

AMENDED IN ASSEMBLY APRIL 19, 2006

AMENDED IN ASSEMBLY APRIL 6, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

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 amended, 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 further authorize the disclosure of the names and addresses of an adoptee and his or her half-sibling or step-sibling to one another, if the above-described requirements are met. The bill would also lower the age of consent to 18 years of age, and would authorize an adoptee or sibling, as defined, who is under 18 years of age to file that request with the consent of his or her adoptive parents or, if a sibling, with the consent of a parent or guardian, or the court under specified circumstances. If an adoptee or sibling has not filed a waiver with the department or adoption agency, the bill would also authorize the adoptee or 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 or the sibling with regard to disclosure.

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:

- 1 SECTION 1. Section 9205 of the Family Code is amended to
- 2 read:
- 3 9205. (a) Notwithstanding any other law, the department or
- 4 adoption agency that joined in the adoption petition shall release
- 5 the names and addresses of siblings to one another if both of the
- 6 siblings have attained 18 years of age and have filed the
- 7 following with the department or agency:
- 8 (1) A current address.
- 9 (2) A written request for contact with any sibling whose
- 10 existence is known to the person making the request.
- 11 (3) A written waiver of the person's rights with respect to the
- 12 disclosure of the person's name and address to the sibling, if the
- 13 person is an adoptee.
- 14 (b) Upon inquiry and proof that a person is the sibling of an
- 15 adoptee who has filed a waiver pursuant to this section, the
- 16 department or agency may advise the sibling that a waiver has
- 17 been filed by the adoptee. The department or agency may charge
- 18 a reasonable fee, not to exceed fifty dollars (\$50), for providing
- 19 the service required by this section.

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

4 (d) The department shall adopt a form for the request
5 authorized by this section. The form shall provide for an affidavit
6 to be executed by a person seeking to employ the procedure
7 provided by this section that, to the best of the person's
8 knowledge, the person is an adoptee or sibling of an adoptee. The
9 form also shall contain a notice of an adoptee's rights pursuant to
10 subdivision (c) and a statement that information will be disclosed
11 only if there is a currently valid waiver on file with the
12 department or agency. The department may adopt regulations
13 requiring any additional means of identification from a person
14 making a request pursuant to this section as it deems necessary.

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

20 (f) Notwithstanding the age requirement described in
21 subdivision (a), an adoptee or sibling who is under 18 years of
22 age may file a written request for the release of his or her contact
23 information pursuant to this section provided that, if an adoptee,
24 the adoptive parent consents, and, if a sibling, the sibling's legal
25 parent or guardian consents. If the sibling is under the
26 jurisdiction of the dependency court and has no legal parent or
27 guardian able or available to provide consent, the court may
28 provide that consent.

29 (g) Notwithstanding subdivisions (a) and (e), an adoptee or
30 sibling who seeks contact with the other for whom no waiver is
31 on file may petition the court to appoint a confidential
32 intermediary, which shall be the department or adoption agency
33 that conducted the adoptee's adoption. The court shall grant the
34 petition unless it finds that it would be detrimental to the adoptee
35 or sibling with whom contact is sought. The intermediary shall
36 have access to all records of the adoptee and shall locate and
37 attempt to obtain the consent of the adoptee, sibling, or adoptive
38 or birth parent, as required to make the disclosure authorized by
39 this section. If contact is sought with an adoptee or sibling who is
40 under 18 years of age, the confidential intermediary shall contact

1 and obtain the consent of that child's legal parent before
2 contacting the child. If the sibling is *under 18 years of age*, under
3 the jurisdiction of the dependency court, and has no legal parent
4 or guardian able or available to provide consent, the intermediary
5 shall obtain that consent from the court.

6 (h) For purposes of this section, "sibling" means a biological
7 sibling, half-sibling, or step-sibling of the adoptee.

8 SEC. 2. If the Commission on State Mandates determines that
9 this act contains costs mandated by the state, reimbursement to
10 local agencies and school districts for those costs shall be made
11 pursuant to Part 7 (commencing with Section 17500) of Division
12 4 of Title 2 of the Government Code.