

DSS ADMINISTRATIVE LETTER

FAMILY SUPPORT AND CHILD WELFARE SERVICES FSCWS-15-07

TO: County Directors of Social Services

ATTENTION: Children's Services Program Managers and Supervisors
Children's Services Social Workers

DATE: November 1, 2007

SUBJECT: Adoption Confidential Intermediary

EFFECTIVE DATE: January 1, 2008

Background

This administrative letter provides guidance on the new law, effective January 1, 2008 amending N.C.G.S. 489-101; 48-9-104 and 48-9-109, first outlined in DSS Administrative Letter FSCWS-10-07 dated August 24, 2007 (for the full text of the law refer to [Session Law 2007-262 \(HB 445\)](#)). These changes allow for licensed child-placing agencies to act as confidential intermediaries between adult adoptees, adult lineal descendants of a deceased adoptee, parents of adoptees under the age of 21, and biological parents. Full policy and changes to the North Carolina Administrative Code are forthcoming, so this letter will be policy guidance until that time.

Procedure

- When an adoptee, birth parent, lineal descendant or adoptive parent of child under the age of 21 contacts a county DSS or licensed child placing agency regarding Confidential Intermediary Services, an initial consultation is scheduled.
 - The prospective client may have previously contacted the NC Division of Social Services in order to find the agency or county with appropriate information or jurisdiction. At that time, no confidential information has yet been shared with the individual.
 - An initial consultation can be by telephone, mail or in person. The agency should be prepared to answer initial questions regarding the process. Information such as cost, time frames involved and possible outcomes can be generally discussed with the prospective client. The agency contacted may or may not decide to be a confidential intermediary. If not, the agency shall provide a list of licensed adoption agencies that may provide those services. Even if a local DSS decides not to provide Confidential Intermediary Services, they may still be contacted by another agency providing those services seeking information from the agency record
- If the agency decides to provide Confidential Intermediary Services then the client will complete an **Application for Confidential Intermediary Services** (sample attached). The individual seeking the services must have the form notarized.

- A **Confidential Intermediary Agreement** will also be completed by both the client and the agency (sample attached).
 - This Agreement will outline the expected services and will state plainly the fees for the services. Agencies can set reasonable fees at their discretion, including single costs or hourly amounts. The Division suggests an initial non-refundable fee, not to exceed \$250 for the agency to do the following:
 - conduct an in-house record review and a search for the person listed above, including, but not limited to, an Internet based search;
 - to initiate contact with any person found in an attempt to obtain current non-identifying health and background information; and/or
 - to ascertain that person's willingness to share identifying information or have contact with the applicant.

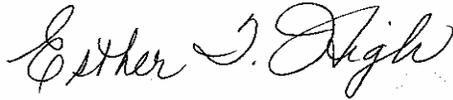
In the event that confidential intermediary services are provided to the adoptive parent of a minor adoptee, the agency's role shall be limited to a search for the adoptee's birth parents and the attempt to obtain current non-identifying health and background information. It is also suggested that any 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.

- If this initial search is not successful, it is suggested that the agency agree to continue providing confidential intermediary search services with the written consent of the applicant at a cost not to exceed \$75 per hour.
- The client will also complete a **Consent to Release Information And/Or Contact**, as well as a **Release of Liability and Agreement to Hold Harmless** (samples attached). The client must have both of these forms notarized. The agency will provide the client with a signed copy of all forms.
- The client who is a lineal descendant of a deceased adoptee must provide sufficient documentation to the Confidential Intermediary to establish lineal descent. The agency has the discretion to determine what documentation is sufficient. Examples are, but are not limited to, birth and death certificates.
- The Confidential Intermediary will initiate the search by reviewing agency records.
 - In the event the Confidential Intermediary cannot locate records, the agency will request a records search from the North Carolina Division of Social Services (NCDSS), Adoption Review and Indexing Team.
 - The Confidential Intermediary will forward copies of signed documents to 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.
 - NC DSS will verify the information and send copies of the documents (if found) by certified mail to the agency providing Confidential Intermediary Services.

- The Confidential Intermediary will search and attempt to locate identified parties. If located the Confidential Intermediary will determine their desire to participate in the sharing of identifying information, updated medical information and/or personal contact. The identified parties will be required to sign a **Consent of Release of Information And/Or Contact**. This form is separate from the one signed by the person initially seeking contact. The identified party must have the form notarized.
 - A search can include a search of agency records, Internet searches, and records kept at the NCDSS. Once a name and possible address is obtained, the Confidential Intermediary should make at least one attempt by certified mail, to contact the person. If a possible phone number is located, the agency should also attempt phone contact.
 - If the identified party refuses to participate in the sharing of identifying information or if the search does not uncover any possible contact information, then the Confidential Intermediary documents this and provides a response in writing to the person originally seeking contact. The Division recommends that this should not exceed 90 days without a subsequent agreement between the Confidential Intermediary and the client.
- If the identified party consents to release of identifying information, updated medical information and/or personal contact, the Confidential Intermediary will facilitate this sharing of information.
 - The Confidential Intermediary will provide in writing non-identifying birth family health information.
 - The Confidential Intermediary will provide in writing identifying information.
 - The Confidential Intermediary will facilitate contact between parties.
 - Visits shall take place at the agency, such as a visitation room or other appropriate space at the agency.
 - Staff facilitating the contact should provide introductions and remain available to any of the participants.
 - The Confidential Intermediary is not responsible for any contact beyond the first visit.
 - The Confidential Intermediary will 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 Confidential Intermediary, they will be provided by written agreement on a fee scale agreed upon by the agency and the individual receiving the services, not to exceed \$75 an hour.

If you have any questions regarding this interim guidance, please contact our Adoption Coordinator, Amelia Lance at (919) 733-9464. For help with Confidential Intermediary requests, please contact the Adoption Review and Indexing Team at (919) 733- 3801.

Sincerely,



Esther T. High, Acting Chief
Family Support and Child Welfare Services Section

Attachments:

[Services Release](#)

[Confidential Agreement](#)

[Services Application](#)

[Services Consent](#)

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