

DEPARTMENT OF SOCIAL SERVICES

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January 4, 1984

ALL-COUNTY LETTER NO. 84-03

TO: All Public and Private Adoption Agencies  
All County Welfare Departments  
All SDSS Adoptions District Offices

SUBJECT: "The Adoption Information Act of 1983" (AB 2096)

REFERENCE:

Assembly Bill 2096 (Chapter 1162, Statutes of 1983) was signed into law by the Governor on September 27, 1983. We have enclosed a copy of the chaptered bill and an outline of the effective dates of each statutory provision. The legislative purpose of the act is twofold:

- A. To ensure availability of complete medical information on the adoptee and the adoptee's birth parents to the adopting parents and the adoptee in both independent and relinquishment adoptions.
- B. To establish a procedure which enables an adoptee and birth parent to receive identifying information about each other when certain conditions are met.

Summary and Impact:

1. Section 3 of the act requires that the medical report on the child which is currently a part of the procedure for the placement of a child in a relinquishment adoption also be submitted to the prospective adoptive parents in an independent adoption.
2. Section 4 of the act requires that the Department or licensed adoption agency which made the report required by Civil Code Section 224s shall, upon the request of an adult adoptee, an adoptee who is a minor but is married, or a minor adoptee at the request of the adopting parent, provide the adoptee with a copy of the medical report.

A person who is denied access to a medical report may petition the superior court for a review of the reasonableness of the Department's or licensed adoption agency's decision.

The Department or licensed adoption agency may charge a reasonable fee, as established by the Department, to cover the costs of providing the reports. Fees are to be waived for those dependent on public assistance.

3. Section 5 of the act requires that, in all cases which involve a court action to terminate parental rights, the parent or parents who are the subjects of the court action shall be sent a written notice which encourages the birth parent to keep the Department or licensed adoption agency informed of the birth parent's current address in order to permit the agency to respond to requests for medical or social history.
4. Section 6 of the act requires the Department to adopt a statement to be presented to both birth parents and prospective adoptive parents which specifies that the birth parent should keep the Department or licensed adoption agency informed about health problems which could affect the child. The birth parent should also keep the Department or licensed adoption agency informed of his or her current address. The statement informs the birth parent or prospective adoptive parent that identifying information may be provided to an adoptee under certain circumstances, that the signed relinquishment or consent is filed with the county clerk and is confidential, and that the birth parent may change his or her mind regarding the provision of identifying information.

The Department is required to develop a form to be signed by the birth parent at the time a relinquishment or consent is signed which specifies that an adoptee may obtain identifying information about a birth parent, and the birth parent should indicate, by checking the appropriate box on the form, whether he or she wants his or her name and address disclosed.

Attached for your information is a copy of Form AD 908 which specifies the above information. The supply of this form is expected to be available approximately January 3, 1984, from the DSS Warehouse and can be ordered following the usual procedures.

The Statement of Understanding for the relinquishment and independent adoption programs must be amended to conform to the requirements of AB 2096. The amended versions of these forms are expected to be available the latter part of March, 1984. Until the forms are available, agencies are instructed to modify statements signed after January 1, 1984, in accordance with the instructions attached to this notice.

5. Section 7 of the act delineates the process to be followed in the disclosure of identifying information.

The Department is authorized to charge a reasonable fee to cover the costs of processing requests for information.

The Department is required to respond to a request for identifying information within 20 working days of the request. Requests may be forwarded to licensed adoption agencies.

The Department is directed to publicly announce the availability of the new means of contact between adoptees and birth parents.

6. Section 8 of the act requires the Department to adopt regulations for the release of information which would cause emotional trauma in a reasonable person.

7. Section 12 of the act requires the Department to develop a schedule of fees required by the act.
8. Section 13 of the act establishes liability for damages under the act at \$250.00 for each act or omission.

Due to the complexity of the procedures mandated by this bill and the need for specificity and clarity in its implementation, the Department is seeking follow-up legislation to further clarify the provisions of the act.

