

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 the 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 less than  
 24           18 years of age, written consent to disclose the adoptee's name  
 25           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  
 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 which prepared the preliminary  
 49 study and home investigation, or the department if no such study  
 50 was prepared, concerning the advisability of disclosure.

CS/HB 597

2019

51 | Section 2. This act shall take effect July 1, 2019. |