

# **HENDERSON COUNTY BOARD OF COMMISSIONERS**

**MEETING DATE:** March 19, 2008

**SUBJECT:** Adoption Confidential Intermediary Service Policy and Fee Schedule;  
Revised Home Study Guidelines Fee Schedule

**ATTACHMENTS:**

1. HB 445
2. NCGS 108A-10
3. Adoption Confidential Intermediary Services Policy & Fee Schedule
4. Home Study Guidelines & Fee Schedule

**SUMMARY OF REQUEST:**

Effective January 1, 2008, House Bill 445 (attached) authorizes county departments of social services to act as Confidential Intermediaries between adult adoptees, adult lineal descendants of a deceased adoptee, and biological parents.

The service is optional and a county social services department agreeing to provide the service may charge a reasonable fee.

NCGS 108A-10 (attached) authorizes the Board of Social Services and county Board of Commissioners to establish a fee to recover costs for an optional service that is: (1) voluntarily rendered and received; and, (2) receiving no Federal or State funding.

The proposed policy and fee schedules follow State guidelines and were reviewed by the County Legal Department. Costs were locally determined and reviewed by the department's state fiscal consultant. The policy and fee schedules were reviewed and approved by the Henderson County Board of Social Services at their meeting on February 26, 2008.

**BOARD ACTION REQUIRED:**

Approval of recommended policy and fee schedules.

**Suggested Motion:**

*I move the Board approve, as recommended by the Henderson County Board of Social Services, the Adoption Confidential Intermediary Services Policy fee schedule, as well as the adjusted service cost for Home Study Guidelines.*

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

SESSION LAW 2007-262  
HOUSE BILL 445

AN ACT TO AUTHORIZE CHILD PLACEMENT AGENCIES TO ACT AS  
CONFIDENTIAL INTERMEDIARIES BETWEEN ADULT ADOPTees, AN  
ADULT LINEAL DESCENDANT OF A DECEASED ADOPTee, AND A  
BIOLOGICAL PARENT.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 48-9-101 reads as rewritten:

**"§ 48-9-101. Records—Certain terms defined.**

(a) For purposes of this Article, "records" means any petition, affidavit, consent or relinquishment, transcript or notes of testimony, deposition, power of attorney, report, decree, order, judgment, correspondence, document, invoice, receipt, certificate, or other printed, written, microfilmed or microfiched, video-taped or tape-recorded material or electronic data processing records regardless of physical form or characteristics pertaining to a proceeding for adoption under this Chapter.

(b) Notwithstanding G.S. 48-1-101, for purposes of this Article, "adult" means an individual who has attained 21 years of age.

**SECTION 2.** G.S. 48-1-101 is amended by inserting in alphabetical order the following new subdivisions to read:

"In this Chapter, the following definitions apply:

- ...
- (\*) 'Confidential intermediary' means a licensed adoption agency staff person who may act as a third party to facilitate contact between an adult adoptee or the adult lineal descendant of a deceased adoptee and the biological parent.
- (\*) 'Lineal descendant of a deceased adoptee' means any person who descends from the direct line of the adoptee.

...."

**SECTION 3.** G.S. 48-9-104 reads as rewritten:

**"§ 48-9-104. Release of identifying information.**

(a) Except as provided in ~~G.S. 48-9-109(2)~~, G.S. 48-9-109(2) or (3), no person or entity shall release from any records retained and sealed under this Article the name, address, or other information that reasonably could be expected to lead directly to the identity of an adoptee, an adoptive parent of an adoptee, an adoptee's parent at birth, or an individual who, but for the adoption, would be the adoptee's sibling or grandparent, except upon order of the court for cause pursuant to G.S. 48-9-105.

(b) A child placing agency licensed by the Department or a county department of social services may agree to act as a confidential intermediary for a biological parent or adult adoptee or adult lineal descendant of a deceased adoptee, without appointment by the court pursuant to G.S. 48-9-105, in order to obtain and share nonidentifying birth family health information or facilitate contact or share identifying information with adult adoptees, adult lineal descendants of deceased adoptees, and biological parents with the written consent of all parties to the contact or the sharing of information. Further, a child placing agency licensed by the Department or a county department of social services may agree to act as a confidential intermediary for the adoptive parents of a minor adoptee, without appointment by the court pursuant to G.S. 48-9-105, to obtain and share nonidentifying birth family health information. An agency that agrees to provide confidential intermediary services may charge a reasonable fee for doing so, which fee must be pursuant to written agreement signed by the individual to be charged. The Division shall establish guidelines for confidential intermediary services."

