

By: Sparks

S.B. No. 2009

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to access to certain information in the adoption process  
3 and information in certain investigations conducted by the  
4 Department of Family and Protective Services.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Sections 162.005(b) and (c), Family Code, are  
7 amended to read as follows:

8 (b) Before placing a child for adoption, the Department of  
9 Family and Protective Services, a licensed child-placing agency, or  
10 the child's parent or guardian shall compile a report on the  
11 available health, social, educational, and genetic history of the  
12 child to be adopted and distribute the report as required by this  
13 chapter.

14 (c) The department shall ensure that each licensed  
15 child-placing agency, single source continuum contractor, or other  
16 person placing a child for adoption receives a copy of any portion  
17 of the report prepared by the department not later than the 30th day  
18 after the date the child's permanency plan is changed to include  
19 adoption.

20 SECTION 2. Section 162.0062, Family Code, is amended by  
21 amending Subsection (a) and adding Subsections (a-2) and (a-3) to  
22 read as follows:

23 (a) Except as provided by Subsection (c), the prospective  
24 adoptive parents of a child are entitled to examine the records and

1 other information relating to the history of the child including  
2 confidential information other than the identity of the biological  
3 parents and any other person whose identity is confidential. The  
4 Department of Family and Protective Services, licensed  
5 child-placing agency, or other person placing a child for adoption  
6 shall inform the prospective adoptive parents of their right to  
7 examine the records and other information relating to the history  
8 of the child. The department, licensed child-placing agency, or  
9 other person placing the child for adoption shall edit the records  
10 and information to protect the identity of the biological parents  
11 and any other person whose identity is confidential.

12 (a-2) The department, licensed child-placing agency, or  
13 other person placing the child for adoption may require a  
14 prospective adoptive parent to sign a confidentiality agreement  
15 before releasing confidential information under this section.

16 (a-3) The department, licensed child-placing agency, or  
17 other person placing the child for adoption shall provide the  
18 information under this section not later than the 90th day after the  
19 date the information is requested.

20 SECTION 3. Subchapter A, Chapter 40, Human Resources Code,  
21 is amended by adding Section 40.0051 to read as follows:

22 Sec. 40.0051. CONFIDENTIAL INVESTIGATION INFORMATION. The  
23 department shall, not later than the 90th day after a request is  
24 made for information, produce all requested information related to  
25 any investigation conducted by the department.

26 SECTION 4. This Act takes effect September 1, 2023.