

1-1 By: Lindsay S.B. No. 579
1-2 (In the Senate - Filed February 19, 2003; February 24, 2003,
1-3 read first time and referred to Committee on State Affairs;
1-4 March 19, 2003, reported favorably by the following vote: Yeas 9,
1-5 Nays 0; March 19, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the confidentiality of certain records in an adoption
1-9 placement by the Department of Protective and Regulatory Services.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subchapter A, Chapter 162, Family Code, is
1-12 amended by adding Section 162.0065 to read as follows:

1-13 Sec. 162.0065. EDITING ADOPTION RECORDS IN DEPARTMENT
1-14 PLACEMENT. Notwithstanding any other provision of this chapter, in
1-15 an adoption in which a child is placed for adoption by the
1-16 Department of Protective and Regulatory Services, the department is
1-17 not required to edit records to protect the identity of birth
1-18 parents and other persons whose identity is confidential if the
1-19 department determines that information is already known to the
1-20 adoptive parents or is readily available through other sources,
1-21 including the court records of a suit to terminate the parent-child
1-22 relationship under Chapter 161.

1-23 SECTION 2. Subsection (d), Section 261.201, Family Code, is
1-24 amended to read as follows:

1-25 (d) The adoptive parents of a child who was the subject of an
1-26 investigation and an adult who was the subject of an investigation
1-27 as a child are entitled to examine and make copies of any report,
1-28 record, working paper, or other information in the possession,
1-29 custody, or control of the state that pertains to the history of the
1-30 child. The department may edit the documents to protect the
1-31 identity of the biological parents and any other person whose
1-32 identity is confidential, unless this information is already known
1-33 to the adoptive parents or is readily available through other
1-34 sources, including the court records of a suit to terminate the
1-35 parent-child relationship under Chapter 161.

1-36 SECTION 3. (a) This Act takes effect September 1, 2003.

1-37 (b) The change in law made by this Act applies only to the
1-38 records of a child who is placed for adoption by the Department of
1-39 Protective and Regulatory Services on or after the effective date
1-40 of this Act. The records of a child who is placed for adoption by
1-41 the Department of Protective and Regulatory Services before the
1-42 effective date of this Act are governed by the law in effect on the
1-43 date the child was placed for adoption, and the former law is
1-44 continued in effect for that purpose.

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