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SubstantiveAMENDMENTS TO ASSEMBLY BILL NO. 372
AS AMENDED IN ASSEMBLY MAY 7, 2009

Amendment 1

In line 1 of the title, after "act" insert:

to amend Sections 8702 and 8801.3 of the Family Code, and

Amendment 2

On page 2, before line 1, insert:

SECTION 1. Section 8702 of the Family Code is amended to read:

8702. (a) The department shall adopt a statement to be presented to the birth parents at the time a relinquishment is signed and to prospective adoptive parents at the time of the home study. The statement shall, in a clear and concise manner and in words calculated to ensure the confidence of the birth parents in the integrity of the adoption process, communicate to the birth parents of a child who is the subject of an adoption petition all of the following facts:

(1) It is in the child's best interest that the birth parent keep the department or licensed adoption agency to whom the child was relinquished for adoption informed of any health problems that the parent develops that could affect the child.

(2) It is extremely important that the birth parent keep an address current with the department or licensed adoption agency to whom the child was relinquished for adoption in order to permit a response to inquiries concerning medical or social history.

(3) Section 9203 of the Family Code authorizes a person who has been adopted and who attains the age of 21 years to request the department or the licensed adoption agency to disclose the name and address of the adoptee's birth parents. Consequently, it is of the utmost importance that the birth parent indicate whether to allow this disclosure by checking the appropriate box provided on the form.

(4) The birth parent may change the decision whether to permit disclosure of the birth parent's name and address, at any time, by sending a notarized letter to that effect, by certified mail, return receipt requested, to the department or to the licensed adoption agency that joined in the adoption petition.

(5) Section 102705.2 of the Health and Safety Code requires the State Registrar to provide a copy of the original and unredacted birth certificate of an adoptee when the adoptee attains 21 years of age unless the birth parent indicates in the statement set forth in subdivision (b) that he or she does not authorize the State Registrar to provide that certificate to the adoptee.

~~(5)~~

(6) The relinquishment will be filed in the office of the clerk of the court in which the adoption takes place. The file is not open to inspection by any persons other than the parties to the adoption proceeding, their attorneys, and the department, except upon order of a judge of the superior court.

(b) The department shall adopt a form to be signed by the birth parents at the time the relinquishment is signed, which shall provide as follows:



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"Section 9203 of the Family Code authorizes a person who has been adopted and who attains the age of 21 years to make a request to the State Department of Social Services, or the licensed adoption agency that joined in the adoption petition, for the name and address of the adoptee's birth parents. Indicate by checking one of the boxes below whether or not you wish your name and address to be disclosed:

- YES
 NO
 UNCERTAIN AT THIS TIME; WILL NOTIFY
 AGENCY AT LATER ~~DATE~~ DATE.

If you do not authorize the State Registrar to provide a copy of the original and unredacted birth certificate to the adoptee, please sign and date the statement provided below.

For reasons that may include, but are not limited to, rape, incest, religious beliefs, or personal preference, I do not authorize the State Registrar to provide a copy of the original and unredacted birth certificate to the adoptee.

 (signature of birth parent)

 (date)

SEC. 2. Section 8801.3 of the Family Code is amended to read:

8801.3. A child shall not be considered to have been placed for adoption unless each of the following is true:

- (a) Each birth parent placing the child for adoption has been advised of his or her rights, and if desired, has been counseled pursuant to Section 8801.5.
- (b) The adoption service provider, each prospective adoptive parent, and each birth parent placing the child have signed an adoption placement agreement on a form prescribed by the department. The signing of the agreement shall satisfy all of the following requirements:
- (1) Each birth parent shall have been advised of his or her rights pursuant to Section 8801.5 at least 10 days before signing the agreement, unless the adoption service provider finds exigent circumstances that shall be set forth in the adoption placement agreement.
- (2) The agreement may not be signed by either the birth parents or the prospective adoptive parents until the time of discharge of the birth mother from the hospital. However, if the birth mother remains hospitalized for a period longer than the hospitalization of the child, the agreement may be signed by all parties at the time of or after the child's discharge from the hospital but prior to the birth mother's discharge from the hospital if her competency to sign is verified by her attending physician and surgeon before she signs the agreement.
- (3) The birth parents and prospective adoptive parents shall sign the agreement in the presence of an adoption service provider.
- (4) The adoption service provider who witnesses the signatures shall keep the original of the adoption placement agreement and immediately forward it and supporting documentation as required by the department to the department or delegated county adoption agency.
- (5) The child is not deemed to be placed for adoption with the prospective adoptive parents until the adoption placement agreement has been signed and witnessed.

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(6) If the birth parent is not located in this state or country, the adoption placement agreement shall be signed before an adoption service provider or, for purposes of identification of the birth parent only, before a notary or other person authorized to perform notarial acts in the state or country in which the birth parent is located. This paragraph is not applicable to intercountry adoptions, as defined in Section 8527, which shall be governed by Chapter 4 (commencing with Section 8900).

(c) The adoption placement agreement form shall include all of the following:

- (1) A statement that the birth parent received the advisement of rights and the date upon which it was received.
- (2) A statement that the birth parent understands that the placement is for the purpose of adoption and that if the birth parent takes no further action, on the 31st day after signing the adoption placement agreement, the agreement shall become a permanent and irrevocable consent to the adoption.
- (3) A statement that the birth parent signs the agreement having personal knowledge of certain facts regarding the prospective adoptive parents as provided in Section 8801.
- (4) A statement that the adoptive parents have been informed of the basic health and social history of the birth parents.
- (5) A consent to the adoption that may be revoked as provided by Section 8814.5.
- (6) The following statement:

For reasons that may include, but are not limited to, rape, incest, religious beliefs, or personal preference, I do not authorize the State Registrar to provide a copy of the original and unredacted birth certificate to the adoptee.

The statement shall be followed by a line for the signature of each birth parent whose consent is required for the adoption whereby the birth parent may indicate that the birth parent does not authorize the State Registrar to release the birth certificate to the adoptee, if applicable.

(d) The adoption placement agreement shall also meet the requirements of the Interstate Compact on the Placement of Children in Section 7901.

(e) This section shall become operative on January 1, 1995.

Amendment 3

On page 2, line 1, strike out "SECTION 1." and insert:

SEC. 3.

Amendment 4

On page 3, line 15, strike out "adoptee, such as a" strike out line 16, and insert:

adoptee. The

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Amendment 5

On page 3, strike out lines 24 and 25, and insert:

adoptee attains 21 years of age, except as provided in subdivision (d).

(d) The State Registrar shall not provide a birth certificate pursuant to subdivision (c) if either birth parent has indicated on the forms provided pursuant to Section 8702 or 8801.3 of the Family Code that he or she does not authorize the State Registrar to provide a copy of the birth certificate to the adoptee.

(e) The State Registrar shall develop and adopt the forms necessary to implement this section.

(f) (1) The Office of Vital Records, or its successor, may assess a fee for providing services pursuant to this section, not to exceed the administrative costs of complying with the requirements of this section.

(2) This subdivision shall remain operative only until January 1, 2035.

Amendment 6

On page 3, strike out lines 26 to 39, inclusive, and strike out pages 4 to 6, inclusive