

## Nash County Department



## of Social Services

### Nash County Confidential Intermediary Policy

As of January 1, 2008, NC Session Law 2007-262 (HB 445), now allows for licensed child placing agencies to act as confidential intermediaries between adult adoptees, adult lineal descendents of a deceased adoptee (son, daughter, grandson, granddaughter, etc.), parents of adoptees under the age of 21, and biological parents. If Confidential Intermediary (CI) services are provided to the adoptive parent of a minor adoptee, the agency's role is limited to attempts to contact the adoptee's birth parents for the purpose of obtaining current non-identifying health and background information. The client who is a lineal descendent of a deceased adoptee must provide sufficient documentation to the CI to establish lineal descent. This documentation would include certified birth and death certificates.

The Nash County Department of Social Services will provide Confidential Intermediary Services for families only if the agency was involved in the placement or legalization of the adoption. If an individual is unsure which agencies might have been involved, they will be referred to the Adoption Review and Indexing Unit, NC Division of Social Services, 325 N. Salisbury St., Raleigh, NC 27699 for guidance and information regarding agencies involved. If they decide they are interested in obtaining Confidential Intermediary services from our agency, they will need to complete an **Application for Confidential Intermediary Services**. The form must be notarized.

Both the client and the agency will also sign a **Confidential Intermediary Agreement, Consent for Release of Information and/or Contact**, as well as a **Release of Liability Agreement to Hold Harmless**. These forms must also be notarized. The agency will provide the client with a signed copy of all forms.

Any search pursuant to this agreement will be conducted for a period of 90 days, after which a written report will be sent to the applicant with the results of the search.

The Nash County Department of Social Services will charge an initial non-refundable fee of \$350.00, which must be paid prior to initiation of a search. This fee will be waived for applicants whose income is at or below 100% of the Federal Poverty Level. For this fee, the agency will perform the following:

- The Confidential Intermediary will initiate the search by reviewing agency records, performing Internet based searches, and accessing public records such as tax records, telephone services, etc.

- In the event that records cannot be located, the agency will request a records search from the NCDSS, Adoption Review and Indexing Team. The CI will forward copies of signed documents to the NCDSS with the request. (This is to allow the Division to verify the validity of the request and to provide necessary information for a search.) NCDSS will verify the information and send copies of documents (if found) by certified mail to the agency providing CI services.
- Once a name and possible address is obtained, the CI will make at least one attempt by certified mail and/or telephone, to contact the person in order to determine that person's willingness to share non-identifying information, identifying information or have contact with the applicant.
- If the identified person refuses to participate in the sharing of identifying information or if the search does not uncover any possible contact information, then the CI will document this and provide this information, in writing, to the person originally seeking contact.

In the event that the agency facilitates the exchange of information or personal contact between the applicant and the person located, the applicant agrees to pay the agency \$45.00 per hour for those facilitation services.

- If the identified party consents to release of identifying information, updated medical information and/or personal contact, the CI will facilitate the sharing of information in one of the following ways:
  1. The CI will provide written non-identifying birth family health information.
  2. The CI will provide written identifying information.
  3. The CI will facilitate contact between parties.
    - Visits will take place at the agency
    - Staff facilitating the contact will provide introductions and remain available to participants.
    - The CI is not responsible for any contact beyond the first visit.

**The agency cannot guarantee that it will be able to obtain the information desired or locate the persons sought. Nor can the agency guarantee that any person located will agree to contact or to share any identifying or non-identifying health information.**

If the initial search is not successful, the agency may agree to continue to provide confidential intermediary search services with the written consent of the applicant at a cost of \$75.00 per hour. Further searching will occur only if it is determined that other avenues of location may be possible.

The Confidential Intermediary will also provide counseling services or referral to appropriate counseling services for the original client if needed or requested by any party.

If counseling services are provided by the CI, they will be provided by written agreement at a cost of \$45.00 per hour.

For those cases deemed a Conflict of Interest, individuals will be referred to other agencies providing Confidential Intermediary Services.

If it is determined that the birth parent or adoptee being sought is deceased, the individual searching would need to file a motion with the Clerk of Court where the adoption was finalized in order to request that the adoption file be opened. This is subject to 48-9-105 and there is a \$50.00 filing fee.

*Adopted by Nash County DSS Board on December 31, 2007  
Revision adopted by the Nash County DSS Board on April 28, 2008*

I hereby acknowledge receipt of a copy of the Nash County Confidential Intermediary Policy.

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(Name)

\_\_\_\_\_  
(Date)