§ 4138-c. Adoption information registry. 1. There shall be established in the department an adoption information registry operated by employees of the department specifically designated by the commissioner. Access to all records and information in the registry shall be limited to such designated employees and such records and information shall be kept strictly confidential except as specifically authorized by law. The commissioner shall establish rules and procedures designed to keep such records and information separate and apart from other records of the department and kept in a manner where access to such records and information is strictly limited to such designated employees and shall promulgate regulations designed to effectuate the purposes of this section. Notwithstanding any inconsistent provision of the domestic relations law or any other law to the contrary, the commissioner shall have access to the information authorized to be released pursuant to this section contained in birth and adoption records of any agency, court or department having appropriate records which will enable the commissioner to effectuate the purposes of this section and may require the cooperation of such agency, court or department in providing the information authorized to be released pursuant to this section, provided, however, that the commissioner shall not have access to the actual adoption records of any agency, court or department maintaining such records.

1-a. For the purposes of this section, "adoptee" shall include: those persons born in this state, and those persons born in any other state within the United States or in the District of Columbia whose adoption occurred within this state.

2. Upon application for registration by an adoptee not born in this state, or by a birth parent or biological sibling of such an adoptee, the department shall, to the extent practicable, determine whether the adoptee's adoption occurred within this state. If the department determines that the adoption occurred within this state, it shall register the applicant if he or she is otherwise qualified and make appropriate notifications pursuant to subdivision four of this section. The registry shall accept, at any time, and maintain the verified registration transmitted by an agency pursuant to section forty-one

hundred thirty-eight-d of this title, or of the birth parents of an adoptee who was born in this state. The registry shall neither accept nor maintain the registration of an adoptee sooner than eighteen years after the adoptee's birth, or in the case of registration by a biological sibling of an adoptee, no sooner than the longer of eighteen years after the biological sibling's birth or eighteen years after the adoptee's birth. Any person whose registration was accepted may withdraw such registration prior to the release of any identifying information. The adoptee registrant, and the biological sibling registrant, shall include as part of the registration the identification, including the name and address, of known biological siblings of the adoptee. The adoptee may upon registration, or any time thereafter, elect not to have release of information by the authorized agency involved in such adoption. The department shall establish an authorized agency fee schedule for search costs and registry costs and services provided by such agency in gathering and forwarding information pursuant to this section. The fee schedule may also include costs for disseminating information about the registry and the adoption medical information sub-registry to the public. Such publications or brochures may include information as to identifying and non-identifying information, how to register and fees charged to the registrants, and any other information deemed appropriate.

3. For the purposes of this section, the term "non-identifying information" shall only include the following information, if known, concerning the adoptee, parents and biological siblings of an adoptee:

(a) Age of the parents in years, at birth of such adoptee.

(b) Heritage of the parents, which shall include nationality, ethnic background and race.

(c) Education, which shall be the number of years of school completed by the parents at the time of birth of such adoptee.

(d) General physical appearance of the parents at the time of the birth of such adoptee, which shall include height, weight, color of hair, eyes, skin and other information of similar nature.

(e) Religion of parents.

(f) Occupation of parents.

(g) Health history of parents.

(h) Talents, hobbies and special interests of parents.

(i) Facts and circumstances relating to the nature and cause of the adoption.

(j) Name of the authorized agency involved in such adoption.

(k) The existence of any known biological siblings.

(l) The number, sex and age, at the time of the adoptee's adoption, of any known biological siblings.

4. Upon acceptance of a registration of an adoptee born in this state, or by a birth parent or biological sibling of such adoptee, pursuant to this section, the department shall search the records of the department to determine whether the adoptee's adoption occurred within this state. After making a determination, to the extent practicable, as to whether an adoptee's adoption occurred within this state pursuant to subdivision two of this section, or upon completing a search of the records pursuant to this subdivision:

(a) If the department determines that the adoption occurred within this state, it shall notify the court wherein the adoption occurred to submit to the department non-identifying information as may be contained in the records of the court and the names of the birth parents of the adoptee. Notwithstanding any other provision of law to the contrary, the court shall thereupon transmit to the department non-identifying information as may be contained in the records of the court, and the names of the birth parents of the adoptee, provided that, if the court determines from its records that the adoption was from an authorized agency, the court shall submit to the department only the name and address of such authorized agency and the names of the birth parents of the adoptee. In such cases, unless the adoptee registrant shall have elected otherwise, the department shall notify the authorized agency whose name was provided by the court to release promptly to the adoptee all non-identifying information as may be contained in the agency records. Such agency shall thereafter promptly release the non-identifying information to the adoptee registrant. If the adoptee registrant shall have elected not to have the information released to him or her by the authorized agency, the agency shall submit promptly to the department all non-identifying information as may be contained in the agency records. In any case where the agency records are incomplete,

no longer exist or are otherwise unavailable, the department shall so notify the court. The court shall thereupon promptly submit such non-identifying information as may be contained in their records. If no authorized agency was involved or if the adoptee registrant shall have elected not to have release of information by the authorized agency involved in such adoption, the department shall release the non-identifying information to the adoptee registrant. The department and/or an authorized agency may restrict the nature of the non-identifying information released pursuant to this section upon a reasonable determination that disclosure of such non-identifying information would not be in the adoptee's, biological sibling's, or parent's best interest.

