

DEPARTMENT OF SOCIAL SERVICES

744 P Street, M.S. 19-31  
Sacramento, CA 95814



November 16, 1984

ALL COUNTY LETTER NO. 84-114

- TO: All County Welfare Directors  
All Public and Private Adoption Agencies  
All DSS Adoption District Offices

SUBJECT: Provisions of SB 1232 and SB 1531

This notice is to inform you of the provisions of two recently chaptered Senate bills which impact on California's adoption program.

Senate Bill 1232 (Chapter 724, Statutes of 1984)

This bill amends Civil Code Section 1798.24 to authorize a child or grandchild of an adopted person to receive medically necessary information pertaining to the adoptee's natural parents. The information revealed, or the process by which the information is released, shall not disclose the identity of the adopted person's natural parent or parents. The Department of Social Services is required to adopt regulations governing the release of information under this section by July 1, 1985.

Senate Bill 1531 (Chapter 1049, Statutes of 1984)

This bill adds Section 230.7 to the California Civil Code. This section authorizes the Department or licensed adoption agency to release, upon written request, any letters, photographs or other items of personal property in their possession to an adoptee, provided that he or she has reached the age of 18; to an adoptive parent or parents, on behalf of an adoptee under the age of 18, as long as instructions to the contrary have not been made by the depositor; and the birth parent or parents. The Department or agency is required to delete all identifying names and addresses from items of personal property prior to delivery to the requestor. All items of personal property so delivered are to be accompanied by a release form or similar document, signed by the person who deposits the material and which specifies to whom the material is to be released. The Department or agency is authorized to refuse to deposit items which, due to value or bulk, would pose storage problems. The Department or agency is authorized to charge reasonable fees to recover the costs of the service provided or storage of the item. The provisions of SB 1531 are applicable to items of personal property deposited with the Department or agency on or after January 1, 1985.

For your information, the chaptered versions of these bills are attached.

A handwritten signature in cursive script, appearing to read 'Loren D. Suter'.

LOREN D. SUTER  
Deputy Director  
Adult and Family Services Division

Attachment

cc: CWDA

of personal property before delivery to the requester.

Any letters, photographs, or other items of personal property shall be accompanied by a release form or similar document signed by the person depositing the material, specifying to whom the material may be released. At its discretion, the department or licensed adoption agency shall have the right to refuse for deposit items of personal property that, because of value or bulk, would pose storage problems.

The department and licensed adoption agencies may charge a reasonable fee to cover the actual costs of any services required by this section in excess of normal postadoptive services provided by the department or agency. Additionally, at its discretion, the department or agency may charge a reasonable storage fee at the time the material is deposited or requested to cover the costs of nonroutine storage.

The provisions of this section are applicable only to items of personal property deposited with the department or a licensed adoption agency on or after January 1, 1985.

As used in this section, "photograph" means a photograph of the person depositing the photograph or the person making the request for the release.

SEC. 2. 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.

Senate Bill No. 1232

CHAPTER 724

An act to amend Section 1798.24 of the Civil Code, relating to records.

[Approved by Governor August 23, 1984. Filed with Secretary of State August 24, 1984.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1232, McCorquodale. Records.

The Information Practices Act of 1977 provides that no state agency shall disclose personal or confidential information, except as specified. One of the exceptions authorizes the disclosure to an adoptee of general background information on, but not including the identity of, his or her natural parents.

This bill would authorize the disclosure to a child or grandchild of an adoptee of medically necessary information on the adoptee's natural parents. It would require the State Department of Social Services to adopt regulations governing the release of this information.

*The people of the State of California do enact as follows:*

SECTION 1. Section 1798.24 of the Civil Code, as amended by Chapter 2 of the Statutes of 1984, is amended to read:

1798.24. No agency may disclose any personal or confidential information unless the disclosure of such information is:

(a) To the individual to whom the record pertains as set forth in Section 1798.34.

(b) With the prior written voluntary consent of the individual to whom the record pertains, but only if such consent has been obtained not more than 30 days before the disclosure, or in the time limit specified by the individual in the written consent.

(c) To the duly appointed guardian or conservator of the individual or a person representing the individual provided that it can be proven with reasonable certainty through the possession of agency forms, documents or correspondence that such person is the authorized representative of the individual to whom the information pertains.

(d) To those officers, employees, attorneys, or volunteers of the agency which has custody of the information if such disclosure is relevant and necessary in the ordinary course of the performance of their official duties and is related to the purpose for which the information was acquired.

(e) To a person, or to another agency where the transfer is necessary for the transferee agency to perform its constitutional or

statutory duties, and such use is compatible with a purpose for which the information was collected and such use or transfer is listed in the notice provided pursuant to Section 1798.9 or accounted for in accordance with the provisions of Section 1798.25.

