

ASSEMBLY BILL

No. 1349

Introduced by Assembly Member Pescetti

February 23, 2001

An act to amend Section 9200 of the Family Code, relating to adoption.

LEGISLATIVE COUNSEL'S DIGEST

AB 1349, as introduced, Pescetti. Adoption records: adult adoptees.

Existing law pertaining to adoption provides that the petition, relinquishment or consent, agreement, order, report to the court from any investigating agency, and any power of attorney and deposition filed in the office of the county clerk in such a proceeding, is not open to inspection by any person other than the parties, their attorneys, and the State Department of Social Services, except upon the written authority of the judge of the superior court.

This bill would require the county clerk to provide these records for inspection and copying by the person who was the subject of the adoption, if he or she is 18 years of age or older.

Because this bill would impose new duties on county clerks, it would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

1 SECTION 1. The Legislature finds and declares that every
2 person has a right to obtain information pertaining to his or her
3 identity contained in court documents and other records held by
4 the state unless a substantial overriding state interest overcomes
5 that individual right, and that no overriding state interest exists that
6 would justify the denial of any such information that is contained
7 in the records of an adoption proceeding if the information is
8 requested by an adult who was the subject of the adoption.

9 SEC. 2. Section 9200 of the Family Code is amended to read:

10 9200. (a) The petition, relinquishment or consent,
11 agreement, order, report to the court from any investigating
12 agency, and any power of attorney and deposition filed in the office
13 of the county clerk pursuant to this part is not open to inspection
14 by any person other than the parties to the proceeding and their
15 attorneys, *an adoptee who was the subject of the proceeding* and
16 the department, except upon the written authority of the judge of
17 the superior court. A judge of the superior court may not authorize
18 ~~anyone~~ *any person* to inspect the petition, relinquishment or
19 consent, agreement, order, report to the court from any
20 investigating agency, or power of attorney or deposition or any
21 portion of any of these documents, except in exceptional
22 circumstances and for good cause approaching the necessitous.
23 The petitioner may be required to pay the expenses for preparing
24 the copies of the documents to be inspected.

25 (b) Upon written request of any party to the proceeding and
26 upon the order of any judge of the superior court, the county clerk
27 shall not provide any documents referred to in this section for
28 inspection or copying to any other person, unless the name of the
29 child's birth parents or any information tending to identify the
30 child's birth parents is deleted from the documents or copies
31 thereof.



1 (c) Upon the request of the adoptive parents or the child, a
2 county clerk may issue a certificate of adoption that states the date
3 and place of adoption, the child's birth date, the names of the
4 adoptive parents, and the name the child has taken. Unless the child
5 has been adopted by a stepparent, the certificate shall not state the
6 name of the child's birth parents.

7 (d) *Upon written request of any party to the proceeding or from*
8 *the adoptee who was the subject of the proceeding, the county clerk*
9 *shall provide the documents referred to in this section for*
10 *inspection and copying.*

11 (e) *For the purposes of this section, 'adoptee' means an*
12 *adopted person who is 18 years of age or older.*

13 SEC. 3. Notwithstanding Section 17610 of the Government
14 Code, if the Commission on State Mandates determines that this
15 act contains costs mandated by the state, reimbursement to local
16 agencies and school districts for those costs shall be made pursuant
17 to Part 7 (commencing with Section 17500) of Division 4 of Title
18 2 of the Government Code. If the statewide cost of the claim for
19 reimbursement does not exceed one million dollars (\$1,000,000),
20 reimbursement shall be made from the State Mandates Claims
21 Fund.