If you have any questions, please contact John McConnell, State Adoptions Policy Unit at (916) 323-0470.



LOREN D. SUTER  
Deputy Director  
Adult and Family Services Division

Attachments

cc: CWDA

## Effective Dates of AB 2096 Provisions

January 1, 1984	January 1, 1985	January 1, 1986
Civil Code Section 224s (amendment)  (Medical information regarding child and birth parents to be provided adoptive parents in independent adoptions)		Civil Code Section 224t  (Medical report form to be provided adoptee or adoptive parents upon request)
		Civil Code Section 224u  (Designated message provided to birth parents whose parental rights are terminated by court order)
		Civil Code Section 227(b)  (Identifying information regarding adoptee and birth parent to be released upon request if relinquishment or consent signed on or after January 1, 1984.)
		Civil Code Section 224v**  (Statement regarding confidentiality to be completed by birth parent at time of relinquishment or consent)

\*\*The bill indicates 224v is to be effective January 1, 1986, but because the provisions of 227(b) for release of identifying information affect adoptions in which relinquishment or consent was signed on or after January 1, 1984, 224v must be implemented as of January 1, 1984.

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Effective Dates of AB 2096 Provisions

January 1, 1984	January 1, 1985	Civil Code Section 227(c)  (Department to relay requests for identifying information to agency as appropriate within 20 days as required in 227(b))	Civil Code Section 227(d)  (Department to publicize current method of arranging contact between adoptee and birth parent under 230.6 of Civil Code.)	Department to adopt regulations governing the timely release of medical information pursuant to 224t of the Civil Code.	Adoption Information Fund Established in the State Treasury	Fee schedule to be developed by the Department
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The Department is currently modifying its Statement of Understanding for the independent and relinquishment adoption programs. Until these forms are available in the D.S.S. Warehouse, the agency should make the following alterations in all statements of understanding signed after January 1, 1984:

<u>FORM NUMBER</u>	<u>STATEMENT TO BE DELETED</u>
Relinquishment Adoption Program	
AD 885	Page 2, item 10, second paragraph Page 2, item 14, first sentence of second paragraph
AD 885A	Page 2, item 9, second paragraph Page 2, item 13, first sentence of second paragraph
AD 885B	Page 1, item 6, second paragraph Page 2, item 10, first sentence of second paragraph
AD 899	Page 2, item 16, second paragraph Page 2, item 21, first sentence of second paragraph
AD 899A & AD 899B	Page 2, item 15, second paragraph Page 2, item 20, first sentence of second paragraph

Independent Adoption Program	
AD 887	Page 1, item 12, first sentence of second paragraph
AD 887A	Page 1, item 11, first sentence of second paragraph
AD 887B	Page 1, item 9, first sentence of second paragraph
AD 900	Page 2, item 17, first sentence of second paragraph
AD 900A	Page 2, item 16, first sentence of second paragraph
AD 900B	Page 2, item 14, first sentence of second paragraph

## ADOPTIONS INFORMATION ACT REQUIRED STATEMENT AND FORM

**Instructions:**

1. Section A — To be completed by DSS District Office/licensed adoption agency.
  2. Section B — To be completed and signed by the birth parent and witnessed by two persons, one of whom should be an authorized representative of the Department of Social Services/licensed adoption agency.
  3. Copy to parent; Original to file.
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**SECTION A**

