

ENROLLED

CS/HB 89

2020 Legislature

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

An act relating to adoption records; amending s. 63.162, F.S.; providing that the name and identity of a birth parent, an adoptive parent, and an adoptee may be disclosed from adoption records without a court order under certain circumstances; providing an effective date.

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

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

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

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

1.(a) The name and identity of the birth parent, if the birth parent authorizes in writing the release of his or her name and the adoptee is 18 years of age or older. If the adoptee is younger than 18 years of age, the adoptive parent must also provide written consent to disclose the birth parent's name;

2.(b) The name and identity of the adoptee, if the adoptee is 18 or more years of age or older and, authorizes in writing the release of his or her name; or, if the adoptee is younger

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

ENROLLED

CS/HB 89

2020 Legislature

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

ENROLLED

CS/HB 89

2020 Legislature

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.