

COMMITTEE ON JUDICIARY  
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2070  
(Reference to printed bill)

1 Page 1, between lines 1 and 2, insert:

2 "Section 1. Section 8-106, Arizona Revised Statutes, is amended to  
3 read:

4 8-106. Consent to adoption; waiver; consent to the release of  
5 information; notification to potential fathers

6 A. The court shall not grant an adoption of a child unless consent  
7 to adopt has been obtained and filed with the court from the following:

- 8 1. The child's birth or adoptive mother, if living.  
9 2. The child's father if any of the following is true:

10 (a) The father was married to the child's mother at the time of  
11 conception or at any time between conception and the child's birth unless  
12 his paternity is excluded or another man's paternity is established  
13 pursuant to title 25, chapter 6, article 1.

14 (b) The father has adopted the child.

15 (c) The father's paternity is established under title 25, chapter 6,  
16 article 1 or section 36-334.

17 3. A child who is twelve years of age or older and who gives consent  
18 in open court.

19 4. Any guardian of the person of the child who is appointed by a  
20 court and who is given authority by it to consent to the child's adoption.

21 5. An agency that has been given consent to place the child for  
22 adoption by the parent or parents whose consent would be necessary under

1 paragraph 1 or 2 of this subsection, or that has been given authority in  
2 other legal proceedings to place the child for adoption.

3 6. The guardian of any adult parent for whom a guardian is currently  
4 appointed.

5 7. The division if it has been given consent to place the child for  
6 adoption by the parent or parents whose consent would otherwise be  
7 necessary pursuant to paragraph 1 or 2 of this subsection or if it has been  
8 given authority in other legal proceedings to place the child for adoption.  
9 The court may waive the requirement for consent if the court determines,  
10 after a hearing on actual notice to all persons who may be adversely  
11 affected, that waiving the requirement is clearly in the child's best  
12 interest.

13 B. It is not necessary for a person to obtain consent to adopt from  
14 the following:

15 1. An adult parent for whom a guardian is currently appointed.

16 2. A parent whose parental rights have been terminated by court  
17 order.

18 3. A parent who has previously consented to an agency's or the  
19 division's placement of the child for adoption.

20 4. A person whose consent is not required under subsection A of this  
21 section.

22 C. The minority of the child or parent does not affect the child's  
23 or parent's competency to give consent in the instances set forth in this  
24 section.

25 D. A consent to adopt is irrevocable unless obtained by fraud,  
26 duress or undue influence.

27 E. An agency, the division or an attorney participating or assisting  
28 in a direct placement adoption pursuant to section 8-130 shall obtain from  
29 a birth parent, at the time consent for adoption is obtained, a notarized  
30 statement ~~granting permission or withholding permission for the child being~~  
31 ~~adopted, when the child reaches eighteen years of age, to obtain~~  
32 ~~identifying and nonidentifying information about the child and the~~

~~consenting birth parent. The agency, division or attorney shall inform the birth parent at the time of obtaining the notarized statement that the decision to grant permission or withhold permission may be changed at any time by filing a notarized statement with the court. The most recent notarized statement shall operate as consent for the court to grant or withhold identifying and nonidentifying information.~~ THAT ACKNOWLEDGES THAT WHEN THE CHILD BEING ADOPTED REACHES EIGHTEEN YEARS OF AGE, THE CHILD MAY OBTAIN A COPY OF THE CHILD'S ORIGINAL BIRTH CERTIFICATE AS PROVIDED IN SECTION 36-340. THE BIRTH PARENT SHALL ALSO SUBMIT THE CONTACT PREFERENCE FORM PRESCRIBED IN SECTION 36-340 TO THE AGENCY, DIVISION OR ATTORNEY FOR FILING WITH THE COURT.

F. A notarized affidavit signed by the mother listing all potential fathers shall be filed with the court. The affidavit shall attest that all of the information contained in the affidavit is complete and accurate.

G. Notice shall be served on each potential father as provided for the service of process in civil actions. The notice shall be substantially in the form prescribed in subsection I of this section and shall inform the potential father of all of the following:

1. That adoption is planned.
2. The potential father's right to consent or withhold consent to the adoption.
3. The potential father's responsibility to initiate paternity proceedings under title 25, chapter 6, article 1, and to serve the mother within thirty days of completion of service.
4. The potential father's responsibility to proceed to judgment in the paternity action.
5. The potential father's right to seek custody.
6. The potential father's responsibility to begin to provide financial support for the child if paternity is established.
7. That the potential father's failure to file a paternity action pursuant to title 25, chapter 6, article 1, and to serve the mother and proceed to judgment in the paternity action as prescribed by this section,

1 bars the potential father from bringing or maintaining any action to assert  
2 any interest in the child.

3 H. Service on a mother of a title 25, chapter 6, article 1 paternity  
4 action pursuant to this section may be accepted by an attorney or agency  
5 that is licensed in this state and that is representing the mother. A  
6 mother may omit her address from the affidavit and notice to potential  
7 fathers if the address of her attorney or the agency is provided in the  
8 affidavit. Service on an attorney or agency pursuant to this subsection is  
9 limited to service of the initial verified petition and summons in the  
10 paternity action. Service on the attorney does not make the attorney the  
11 attorney of record for the mother in the paternity action and does not make  
12 the agency the agent for the mother in the paternity action.