Child's Name

Child's Birthdate

Name and Address of Adoption Agency/DSS District office

**SECTION B**

- (1) It is in the best interest of the child that you as the birth parent keep the department or the licensed adoption agency to whom the child was relinquished for adoption informed of any health problems that you develop that could affect the child.
- (2) It is extremely important that you as the birth parent keep your address current with the department or the licensed adoption agency to whom the child was relinquished for adoption in order to permit a response to any inquiries to the department concerning medical or social history.
- (3) The relinquishment or consent will be filed in the office of the county clerk of the county in which the adoption takes place and it is not open to inspection by any persons other than the parties to the adoption proceedings, their attorneys, and the State Department of Social Services, except upon order of the judge of the superior court.
- (4) Section 227 of the Civil Code authorizes a person who has been adopted and who attains the age of 21 to petition the State Department of Social Services or the licensed adoption agency that joined in the petition for his or her adoption to obtain the name and address of his or her birth parent indicate whether you wish your name and address to be so disclosed by checking the appropriate box provided in #6 below.
- (5) You as the birth parent may change your decision as to whether or not you wish your name and address disclosed, at any time, by sending a notarized letter to that effect, by registered mail, return receipt requested, to the State Department of Social Services or to the licensed adoption agency that joined in the petition for adoption.
- (6) Indicate by checking one of the boxes below whether or not you wish your name and address to be so disclosed.

YES       NO       UNCERTAIN AT THIS TIME: WILL NOTIFY AGENCY AT LATER DATE.

Signature of Birth Parent

Date

Signature of Department/Agency Representative

Title

Signature of Witness

CHAPTER 1162

An act to amend Sections 224s and 227 of, and to add Sections 224t, 224u, and 224v to, the Civil Code, relating to adoptions.

[Approved by Governor September 27, 1983. Filed with  
Secretary of State September 28, 1983.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2036, Campbell. Adoption records.

Under existing law, other than as to parties to an adoption and their attorneys, all records and information regarding the birth of children who have been adopted, except for newly issued birth certificates, are available only upon an order of the superior court, which may only be granted in cases of necessity and good and compelling cause. However, existing law also provides that if an adult adoptee (i.e., a person who has attained the age of 18), his or her natural parent, and any living adoptive parent have each filed a written waiver of his or her rights with respect to the confidentiality of adoption records with the State Department of Social Services or any licensed adoption agency, the department or the licensed agency may arrange for contact among those persons.

This bill would enact the Adoption Information Act of 1983 which, on and after January 1, 1986, would provide a new procedure for (1) the disclosure of the names and addresses of adoptees who have reached the age of 21, contained in the records of the State Department of Social Services and licensed adoption agencies, to the birth parents of the adopted persons; (2) the disclosure of the names and address of birth parents contained in those records to adopted persons who have attained the age of 21; and (3) under certain limited circumstances, the disclosure of the names and addresses of the birth parents of an adoptee under the age of 21 to the person's adoptive parents, upon the submission of a request to the department or the licensed adoption agency that joined in the adoption petition. The bill would require licensed county adoption agencies to make a notification and, in certain instances, to respond to requests in this regard, thus establishing a state-mandated local program.

It would also make a related change.

Existing law requires, with respect to agency adoptions, the submission of a medical report on the child's medical background to the prospective adopting parents.

This bill, on and after January 1, 1986, would provide a similar requirement with regard to independent adoptions, thus establishing a state-mandated local program as the report would in certain instances be required to be prepared by a county adoption

should also require the State Department of Social Services to regulate a procedure whereby an adoptee who attained the age of 21 or who is married, or the adoptive parent of an unmarried adoptee who is under the age of 21, may obtain a report from the department or the licensed agency prepared the report, as specified, by January 1, 1985. Insular as could require any licensed adoption agency, including licensed adoption agencies, to respond to such a request, it would establish a state-mandated local program.

The bill would authorize the imposition of fees, as specified, to cover the costs of the programs and services it would impose on licensed adoption agencies.

The bill would provide that the provisions of this act relating to the procedure for disclosure of names and addresses shall only apply to relinquishments for or consents to adoption signed on or after January 1, 1984.

The bill would also create the Adoption Information Fund in the State Treasury, the funds of which would be available for appropriation by the Legislature for the support of specified state programs which would make other related changes.

SECTION XIII B of the California Constitution and Sections 2231 and 1 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs indicated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made for reimbursement required by this act for a specified reason.

*People of the State of California do enact as follows:*

SECTION 1. This act shall be known and may be cited as "The Adoption Information Act of 1983."

