

House Engrossed
adoption; health information; update

State of Arizona
House of Representatives
Fifty-fifth Legislature
First Regular Session
2021

HOUSE BILL 2010

AN ACT

AMENDING SECTION 8-129, ARIZONA REVISED STATUTES; RELATING TO CHILD SAFETY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

4 8-129. Health and genetic history; compilation; availability;
5 costs

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

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

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

24 2. May be supplemented with information supplied by any member of
25 the birth family, any member of the adoptive family, ~~or~~ an adult adoptee
26 or the family of an adult adoptee. Supplemental information supplied to
27 the division or the agency or the person who placed the child shall be
28 filed with all other information concerning the adoption. THE DIVISION,
29 AGENCY OR PERSON PLACING THE CHILD SHALL NOTIFY THE ADOPTEE, IF THE
30 ADOPTEE IS AT LEAST EIGHTEEN YEARS OF AGE, OR THE ADOPTIVE PARENTS, IF THE
31 ADOPTEE IS UNDER EIGHTEEN YEARS OF AGE, OF THE RECEIPT OF ANY SUPPLEMENTAL
32 INFORMATION FROM A MEMBER OF THE BIRTH FAMILY.

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

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

38 (b) The adoptee if ~~the~~ THE ADOPTEE is eighteen ~~or more~~ years of age
39 OR MORE, INCLUDING A QUALIFIED YOUNG ADULT WHO WAS PREVIOUSLY ADOPTED AND
40 WHO IS PARTICIPATING IN A PROGRAM DESCRIBED IN SECTION 8-521, 8-521.01 OR
41 8-521.02.

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

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

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

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

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

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

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

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

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

24 4. Shall conduct a public awareness campaign about the option to
25 voluntarily reenter foster care for youth who have not attained twenty-two
26 years of age, who aged out of foster care during fiscal year 2019-2020 or
27 2020-2021 and who are otherwise eligible to return to foster care.

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

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

33 Sec. 3. Retroactivity

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

35 Sec. 4. Emergency

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