

By the Committee on Children, Families, and Elder Affairs; and
Senator Rader

586-03117-20

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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.

8
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 and the adoptee is 18 years of age or older; if the adoptee
21 is younger than 18 years of age, the adoptive parent must also
22 provide written consent to disclose the birth parent's name;

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

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

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30 name. ~~;~~ ~~or~~

31 (b) ~~(d)~~ A person may disclose from the records the name and
32 identity of a birth parent, an adoptive parent, or an adoptee
33 upon order of the court for good cause shown. In determining
34 whether good cause exists, the court shall give primary
35 consideration to the best interests of the adoptee, but must
36 also give due consideration to the interests of the adoptive and
37 birth parents. Factors to be considered in determining whether
38 good cause exists include, but are not limited to:

39 1. The reason the information is sought;

40 2. The existence of means available to obtain the desired
41 information without disclosing the identity of the birth
42 parents, such as by having the court, a person appointed by the
43 court, the department, or the licensed child-placing agency
44 contact the birth parents and request specific information;

45 3. The desires, to the extent known, of the adoptee, the
46 adoptive parents, and the birth parents;

47 4. The age, maturity, judgment, and expressed needs of the
48 adoptee; and

49 5. The recommendation of the department, licensed child-
50 placing agency, or professional that ~~which~~ prepared the
51 preliminary study and home investigation, or the department if
52 no such study was prepared, concerning the advisability of
53 disclosure.

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