

By Senator Rader

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1 A bill to be entitled
 2 An act relating to adoption records; amending s.
 3 63.162, F.S.; providing that the name and identity of
 4 a birth parent, an adoptive parent, and an adoptee may
 5 be disclosed from adoption records without a court
 6 order under certain circumstances; providing an
 7 effective date.

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 9 Be It Enacted by the Legislature of the State of Florida:

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 11 Section 1. Subsection (4) of section 63.162, Florida
 12 Statutes, is amended to read:

13 63.162 Hearings and records in adoption proceedings;
 14 confidential nature.—

15 (4) (a) A person may ~~not~~ disclose the following from the
 16 records without a court order ~~the name and identity of a birth~~
 17 ~~parent, an adoptive parent, or an adoptee unless:~~

18 1. ~~(a)~~ The name and identity of the birth parent, if the
 19 birth parent authorizes in writing the release of his or her
 20 name;

21 2. ~~(b)~~ The name and identity of the adoptee, if the adoptee
 22 is 18 or more years of age or older and, authorizes in writing
 23 the release of his or her name; or, if the adoptee is younger
 24 ~~less~~ than 18 years of age, written consent to disclose the
 25 adoptee's name ~~is~~ obtained from an adoptive parent; or

26 3. ~~(c)~~ The name and identity of the adoptive parent, if the
 27 adoptive parent authorizes in writing the release of his or her
 28 name. ~~;~~ ~~or~~

29 (b) ~~(d)~~ A person may disclose from the records the name and

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30 identity of a birth parent, an adoptive parent, or an adoptee
31 upon order of the court for good cause shown. In determining
32 whether good cause exists, the court shall give primary
33 consideration to the best interests of the adoptee, but must
34 also give due consideration to the interests of the adoptive and
35 birth parents. Factors to be considered in determining whether
36 good cause exists include, but are not limited to:

- 37 1. The reason the information is sought;
- 38 2. The existence of means available to obtain the desired
39 information without disclosing the identity of the birth
40 parents, such as by having the court, a person appointed by the
41 court, the department, or the licensed child-placing agency
42 contact the birth parents and request specific information;
- 43 3. The desires, to the extent known, of the adoptee, the
44 adoptive parents, and the birth parents;
- 45 4. The age, maturity, judgment, and expressed needs of the
46 adoptee; and
- 47 5. The recommendation of the department, licensed child-
48 placing agency, or professional that ~~which~~ prepared the
49 preliminary study and home investigation, or the department if
50 no such study was prepared, concerning the advisability of
51 disclosure.

52 Section 2. This act shall take effect July 1, 2020.