the adoptee submits a request for identifying information and the CPA locates the birth family, the report should state the biological parent's wishes regarding *disclosure of* their identity and if the birth family member consents to contact *with* the adoptee.
- When the birth family member or adoptee is deceased, the CPA should document the *source of* verification of the death (e.g., death certificate, obituary) and attach it to the Report of Inquiries.
- The date that the CPA gave the non-identifying information to the adoptee or adoptive parent. If the CPA did not provide the non-identifying information requested by the application, the CPA should explain *why they did not provide it*.
- The CPA must base their disclosure recommendation on the parties' wishes and the relative effects disclosure may have on each member of the adoption triad.
 - The recommendation is to grant, deny, or dismiss the application. The CPA should explain why they recommended denying an application (e.g., The CPA located the birth mother and she declined disclosure of her identifying information - deny the application.).
- The CPA must document all fees assessed to the applicant for the search and the balance due. The Commissioner cannot grant releasing identifying information unless the agency has verified that the applicant has paid all applicable fees.

The CPA should use the following recommendations for disposition in the Report of Inquiries:

- **Contact Wanted.** If contact is wanted, the CPA should state that the person was found and wants to *exchange* contact information and/or consents to disclose their identifying information *from the file*. The worker should state that the CPA recommends the release of identifying information *and/or exchange of contact information*.

- **Denial.** If contact is not wanted, the report must state that the person was found but does not consent to *disclose their* identifying information. The worker must recommend denying the disclosure of information.
- **Commissioner's Review Required.** *If the birth parent is deceased or mentally incapacitated, the adult adoptee must show good cause for receiving identifying information. Good cause is defined as a compelling and necessitous reason to have the information. The CPA must document the adult adoptee's reason for requesting the information and request that the Commissioner review the Report of Inquiries and any supporting documentation to determine if identifying information will be released ([§ 63.2-1246](#)).*
- **Birth Father Unknown.** If the worker cannot find the birth father's name in the adoption file, then the report should state that the birth father is not named or not identified. The worker must recommend denying the disclosure of information on the birth father. When the CPA receives the original birth certificate, the worker must state whether it identifies the birth father. See [Section 5.6.2](#) for information about requesting a birth certificate for an adoptee born in Virginia when the father's name is not listed in the adoption record.
- **Birth Siblings.** If birth parents had no other children, the worker should state that there are no adult birth siblings or no known adult birth siblings. The CPA must mention all minor siblings the birth parents are raising; however, the adoptee can only receive information about adult birth siblings.
- The birth parents have the right to decide whether they want to be the ones to tell their other children about the adoptee first or if they are comfortable with letting the adoptee contact birth siblings directly.
 - If the birth parent is comfortable allowing direct contact with the adult birth siblings and the adoptee, the CPA should contact the adult birth siblings for consent to release their identifying information. When consent is received, the CPA should recommend that the sibling's information be released to the adoptee.
 - If the birth parent is not comfortable with direct contact but wants to notify the other children first, the CPA should state that disclosure of information on the adult birth siblings is denied at this time.
 - If the birth parents are deceased or otherwise unable to consent to the disclosure, *and there is no indication the siblings are aware of the adoptee's existence, the CPA must assess the case to determine if good cause exists to receive identifying information. The CPA must document the adoptee's reason for requesting the information and recommend the Commissioner review the Report of Inquires and any supporting documentation to determine if identifying information will be released.*

- **Ongoing Search.** Suppose one person is found and wants contact, but another person inquired about in the adoptee's application is not yet found. In that case, the report should recommend disclosure be granted for one, and the search for the other person be continued.
- **Search No Longer Wanted.** When an adoptee who applied to search changes his mind and no longer wishes to continue with the search, the worker should recommend that the search case be closed.
- **Consult with the Adoption Unit.** The CPA should contact the Adoption Disclosure Specialist when there is a special circumstance that may affect the recommendation for disclosure.

5.8.1 Waiting for the final disposition

If an adoptee, birth parent, or birth sibling has an open case with the CPA, he or she might call to obtain a status on the case. The worker should inform the applicant of the search efforts being made (e.g., phone calls, letters sent out) and the current status of these efforts. If asked, the worker may provide to the party search resources. [International Soundex Reunion Registry](#) is the largest and oldest registry available.

