

ASSEMBLY BILL

No. 714

Introduced by Assembly Members Maze and Bass

February 22, 2007

An act to amend Section 9201 of the Family Code, relating to adoption.

LEGISLATIVE COUNSEL'S DIGEST

AB 714, as introduced, Maze. Adoption: release of information.

Existing law prohibits the State Department of Social Services and licensed adoption agencies from releasing information that would identify persons who receive, or have received, adoption services. Existing law creates certain exceptions to this prohibition, including an exception allowing the department and any licensed adoption agency to furnish information relating to an adoption petition or to a child in the custody of the department or any licensed adoption agency to the juvenile court, county welfare department, public welfare agency, private welfare agency licensed by the department, provider of foster care services, potential adoptive parent, or provider of health care, as defined, if it is believed the child's welfare will be promoted thereby.

This bill would provide that, in addition to the above persons and entities, the department and any licensed adoption agency may furnish information relating to a child who has been previously adopted and who is in the custody of the department or a licensed adoption agency to a potential foster parent or another potential caretaker if it is believed the child's welfare will be promoted thereby. The bill would provide that, for the purposes of these provisions, a potential caretaker includes a member of the child's birth family, including a member of the birth

family who is not related to the child by blood, if specified circumstances exist.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 9201 of the Family Code is amended to
2 read:

3 9201. (a) Except as otherwise permitted or required by statute,
4 neither the department nor a licensed adoption agency shall release
5 information that would identify persons who receive, or have
6 received, adoption services.

7 (b) Employees of the department and licensed adoption agencies
8 shall release to the department at Sacramento any requested
9 information, including identifying information, for the purposes
10 of record keeping and monitoring, evaluation, and regulation of
11 the provision of adoption services.

12 (c) Prior to the placement of a child for adoption, the department
13 or licensed adoption agency may, upon the written request of both
14 a birth and a prospective adoptive parent, arrange for contact
15 between these birth and prospective adoptive parents that may
16 include the sharing of identifying information regarding these
17 parents.

18 (d) The department and any licensed adoption agency may,
19 upon written authorization for the release of specified information
20 by the subject of that information, share information regarding a
21 prospective adoptive parent or birth parent with other social service
22 agencies, including the department and other licensed adoption
23 agencies, or providers of health care as defined in Section 56.05
24 of the Civil Code.

25 (e) (1) Notwithstanding any other law, the department and any
26 licensed adoption agency may furnish information relating to an
27 adoption petition or to a child in the custody of the department or
28 any licensed adoption agency to the juvenile court, county welfare
29 department, public welfare agency, private welfare agency licensed
30 by the department, provider of foster care services, potential
31 adoptive parent, or provider of health care as defined in Section
32 56.05 of the Civil Code, if it is believed the child's welfare will
33 be promoted thereby.

1 (2) *In addition to the persons and entities authorized to receive*
2 *information pursuant to paragraph (1), the department and any*
3 *licensed adoption agency may furnish information relating to a*
4 *child who has been previously adopted and who is in the custody*
5 *of the department or a licensed adoption agency to a potential*
6 *foster parent or another potential caretaker if it is believed the*
7 *child's welfare will be promoted thereby. For the purposes of this*
8 *paragraph, a potential caretaker includes a member of the child's*
9 *birth family, including a member of the birth family who is not*
10 *related to the child by blood, if both of the following are true:*

11 (A) *No appropriate potential caretaker is known to exist from*
12 *the child's adoptive family, including members of the adoptive*
13 *family who are not related to that family by blood.*

14 (B) *The child was not the subject of a voluntary relinquishment*
15 *pursuant to Section 8700.*

16 (f) *The department and any licensed adoption agency may make*
17 *adoption case records, including identifying information, available*
18 *for research purposes, provided that the research will not result in*
19 *the disclosure of the identity of the child or the parties to the*
20 *adoption to anyone other than the entity conducting the research.*