(b) If the department determines that the adoption did not occur within the state, it shall notify the adoptee registrant that no record exists of the adoption occurring within the state.

5. Upon acceptance of a registration pursuant to this section, the department shall search the registry to determine whether the adoptee, any biological sibling of the adoptee, or birth parents of the adoptee is also registered.

(a) If the department determines the adoptee is not in contact with a biological sibling under the age of eighteen and that there is a corresponding registration for the adoptee, for either of the birth parents, and/or for the biological sibling registrant, it shall notify the court wherein the adoption occurred and the department shall notify all such persons that a corresponding match has been made and request such persons' final consent to the release of identifying information.

(b) If the department determines that there is no corresponding registration for the adoptee, for either of the birth parents, and/or for a biological sibling of the adoptee, it shall notify the registering person that no corresponding match has been made. The department shall not solicit or request the consent of the non-registered person or persons.

6. Upon receipt of a final consent by the adoptee, by either of the birth parents, and/or by a biological sibling of the adoptee, the department shall, unless the adoptee or biological sibling registrant

shall elect otherwise, if an authorized agency was involved in such adoption, release identifying information to such agency; such agency shall thereafter promptly release identifying information about the consenting registrants to the consenting registrants. If no authorized agency was involved, or if any registrant shall have elected not to have release of the information by the authorized agency involved in such adoption the department shall release identifying information to the consenting registrants. Such identifying information shall be limited to the names and addresses of the consenting registrants and shall not include any other information contained in the adoption or birth records. However, nothing in this section shall be construed to prevent the release of adoption records as otherwise permitted by law.

6-a. (a) There shall be established in the registry an adoption medical information sub-registry. Access to all identifying records and information in the sub-registry shall be subject to the same restrictions as the adoption information registry.

(b) The department shall establish procedures by which a birth parent may provide medical information to the sub-registry, and by which an adoptee aged eighteen years or older or the adoptive parents of an adoptee who has not attained the age of eighteen years may access such medical information.

(c) A birth parent may provide the adoption medical information sub-registry with certified medical information. Such certified medical information must include other information sufficient to locate the adoptee's birth record.

(d) Upon receipt from the birth parent of certified medical information and other information needed to identify the adopted person, the department shall, to the extent practicable, determine if the adoptee was adopted in New York state. If the adoptee was adopted in New York state, the department shall register such information and determine if the adoptee or adoptive parent of the adoptee is registered. Upon such determination, the department shall release the non-identifying medical information only to an adoptee, aged eighteen years or older, or adoptive parent of an adoptee who has not attained the age of eighteen years.

(e) Upon receipt from an adoptee aged eighteen years or older or the

parent of an adoptee of a registration, the department shall, to the extent practicable, determine if the adoptee was adopted in New York state. If the adoptee was adopted in New York state, the department shall search its records for medical information provided by the adoptee's birth parent. If such medical information is found, the department shall release the non-identifying medical information only, to an adoptee, aged eighteen years or older, or adoptive parent of an adoptee who has not attained the age of eighteen years.

(f) The department shall not solicit or request the provision of medical information from a birth parent or the registration by an adoptee or parent of an adoptee.

(g) A fee shall not be required from a birth parent for providing health information.

7. (a) Any employee of the department or any employee of an authorized agency who solicits or causes another to solicit a registration for the purposes of this section, except as otherwise permitted by law, shall be guilty of a misdemeanor, provided, however, that solicitation shall not include disclosure of the adoption information registry.

(b) Any person who unlawfully discloses any information in the adoption information registry shall be guilty of a class A misdemeanor.

(c) Notwithstanding any other provision, any employee of the department who unlawfully discloses any information in the adoption information registry shall be subject to dismissal for such violation.

8. For purposes of this section: "authorized agency" or "agency" means an authorized agency as defined in paragraphs (a) and (b) of subdivision ten of section three hundred seventy-one of the social services law.

10. The commissioner is directed to develop an adoption information registry birth parent registration consent form to be completed at the time of surrender or consent to adoption. Such form shall include check-off boxes to be appropriately marked by the biological parent or parents whose consent is necessary for the relinquishment of such child indicating whether or not such parent consents to the receipt of identifying information by the child to be adopted. A copy of such form shall be sent to the department with copies of the original and amended

birth certificates. Such form shall state that it is the responsibility of the birth parent to update the registry with any changes in contact information. The form shall additionally advise the biological parents of the adoption medical information sub-registry and the procedures by which a birth parent may provide medical information to the sub-registry. Notwithstanding any inconsistent provision of law to the contrary, the commissioner is directed to develop any rules and regulations necessary to expedite the transfer of information from any agency, court or department necessary to implement this subdivision.

11. Upon receipt of the adoption information registry birth parent registration consent form required by section two hundred fifty-four of the judiciary law, the commissioner of health of the city of New York shall forward a copy of such consent form, copies of the original birth certificate, the amended birth certificate and a copy of the notification of adoption to the adoption information registry maintained in accordance with this section.