

(H. B. 2430)
(Conference)
(Reconsidered)

(No. 156-2020)

(Approved December 28, 2020)

AN ACT

To amend Section 12, add a Section 12-A, and amend Sections 14 and 15 of Act No. 61-2018, known as the “Puerto Rico Adoption Act,” for the purpose of promoting the implementation of this Act; include representatives in the adoption task force; provide that the Department of the Family and public or private non-profit or for profit organizations that promote adoption in Puerto Rico shall hold work meetings every six (6) months; establish a time limit for the Department of the Family and the Department of Health to create a voluntary relinquishment notice; set the deadline for the distribution of such notice to all health care service institutions across Puerto Rico; establish administrative fines for noncompliance with the provisions of Sections 4 and 12 of this Act; establish the frequency of the Candidate Selection Panel meetings; and for other related purposes.

STATEMENT OF MOTIVES

The adoption of children in Puerto Rico is a priority for this Legislative Assembly. The purpose of this Act is to promote the implementation of Act No. 61-2018, recognize the commitment and contribution of public or private non-profit or for profit organizations that promote adoption in Puerto Rico and establish time limits for the execution of several provisions.

According to data provided by the Substitute Care and Adoption Administration of the Children and Families Administration of the Department of the Family, two hundred forty-one (241) adoptions were completed in 2019, surpassing those completed in the past five (5) years. Most of these children were

under the custody of the State. The number of children whose parental rights have been terminated varies from year to year, because said process is subject to court proceedings. Currently, there are three hundred ninety-seven (397) children whose permanency plan is adoption. Out of these, one hundred fifty-seven (157) have had their parental rights terminated. Approximately eighty percent (80%) have health conditions, predominantly children over the age of seven and sibling groups. These children are available for adoption and ready to have a family that loves them, cares for them, and improve their quality of life.

Public or private non-profit or for profit organizations that promote adoption in Puerto Rico have shown a genuine commitment to the welfare of children under the custody of the Department of the Family, particularly those who have an Adoption Plan.

The Department of the Family and the Department of Health are responsible for creating a voluntary relinquishment and distributing it to all to all health care service institutions across Puerto Rico. Pregnant women must know about this option and the scope thereof. Assistance of the staff of health care service institutions of the Island is critical to fulfill this goal and fully comply with the provisions of this Act on voluntary relinquishment.

For the purpose of streamlining the evaluation process of petitions for adoption, the Candidate Selection Panel shall meet every two (2) weeks. Children cannot wait any longer; we must act now. We deem it necessary to add tools for the effective and prompt implementation of the “Puerto Rico Adoption Act.”

This Bill seeks to streamline the adoption process in Puerto Rico and integrate professionals, organizations, individuals, and governmental agencies committed to improving the quality of life of hundreds of children and youths who are waiting to be adopted. Teamwork and the cooperation of all sectors involved shall be decisive in the lives of these children.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:

Section 1.- Section 12 of Act No. 61-2018, as amended, known as the “Puerto Rico Adoption Act,” is hereby amended to read as follows:

“Section 12.- Interagency Support

The Secretary of the Department of Health shall designate his representatives, who shall be present during the drafting of the Regulations in order to ensure that any medical or health issues that could arise during pregnancy, labor, or the postpartum period are addressed therein.

Likewise, the Department of the Family, the Department of Health, and public and private nonprofit adoption agencies shall meet periodically through an adoption task force, to create and supervise mechanisms that keep them abreast of the matter of adoption. One representative of the Judicial Branch, one representative of the College of Social Work Professionals of Puerto Rico, and one representative of the Department of Justice shall be members of the adoption task force created under this Act. The Department of the Family shall issue a public notice every six (6) months calling all public or private non-profit or for profit organizations that promote adoption in Puerto Rico to a work meeting to discuss the adoption efforts of Department, review and propose amendments to adoption-related laws, promote integrated efforts to streamline adoption, and any other matter related to the adoption process in Puerto Rico. The work meeting may be held in person or via video conferencing through any electronic means.

The Department, in coordination with the Department of Health, shall adopt a notice to be posted by health care services institutions in a visible location, informing about the option to voluntarily relinquish a minor so that he may be placed for adoption as well as the modalities and legal consequences thereof. The involuntary relinquishment notice shall be created within thirty (30) days from the approval of this Act. The Department of the Family and the Department of Health shall be

responsible for distributing the notice to all health care services institutions across Puerto Rico within a period not to exceed sixty (60) days from the creation thereof.”