(f) To a governmental entity when required by state or federal law.

(g) Pursuant to the California Public Records Act, Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code.

(h) To a person who has provided the agency with advance adequate written assurance that the information will be used solely for statistical research or reporting purposes, but only if the information to be disclosed is in a form that will not identify any individual.

(i) Pursuant to a determination by the agency which maintains information that compelling circumstances exist which affect the health or safety of an individual, if upon such disclosure notification is transmitted to the individual to whom the information pertains at his or her last known address. Disclosure shall not be made if it is in conflict with other state or federal law.

(j) To the State Archives of the State of California as a record which has sufficient historical or other value to warrant its continued preservation by the California state government, or for evaluation by the Director of General Services or his or her designee to determine whether the record has further administrative, legal, or fiscal value.

(k) To any person pursuant to a subpoena, court order, or other compulsory legal process if, before the disclosure, the agency reasonably attempts to notify such individual to whom the record pertains, and if such notification is not prohibited by law.

(l) To any person pursuant to a search warrant.

(m) Pursuant to Article 3 (commencing with Section 1800) of Chapter 1 of Division 2 of the Vehicle Code.

(n) For the sole purpose of verifying and paying government health care service claims made pursuant to Division 9 (commencing with Section 10000) of the Welfare and Institutions Code.

(o) To a law enforcement agency when required for an investigation of unlawful activity, unless such disclosure is otherwise prohibited by law.

(p) To another person or governmental organization to the extent necessary to obtain information from such person or governmental organization as necessary for an investigation by the agency of a failure to comply with a specific state law which the agency is responsible for enforcing.

(q) Personal information only to the Office of Information Practices when the transfer is necessary for that office to investigate a complaint it has received regarding an alleged violation of any provision of this chapter or to perform its mediation functions, provided that the Office of Information Practices has received the

written voluntary consent of the individual to whom the information pertains for such a transfer.

(r) To an adopted person and is limited to general background information pertaining to the adopted person's natural parents, provided that such information does not include or reveal the identity of the natural parents.

(s) To a child or a grandchild of an adopted person and disclosure is limited to medically necessary information pertaining to the adopted person's natural parents. However the information, or the process for obtaining the information, shall not include or reveal the identity of the natural parents. The State Department of Social Services shall adopt regulations governing the release of information pursuant to this subdivision by July 1, 1985. The regulations shall require licensed adoption agencies to provide the same services provided by the department as established by this subdivision.

(t) To a committee of the Legislature or to a Member of the Legislature, or his or her staff when authorized in writing by the member, where such member has permission to obtain the information from the individual to whom it pertains or where the member provides reasonable assurance that he or she is acting in behalf of the individual.

(u) To the University of California or a nonprofit educational institution conducting scientific research, provided the request for information includes assurances of the need for personal or confidential information, procedures for protecting the confidentiality of the information and assurances that the personal identity of the subject shall not be further disclosed in individually identifiable form.

(v) To an insurer if authorized by Chapter 5 (commencing with Section 10900) of Division 4 of the Vehicle Code.

The provisions of this article shall not be construed to require the disclosure of confidential information to the individual to whom the information pertains when that information may otherwise be withheld as set forth in Section 1798.42.

Senate Bill No. 1531

CHAPTER 1049

An act to add Section 230.7 to the Civil Code, relating to adoption.

[Approved by Governor September 12, 1984. Filed with  
Secretary of State September 12, 1984.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1531, Watson. Adoption.

Existing law does not require the State Department of Social Services and licensed adoption agencies to release any letters, photographs, or other items of personal property in their possession to any adoptee, birth parent, or adoptive parent upon the written request of the adoptee, birth parent, or adoptive parent.

This bill would so require, as specified, thus establishing a state-mandated local program, since the requirement would be applicable to licensed county adoption agencies. The bill would be applicable only to personal property deposited with the department or licensed adoption agency on or after January 1, 1985.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated 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 and no reimbursement is required by this act for a specified reason.

*The people of the State of California do enact as follows:*

SECTION 1. Section 230.7 is added to the Civil Code, to read:

230.7. Notwithstanding any other provision of law, the State Department of Social Services and any licensed adoption agency shall release any letters, photographs, or other items of personal property in their possession to any adoptee, birth parent, or adoptive parent, upon written request. The material may be requested by any of the following parties:

(a) The adoptee, provided that he or she has attained the age of 18 years.

(b) The adoptive parent or parents, on behalf of an adoptee under the age of 18 years, as long as instructions to the contrary have not been made by the depositor.

(c) The birth parent or parents.

Notwithstanding any other provision of law, all identifying names and addresses shall be deleted from the letters, photographs, or items