

By: Lindsay

S.B. No. 579

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the confidentiality of certain records in an adoption
3 placement by the Department of Protective and Regulatory Services.

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

5 SECTION 1. Subchapter A, Chapter 162, Family Code, is
6 amended by adding Section 162.0065 to read as follows:

7 Sec. 162.0065. EDITING ADOPTION RECORDS IN DEPARTMENT
8 PLACEMENT. Notwithstanding any other provision of this chapter, in
9 an adoption in which a child is placed for adoption by the
10 Department of Protective and Regulatory Services, the department is
11 not required to edit records to protect the identity of birth
12 parents and other persons whose identity is confidential if the
13 department determines that information is already known to the
14 adoptive parents or is readily available through other sources,
15 including the court records of a suit to terminate the parent-child
16 relationship under Chapter 161.

17 SECTION 2. Section 261.201(d), Family Code, is amended to
18 read as follows:

19 (d) The adoptive parents of a child who was the subject of an
20 investigation and an adult who was the subject of an investigation
21 as a child are entitled to examine and make copies of any report,
22 record, working paper, or other information in the possession,
23 custody, or control of the state that pertains to the history of the
24 child. The department may edit the documents to protect the

1 identity of the biological parents and any other person whose
2 identity is confidential, unless this information is already known
3 to the adoptive parents or is readily available through other
4 sources, including the court records of a suit to terminate the
5 parent-child relationship under Chapter 161.

6 SECTION 3. (a) This Act takes effect September 1, 2003.

7 (b) The change in law made by this Act applies only to the
8 records of a child who is placed for adoption by the Department of
9 Protective and Regulatory Services on or after the effective date
10 of this Act. The records of a child who is placed for adoption by
11 the Department of Protective and Regulatory Services before the
12 effective date of this Act are governed by the law in effect on the
13 date the child was placed for adoption, and the former law is
14 continued in effect for that purpose.