SECTION 2. The Legislature finds and declares that once parental rights have been terminated and a child is legally free for adoption, contacts between an adoptee and his or her birth parents, usually permanently severed. When this occurs, often there is no effective way to reestablish contact because of cost problems, tracing difficulties, and the confidentiality of records.

In this regard, the Legislature recognizes that in order to provide quick and timely medical care for an adoptee, an adopting parent should complete medical background information on both the adoptee and the adoptee's birth parents, not only to secure timely appropriate medical care for the adoptee but to make vital personal health and family decisions

Furthermore, the Legislature also recognizes that as a result of the permanent severance of the relationship between the adoptee and his or her birth parents, the adoptee also may suffer substantial emotional or physical illness resulting from an inability to satisfy personal needs concerning his or her origins, self-identity, and family medical history.

Accordingly, it is the purpose of this act to insure that complete medical background information of both a routine and nonroutine nature, if available, with regard to both the adoptee and the adoptee's birth parents is transmitted to the adopting parents at the time the adoptee is placed for adoption and that the medical background information is also available to the adoptee when he or she reaches 21 years of age or is emancipated by reason of marriage. It is also the purpose of this act to establish a procedure whereby a birth parent may petition the State Department of Social Services for disclosure of the identity and last known address of his or her son or daughter who has been adopted and who has reached the age of 21; whereby an adoptee who has attained the age of 21 may petition for the identity and last known address of his or her birth parent; and where the adoptive parent of an adoptee who is under the age of 21 may petition on behalf of the adoptee for the identity and last known address of the adoptee's birth parent, while providing safeguards respecting the right of privacy of all of such persons.

It is the intention of the Legislature that the costs incurred by the State Department of Social Services for programs established by subdivision (b) of Section 227 of the Civil Code shall be supported entirely by the Adoption Information Fund. It is the intention of the Legislature that costs incurred by licensed adoption agencies pursuant to programs established by this act shall be funded by fees charged by those agencies for services required by those programs.

SEC. 3. Section 224s of the Civil Code is amended to read:

224s. (a) No agency shall place a child for adoption unless a written medical report on the child's medical background, and available, so far as ascertainable, the medical background of the child's birth parents, has been submitted to the prospective adopting parents and the prospective adoptive parents have acknowledged in writing the receipt of such report.

The report on the child's background shall contain all known diagnostic information, including current medical reports on the child, psychological evaluations, and scholastic information, as well as all known information regarding the child's developmental history and family life.

In cases of adoption in which no agency licensed to place children for adoption is a party the report shall be made by the State Department of Social Services or delegated county agency as part of the study required by Section 226.2. The report shall be submitted to the prospective adopting parents who shall acknowledge its receipt in writing.

(b) The State Department of Social Services shall adopt regulations specifying the form and content of the report required by this section. In addition to any other material that may be required by the department, the form shall include inquiries designed to elicit information on any illness, disease, or defect of a genetic or hereditary nature. All licensed adoption agencies shall cooperate with and assist the department in devising a plan that will effectuate the effective and discreet transmission to adoptees or adoptive parents of pertinent medical information reported to the department or the licensed agency, upon the request of the person reporting the medical information.

(c) The requirements of this section shall not apply to stepparent or intercountry adoptions.

SEC. 4. Section 224 is added to the Civil Code, to read:

224t. Notwithstanding any other provision of law, the State Department of Social Services or the licensed adoption agency which made the report required by Section 224s shall, upon the request of a person who has been adopted pursuant to this chapter and who has attained the age of 21 or who presents a certified copy of his or her marriage certificate, or upon the request of the adoptive parent of a person under the age of 21 who has been adopted pursuant to this chapter, provide that person with a copy of the medical report required by Section 224s in the manner that the department shall prescribe by regulation. A person who is denied access to a medical report pursuant to the regulations adopted pursuant to this section may petition the superior court for review of the reasonableness of the department's or licensed adoption agency's decision. The names and addresses of any persons contained in the report shall be removed therefrom unless the person requesting the report has previously received the information pursuant to Section 227s.