The [Child Welfare Information Gateway](#) has factsheets of information and resources that the CPA can provide to birth parents, adopted persons, and others interested in learning more about the process of searching for birth relatives. Additional resources during the disclosure process are [Access to Adoption Records by the Child Welfare Information Gateway and State Statutes Search](#). Support group information may assist the adoptee, adoptive parent, or birth parent during the search process. The website [American Adoption Congress Support Group Directory](#) provides a list of support groups in the state that they may reside.

5.9 Final disposition

The Commissioner makes the final decision about releasing identifying information after a review of the Report of Inquiries. The Adoption Disclosure Specialist will send the CPA and applicant a letter of Final Disposition. The Final Disposition letter provides the search results and the Commissioner's decision about disclosure. Identifying information must not be released unless the Commissioner has granted the disclosure of identifying information.

If the final disposition indicates that the application for disclosure is granted, the CPA must share the identifying information with the adoptee, birth parent, adult birth sibling, or adoptive parent.

If the final disposition is to deny the application for disclosure, the adoptee, birth parent, adult birth sibling, or adoptive parent must be told of the right to file a petition with the circuit court.

The petition is filed in the Richmond City Circuit Court (which is the court where VDSS is located) if the adoptee lives out of state or the circuit court in the locality where the adoptee resides if the adoptee lives in Virginia. Virginia Department of Social Services must be made a party to the petition.

5.10 Charging a fee

Virginia law allows fees to be charged for adoption searches.

Fees are to be determined based on income, family size, and indirect costs to the agency or average costs. The fee schedule is established by the State Board of Social Services.

5.10.1 Fee schedule for adoption searches

The formula is as follows:

For CPA, the CPA fiscal manager should calculate an indirect cost factor covering expenses other than the direct worker's salary and benefits (such as overhead expenses).

The time the worker spends providing the service should be recorded. The time spent is multiplied by the combined worker's hourly salary and benefits (or an agency average of the worker's hourly salary and benefits) and the indirect costs.

Determine the applicant's family size. Include all persons for whom the applicant and their spouse are responsible.

Determine the applicant's gross monthly income. Include all income available to the family. Accept the applicant's declaration of income.

Determine the applicant's percent of median income using the [state median income \(SMI\) chart](#). The SMI chart is available at the VDSS internal website (SPARK) and is updated each year. The updated SMI is issued by a broadcast each year before September 1.

If income falls between two percentages, use the lower figure. Reduce or waive the fee if the CPA finds circumstances that affect the applicant's ability to pay, such as heavy debt, unusual medical or educational expenses, or heavy financial support of relatives.

The CPA must report any fees collected as expenditures refunded on its financial report. The local agency's reimbursement from state and federal funds must be

adjusted to reflect the state and federal share of income collected. Using the percentage of fee scale shown below, determine the fee assessed.

<u>Percentage of Median Income</u>	<u>Calculated Fee to be Charged</u>
50% and below	0% (No charge)
60%	10%
70%	25%
80%	50%
90%	75%
100%	100%

5.10.2 Determination of direct costs

In determining direct costs, the CPA providing the service has the option of using the actual salary and benefits of the worker performing the service, an average of the salary and benefits, or the minimum salary and benefits.

If the actual salary and benefits of the worker performing the service are used, and a supervisor has to perform the service due to the worker being absent, the fee would be based on the amount of the salary and benefits of the worker that would have ordinarily performed the service to avoid overcharging the customer.

Using an average, use figures from the previous fiscal year's budget and calculate it yearly during May or June. VDSS reviews its budget during this time. The method of averaging, which appears to conform to the statute's intent, which talks about the actual cost of the service, would be to average the actual salaries and benefits of the workers performing the services.

The agency may use 20 hours as an average, multiply this by the agency hourly costs, factor in family size and income, and charge the applicant that amount in advance. When the search is complete in less than 20 hours, the agency must return the unexpended funds.

If the search is not completed in 20 hours, the agency should ask the applicant if the agency should continue the search at the worker's hourly cost (written permission from the applicant is mandatory) or the agency can continue the search but not charge the applicant more than the initial estimated fee which is based on 20 hours of work (this is an option because guidance allows an agency to recommend waiving all or part of the fee in unusual circumstances).