HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 597 Adoption Records
SPONSOR(S): Health Quality Subcommittee, Stark
TIED BILLS: **IDEN./SIM. BILLS:** SB 832

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Health Quality Subcommittee	12 Y, 0 N, As CS	Siples	McElroy
2) Health Care Appropriations Subcommittee			
3) Health & Human Services Committee			

SUMMARY ANALYSIS

The Florida Adoption Act, Ch. 63, F.S., applies to all adoptions, whether private or from the child welfare system. The chapter's intent is to provide stable and permanent homes for adoptive children in a prompt manner, prevent the disruption of adoptive placement, and hold parents accountable for meeting the needs of children. All adoption records are confidential and may not be released except by court order or authorization of all parties involved, including copies of the original birth certificate.

CS/HB 597 authorizes each party to an adoption to authorize the release of his or her own records. Adoption records may still be released upon order of the court.

The bill has no fiscal impact on state or local government.

The bill provides an effective date of July 1, 2019.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Adoption in Florida

The Florida Adoption Act (Act), ch. 63, F.S., applies to all adoptions, whether private or from the child welfare system, involving the following entities:[1]

- Department of Children and Families (DCF);
- Child-placing agencies licensed by DCF under s. 63.202, F.S.;
- Child-caring agencies registered under s. 409.176, F.S.;
- An attorney licensed to practice in Florida; or
- A child-placing agency licensed in another state which is qualified by DCF to place children in Florida.

The Legislature's intent is to provide stable and permanent homes for adoptive children in a prompt manner, to prevent the disruption of adoptive placements, and to hold parents accountable for meeting the needs of children.[2] It is also the intent of the Legislature that in every adoption, the child's best interest should govern the court's determination in placement, with the court making specific findings as to those best interests.[3] The Legislature also intends to protect and promote the well-being of the persons being adopted.[4] Safeguards are established to ensure that that the minor is legally free for adoption, that the required persons consent to the adoption, or that the parent-child relationship is terminated by judgment of the court.[5]

The Act also provides the process and regulation of adoption in this state. Such regulation includes, among other thing, who may adopt, the rights and responsibilities of involved parties, proceedings for terminating parental rights, required notifications, licensure of adoption agencies, and confidentiality of adoption records.

Confidentiality of Adoption Records

All documents and records related to an adoption, including the original birth certificate, are confidential.[6] Prior to an adoption becoming final, the adoptive parents must be provided with non-identifying information, including the family medical history and social history of the adoptee and the parents, when available. Upon reaching the age of majority, an adoptee may also request such non-identifying information.[7] However, the name and identity of a birth parent, an adoptive parent, or an adoptee may not be disclose unless:[8]

- The birth parent authorizes in writing the release of his or her name;
- The adoptee, if age 18 or older, authorizes in writing the release of his or her name; or if under age 18, written consent to disclose the adoptee's name is obtained from the adoptive parent;
- The adoptive parent authorizes in writing the release of his or her name; or

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[1] Section 63.032(3), F.S.
[2] Section 63.022(1), F.S.
[3] Section 63.022(2), F.S.
[4] Section 63.022(3), F.S.
[5] Section 63.022(4), F.S.
[6] Section 63.162(2), F.S.
[7] Section 63.162(6), F.S.
[8] Section 63.162(4), F.S.

- Upon order of the court for good cause shown.

Effect of Proposed Changes

CS/HB 597 authorizes the disclosure of adoption records without a court order, under the following circumstances:

- A birth parent may authorize, in writing, the disclosure of his or her name or identity;
- An adoptee, who is 18 or older, may authorize, in writing, the disclosure of his or her name or identity;[9] or
- An adoptive parent may authorize, in writing, the disclosure of his or her name or identity.

Therefore, one party to an adoption may obtain adoption records with the name and identity of the other parties redacted, unless one or both of those parties also provide written consent for the disclosure of such information.

The bill provides an effective date of July 1, 2019.

B. SECTION DIRECTORY:

Section 1: Amends s. 63.162, F.S., relating to hearings and records in adoption proceedings; confidential nature.
Section 2: Provides an effective date of July 1, 2019.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

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[9] The bill retains current law, which requires the adoptive parent's written authorization to release the name and identity of an adoptee who is under the age of 18.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

   1. Applicability of Municipality/County Mandates Provision:

   Not applicable. The bill does not appear to affect county or municipal governments.

   2. Other:

   None.

B. RULE-MAKING AUTHORITY:

   None..

C. DRAFTING ISSUES OR OTHER COMMENTS:

   None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 12, 2019, the Health Quality Subcommittee adopted a strike-all amendment and reported the bill favorably as a committee substitute. The strike-all amendment authorized the release of the name and identity of each party to an adoption if authorized by the affected party or court order.

The analysis is drafted to the committee substitute as passed by the Health Quality Subcommittee.