

1 **history and social and genetic history.**

2 (a) Prior to placement for adoption, the court shall require
3 that the licensed adoption agency or, where an agency is not
4 involved, the person, entity or organization handling the adoption,
5 shall compile and provide to the prospective adoptive parents a
6 detailed written health history, genetic and social history of the
7 child. These histories must exclude information that would
8 identify birth parents or members of a birth parent's family. The
9 histories must be set forth in a document that is separate from any
10 document containing such identifying information.

11 (b) The court, or an agency designated by the court, or judge
12 thereof, shall provide to an agency, person, or organization
13 handling the adoption the forms which must be utilized in the
14 acquisition of the above-described detailed nonidentifying written
15 health history and genetic and social history of the child. If the
16 records cannot be obtained, the court shall make specific findings
17 as to why the records are unobtainable.

18 (c) Records containing such nonidentifying information and
19 which are set forth on a document described in subsection (a)
20 above, separate from any document containing identifying data:

21 (1) Shall be retained by the clerk of the court for ninety-
22 nine years; and

23 (2) Shall be available upon request, throughout the time

1 specified in subdivision (1) of this subsection together with any
2 additional nonidentifying information ~~which may have been added on~~
3 ~~health or on genetic and~~ provided pursuant to section six hundred
4 two of this article, containing the medical and social history of
5 the birth parents, but which excludes information identifying any
6 birth parent or member of a birth parent's family, or the adoptee
7 or any adoptive parent of the adoptee, to the following persons
8 only:

9 (A) The adoptive parents of the child or, in the event of
10 death of the adoptive parents, the child's guardian;

11 (B) The adoptee upon reaching the age of eighteen;

12 (C) In the event of the death of the adoptee, the adoptee's
13 spouse if he or she is the legal parent of the adoptee's child or
14 the guardian of any child of the adoptee;

15 (D) In the event of the death of the adoptee, any progeny of
16 the adoptee who is age eighteen or older; and

17 (E) The birth parent of the adoptee.

18 (d) The person requesting nonidentifying health history and
19 genetic and social history shall pay the actual and reasonable
20 costs of providing that information. This provision requiring
21 payment of costs is subject to sections of this article that
22 provide for the adoptee to obtain information by petitioning the
23 court.

1 **§48-23-602. Taking social and medical histories of birth parents.**

2 (a) The Division of Human Services shall prescribe and supply
3 forms for the taking of social and medical histories of the birth
4 parents of minors available for adoption.

5 (b) The licensed adoption agency, or, where an agency is not
6 involved, the person, entity or organization handling the adoption
7 shall designate an assessor who shall record the social and medical
8 histories of the birth parents of a minor available for adoption,
9 unless the minor is to be adopted by the minor's stepparent or
10 grandparent. The assessor shall use the forms prescribed pursuant
11 to subsection (a) of this section. The assessor shall not include
12 on the forms identifying information about the birth parents or
13 other ancestors of the minor.

14 (c) A social history shall describe and identify the age;
15 ethnic, racial, religious, marital and physical characteristics;
16 and educational, cultural, talent and hobby, and work experience
17 background of the birth parents. A medical history shall identify
18 major diseases, malformations, allergies, ear or eye defects, major
19 conditions and major health problems of the birth parents that are
20 or may be congenital or familial. These histories may include
21 other social and medical information relative to the birth parents
22 and shall include social and medical information relative to the
23 minor's other ancestors.

1 The social and medical histories may be obtained through
2 interview with the birth parents or other persons and from any
3 available records if a birth parent or any legal guardian of a
4 birth parent consents to the release of information contained in a
5 record. An assessor who considers it necessary may request that a
6 birth parent undergo a medical examination. In obtaining social
7 and medical histories of a birth parent, an assessor shall inform
8 the birth parent, or person other than a birth parent who provides
9 information pursuant to this section, of the purpose and use of the
10 histories and of the birth parent's or other person's right to
11 correct or expand the histories at any time.

12 (d) A birth parent, or another person who provided information
13 in the preparation of the social and medical histories of the birth
14 parents of a minor, may cause the histories to be corrected or
15 expanded to include different or additional types of information.
16 The birth parent or other person may cause the histories to be
17 corrected or expanded at any time prior or subsequent to the
18 adoption of the minor, including any time after the minor becomes
19 an adult. A birth parent may cause the histories to be corrected or
20 expanded even if the birth parent did not provide any information
21 to the assessor at the time the histories were prepared.

22 (1) To cause the histories to be corrected or expanded, a
23 birth parent or other person who provided information shall provide

1 the information to be included or specify the information to be
2 corrected to whichever of the following is appropriate under the
3 circumstances:

4 (A) Subject to paragraph (B) of this subdivision, if the birth
5 parent or other person knows the assessor who prepared the
6 histories, to the assessor;

7 (B) If the birth parent or person does not know the assessor
8 or finds that the assessor has ceased to perform assessments, to
9 the court involved in the adoption or, if that court is not known,
10 to the Division of Human Services.

11 (2) An assessor who receives information from a birth parent
12 or other person pursuant to paragraph (B), subdivision (1) of this
13 subsection shall determine whether the information is of a type
14 that subsections (b) and (c) of this section permit to be included
15 in the histories. If the assessor determines the information is of
16 a permissible type, the assessor shall cause the histories to be
17 corrected or expanded to reflect the information. If, at the time
18 the information is received, the histories have been filed with the
19 court as required by subsection (e) of this section, the court
20 shall cooperate with the assessor in correcting or expanding the
21 histories.

22 (3) If the Division of Human Services or a court receives
23 information from a birth parent or other person pursuant to

1 paragraph (B), subdivision (1) of this subsection, it shall
2 determine whether the information is of a type that subsections (b)
3 and (c) of this section permit to be included in the histories. If
4 a court determines the information is of a permissible type, the
5 court shall cause the histories to be corrected or expanded to
6 reflect the information. If the Division of Human Services so
7 determines, the court involved shall cooperate with the division in
8 the correcting or expanding of the histories.

9 (4) An assessor or the Division of Human Services shall notify
10 a birth parent or other person in writing if the assessor or
11 division determines that information the birth parent or other
12 person provided or specified for inclusion in a history is not of
13 a type that may be included in a history. On receipt of the notice,
14 the birth parent or other person may petition the court involved in
15 the adoption to make a finding as to whether the information is of
16 a type that may be included in a history. On receipt of the
17 petition, the court shall issue its finding without holding a
18 hearing. If the court finds that the information is of a type that
19 may be included in a history, it shall cause the history to be
20 corrected or expanded to reflect the information.

21 (e) An assessor shall file the social and medical histories of
22 the birth parents prepared pursuant to subsections (b) and (c) of
23 this section with the court with which a petition to adopt the

1 birth parents' child is filed. The court promptly shall provide a
2 copy of the social and medical histories filed with it to the
3 petitioner. In a case involving the adoption of a minor by any
4 person other than the minor's stepparent or grandparent, a court
5 may refuse to issue an interlocutory order or final decree of
6 adoption if the histories of the birth parents have not been so
7 filed, unless the assessor certifies to the court that information
8 needed to prepare the histories is unavailable for reasons beyond
9 the assessor's control.

NOTE: The purpose of this bill is to facilitate compiling and making available nonidentifying social and medical histories of birth parents prior to an adoption.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.

§48-23-602 is new; therefore, strike-throughs and underscoring have been omitted.