13 I. The notice required pursuant to subsection G of this section  
14 shall be in substantially the following form:

15 Notice:

16 Notice is given to \_\_\_\_\_ that you have been  
17 identified by \_\_\_\_\_, the natural mother, as a  
18 potential father of a child to be born or, born on  
19 \_\_\_\_\_, in \_\_\_\_\_.

20 You are informed of the following:

21 1. \_\_\_\_\_, the natural mother, plans to place  
22 the child for adoption.

23 2. Under sections 8-106 and 8-107, Arizona Revised  
24 Statutes, you have the right to consent or withhold consent to  
25 the adoption.

26 3. Your written consent to the adoption is irrevocable  
27 once you give it.

28 4. If you withhold consent to the adoption, you must  
29 initiate paternity proceedings under title 25, chapter 6,  
30 article 1, Arizona Revised Statutes, and serve the mother  
31 within thirty days after completion of service of this notice.

1                   5. You have the obligation to proceed to judgment in the  
2 paternity action.

3                   6. You have the right to seek custody.

4                   7. If you are established as the child's father, you  
5 must begin to provide financial support for the child.

6                   8. If you do not file a paternity action under title 25,  
7 chapter 6, article 1, Arizona Revised Statutes, and do not  
8 serve the mother within thirty days after completion of the  
9 service of this notice and pursue the action to judgment, you  
10 cannot bring or maintain any action to assert any interest in  
11 the child.

12                   9. The Indian child welfare act may supersede the  
13 Arizona Revised Statutes regarding adoption and paternity.

14                   10. For the purposes of service of a paternity action  
15 under title 25, chapter 6, article 1, Arizona Revised Statutes,  
16 service may be made on the mother at \_\_\_\_\_ or her  
17 agency or attorney at \_\_\_\_\_.

18                   11. You may wish to consult with an attorney to assist  
19 you in responding to this notice.

20                   J. A potential father who fails to file a paternity action and who  
21 does not serve the mother within thirty days after completion of service on  
22 the potential father as prescribed in subsection G of this section waives  
23 his right to be notified of any judicial hearing regarding the child's  
24 adoption or the termination of parental rights and his consent to the  
25 adoption or termination is not required."

26 Renumber to conform

27 Page 2, between lines 11 and 12, insert:

28                   "Sec. 3. Section 8-534, Arizona Revised Statutes, is amended to  
29 read:

30                   8-534. Contents of petition

1           A. The petition for the termination of the parent-child relationship  
2 filed pursuant to this article shall include, to the best information or  
3 belief of the petitioner:

4           1. The name and place of residence of the petitioner.

5           2. The name, sex, date and place of birth and residence of the  
6 child.

7           3. The basis for the court's jurisdiction.

8           4. The relationship of the petitioner to the child or the fact that  
9 no relationship exists.

10          5. The names, addresses and dates of birth of the parents, if known.

11          6. The names and addresses of the person having legal custody or  
12 guardianship of the person or acting in loco parentis to the child or the  
13 organization or authorized agency having legal custody or providing care  
14 for the child.

15          7. The grounds on which termination of the parent-child relationship  
16 is sought.

17          8. The names and addresses of the persons or authorized agency or  
18 officer thereof to whom or to which legal custody or guardianship of the  
19 person of the child might be transferred.

20          B. ~~Beginning January 1, 1993,~~ Whenever possible the court ~~upon~~ ON  
21 terminating the parental rights of a birth parent in a termination of  
22 parental rights proceeding shall obtain from the birth parent a notarized  
23 statement ~~granting or withholding~~ THAT DOES BOTH OF THE FOLLOWING:

24           1. ACKNOWLEDGES THAT WHEN THE PERSON WHO IS THE SUBJECT OF THE  
25 TERMINATION OF PARENTAL RIGHTS PROCEEDING REACHES EIGHTEEN YEARS OF AGE,  
26 THE PERSON MAY OBTAIN A COPY OF THE PERSON'S ORIGINAL BIRTH CERTIFICATE AS  
27 PROVIDED IN SECTION 36-340.

28           2. GRANTS OR WITHHOLDS consent for the person who is the subject of  
29 the termination of parental rights proceeding to review adoption records,  
30 if the person is subsequently adopted, when ~~such~~ THE person ~~is twenty-one~~  
31 REACHES EIGHTEEN years of age ~~or older~~.

1 C. A copy of any relinquishment or consent and the notarized consent  
2 pursuant to section 8-106, subsection F, if any, previously executed by the  
3 parent shall be attached to the petition."

4 Renumber to conform

5 Page 2, between lines 19 and 20, insert:

6 "Sec. 5. Section 36-336, Arizona Revised Statutes, is amended to  
7 read:

8 **36-336. Adoption certificate**

9 A. For an adoption of a person born in this state, a state court  
10 shall submit to the state registrar an adoption certificate on a form  
11 approved by the state registrar or pursuant to a court order that includes:

12 1. Information required by rule about the adoptive father and  
13 adoptive mother.

