**A** **BILL**

TO AMEND SECTION 63‑9‑780, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CONFIDENTIALITY OF RECORDS, SO AS TO CLARIFY THAT THE RELEASE OF NONIDENTIFYING INFORMATION TO AN ADOPTEE, REGARDING THE HEALTH AND MEDICAL HISTORY OF AN ADOPTEE’S BIOLOGICAL PARENTS, IS ALWAYS IN THE BEST INTEREST OF THE PERSONS CONCERNED, AND TO REQUIRE AN AGENCY TO RELEASE THE NONIDENTIFYING INFORMATION TO THE ADOPTEE.

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

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

“(D)(1) The provisions of this section must not be construed to prevent any adoption agency from furnishing to adoptive parents, biological parents, 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)~~(a) the health and medical histories of the biological parents;

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

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

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

(2) Notwithstanding the provisions of item (1) or any other provision of law, upon the request for nonidentifying information by an adoptee, any adoption agency, childplacing agency, or any agency of this State, must furnish the health and medical histories of the adoptee’s biological parents. The furnishing of nonidentifying information relating to health and medical histories of the adoptee’s biological parents always serves the best interest of the persons concerned. Before the nonidentifying information is released to the adoptee, an adoption agency, child placing agency, or agency of this State may require sufficient proof that the requested medical history is that of the adoptee’s biological parent. The provisions of this item apply regardless of the manner in which the adoptee was adopted, including a private adoption.”

SECTION 2. This act takes effect upon approval by the Governor and applies to all adoptions, regardless of when the consent or relinquishment for adoption was executed.

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