

State of Arizona
House of Representatives
Fifty-second Legislature
First Regular Session
2015

House Engrossed

FILED
MICHELE REAGAN
SECRETARY OF STATE

CHAPTER 258

HOUSE BILL 2099

AN ACT

AMENDING SECTIONS 8-101 AND 8-120, ARIZONA REVISED STATUTES; RELATING TO
ADOPTION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 8-101, Arizona Revised Statutes, is amended to
3 read:

4 8-101. Definitions

5 In this article, unless the context otherwise requires:

6 1. "Adult" means a person eighteen years of age or older.

7 2. "Agency" OR "ADOPTION AGENCY" means a person other than the
8 division licensed by the division to place children for adoption, including
9 an attorney or law firm.

10 3. "Agency placement adoption" means an adoption proceeding in which
11 one or more of the requisite consents are given to an agency pursuant to
12 section 8-107, subsection D, paragraph 1.

13 4. "Child" means any person under eighteen years of age.

14 5. "Custody" means a status embodying all of the following rights and
15 responsibilities:

16 (a) The right to have the physical possession of the child.

17 (b) The right and the duty to protect, train and discipline the child.

18 (c) The responsibility to provide the child with food, shelter,
19 education and health care, and the authority to consent to surgery or other
20 extraordinary medical care in an emergency.

21 6. "Direct placement adoption" means an adoption proceeding in which
22 one or more of the requisite consents are given to a particular person
23 pursuant to section 8-107, subsection D, paragraph 2.

24 7. "Division" means the department of child safety.

25 8. "Juvenile court" or "court" means the juvenile division of the
26 superior court.

27 9. "Permanent guardian" means a legal guardian appointed by the court
28 pursuant to section ~~8-525~~ 8-871.

29 10. "Petitioner" includes both petitioners under a joint petition.

30 Sec. 2. Section 8-120, Arizona Revised Statutes, is amended to read:

31 8-120. Records; inspection; exception; destruction or transfer
32 of certain records

33 A. Except as provided in section 8-129, all files, records, reports
34 and other papers compiled ~~in accord with~~ UNDER this article, whether filed in
35 or in possession of the court, an agency or any person or association, shall
36 be withheld from public inspection.

37 B. Such files, records, reports and other papers may be open to
38 inspection by persons and agencies having a legitimate interest in the case
39 and their attorneys and by other persons and agencies having a legitimate
40 interest in the protection, welfare or treatment of the child if so ordered
41 by the court.

42 C. This section does not prohibit persons employed by the court, the
43 division or an agency from conducting the investigations or performing other
44 duties pursuant to this article within the normal course of their employment.

1 D. This section does not prohibit persons employed by the court, the
2 division, an attorney participating or assisting in a direct placement
3 adoption pursuant to section 8-130 or an agency from providing partial or
4 complete identifying information between a birth parent and adoptive parent
5 when the parties mutually agree to share specific identifying information and
6 make a written request to the court, the division or the agency.

7 E. Except for files that belong to an attorney, all files, records,
8 reports and other papers not filed in or in the possession of the court shall
9 not be destroyed until after a ninety-nine year period. The files that
10 belong to an attorney shall not be destroyed until after a seven-year period.

11 F. IF AN ADOPTION AGENCY CEASES OPERATIONS, THE ADOPTION AGENCY SHALL
12 DO ALL OF THE FOLLOWING:

13 1. TRANSFER THE DOCUMENTS DESCRIBED IN SUBSECTION A OF THIS SECTION TO
14 THE DIVISION OR TO ANOTHER ADOPTION AGENCY IN THIS STATE IF THE DOCUMENTS
15 CONCERN A MATTER THAT IS CLOSED.

16 2. TRANSFER THE DOCUMENTS DESCRIBED IN SUBSECTION A OF THIS SECTION TO
17 ANOTHER ADOPTION AGENCY IN THIS STATE IF THE DOCUMENTS CONCERN A MATTER THAT
18 IS OPEN.

19 3. NOTIFY THE DIVISION OF THE TRANSFER OF ANY DOCUMENTS TO ANOTHER
20 ADOPTION AGENCY IN THIS STATE PURSUANT TO THIS SUBSECTION.

21 4. NOTIFY ALL ADOPTIVE PARENTS WHOSE FILES IT IS TRANSFERRING PURSUANT
22 TO THIS SUBSECTION OF THE TRANSFER.

APPROVED BY THE GOVERNOR APRIL 10, 2015.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 13, 2015.

Passed the House February 26, 2015

Passed the Senate April 2, 2015

by the following vote: 58 Ayes,

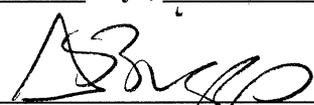
by the following vote: 29 Ayes,

0 Nays, 2 Not Voting

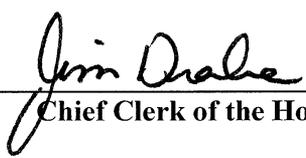
0 Nays, 1 Not Voting



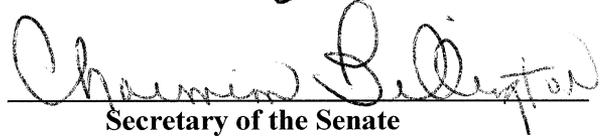
Speaker of the House



President of the Senate



Chief Clerk of the House



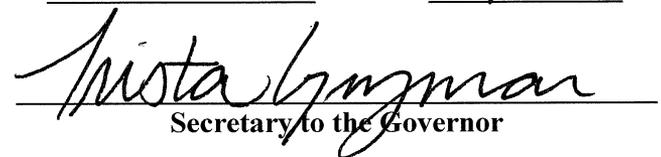
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

6th day of April, 2015

at 9:13 o'clock A. M.

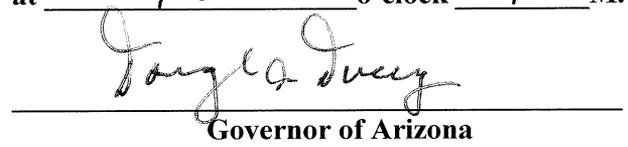


Secretary to the Governor

Approved this 10th day of

April

at 4:35 o'clock P. M.



Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 13th day of April, 2015

at 8:30 o'clock A. M.



Secretary of State

H.B. 2099