The department or licensed adoption agency may charge a reasonable fee, in an amount established by the department, to cover the costs of processing requests generated as a result of Section 227. The revenue resulting from the fees so charged shall be utilized by the department or licensed adoption agency to increase existing staff as needed to process these requests. Fees received by the department shall be deposited in the Adoption Information Fund. This revenue shall be in addition to any other funds appropriated in support of the state adoption program.

The department or licensed adoption agency shall waive the fees authorized by this section for any person who is receiving public assistance pursuant to Part 3 (commencing with Section 11000) of Division 9 of the Welfare and Institutions Code.

SEC. 5. Section 224u is added to the Civil Code, to read:

224u. Whenever the parental rights of a birth parent are terminated pursuant to Section 232 or 7017, the public agency initiating the action under Section 232, or in cases in which the action was initiated by a public agency, the State Department of Social

Services, and, in cases in which the parental rights were terminated under Section 7017, the licensed agency to whom the child has been or is to be relinquished, or in cases in which the child has not or is not to be relinquished, a licensed agency, the State Department of Social Services, shall - [a written notice to the birth parent, if his or her address is known, which shall contain the following statement: "You are encouraged to keep the agency sending you this letter informed of your current address in order to permit a response to any inquiry concerning medical or social history."]

SEC. 6. Section 224v is added to the Civil Code, to read:

224v. (a) The State Department of Social Services shall adopt a statement to be presented to the birth parents and adoptive parents at the time the relinquishment or consent to adoption is signed which shall, in a clear and concise manner, in words calculated to assure the confidence of the birth parent in the integrity of the adoption process, communicate to the birth parent of a child that is the subject of an adoption petition all of the following facts:

(1) It is in the best interest of the child that the birth parent k<sup>2</sup> the department or the licensed adoption agency to whom the child was relinquished for adoption informed of any health problems that the parent develops that could affect the child.

(2) It is extremely important that the birth parent keep his or her address current with the department or the licensed adoption agency to whom the child was relinquished for adoption in order to permit a response to any inquiries to the department concerning medical or social history.

(3) Section 227 of the Civil Code authorizes a person who has been adopted and who attains the age of 21 to petition the State Department of Social Services or the licensed adoption agency that joined in the petition for his or her adoption to obtain the name and address of his or her birth parent; consequently it is of the utmost importance that the birth parent indicate whether or not he or she wishes his or her name and address to be so disclosed by checking the appropriate box provided on the form.

(4) The relinquishment or consent will be filed in the office of the county clerk of the county in which the adoption takes place and, it is not open to inspection by any persons other than the parties to the adoption proceedings, their attorneys, and the State Department of Social Services, except upon order of the judge of the superior court.

(5) The birth parent may change his or her decision as to whether or not he or she wishes his or her name and address disclosed, at any time, by sending a notarized letter to that effect, by registered mail, return receipt requested, to the State Department of Social Services or to the licensed adoption agency that joined in the petition for adoption.

(b) The State Department of Social Services shall adopt a form to be signed by the birth parents at the time the relinquishment of

In adoption is signed which shall provide as follows:

Sec. 7. (a) In 227 of the Civil Code authorizes a person who has been over 18 years and who attains the age of 21 to petition the State Department of Social Services or the licensed adoption agency that is filed in the petition for his or her adoption to obtain the name and address of his or her birth parent. Indicate by checking one of the boxes below whether or not you wish your name and address to be so disclosed.

YES

NO

UNCERTAIN AT THIS TIME; WILL NOTIFY AGENCY AT  
LATER DATE

SEC. 7. Section 227 of the Civil Code is amended to read:

