ASSEMBLY BILL No. 2488

Introduced by Assembly Member Leno

February 23, 2006

An act to amend Section 9205 of the Family Code, relating to adoption.

LEGISLATIVE COUNSEL'S DIGEST

AB 2488, as introduced, Leno. Adoption.

Existing law authorizes the State Department of Social Services or an adoption agency, as defined, that joined in an adoption petition to release the names and addresses of biological siblings to one another if both siblings have attained 21 years of age and have filed a specified request and waiver of rights with respect to the disclosure with the department or agency.

This bill would lower that age of consent to 18 years of age, and would authorize an adoptee who is under 18 years of age to file that request with the consent of his or her adoptive parents. If an adoptee has not filed a waiver with the department or adoption agency, the bill would also authorize a biological sibling to petition the court to appoint the department or adoption agency that conducted the adoptee's adoption as a confidential intermediary, which would have the authority to contact the adoptee and his or her adoptive parents with regard to disclosure, as appropriate.

By imposing additional duties on, among others, licensed county adoption agencies to act as a confidential intermediary, as described above, and by increasing the number of sibling and adoptee requests, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.

Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

SECTION 1. Section 9205 of the Family Code is amended to read:

9205. (a) Notwithstanding any other law, the department or adoption agency that joined in the adoption petition shall release the names and addresses of biological siblings to one another if both of the siblings have attained ~~the age of 21~~ *18* years *of age* and have filed the following with the department or agency:

(1) A current address.

(2) A written request for contact with any biological sibling whose existence is known to the person making the request.

(3) A written waiver of the person's rights with respect to the disclosure of the person's name and address to the sibling, if the person is an adoptee.

(b) Upon inquiry and proof that a person is the biological sibling of an adoptee who has filed a waiver pursuant to this section, the department or agency may advise the sibling that a waiver has been filed by the adoptee. The department or agency may charge a reasonable fee, not to exceed fifty dollars ($50), for providing the service required by this section.

(c) An adoptee may revoke a waiver filed pursuant to this section by giving written notice of revocation to the department or agency.

(d) The department shall adopt a form for the request authorized by this section. The form shall provide for an affidavit to be executed by a person seeking to employ the procedure provided by this section that, to the best of the person's knowledge, the person is an adoptee or biological sibling of an adoptee. The form also shall contain a notice of an adoptee's rights pursuant to subdivision (c) and a statement that

information will be disclosed only if there is a currently valid waiver on file with the department or agency. The department may adopt regulations requiring any additional means of identification from a person making a request pursuant to this section as it deems necessary, and for obtaining the consent of the birth parents of the adoptee and the sibling in order to make the disclosure authorized by this section in any case in which the sibling remained in the custody and control of the birth parents until ~~the age of~~ 18 years *of age*.

(e) The department or agency may not solicit the execution of a waiver authorized by this section. However, the department shall announce the availability of the procedure authorized by this section, utilizing a means of communication appropriate to inform the public effectively.

(f) Notwithstanding the age requirement described in subdivision (a), an adoptee who is under 18 years of age may file a written request for the release of his or her personal information pursuant to this section with the consent of his or her adoptive parents.

(g) Notwithstanding subdivision (a), a biological sibling who seeks contact with an adopted sibling for whom no waiver is on file may petition the court to appoint a confidential intermediary, which shall be the department or adoption agency that conducted the adoptee's adoption. The intermediary shall have access to all records of the adoptee and may locate and attempt to obtain the consent of the adoptee and adoptive parents, if appropriate, to make the disclosure authorized by this section.

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

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