

## CHAPTER 2020-42

### Committee Substitute for House Bill No. 89

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 less than 18 years of age, written consent to disclose the adoptee's name is obtained from an adoptive parent; or

3.(c) The name and identity of the adoptive parent, if the adoptive parent authorizes in writing the release of his or her name.; or

(b)(d) A person may disclose from the records the name and identity of a birth parent, an adoptive parent, or an adoptee upon order of the court for good cause shown. In determining whether good cause exists, the court shall give primary consideration to the best interests of the adoptee, but must also give due consideration to the interests of the adoptive and birth parents. Factors to be considered in determining whether good cause exists include, but are not limited to:

1. The reason the information is sought;
2. The existence of means available to obtain the desired information without disclosing the identity of the birth parents, such as by having the court, a person appointed by the court, the department, or the licensed child-placing agency contact the birth parents and request specific information;

3. The desires, to the extent known, of the adoptee, the adoptive parents, and the birth parents;

4. The age, maturity, judgment, and expressed needs of the adoptee; and

5. The recommendation of the department, licensed child-placing agency, or professional that ~~which~~ prepared the preliminary study and home investigation, or the department if no such study was prepared, concerning the advisability of disclosure.

Section 2. This act shall take effect July 1, 2020.

Approved by the Governor June 18, 2020.

Filed in Office Secretary of State June 18, 2020.