227. (a) The person or persons desiring to adopt a child, and the child proposed to be adopted, shall appear before the court; however, if the adoptive parent is then commissioned or enlisted in the military service, or auxiliary thereof, of the United States, or of any of its allies, or in the American Red Cross, so that it is impossible or impracticable, because of the adoptive parent's absence from the State of California, or otherwise, for him or her to make an appearance in person, and the circumstances are established by satisfactory evidence, the appearance may be made for the adoptive parent by his or her counsel, commissioned and empowered in writing so to do. The power of attorney may be incorporated in the petition for adoption. The court shall examine all persons appearing before it pursuant to this section. The examination of each such person shall be conducted separately but within the physical presence of each such other person or persons unless the court, in its discretion, shall order otherwise. The party or parties adopting shall execute or acknowledge an agreement in writing that the child shall be treated in all respects as the lawful child of the party or parties. If satisfied that the interest of that child will be promoted by the adoption, the court may thereupon make and enter a decree of adoption of the child by the adopting parent or parents, and the child and the adopting parents shall thenceforth and thereafter sustain toward each other the legal relationship of parent and child and have all the rights and be subject to all the duties of that relation. In a case where the adopting parent is permitted to appear by counsel, the agreement may be executed and acknowledged by the counsel for the absent party, or may be executed by the absent party before a notary public, or any other person authorized to take acknowledgments including the persons authorized by Sections 1183 and 1183.5. In any case where the adoptive parent is permitted to appear by counsel, or otherwise, the court may, in its discretion, cause an examination of the adoptive parent, other interested party, or witness to be made upon deposition, as it deems necessary. The

deposition shall be taken upon commission, as prescribed by the Code of Civil Procedure, and the expense thereof shall be borne by the petitioner. The petition, relinquishment, agreement, order, report to the court from any investigating agency, and any power of attorney and deposition shall be filed in the office of the county clerk and shall not be open to inspection by any other than the parties to the action and their attorneys and the State Department of Social Services, except upon the written authority of the judge of the superior court. A judge of the superior court shall not authorize anyone to inspect the petition relinquishment, agreement, order, report to the court from any investigating agency, or power of attorney or deposition or any portion of any such documents except in exceptional circumstances and for good cause approaching the necessities. The petitioner may be required to pay the expenses for preparing the copies of the documents to be inspected.

Upon written request of any party to the action and upon the order of any judge of the superior court, the county clerk shall not print any documents referred to in this section for inspection or copying to any other person, unless the name of the birth parents of the child or any information tending to identify the birth parents of the child is deleted from the documents or copies thereof.

Upon the request of the adoptive parents or the child, a county clerk may issue a certificate of adoption which states the date and place of adoption, the birthday of the child, the name of the adoptive parents, and the name which the child has taken. Unless the child has been adopted by a stepparent, the certificate shall not state the name of the birth parents of the child.

The provisions of this section permitting an adoptive parent, who is commissioned or enlisted in the military service, or auxiliary thereof, of the United States, or of any of its allies, or in the American Red Cross, to make an appearance through his or her counsel, commissioned and empowered in writing to do so, are equally applicable to the spouse of an adoptive parent who resides with the adoptive parent outside of this state.

Where, pursuant to this section, neither adoptive parent appear before the court, the child proposed to be adopted need not appear. If the law otherwise requires that the child execute a document during the course of the hearing, the child may do so, and through counsel. Where none of the parties appear, no order of adoption shall be made by the court until after a report has been filed with the court pursuant to Section 226.6.

(b) The State Department of Social Services or a licensed adoption agency shall, (1) upon request of a person who has been adopted pursuant to this chapter and who has attained the age of 21, disclose the identity of the birth parent or parents of the person and the most current address of the birth parent or parents as shown in the records of the department or licensed adoption agency, if the birth parent or parents have indicated consent to the disclosure in

writing; and (2) upon request of the birth parent of a person who has been adopted pursuant to this chapter and who has attained the age of 21, disclose the adopted name of the adoptee and his or her most current address as shown in the records of the department or licensed adoption agency if the adult adoptee has indicated in writing, pursuant to the registration program developed by the State Department of Social Services, that he or she wishes his or her name and address to be disclosed. The department or licensed adoption agency also shall disclose the identity of a birth parent and his or her most current address as shown in the records of the department or licensed adoption agency upon the request of the adoptive parent of a person under the age of 21 who has been adopted pursuant to this chapter, upon the finding by the department that a medical necessity or other extraordinary circumstances justify the disclosure. The department may charge a reasonable fee to cover the costs of processing these requests, to be deposited in the Adoption Information Fund.

