

9560.0170 POSTADOPTION SERVICES.

Subpart 1. **Postadoption assistance.** Authorized child-placing agencies shall provide reasonable postadoption assistance and counseling services pursuant to Minnesota Statutes, sections 259.83 and 259.89, to adoptive parents, birth parents, adult genetic siblings, and adopted persons who have reached the age of 19 at their request in a manner which strengthens the adoption contract and complies with Minnesota Statutes, sections 259.53, subdivision 3, 259.61, and 259.83, subdivision 4, and applicable federal regulations on confidentiality and privacy of child welfare and adoption records. The agency shall:

A. prepare general background and health information with the deletion of all identifying information such as names, specific dates, addresses, and locations, to aid the adoptive parents of a minor child or the adopted adult 19 years of age or older in understanding the person's genetic background and adoption;

B. contact any one of the parties, in a personal and confidential manner;

C. provide the services requested when there is a mutual desire to receive or share information or to have contact;

D. provide services to adult genetic siblings where the agency has determined that:

(1) there is no known violation of confidentiality of a birth parent who is unknown to the genetic siblings or is deceased; or

(2) the birth parent has given written consent in order to allow the agency to provide the services requested;

E. provide services to a genetic relative for information or contact upon the written consent of the birth parent or verification that the birth parent is deceased;

F. share with the requesting person what options the agency may consider using to locate the other person; and

G. determine the extent and frequency to which the person contacted wishes to share information or have contact whether directly or through the agency.

Subp. 2. **Notification of birth parent.** Upon notice from the state agency adoption unit that the adopted adult of the age specified in the statute requests the original birth record, authorized child-placing agencies shall locate and notify each birth parent named on that record. The agency shall:

A. make complete and reasonable efforts within six months to locate and notify the birth parent in a personal and confidential contact of the right to file an affidavit with the state registrar and the effects of filing within the time allowed an affidavit of disclosure or nondisclosure, or of filing nothing, on the original birth record information; and

B. file through the state agency adoption unit the agency affidavit of notification for the state registrar that each named birth parent was located and notified, was not located and notified, or was found to be deceased.

Subp. 3. **Notification of genetically related persons.** An authorized child-placing agency shall, as required by Minnesota Statutes, section 259.83, subdivision 1, make a diligent effort to locate and inform genetically related persons of the medical or genetic information the agency has received. If the genetically related person is an adopted minor, the agency shall relay the information to the adoptive parent, subsequent guardian, or conservator. The agency shall make a diligent effort to notify the birth parents when the agency learns that the adopted person has died.

Subp. 4. **Locating birth parent.** Adopted persons of adult age placed for adoption by an authorized agency on or after August 1, 1982, may, under Minnesota Statutes, section 259.83, subdivision 3, upon reaching adult age, request from the placing agency the name, last known address, birth date, and birthplace of the birth parents who were identified on the adopted person's original birth record. The agency shall:

A. determine that the agency has on file the birth parent's affidavit attesting to receipt of information in the provisions of Minnesota Statutes, section 259.83, subdivision 3;

B. determine that the birth parent either has not filed a subsequent affidavit objecting to the release of identifying information or has withdrawn that affidavit;

C. disclose the identifying information to the adopted person when the condition in item A is met and when the agency has verified that the condition in item B exists or that the birth parent is deceased; and

D. contact the birth parent if requested by the court upon the adopted person's petition for release of identifying information. The agency shall advise the birth parent of the opportunity for that birth parent to present evidence to the court, either directly or through the agency, that nondisclosure of the information is a greater benefit to the birth parent than disclosure to the adopted person.

Subp. 5. **Counseling services.** Authorized child-placing agencies shall provide liaison and skilled counseling services through appropriately trained social workers to the adoptive parents, adopted adults who have reached the age of 19, birth parents, and adult genetic siblings.

Subp. 6. **Documentation of postadoption services.** Authorized child-placing agencies shall document the postadoption services provided in the agency's adoption service record.

Subp. 7. **Reimbursement.** Authorized child-placing agencies may require a reasonable expense reimbursement for providing postadoption services.

Statutory Authority: *MS s 257.05; 257.175; 259.53; 259.67; 259.75; 259.87*

History: *9 SR 909; 17 SR 1279; L 1994 c 631 s 31; L 2001 1Sp9 art 15 s 32*

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