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House Engrossed

adoption; health information; update

State of Arizona

House of Representatives

Fifty-fifth Legislature

First Regular Session

2021

CHAPTER 48

HOUSE BILL 2010

AN ACT

Amending section 8-129, Arizona Revised Statutes; relating to child safety.

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 8-129, Arizona Revised Statutes, is amended to read:

8-129. Health and genetic history; compilation; availability; costs

A. Before placing a child for adoption, the division or the agency or the person placing the child, if the child is not placed by the division, shall compile and provide to the prospective adoptive parents detailed written nonidentifying information, including a health and genetic history and all nonidentifying information about the birth parents or members of a birth parent's family set forth in a document that is separate from any document containing identifying information. This subsection does not apply if the birth parents are deceased, their whereabouts are unknown or the information is not otherwise reasonably available.

B. Records containing the information prescribed in subsection A OF THIS SECTION:

1. Shall be retained by the division, agency or person PLACING THE CHILD for ninety-nine years, and if an agency or person ceases to function, the agency or person shall transfer these records to the division, except that an agency ceasing operations may transfer these records to another agency within this state, provided the agency transferring the records gives notice of the transfer to the division.

2. May be supplemented with information supplied by any member of the birth family, any member of the adoptive family, ~~or~~ an adult adoptee or the family of an adult adoptee. Supplemental information supplied to the division or the agency or the person who placed the child shall be filed with all other information concerning the adoption. THE DIVISION, AGENCY OR PERSON PLACING THE CHILD SHALL NOTIFY THE ADOPTEE, IF THE ADOPTEE IS AT LEAST EIGHTEEN YEARS OF AGE, OR THE ADOPTIVE PARENTS, IF

THE ADOPTEE IS UNDER EIGHTEEN YEARS OF AGE, OF THE RECEIPT OF ANY SUPPLEMENTAL INFORMATION FROM A MEMBER OF THE BIRTH FAMILY.

3. Shall be available on request throughout the ninety-nine year period, together with any other information described in subsection A OF THIS SECTION which is added, to the following persons only:

(a) The adoptive parents of the child or, if the adoptive parents have died, the child's guardian.

(b) The adoptee if ~~he~~ THE ADOPTEE is eighteen ~~or more~~ years of age OR MORE, INCLUDING A QUALIFIED YOUNG ADULT WHO WAS PREVIOUSLY ADOPTED AND WHO IS PARTICIPATING IN A PROGRAM DESCRIBED IN SECTION 8-521, 8-521.01 OR 8-521.02.

(c) If the adoptee has died, the adoptee's spouse if ~~he~~ THE SPOUSE is the legal parent of the adoptee's child or the guardian of any child of the adoptee.

(d) If the adoptee has died, any progeny of the adoptee who is eighteen ~~or more~~ years of age OR MORE.

(e) The birth parent of the adoptee or other biological children of the birth parent.

C. The actual and reasonable cost of providing information pursuant to this section shall be paid by the person requesting the information.

Sec. 2. Foster care; young adults; reentry; delayed repeal; definition

A. Notwithstanding sections 8-521, 8-521.01 and 8-521.02, Arizona Revised Statutes, or any other statute and to comply with the consolidated appropriations act, 2021 (P. L. 116-260) to obtain monies under part E of title IV of the social security act, the department of child safety:

1. Shall allow any young adult who was discharged from foster care due to age during the COVID-19 public health emergency to voluntarily reenter foster care.

2. May not require a child who is in foster care under the responsibility of this state to leave foster care solely by reason of the child's age before October 1, 2021.

3. Shall provide to any youth who was discharged from foster care due to age during the COVID-19 public health emergency notice that is designed to make the youth aware of the option to return to foster care and shall facilitate the voluntary return of any such youth to foster care.

4. Shall conduct a public awareness campaign about the option to voluntarily reenter foster care for youth who have not attained twenty-two years of age, who aged out of foster care during fiscal year 2019-2020 or 2020-2021 and who are otherwise eligible to return to foster care.

B. This section is repealed from and after September 30, 2021.

C. For the purposes of this section, "foster care" means the independent living, transitional independent living and the extended foster care programs described in sections 8-521, 8-521.01 and 8-521.02, Arizona Revised Statutes.

Sec. 3. Retroactivity

This act applies retroactively to from and after December 21, 2020.

Sec. 4. Emergency

This act is an emergency measure that is necessary to preserve the public peace, health or safety and is operative immediately as provided by law.

APPROVED BY THE GOVERNOR MARCH 18, 2021.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 18, 2021.

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