

By Mr. Lynch of Barnstable, petition of Thomas K. Lynch relative to the maintenance and dissemination of medical and non-identifying data prior to the placement of minor children for adoption. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Two.

AN ACT CONCERNING THE MAINTENANCE AND DISSEMINATION OF MEDICAL AND NON-IDENTIFYING DATA.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Prior to the placement of a minor child for adop-
2 tion, and prior to the filing of a petition for adoption, the place-
3 ment agent/agency shall provide in writing to the adopting parents
4 all medical and non-identifying data concerning the natural par-
5 ent(s) of the adoptee which is contained in the placement agent/
6 agency file.

1 SECTION 2. Adopting parents may at any time, request in
2 writing to the placement agent/agency all medical and non-identi-
3 fying data concerning the adoptee and/or his/her natural parent(s)
4 which is contained in the placement agent/agency file. The adop-
5 tive parents of a minor adoptee, and the adoptee who has reached
6 the age of majority, may also request in writing to the placement
7 agent/agency additional and/or updated medical and non-identi-
8 fying data concerning the natural parent(s) of the adopted person.
9 Upon receipt of such written request, the placement agent/agency
10 shall make reasonable efforts to locate the natural parent(s) of the
11 adoptee in question, and shall forward such request to said natural
12 parent(s). If said natural parent(s) are deceased, the placement
13 agent/agency shall forward the request to surviving next-of-kin.
14 Any and all responses to the request for additional and/or updated
15 data shall be promptly forwarded in writing by the placement

16 agent/agency to the requesting party(ies). If a placement agent/
17 agency is unable to locate the natural parent(s) in question, or
18 surviving next-of-kin, a written report of placement agent/agency
19 efforts to locate these persons shall be provided to the requesting
20 party(ies).

1 SECTION 3. The natural parent(s) of an adoptee may at any
2 time provide in writing to the placement agent/agency additional
3 and/or updated medical and non-identifying data. The placement
4 agent/agency shall add such additional and/or updated medical
5 and non-identifying data to a file concerning the adopting which it
6 shall maintain for a period of no less than 70 years.

7 If at any time such additional and/or updated medical and
8 non-identifying data is accompanied by the affidavit of at least two
9 licensed physicians that such data is of vital importance to the
10 health of the adopted person, the placement agent/agency shall
11 promptly forward such data in writing to the adoptive parents of a
12 minor child or the adoptee who has reached the age of majority.
13 For purposes of this Act, "medical and non-identifying data" shall
14 include only factual information. It shall not include subjective
15 information contained in placement agent/agency files.