

**ASSEMBLY BILL**

**No. 2118**

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**Introduced by Assembly Member Ridley-Thomas**

February 20, 2014

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An act to amend Section 9200 of the Family Code, and to amend Section 102705 of the Health and Safety Code, relating to adoption.

LEGISLATIVE COUNSEL'S DIGEST

AB 2118, as introduced, Ridley-Thomas. Adoption records: confidentiality.

Existing law establishes the confidentiality of adoption records, and provides that these records be available only upon the order of the superior court. Existing law prohibits the court from granting these orders unless a verified petition setting forth facts showing the necessity of the order has been presented to the court and good and compelling cause is shown for the granting of the order. Under existing law, if the petition is by or on behalf of an adopted child who has attained majority, these facts shall be given great weight, but the granting of any petition is solely within the discretion of the court. Existing law also authorizes a party to the adoption to request, and the court to order, that the name of the child's birth parents or any information tending to identify the child's birth parents is deleted from the documents prior to the clerk of the court providing the documents for inspection by any person.

This bill would authorize an adopted child to have full and unrestricted access to his or her adoption records in the same manner as a party to the proceeding.

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

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

1 SECTION 1. Section 9200 of the Family Code is amended to  
2 read:

3 9200. (a) The petition, relinquishment or consent, agreement,  
4 order, report to the court from any investigating agency, and any  
5 power of attorney and deposition filed in the office of the clerk of  
6 the court pursuant to this part is not open to inspection by any  
7 person other than the parties to the proceeding and their attorneys  
8 and the department, except upon the written authority of the judge  
9 of the superior court. A judge of the superior court may not  
10 authorize anyone to inspect the petition, relinquishment or consent,  
11 agreement, order, report to the court from any investigating agency,  
12 or power of attorney or deposition or any portion of any of these  
13 documents, except in exceptional circumstances and for good cause  
14 approaching the necessitous. The petitioner may be required to  
15 pay the expenses for preparing the copies of the documents to be  
16 inspected.

17 (b) Upon written request of any party to the proceeding and  
18 upon the order of any judge of the superior court, the clerk of the  
19 court shall not provide any documents referred to in this section  
20 for inspection or copying to any other person, unless the name of  
21 the child's birth parents or any information tending to identify the  
22 child's birth parents is deleted from the documents or copies  
23 thereof.

24 (c) *For purposes of requests by the adopted child to inspect or*  
25 *copy the documents referred to in this section, the adopted child*  
26 *shall be deemed a party to the proceeding and shall be entitled to*  
27 *full and unrestricted access to these documents in the same manner*  
28 *as any other party to the proceeding.*

29 (e)

30 (d) Upon the request of the adoptive parents or the child, a clerk  
31 of the court may issue a certificate of adoption that states the date  
32 and place of adoption, the child's birth date, the names of the  
33 adoptive parents, and the name the child has taken. ~~Unless the~~  
34 ~~child has been adopted by a stepparent~~ *If the request is made by*  
35 *an adoptive parent, the certificate shall not state the name of the*  
36 *child's birth parents, unless the child has been adopted by a*  
37 *stepparent.*

1 SEC. 2. Section 102705 of the Health and Safety Code is  
2 amended to read:

3 102705. (a) All records and information specified in this  
4 article, other than the newly issued birth certificate, shall be  
5 available only upon the order of the superior court of the county  
6 of residence of the adopted child or the superior court of the county  
7 granting the order of adoption, *except as provided in subdivision*  
8 *(d)*.

9 ~~No such order shall~~

10 (b) *The order specified in subdivision (a) shall not be granted*  
11 *by the superior court unless a verified petition setting forth facts*  
12 *showing the necessity of the order has been presented to the court*  
13 *and good and compelling cause is shown for the granting of the*  
14 *order. The clerk of the superior court shall send a copy of the*  
15 *petition to the State Department of Social Services and the*  
16 *department shall send to the court a copy of all records and*  
17 *information it has concerning the adopted person, with the name*  
18 *and address of the natural parents removed to the court. The court*  
19 ~~must~~ *shall* *review these records before making an order and the*  
20 *order should so state. If the petition is by or on behalf of an adopted*  
21 ~~child who has attained majority, these facts shall be given great~~  
22 ~~weight, but the granting of any petition is solely within the sound~~  
23 ~~discretion of the court.~~

24 ~~The~~

25 (c) *Except as provided in subdivision (d), the name and address*  
26 *of the natural parents shall be given to the petitioner only if he or*  
27 *she can demonstrate that the name and address, or either of them,*  
28 *are necessary to assist him or her in establishing a legal right.*

29 (d) *An adopted child is entitled to full and unrestricted access*  
30 *to the records and information specified in this article.*