**South Carolina General Assembly**

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**H. 5236**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Tinkler and Henegan

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Introduced in the House on April 19, 2016

Currently residing in the House Committee on **Judiciary**

Summary: Adoption

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

4/19/2016 House Introduced and read first time ([House Journal‑page 5](file:///h:\HJ%20Archive\2016\04-19-16.docx))

4/19/2016 House Referred to Committee on **Judiciary** ([House Journal‑page 5](file:///h:\HJ%20Archive\2016\04-19-16.docx))

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**VERSIONS OF THIS BILL**

[4/19/2016](file:///p:\pprever\2015-16\5236_20160419.docx)

**A** **BILL**

TO AMEND SECTION 63‑9‑780, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ACCESS TO AND DISCLOSURE OF NONIDENTIFYING AND IDENTIFYING INFORMATION ABOUT ADOPTEES, BIOLOGICAL PARENTS, AND BIOLOGICAL SIBLINGS, SO AS TO APPLY ALSO TO BIOLOGICAL GRANDPARENTS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 63‑9‑780(D) and (E) of the 1976 Code is amended to read:

“(D) The provisions of this section must not be construed to prevent any adoption agency from furnishing to adoptive parents, biological parents, biological grandparents, or adoptees nonidentifying information when in the sole discretion of the chief executive officer of the agency the information would serve the best interests of the persons concerned either during the period of placement or at a subsequent time nor must the provisions of this article and Article 7 be construed to prevent giving nonidentifying information to any other person, party, or agency who in the discretion of the chief executive officer of the agency has established a sufficient reason justifying the release of that nonidentifying information. As used in this subsection, ‘nonidentifying information’ includes, but is not limited to, the following:

(1) the health and medical histories of the biological parents and biological grandparents;

(2) the health and medical history of the adoptee;

(3) the adoptee’s general family background without name references or geographical designations; and

(4) the length of time the adoptee has been in the care and custody of the adoptive parent.

(E)(1) ~~The~~ For adoptions finalized before July 1, 2016, the public adoption ~~agencies~~ agency responsible for the placement shall furnish to an adoptee the identity of the adoptee’s biological parents and biological siblings and to the biological parents and biological siblings the identity of the adoptee ~~under the following conditions~~ if:

(a) the adoptee ~~must be~~ is twenty‑one years of age or older~~, and~~;

(b) the ~~applicants shall apply~~ applicant applies in writing to the adoption agency for the information~~;~~.

~~(b)~~(c) for an adoptee applying for identifying information about his biological parents or biological siblings, the adoption agency ~~must have~~ has a current file containing affidavits from the adoptee and the biological parents ~~and~~ or biological siblings, as applicable, ~~that they are willing to have their identities revealed~~ agreeing to the disclosure of their identity to each other. The affidavit also must include a statement releasing the agency from any liability due to the disclosure. It is the responsibility of the person furnishing the affidavit to advise the agency of a change in his status, name, and address;

(d) for a biological parent or biological sibling applying for identifying information about the adoptee, the adoption agency has a current file containing affidavits from the adoptee and the applicant agreeing to disclosure of their identities to each other; and

(e) a biological sibling requesting identifying information about an adoptee or whose identifying information is requested by the adoptee is twenty‑one years of age or older.

(2) For adoptions finalized after June 30, 2016, the public adoption agency responsible for the placement shall furnish to an adoptee the identity of the adoptee’s biological parents, biological grandparents, and biological siblings and to the biological parents, biological grandparents, and biological siblings the identity of the adoptee if:

(a) the adoptee is twenty‑one years of age or older;

(b) the applicant applies in writing to the adoption agency for the information;

(c) for an adoptee applying for identifying information about his biological parents, biological grandparents, or biological siblings, the adoption agency has a current file containing affidavits from the adoptee and the biological parents, biological grandparents, or biological siblings, as applicable, agreeing to disclosure of their identities to each other;

(d) for a biological parent, biological grandparent, or biological sibling applying for identifying information about the adoptee, the adoption agency has a current file containing affidavits from the adoptee and the applicant agreeing to disclosure of their identities to each other; and

(e) a biological sibling requesting identifying information about an adoptee or whose identifying information is requested by the adoptee is twenty‑one years of age or older.

(3) The affidavit provided pursuant to item (1)(c) or (2)(c) also must include a statement releasing the agency from liability due to the disclosure. It is the responsibility of the person furnishing the affidavit to advise the agency of a change in his status, name, and address.

~~(c)~~(4)(a) ~~the~~ The adoption agency shall establish and maintain a confidential register containing the names and addresses of the adoptees, ~~and~~ biological parents, biological grandparents, and biological siblings who have filed affidavits. It is the responsibility of a person whose name and address are in the register to provide the agency with his current name and address~~;~~.

(b) The adoption agency shall release the identifying information requested pursuant to subsection (E)(1) of only those adoptees, biological parents, biological grandparents, and biological siblings who have provided an affidavit pursuant to item (1)(c) or (2)(c).

~~(d)~~(5) ~~the~~ The adoptee and his biological parents, biological grandparents, and biological siblings shall undergo counseling by the adoption agency concerning the effects of the disclosure. The adoption agency may charge a fee for the services, but services must not be denied because of inability to pay.

~~(2)~~(6) No disclosure may be made within thirty days after compliance with these conditions. The director of the adoption agency may waive the thirty‑day period in extreme circumstances.

~~(3)~~(7) The adoption agency may delay disclosure for twenty days from the expiration of the thirty‑day period to allow time to apply to a court of competent jurisdiction to enjoin the disclosure for good cause shown.”

SECTION 2. This act takes effect upon approval by the Governor.

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