

DCF Policy #87-003

Effective: 11/01/1986

Revised: 07/01/1989

Revised: 02/10/1998

Revised: 07/08/2008

POLICY AND PROCEDURES FOR THE RELEASE OF ADOPTION RECORDS AND INFORMATION

In the Commonwealth of Massachusetts, Department adoption records may be found at the Probate and Family Court, the Juvenile Court and the Department. The Massachusetts Law which governs the release of adoption information is [MGL c. 210, §§ 5C and 5D](#).

POLICY

Section 5D makes limited information contained in adoption records held by the Department available under certain circumstances. Pursuant to this law, the Department will release, upon written request of the appropriate person, the following information:

Non-identifying information [i.e., information which will not identify or tend to lead to the identification of the individual(s)] which the agency holds concerning the medical, ethnic, socioeconomic and educational circumstances of the person as follows:

- a) to an adopted person, if he/she has reached the age of 18, information about his/her biological parents which will not identify or tend to lead to the identification of the biological parents or their present or former locations;
- b) to a biological parent of an adopted person, information about the adopted person which will not reveal or tend to reveal the identity after adoption of the adopted person or his/her present or former location;
- c) to an adoptive parent, if the adopted person is under age 18, information about the adopted person and his/her biological parents which will not identify or lead to the identification of the biological parents or their present or former locations.

This law also permits the Department, at its discretion, to release other non-identifying information concerning the circumstances surrounding an adoption.

In order to release information which is not available under Section 5D, (i.e., identifying or other adoption records) the law requires that the Department receive a written order of the Probate Court which conducted the original adoption proceedings.

PROCEDURES

1. **Releasing Information.** The Deputy Commissioner of Field Operations or designee in the Central Office Adoption Support and Subsidy Unit is authorized to handle release of adoption information requests. No other Department employee is authorized to release adoption information to a requestor.

The Deputy Commissioner/designee, upon receiving a request for release of adoption information, will provide the requestor with an Adoption Records and Information Fact Sheet and a Request for Release of Adoption Information. All completed and signed requests in each region are to be directed to the Central Office for processing.

2. **Proof of Identification.** The Deputy Commissioner/designee will require each requestor to submit the following information at the time his/her request is made to verify his/her identification: a certified copy of birth certificate or driver's license or picture I.D. No request will be processed without positive identification.
3. **Requests for Non-Identifying Information.** When receiving non-identifying information requests concerning the circumstances under which the adopted person became available for adoption the requestor will be strongly urged to meet in person with the Deputy Commissioner/designee in order to evaluate the appropriateness of releasing the requested information.

All non-identifying information requests will be processed by the Deputy Commissioner/designee. Before release to the requestor, the designee will submit the Request for Release of Adoption Information and the information he/she intends to release (including xeroxed copies of any written information) to a member of the Department legal staff for approval. Upon approval, the requestor will be contacted by the designee and the designee will share the information requested.

4. **Documentation.** The Deputy Commissioner's office will maintain a record of requests (by maintaining the "Request for Release of Adoption Information Records" forms) and their disposition. A copy will also be maintained in the case record.