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Release of Adoption Information In Virginia

Adoption information is available to adoptees and their families from the records maintained by the State Department of Social Services. This is pursuant to Virginia Code Sections 63.2-1246 and 63.2-1247.

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Who May Apply For Information

(1) The adopted person if over 18 years of age. (2) Where the adoption was finalized after July 1, 1994, and the adopted person is 21 years old or older, the adopted person's birth parents and adult birth siblings may apply to the Commissioner of the Department of Social Services for disclosure of identifying information from the file. (3) Where the adoption is finalized on or after July 1, 1994 and the adopted person is under 18 years old, the adoptive parents or legal custodian of the child may apply to the Commissioner for the disclosure of identifying information about the birth family. (4) A physician or licensed mental health care provider can submit a written statement indicating that there is a need for information to be conveyed. (5) If at least one birth parent and one adoptive parent agree in writing to allow the agency to exchange nonidentifying information and pictures. This consent can be withdrawn at any time.

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The Process

Application is made to the Virginia Department of Social Services on forms that are provided on their website. When an application is received, an investigation is conducted to attempt to locate the adopted person. A report is submitted by the Commissioner about this investigation and the effect of disclosure of identifying information. Upon a showing of "good cause", identifying information will be disclosed. The Adoptee seeking identifying information would go through the same process. If the commissioner does not begin the investigation in 30 days or denies the request, the party can file a request in circuit court. "Good cause" means a "showing of a compelling and necessitous need for the identifying information." The same investigation/report/appeal process is used with the under 18 family request.

Parental Placement Adoptions

In parental placement adoptions on or after July 1, 1994, the entire file is open to all parties to the adoption, except the criminal background checks that show a criminal conviction.

What Can Be Obtained

Nonidentifying information is available to the adopted person, if over 18 ,or an authorized child placing agency or the adoptive parents. Identifying information will not be disclosed without the showing of good cause and going through the process outlined above.

Consent Unobtainable

When the consent of the birth parents is unobtainable, due to the death of the birth parents or the mental incapacity of the birth parents, the circuit court may release identifying information to the adult adopted person.

Mary G. Commander, Attorney & Mediator, has handled Adoptions in Norfolk, VA since 1981.

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