Section 2.- Section 12-A is hereby added to Act No. 61-2018, known as the “Puerto Rico Adoption Act,” to read as follows:

“Section 12-A. Administrative Fines

If a health care service institution fails to conspicuously post the voluntary relinquishment notice, the Department of the Family shall notify the administrator or owner that he shall comply with the provisions of Section 4 and 12 of this Act within thirty (30) days. If the health care services institution fails to comply with the foregoing, the Department of the Family may impose a fine not to exceed one thousand dollars (\$1,000) for each violation. The Department of the Family may refer the health care services institution to the Department of Health for any other administrative action it may deem pertinent.”

Section 3.- Section 14 of Act No. 61-2018, known as the “Puerto Rico Adoption Act,” is hereby amended to read as follows:

“Section 14.- Registry Creation and Content

The Department shall establish an electronic registry to be called the ‘Puerto Rico State Voluntary Adoption Registry,’ to be also known by its Spanish acronym, R.E.V.A., where the names of all minors with an adoption permanency plan shall be recorded, as well as the names of the adoptive parties, together with their updated and accurate identifying information, as required by regulations approved to such effect. The Registry shall include:

1. ...
2. ...
3. ...
4. ...
- ...

...

In order to be registered in R.E.V.A., it shall be mandatory for applicants to file a signed Home Study as well as the required legal documents, and to fully comply with the regulations adopted by the Department of the Family in accordance with this Act. Once an applicant has been registered in R.E.V.A., such applicant shall not be required to update the submitted documents initially accepted by the Department of the Family, until the Candidate Selection Panel begins the evaluation of the application for placement. The fact that an applicant's documents are not current shall not be grounds for his disqualification. The Department of the Family shall notify applicants by email and regular mail that they shall submit updated documents. Applicants shall have a period of ten (10) calendar days to submit the documents requested by the Department of the Family or proof of having requested such documents within said period.

An applicant who is a U.S. citizen and a United States resident may register in R.E.V.A., provided, that he meets the legal and regulatory requirements of the Department of the Family. Furthermore, all citizens residing in the United States who seek to register in R.E.V.A. shall undergo, at their own expense, a Home Study that shall attest to their suitability as resource parents.

Once the decree of adoption on behalf of an adoptive party that is a United States resident becomes final and binding, the Vital Statistics Registry of the Department of Health, by virtue of its enabling Act No. 24 of April 22, 1931, as amended, shall issue a new birth certificate with the new name of the minor and the names of the adoptive parents.

Persons adopted after the date of approval of this Act shall be entitled to access confidential data on the Registry concerning their adoption once they attain legal age. However, they shall only be granted access to such information as strictly necessary to guarantee their right to contact their biological parents.

Section 4.- Section 15 of Act No. 61-2018, known as the “Puerto Rico Adoption Act,” is hereby amended to read as follows:

Section 15.- Candidate Selection Panel

A Candidate Selection Panel is hereby created composed of five (5) members appointed by the Secretary of the Department, among whom shall be one (1) social worker licensed by, and a member of the College of Social Work Professionals, one (1) attorney-at-law, and three (3) persons knowledgeable and experienced in the new adoption process. These Panel meetings shall be held with at least three (3) members. The Panel shall hold regular meetings consecutively to evaluate petitions for adoption every two (2) weeks; if necessary, the Panel may hold special meetings. Panel meetings may be held in person or via video conferencing through any technological means. The Candidate Selection Panel shall evaluate the petition for adoption received in order to proceed with the placement of the minor. The Panel shall evaluate the candidates giving special attention to the governing principle of the best interest of the minor and shall take into consideration as part of their administrative process the date of the application, and kinship or attachment, among other aspects. Such relation shall be considered within the totality of the circumstances in the best interest of the adoptee.

...”

Section 5.- Rulemaking Authority

The Department of the Family is hereby directed to adopt and/or amend regulations as are necessary to ensure compliance with the provisions of this Act pursuant to the provisions of Act No. 38-2017, as amended, known as the “Government of Puerto Rico Uniform Administrative Procedure Act.”

Section 6.- This Act shall take effect upon approval.