**SECTION 4.** G.S. 48-9-109 reads as rewritten:

**"§ 48-9-109. Certain disclosures authorized.**

Nothing in this Article shall be interpreted or construed to prevent:

- (1) An employee of a court, agency, or any other person from:
  - a. Inspecting permanent, confidential, or sealed records, other than records maintained by the State Registrar, for the purpose of discharging any obligation under this Chapter.
  - b. Disclosing the name of the court where a proceeding for adoption occurred, or the name of an agency that placed an adoptee, to an individual described in G.S. 48-9-104 who can verify his or her identity.
  - c. Disclosing or using information contained in permanent and sealed records, other than records maintained by the State Registrar, for statistical or other research purposes as long as the disclosure will not result in identification of a person who is the subject of the information and subject to any further conditions the Department may reasonably impose.
- (2) In agency placements, a parent or guardian placing a child for adoption and the adopting parents from authorizing an agency to release information or from releasing information to each other that could reasonably be expected to lead directly to the identity of an adoptee, an adoptive parent of an adoptee, or an adoptee's placing parent or guardian. The consent to the release of identifying information shall be in writing and signed prior to the adoption by any placing parent or guardian and the adopting parents and acknowledged under oath in the presence of an individual authorized to administer oaths or take acknowledgments. Any consent to release identifying information shall be filed under G.S. 48-2-305.
- (3) The Division from sharing information from its records regarding the identity of birth parents with an agency acting as a confidential

intermediary pursuant to G.S. 48-9-104(b), if the information is needed by the agency to carry out its duties as a confidential intermediary. Any information disclosed to the agency pursuant to this subdivision shall not be redisclosed by the agency except as allowed by G.S. 48-9-104(b)."

## NC General Statutes: Social Services

### § 108A-10. Fees.

The county board of social services is authorized to enter into contracts with any governmental or private agency, or with any person, whereby the board of social services agrees to render services to or for such agency or person in exchange for a fee to cover the cost of rendering such service. This authority is to be limited to services voluntarily rendered and voluntarily received, but shall not apply where the charging of a fee for a particular service is specifically prohibited by statute or regulation. The fees to be charged under the authority of this section are to be based upon a plan recommended by the county director of social services and approved by the local board of social services and the board of county commissioners. In no event is the fee charged to exceed the cost to the board of social services. Fee policies may not conflict with rules and regulations adopted by the Social Services Commission or Department of Health and Human Services regarding fees.

The fees collected under the authority of this section are to be deposited to the account of the social services department so that they may be expended for social services purposes in accordance with the provisions of Article 3 of Chapter 159, the Local Government Budget and Fiscal Control Act. No individual employee is to receive any compensation over and above his regular salary as a result of rendering services for which a fee is charged.

The county board of social services shall annually report to the county commissioners receipts received under this section. Fees collected under this section shall not be used to replace any other funds, either State or local, for the program for which the fees were collected. (1981, c. 275, s. 1; 1997-443, s. 11A.118 (a).)

# Henderson County Department of Social Services

## Adoption Confidential Intermediary Services Policy

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### I. Legal Requirements

- **Persons eligible to request services are:** An adult adoptee, biological parent, adult lineal descendant of a deceased adoptee, or the adult parents of a minor adoptee
- Persons eligible must complete an application for Confidential Intermediary Services
- Persons eligible must complete a Confidential Intermediary Agreement
- Persons eligible must consent to Release Information and/or Contact Information
- Persons eligible must sign a Release of Liability and Agreement to Hold Harmless
- Persons eligible must provide sufficient documentation to establish lineal descent
- If the party consents to release of identifying information, updated medical information and/or personal contact, the Confidential Intermediary will facilitate the initial meeting or transfer of documentation.
- The Confidential Intermediary will provide counseling services or referral to appropriate counseling services if needed or requested.
- For the full text of the law refer to: (a) Session Law 2007-262 (HB 445); (b) Article 9, Chapter 48 of NC General Statutes; or (c) DSS Administrative Letter FSCSW 15-07 dated November 1, 2007.

### II. Department Guidelines and Requirements

#### A. Initial Consultation

- An initial consultation will be conducted when an eligible person as defined above contacts the department either by telephone, mail or in person. Information such as cost, time frames, and potential outcomes will be discussed with the person requesting the service. The person requesting the service who is an adult lineal descendant of a deceased adoptee must provide sufficient documentation to establish lineal descent. This may include certified birth certificates, certified death certificates, and any other documentation deemed necessary by Henderson County DSS under the specific circumstance.
- After the initial consultation, any person requesting the service will complete an **Application for Confidential Intermediary Services, Consent to Release Information And/Or Contact, and a Release of Liability and Agreement to Hold Harmless. All forms must be notarized.** The Henderson County DSS and the client will complete a notarized Confidential Intermediary Agreement.

