



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.

NEW MEXICO

Nonidentifying information may be released, up request, to:

- The adopted person who is age 18 or older
- The birth parent if the adopted person is age 18 or older
- The adoptive parent of an adopted person under age 18
- An adopted person's birth sibling
- A guardian
- An attorney for any party

Access to nonidentifying information is limited to:

- Unless the birth parent and the adopted person have consented to the release of their identities, inspection of records is limited to nonidentifying information. This includes:
 - The health and medical histories of the birth parents and the adopted person.
 - General family background
 - Physical descriptions
 - The length of time the adopted person was in the care and custody of persons other than the adoptive parents.

Mutual access to identifying information:

- At any time after the entry of the decree of adoption, a birth parent may file:
 - Consent or refusal to be contacted
 - Release of the birth parent's identity to the adult adopted person or to the adoptive parent of a minor adopted person.
 - Information regarding the birth parent's location or changes in background information.
- At any time, an adult adopted person may file information regarding his or her location and consent or refusal regarding opening of his or her adoption file to his or her birth parents.
- If mutual authorizations for release of identifying information by the parties are not available, an adult adopted person, the birth parents, or the adoptive parents if the adopted person is a minor may file a motion with the court to obtain the release of identifying information for good cause shown. When hearing the motion, the court shall give primary consideration to the best interests of the adopted person, but shall also give due consideration to the interests of the

members of the adopted person's birth and adoptive families. The court may assign a confidential intermediary to ascertain needed information.

- An adopted person shall have the right to access information to enroll in his or her Tribe of origin, if the department establishes that an adopted person is of Indian descent, the department shall:
 - Provide the requester with the Tribal affiliation of the adopted person's birth parents
 - Submit to the Tribe information necessary to establish Tribal enrollment for the adopted person and to protect any rights flowing from the adopted person's Tribal relationship
 - Provide notice to the requester of the department's submission of information to the adopted person's Tribe

Access to original birth certificate:

- The original birth certificate is available only upon order of the court.

New Mexico Department of Children, Youth and Families

Contact Info Last Updated: 28-March-2011

Phone: (505) 827-7450

Fax: (505) 827-7440

Santa Fe NM 87505