14 2. Information required by rule about the child being adopted.

15 3. A statement by the court that the information on the adoption  
16 certificate is accurate.

17 **4. THE CONTACT PREFERENCE FORM PRESCRIBED IN SECTION 36-340.**

18 B. For an adoption of a person born in this state and ordered by a  
19 court in another state, the state registrar shall accept an order for an  
20 adoption or an adoption certificate that contains the information in  
21 subsection A.

22 C. If a court modifies a court order for adoption, the state  
23 registrar shall follow the procedures in this chapter for amending a  
24 registered certificate.

25 D. By the tenth day of each month, a court in this state shall  
26 submit to the state registrar all adoption certificates, court orders for  
27 adoption and court orders for modification of adoption for the preceding  
28 month.

29 E. When the state registrar receives an adoption certificate, a  
30 court order for adoption, a change to a court order for adoption or an  
31 annulment of an adoption for a person born in another state, the state

1 registrar shall send the document to the appropriate registration authority  
2 in the state where the person was born."

3 Renumber to conform

4 Page 4, line 6, after "A." insert "FROM AND AFTER DECEMBER 31, 2021 AND EXCEPT AS  
5 PROVIDED IN SUBSECTION I OF THIS SECTION,"

6 Line 23, after "SHALL" strike remainder of line

7 Strike lines 24 through 28, insert "DO ALL OF THE FOLLOWING:

8 1. INDICATE IF THE BIRTH PARENT WANTS TO DO ANY OF THE FOLLOWING:

9 (a) BE CONTACTED BY THE INDIVIDUAL WHO RECEIVES THE COPY OF THE  
10 ORIGINAL BIRTH CERTIFICATE. IF THE BIRTH PARENT WANTS TO BE CONTACTED, THE  
11 BIRTH PARENT SHALL INCLUDE THE BIRTH PARENT'S CURRENT NAME, ADDRESS AND  
12 TELEPHONE NUMBER IN ADDITION TO ANY OTHER CONTACT INFORMATION THE BIRTH  
13 PARENT WISHES TO INCLUDE.

14 (b) BE CONTACTED ONLY THROUGH AN INTERMEDIARY. IF THE BIRTH PARENT  
15 WANTS TO BE CONTACTED THROUGH AN INTERMEDIARY, THE BIRTH PARENT SHALL  
16 INCLUDE THE INTERMEDIARY'S NAME AND TELEPHONE NUMBER.

17 (c) NOT BE CONTACTED. THE FORM SHALL INDICATE THAT THE BIRTH PARENT  
18 MAY CHANGE THE CONTACT PREFERENCE TO ALLOW DIRECT CONTACT OR CONTACT  
19 THROUGH AN INTERMEDIARY BY FILING AN AMENDED CONTACT PREFERENCE FORM."

20 Line 29, after "2." insert "INDICATE IF THE BIRTH PARENT"

21 Between lines 30 and 31, insert:

22 "3. INCLUDE THE FOLLOWING INFORMATION:

23 (a) THE NAME OF THE CHILD ON THE ORIGINAL BIRTH CERTIFICATE.

24 (b) THE DATE OF BIRTH AND SEX OF THE CHILD.

25 (c) THE CITY OR TOWN, COUNTY AND NAME OF THE HOSPITAL IN WHICH THE  
26 CHILD WAS BORN.

27 (d) THE MOTHER'S NAME AS SHOWN ON THE ORIGINAL BIRTH CERTIFICATE.

28 (e) THE NAME OF THE ATTORNEY OR AGENCY THAT PLACED THE CHILD FOR  
29 ADOPTION OR THAT THE DEPARTMENT PLACED THE CHILD FOR ADOPTION.

30 (f) WHETHER THE PERSON FILLING OUT THE FORM IS THE BIRTH MOTHER OR  
31 BIRTH FATHER OF THE CHILD."



1 Page 4, after line 40, insert:

2 "H. THE DEPARTMENT SHALL PUBLICIZE THE REQUIREMENTS OF THIS SECTION.

3 I. THE STATE REGISTRAR MAY NOT PROVIDE TO AN INDIVIDUAL A COPY OF  
4 THE INDIVIDUAL'S ORIGINAL BIRTH CERTIFICATE THAT HAS BEEN SEALED DUE TO AN  
5 ADOPTION, IF THE INDIVIDUAL WAS BORN FROM AND AFTER JUNE 20, 1968 AND  
6 BEFORE THE EFFECTIVE DATE OF THIS SECTION.

7 Sec. 8. Appropriation; department of health services

8 The sum of \$1,000,000 is appropriated from the state general fund in  
9 fiscal year 2021-2022 to the department of health services for the  
10 implementation of this act."

11 Amend title to conform

And, as so amended, it do pass

FRANK PRATT  
CHAIRMAN

2070JUDICIARY  
01/27/2021  
10:12 AM  
H: ra