## **B. Initial Search**

- The Department will conduct an in-house record review (if records cannot be located, request a record search from the North Carolina Division of social Services Adoption Review and Indexing Team) and an internet-based search; initiate contact with any persons found in an attempt to obtain current non-identifying health and background information and/or ascertain that person's willingness to share identifying information or have contact with the applicants. The identified party will be required to sign and notarize a Consent of Release of Information and/or Contact prior to the release of any identifying information.
- 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 will document this information and provide a response in writing to the person originally seeking contact. This will include the sources utilized in the search.
- If Confidential Intermediary Services are provided to the adoptive parent of a minor adoptee, the department's role shall be limited to a search for the adoptee's birth parents in order to obtain current non-identifying health and background information. A written report will be sent to the person requesting the service with the results of the search. If not concluded, this element may apply to extended searches.
- The cost of Initial Search Services is stipulated in the Confidential Intermediary Agreement.

## **C. Extended Search**

- If the initial search is not successful and the person requests the department continue providing confidential intermediary search services, the department will honor this request as outlined in the written, notarized Confidential Intermediary Agreement.
- If the identified party consents to release of identifying information, updated medical information and/or personal contact, the identified parties will be required to sign **Consent of Release of Information And/Or Contact**.
- Only after all required document are signed will Henderson County DSS provide in writing non-identifying birth family health information and identifying information to the person requesting the services.
- The cost of the Extended Search is stipulated in the Confidential Intermediary Agreement.

#### **D. Facilitation Services**

- Henderson County DSS will arrange contact between the parties which will include visitation at the Department, staff facilitating introductions, being available to any of the participants and providing counseling services or making referrals to appropriate counseling services. The cost of the Initial Facilitated Meeting Service is stipulated in the Confidential Intermediary Agreement.

### **III. Henderson County DSS Fee Schedule:**

| <i><b>Service</b></i> | <i><b>Cost (H):</b></i> |
|-----------------------|-------------------------|
| Initial Consultation  | No Charge               |
| Initial Search        | \$375.00                |
| Extended Search       | \$50.00                 |
| Facilitation Services | \$50.00                 |

- NOTE: A fee will not be assessed to families where the head of the household is income eligible or a recipient of TANF, SSI, or Medicaid.



**Henderson County  
Department of Social Services**

**HOME STUDY GUIDELINES**

**STATEMENT:**

The Board of Social Services adopted a policy statement, drafted by our Agency attorney, for the performance of court-ordered home studies, visitation and related civil court matters.

G.S. 108-A-10 authorizes the Board of Social Services to set fees for performance of duties for County residents which are outside the function of our Federal, State or County Commissioner's established programs.

The full policy statement is provided for your use and understanding. A fee is not required when a judge determines that a family meets court established criteria for indigence.

**POLICY:**

WHEREAS, the Department of Social Services has, from time to time, in the past, been called upon to conduct home studies and supervised visitations by the legal District courts in connection with cases involving child custody, and

WHEREAS, from time to time said studies have been conducted for parties who were financially able to employ private counselors, psychiatrists, psychologists, and agencies to conduct said home studies, and

WHEREAS, the County Board of Social Services believes that the performance of supervised visitation and home studies in child custody cases should not be performed as a free service, except in cases of indigence deemed appropriate and necessary by the presiding Judge, and

WHEREAS, G.S. 108A-10 authorizes the County Board of Social Services to establish fees for certain services and said Board desires to establish a fee for the performance of supervised visitations and home studies in child custody cases and to establish a policy governing the performance of said studies;

NOW THEREFORE be it resolved as follows:

1. That the Henderson County Department of Social Services shall hereafter charge a fee of \$375.00 per home for the performance of home studies in child custody cases.

2. That the Henderson County Department of Social Services shall hereafter charge a fee of \$50.00 per hour, for the performance of visitation supervision, testimony in court, monitoring, scheduling, and related activities, in child custody cases.

3. District Court Judges ordering a home study shall be requested by the Department to further order that the costs of the home study shall be paid for in full by one or both parties, as deemed appropriate by the Court, prior to the performance of the home study.

4. The Director shall be authorized to perform a home study in those cases in which the District Court Judge finds the party involved to be indigent.

Done in Henderson County this 26th day of February, 2008.