

ASSEMBLY BILL

No. 372

Introduced by Assembly Member Ma

February 23, 2009

An act to amend Section 102705 of, and to add Section 102704 to, the Health and Safety Code, relating to adoption records.

LEGISLATIVE COUNSEL'S DIGEST

AB 372, as introduced, Ma. Adoption records.

Existing law requires that a court report of adoption be filed with the original record of birth and that these records remain a part of the records of the State Registrar. Existing law provides that records related to adoptions, other than a newly issued birth certificate, shall be available only upon the order of the superior court of the county of residence of the adopted child or of the county granting the order of adoption. The order shall not be granted unless a verified petition setting forth facts showing the necessity of the order has been presented to the court and good and compelling cause is shown for granting the order.

This bill would expand the exception described above to also apply if an adoptee who is at least 18 years of age submits to the court a written, signed, and notarized request for a copy of the original record of his or her birth. The bill would make related and clarifying changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 102704 is added to the Health and Safety
- 2 Code, to read:

1 102704. A copy of the original record of birth shall be made
 2 available to a person who is the subject of that record if all of the
 3 following criteria are met:

- 4 (a) The person is at least 18 years of age.
- 5 (b) The person was adopted.
- 6 (c) The person submits to the court a written request for a copy
 7 of his or her original record of birth. The request shall be signed
 8 by the person and notarized.

9 SEC. 2. Section 102705 of the Health and Safety Code is
 10 amended to read:

11 102705. (a) All records and information specified in this
 12 article, other than the newly issued birth certificate, shall be
 13 available only upon the order of the superior court of the county
 14 of residence of the adopted child or the superior court of the county
 15 granting the order of adoption.

16 ~~No such~~

17 (b) *An order described in subdivision (a) shall not be granted*
 18 *by the superior court unless, except under either of the following*
 19 *circumstances:*

20 (1) *An order making available all records and information*
 21 *specified in this article, other than the newly issued birth*
 22 *certificate, may be granted if a verified petition setting forth facts*
 23 *showing the necessity of the order has been presented to the court*
 24 *and good and compelling cause is shown for the granting of the*
 25 *order.*~~The~~

26 (2) *An order making available a copy of the original record of*
 27 *birth to a person who was adopted and who is 18 years of age or*
 28 *older may be granted if a written request has been submitted to*
 29 *the court pursuant to Section 102704.*

30 (c) *The clerk of the superior court shall send a copy of the*
 31 *petition or written request to the State Department of Social*
 32 *Services and the department shall send to the court a copy of all*
 33 *records and information it has concerning the adopted person with*
 34 *the name and address of the natural parents removed to the court,*
 35 *or a copy of the original certificate of birth, as applicable. The*
 36 *court must shall review these records before making an order and*
 37 *the order should so may state that the court has conducted that*
 38 *review. If the petition is by or on behalf of an adopted child who*
 39 *has attained majority is 18 years of age or older, these facts shall*

1 be given great weight, but the granting of any petition is solely
2 within the sound discretion of the court.

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4 (d) *The* name and address of the natural parents shall be given
5 to the petitioner *or requester* only if he or she can demonstrate
6 that the name and address, or either of them, are necessary to assist
7 him or her in establishing a legal right. *In all other cases, that*
8 *information shall be redacted from all records and information*
9 *provided, including a copy of an original record of birth.*

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