



State-by-State Information about How to Find Family Members Who Have Been Separated by Adoption

Mutual Consent Registry: This is how all parties involved in adoption provide information on whether they are willing or unwilling to have identifying information disclosed. These registries vary from state to state but generally the consent is needed from one birth parent and either the adoptive child or adoptive parents depending on the age of the child to release this information. In most states, the parties need to file an affidavit in order to release the information.

Non identifying Information: This is information about birth parents and children that does not give away the identity of the individuals. This information could include this different information: when and where the adoptive child was born, how old the birth parents are and a brief physical description, race, ethnicity, medical information and religion of the birth parents, how much schooling the birth parents have, why the child was put up for adoption and any other children each birth parent may have. All states have provisions in place about who can obtain this information and when. Usually it is given to adoptive parents at the time of adoption. Adoptive children can request to receive this information generally once they turn 18 years of age.

Identifying Information: Information that reveals a person's identity, such as last name, address, phone number and detailed family history. In the field of adoption search and reunion, information allowing a birth parent, adoptive parent or an adoptee to be identified and located.

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Nonidentifying information may be released, upon request, to:

- The adoptive parents or, in the event of death of the adoptive parents, the child's guardian
- The adopted person who is age 18 or older
- The birth parent
- If the adopted person is deceased, nonidentifying information may be provided to:
 - The adopted person's spouse if he or she is the legal parent of the adopted person's child or the guardian of any child of the adopted person.
 - Any progeny of the adopted person who is age 18 or older
- Identifying information may be obtained through the mutual consent voluntary adoption registry by:
 - The birth parent when the child is age 18 or older
 - The adult adopted person except when there is a sibling in his or her adoptive family who is under age 18.

Access to nonidentifying information is limited to:

- Prior to the placement for adoption, the agency shall compile and provide to the prospective adoptive parents a detailed written health history and genetic and social history of the child.
- These histories must exclude information that would identify birth parents or members of a birth parent's family.
- Records containing such nonidentifying information shall be retained by the clerk of the court for 99 years, and shall be available upon request, together with any additional nonidentifying information that may have been added on health or genetic and social history, to any person listed above.

Mutual access to identifying information:

- The adult adopted person and each birth parent may register by submitting an affidavit to the registry. The failure of any person to file with the registry for any reason, including death or disability, precludes the disclosure of identifying information to those persons who do register.
- Upon registering, the registrant must participate in no less than 1 hour of counseling with a social worker.
- In any case where the identity of the birth father was unknown to the birth mother, or one or both of the birth parents are deceased, this information shall be shared

with the adult adopted person. In these cases, the adopted person will not be able to obtain identifying information through the registry.

- The current name and address and any previous named by which the person was known
- The child's original and adopted names
- The place and date of the child's birth
- The name and address of the agency that placed the child
- The administrator of the registry shall process each affidavit in an attempt to match the adopted person and the birth parents.
- There is a match when the adult adopted person and the birth parent have each registered and received the required counseling. When a match has taken place, the department shall directly notify all parties through a direct and confidential contact.
- If an adopted person or parent of a minor adopted person cannot obtain identifying information by use of the registry identifying information may be sought by petitioning the court.
- If the court is unable to obtain consent from either of the birth parents, the court may release identifying information to the adopted person if at a hearing the court finds there is evidence of compelling medical or other good cause for release of such identifying information.

Access to original birth certificate:

- The State Registrar shall establish a new certificate of birth for a person born in West Virginia when he or she receives a certificate of adoption or a certified copy of the order of adoption, together with the information necessary to identify the original certificate of birth and to establish a new certificate of birth.
- A new certificate of birth shall show the actual city, county and date of birth, if known, and shall be substituted for the original certificate of birth on file. The original certificate of birth and evidence of adoption may be inspected only upon order of a court of competent jurisdiction, except as provided by legislative rule or as otherwise provided by State law.

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