The form of the request required by this section shall be prescribed by the State Department of Social Services, shall provide for an affidavit to be executed by the requester that to the best of his or her knowledge he or she is an adoptee; that he or she is the birth parent of an adoptee; or that he or she is the adoptive parent of an adoptee. The department may adopt regulations requiring such additional means of identification from a requester as it deems necessary. The request shall advise an adoptee that if he or she so consents, his or her adoptive parents will be notified of the filing of the request prior to the release of the name and address of his or her birth parent.

The provisions of this subdivision shall not be applicable where a birth parent or an adoptee has indicated that he or she does not wish his or her name or address to be disclosed.

The department shall either respond to a request for information pursuant to this section or forward the request to a licensed adoption agency pursuant to subdivision (c) within 20 working days of its receipt of the request.

(c) The department may forward requests for information pursuant to this section to any licensed adoption agency that was a party to the adoption.

(d) Notwithstanding any other provision of law, the department shall announce the availability of the present method of arranging contact among an adult adoptee, his or her birth parent, and any living adoptive parent authorized by Section 230.6 utilizing a means of communication appropriate to effectively inform the public. SEC. 8. The State Department of Social Services shall adopt regulations governing the timely release of medical information pursuant to Section 224t of the Civil Code by January 1, 1985. The regulations shall provide for a special procedure for the release of information that it deems likely to cause emotional trauma in a

reasonable person. The regulation shall provide that if the information would cause such emotional trauma, and if the requester is a person who has attained the age of 21, the department or licensed adoption agency shall inform the requester that the report contains sensitive material and that he or she has the choice of having the report sent to himself or herself or to a medical professional of his or her choice. The regulations also shall provide that if the requester is a person under the age of 21, the department or licensed adoption agency shall inform the requester that the report contains sensitive material and that the report may only be released to a medical or mental health professional of his or her choice. The regulations shall define "medical or mental health professional" to include a physician and surgeon, a clinical psychologist, a licensed clinical social worker, a person employed as a social worker by a county, and a marriage, family, and child counselor. The regulations shall also provide that any medical information submitted to the department or licensed adoption agency by a birth parent after the filing of the medical report required by Section 224s shall also be transmitted to a requester pursuant to Section 224t.

SEC. 9. There is established in the State Treasury the Adoption Information Fund. All money in the fund shall be available for appropriation by the Legislature to the State Department of Social Services exclusively for the support of the costs incurred by the State Department of Social Services pursuant to the programs established by subdivision (b) of Section 227 of the Civil Code. The funds may be transferred to and in augmentation of the State Department of Social Services support item in the Budget Act or the adoptions local assistance item for reimbursement of expenditures related to this act in such amounts as the Director of Finance may authorize.

SEC. 10. Sections 2, 4, 5, 6, and 7 of this act shall be operative January 1, 1986.

SEC. 11. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

SEC. 12. The department shall develop a schedule of fees required by this act. To the extent feasible, the fees established pursuant to this act shall provide sufficient revenue to cover the total cost of the provisions of this act, including the administrative costs of the State Department of Social Services.

SEC. 13. Notwithstanding any other provision of law, the maximum liability of the state for damages caused by any act or omission of any of its officers or employees with regard to the programs authorized by this act is two hundred fifty dollars (\$250) for each such act or omission.

SEC. 14. Notwithstanding any other provision of law, the maximum liability of any licensed adoption agency for damage

caused by any act or omission of any of its employees with regard to the programs authorized by this act is two hundred fifty dollars (\$250) for each such act or omission.

SEC. 15. The provisions of this act shall be applicable only to California adoptions.

SEC. 16. The provisions of subdivision (b) of Section 227 of the Civil Code as amended by this act shall only apply to relinquishments for or consents to adoption signed on or after January 1, 1984.

SEC. 17. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code because the local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act.

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