



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 adopted person who is age 19 or older
- The adoptive parent
- Identifying information may be provided to:
 - The adopted person who is age 19 or older
 - The birth parents
 - Adult genetic siblings, if disclosure does not violate the confidentiality of the birth parents or if they give consent.

Access to nonidentifying information is limited to:

- For adoptions finalized on or after August 1, 1994:
 - The adopted person, if age 19 or older, or the adoptive parent may receive the detailed medical and social history that was provided at the time of the adoption. In addition, the adult adopted person or the adoptive parent may request the agency to contact the birth parents to request current nonidentifying social and medical history of the adopted person's birth family.
- When the agency receives information about a medical or genetic condition that has affected or may affect the physical or mental health of genetically related persons, the agency shall make a diligent effort to contact those persons in order to transmit the health information.

Mutual access to identifying information:

- Agencies shall provide assistance and counseling services when the adoptive parents, birth parents, or adopted person who is age 19 or older request current information.
 - The agency shall contact the other adult persons or the adoptive parents of a minor child in a personal and confidential manner to determine whether there is a desire to share information or to have contact.
 - The agency shall provide services to adult genetic siblings if there is no known violation of the confidentiality of a birth parent or if the birth parent gives written consent.
 - The adopted person also must be advised of other siblings who were adopted or relinquished to the commissioner but not adopted.
- In adoptive placements made on and after August 1, 1982, the agency shall obtain from the birth parents an affidavit attesting that:

- The birth parent has been informed of the right of the adopted person at age 19 to request the name, last known address, birth date, and birthplace of the birth parents named on the original birth record.
- Each birth parent may file an affidavit objecting to the release of information about the birth parent, and that parent only, to the adopted person.
- If the birth parent does not file an affidavit objecting to release of information before the adopted person reaches age 19, the information will be released upon request.
- Notwithstanding the filing of an affidavit, the adopted person may petition the court for release of identifying information about a birth parent.
- The birth parent shall then have the opportunity to present evidence to the court that nondisclosure of identifying information is of greater benefit to the birth parent than disclosure to the adopted person.
- Any objection filed by the birth parent, the agency shall release the identifying information to the adopted person if requested.

Access to original birth certificate:

- An adopted person who is age 19 or older may request the Commissioner of Health to disclose the information on his or her original birth record. Within 5 days, the commissioner shall notify the Department of Human Services or child- placing agency of the request. Within 6 months after receiving the request, the department or agency shall make reasonable efforts to notify each birth parent.
- If the department is unable to notify a parent identified on the original birth record within 6 months, and if neither parent has at any time filed an unrevoked consent to disclosure, the information may be disclosed as follows:
 - If the person was adopted prior to August 1, 1977, he or she may petition the court for disclosure, and the court shall grant the petition if, after consideration of the interests of all known persons involved, the court determines that disclosure of the information would be of greater benefit than nondisclosure.
 - If the person was adopted on or after August 1, 1977, the commissioner shall release the information to the adopted person.
- If either birth parent has ever filed with the commissioner an unrevoked affidavit stating that the information on the original birth record should not be disclosed, the commissioner shall not disclose the information until the affidavit is revoked by the filing of a consent to the disclosure by the parent.
- If a parent named on the original birth record has died, and at any time prior to the death the parent has filed an unrevoked affidavit stating that the information not be disclosed, the adopted person may petition the court of original jurisdiction of the adoption proceedings for disclosure.
- The State Registrar shall provide a copy of an adopted person's original birth record to an authorized representative of a federally recognized American Indian Tribe for the sole purpose of determining the adopted person's eligibility for enrollment or membership in the Tribe.

Adoption Archive, Minnesota Department of Human Services

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