

SECOND REGULAR SESSION

HOUSE BILL NO. 1640

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SCHOELLER (Sponsor) AND COOPER (155) (Co-sponsor).

Read 1st time January 14, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

3029L.02I

AN ACT

To repeal section 193.125, RSMo, and to enact in lieu thereof one new section relating to birth certificates.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 193.125, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 193.125, to read as follows:

193.125. 1. **This section shall be known and may be cited as the "Debbi Daniel Law".**

2. **Except as otherwise provided in subsection 2 of this section,** for each adoption decreed by a court of competent jurisdiction in this state, the court shall require the preparation of a certificate of decree of adoption on a form as prescribed or approved by the state registrar. The certificate of decree of adoption shall include such facts as are necessary to locate and identify the certificate of birth of the person adopted, and shall provide information necessary to establish a new certificate of birth of the person adopted and shall identify the court and county of the adoption and be certified by the clerk of the court. The state registrar shall file the original certificate of birth with the certificate of decree of adoption and such file may be opened by the state registrar only upon receipt of a certified copy of an order as decreed by the court of adoption.

[2.] 3. **No new certificate of birth shall be established following an adoption if so requested by any of the following:**

(1) **The court decreeing the adoption;**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 **(2) The adoptive parents; or**

17 **(3) The adopted individual.**

18 **4.** Information necessary to prepare the report of adoption shall be furnished by each
19 petitioner for adoption or the petitioner's attorney. The social welfare agency or any person
20 having knowledge of the facts shall supply the court with such additional information as may be
21 necessary to complete the report. The provision of such information shall be prerequisite to the
22 issuance of a final decree in the matter by the court.

23 [3.] **5.** Whenever an adoption decree is amended or annulled, the clerk of the court shall
24 prepare a report thereof, which shall include such facts as are necessary to identify the original
25 adoption report and the facts amended in the adoption decree as shall be necessary to properly
26 amend the birth record.

27 [4.] **6.** Not later than the fifteenth day of each calendar month or more frequently as
28 directed by the state registrar the clerk of the court shall forward to the state registrar reports of
29 decrees of adoption, annulment of adoption and amendments of decrees of adoption which were
30 entered in the preceding month, together with such related reports as the state registrar shall
31 require.

32 [5.] **7.** When the state registrar shall receive a report of adoption, annulment of adoption,
33 or amendment of a decree of adoption for a person born outside this state, he or she shall forward
34 such report to the state registrar in the state of birth.

35 [6.] **8.** In a case of adoption in this state of a person not born in any state, territory or
36 possession of the United States or country not covered by interchange agreements, the state
37 registrar shall upon receipt of the certificate of decree of adoption prepare a birth certificate in
38 the name of the adopted person, as decreed by the court. The state registrar shall file the
39 certificate of the decree of adoption, and such documents may be opened by the state registrar
40 only by an order of court. The birth certificate prepared under this subsection shall have the
41 same legal weight as evidence as a delayed or altered birth certificate as provided in section
42 193.235.

43 [7.] **9.** The department, upon receipt of proof that a person has been adopted by a
44 Missouri resident pursuant to laws of countries other than the United States, shall prepare a birth
45 certificate in the name of the adopted person as decreed by the court of such country. If such
46 proof contains the surname of either adoptive parent, the department of health and senior services
47 shall prepare a birth certificate as requested by the adoptive parents. Any subsequent change of
48 the name of the adopted person shall be made by a court of competent jurisdiction. The proof
49 of adoption required by the department shall include a copy of the original birth certificate and
50 adoption decree, an English translation of such birth certificate and adoption decree, and a copy
51 of the approval of the immigration of the adopted person by the Immigration and Naturalization

52 Service of the United States government which shows the child lawfully entered the United
53 States. The authenticity of the translation of the birth certificate and adoption decree required
54 by this subsection shall be sworn to by the translator in a notarized document. The state registrar
55 shall file such documents received by the department relating to such adoption and such
56 documents may be opened by the state registrar only by an order of a court. A birth certificate
57 pursuant to this subsection shall be issued upon request of one of the adoptive parents of such
58 adopted person or upon request of the adopted person if of legal age. The birth certificate
59 prepared pursuant to the provisions of this subsection shall have the same legal weight as
60 evidence as a delayed or altered birth certificate as provided in sections 193.005 to 193.325.

61 [8.] **10.** If no certificate of birth is on file for the person under twelve years of age who
62 has been adopted, a belated certificate of birth shall be filed with the state registrar as provided
63 in sections 193.005 to 193.325 before a new birth record is to be established as result of
64 adoption. A new certificate is to be established on the basis of the adoption under this section
65 and shall be prepared on a certificate of live birth form.

66 [9.] **11.** If no certificate of birth has been filed for a person twelve years of age or older
67 who has been adopted, a new birth certificate is to be established under this section upon receipt
68 of proof of adoption as required by the department. A new certificate shall be prepared in the
69 name of the adopted person as decreed by the court, registering adopted parents' names. The new
70 certificate shall be prepared on a delayed birth certificate form. The adoption decree is placed
71 in a sealed file and shall not be subject to inspection except upon an order of the court.

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