§ 4138-d. Mutual consent voluntary adoption registry. 1. A mutual consent voluntary adoption registry may be established and maintained by each authorized agency involved in an adoption. Persons eligible to receive identifying information may work through the agency involved in the adoption. If that agency has merged or ceased operations, a successor agency which has the files pertaining to adoptions in which the ceased or merged agency was involved may establish and maintain a mutual consent voluntary adoption registry concerning those adoptions. Any authorized agency which establishes and maintains a mutual consent voluntary adoption registry pursuant to this section shall notify the department of the name and address of such agency, together with such other information the department may require.

2. The agency shall accept, at any time, and maintain the verified registration of the birth parents of an adoptee. The agency shall accept and maintain the verified registration of an adoptee or of the biological sibling of an adoptee if such adoptee was born in this state, or was born in any other state within the United States, or in the District of Columbia, and his or her adoption occurred within this state, no sooner than eighteen years after the adoptee's birth or in the case of a biological sibling registrant, no sooner than the longer of eighteen years after the birth of the adoptee or eighteen years after the birth of the biological sibling; provided however, that any person whose registration was accepted may withdraw such registration prior to the release of any identifying information.

3. Upon acceptance of a registration pursuant to this section, the agency shall search the records of the agency to determine whether the agency was involved in such adoption.

(a) If the agency determines that the agency was not involved in such adoption, it shall notify the registrant that no record exists of the adoption and refer the registrant to the department's adoption information registry operated pursuant to section forty-one hundred thirty-eight-c of this title.

(b) If the agency determines that the agency was involved in such adoption, it shall transmit the registration to the adoption information registry operated by the department and the agency shall release the

non-identifying information, as defined in section forty-one hundred thirty-eight-c of this title, to the adopted person.

4. Upon acceptance of a registration pursuant to this section, the department shall search the records of the department to determine whether the adoptee's adoption occurred within the state. The department shall establish an authorized agency fee schedule for search costs and registry costs of an authorized agency.

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

5. 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 agency shall release identifying information about the consenting registrants 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) Any employee of the 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 existence of the adoption information registry.

(b) Any person who unlawfully discloses any information in the mutual

consent voluntary adoption 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 mutual consent voluntary adoption registry shall be subject to dismissal for such violation.

7. Upon receipt of identifying information from the department pursuant to section four thousand one hundred thirty-eight-c of this article, the agency shall promptly release identifying information to all the registrants. Such identifying information shall be limited to the names and addresses of the registrants and shall not include any other information contained in the adoption or birth records or other records maintained by the agency. However, nothing in this section shall be construed to prevent the release of adoption records as otherwise permitted by law.

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.