

SECOND REGULAR SESSION

HOUSE BILL NO. 1137

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES LAUER (Sponsor), HIGDON, KLIPPENSTEIN, BROWN (116),
SHUMAKE, WHITE, STREAM, FRANKLIN, SCHOELLER and WIELAND (Co-sponsors).

4211L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapters 193 and 453, RSMo, by adding thereto three new sections relating to adoption records.

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

Section A. Chapters 193 and 453, RSMo, are amended by adding thereto three new sections, to be known as sections 193.132, 453.510, and 453.515, to read as follows:

193.132. 1. As used in this section, the following terms mean:

(1) "Adoptee", the person who is the subject of a birth certificate;

(2) "Birth parent", the person who is the biological parent of an adoptee and who is named as the parent on the original birth certificate of the adoptee;

(3) "Contact preference form", the form developed by the state registrar under subsection 4 of this section;

(4) "Medical history form", the form developed by the state registrar under subsection 3 of this section. At a minimum, such form shall include medical history information regarding:

(a) Congenital or genetic history;

(b) Psychosocial history;

(c) Chronic diseases;

(d) Infectious diseases;

(e) Allergies;

(f) Pregnancy and birth history; and

(g) Deaths of birth family members that may affect the medical history.

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.

17 **2. Notwithstanding any other provision of law, the state registrar shall develop and,**
18 **upon request, provide each birth parent with a contact preference form and a medical**
19 **history form as described in this section.**

20 **3. A birth parent may use a medical history form to describe his or her medical**
21 **history. A birth parent shall fill out a medical history form if such birth parent also fills**
22 **out a contact preference form.**

23 **4. The birth parent may state a preference regarding contact by an adoptee on a**
24 **contact preference form. The form shall contain the following statements from which the**
25 **birth parent may choose only one:**

26 **(1) "I would like to be contacted. I have completed this contact preference form**
27 **and a medical history form and am filing both forms with the State Registrar.";**

28 **(2) "I would prefer to be contacted only through an intermediary. I have completed**
29 **this contact preference form and a medical history form and am filing both with the State**
30 **Registrar."; or**

31 **(3) "Do not contact me. I may change this preference by filling out another contact**
32 **preference form. I have completed this contact preference form and a medical history**
33 **form and am filing both with the State Registrar.".**

34 **5. Upon receipt of a completed contact preference form and a medical history form,**
35 **the state registrar shall attach the completed forms to the original birth certificate of the**
36 **adoptee. A completed contact preference form and medical history form shall have the**
37 **same level of confidentiality as the original birth certificate.**

38 **6. The state registrar shall develop by rule the forms required by this section and**
39 **may adopt other rules for the administration of this section. Any rule or portion of a rule,**
40 **as that term is defined in section 536.010, that is created under the authority delegated in**
41 **this section shall become effective only if it complies with and is subject to all of the**
42 **provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536,**
43 **are nonseverable and if any of the powers vested with the general assembly pursuant to**
44 **chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are**
45 **subsequently held unconstitutional, then the grant of rulemaking authority and any rule**
46 **proposed or adopted after August 28, 2012, shall be invalid and void.**

47 **7. Nothing in this section shall be construed as violating the provisions of section**
48 **453.121.**

453.510. 1. Effective for all adoptions completed after August 28, 2012, an adopted
2 **person, who is eighteen years of age, born in this state, and provides proof of identification**
3 **or the adopted person's lineal descendants if the adopted person is deceased, may obtain**
4 **a copy of such adopted person's original certificate of birth from the state registrar in the**

5 department of health and senior services unless the birth mother or birth father has
6 objected as provided by subsection 2 of this section.

7 **2. Prior to the entry of any decree of adoption, the birth mother and birth father**
8 **shall be provided with a form by the juvenile court to determine whether the birth mother**
9 **or father wishes to maintain the confidentiality of the original birth certificate. The birth**
10 **mother or birth father may signify an objection to the disclosure of the original birth**
11 **certificate of the adopted person on the form provided by the juvenile court. If the birth**
12 **mother or birth father objects, the juvenile court shall provide this form to the state**
13 **registrar to be filed with the original certificate of birth. No decree of adoption shall be**
14 **entered in this state until the birth mother and birth father, unless he is unknown or**
15 **refuses to do so, have been afforded the opportunity to communicate their individual**
16 **wishes as to the disclosure of the original birth certificate.**

17 **3. (1) If a birth mother or birth father has objected to the disclosure of the original**
18 **birth certificate under subsection 2 of this section, then an adopted person who is at least**
19 **eighteen years of age, born in this state, and provided proof of identification, or the**
20 **adopted person's lineal descendants if the adopted person is deceased, may request that the**
21 **department of social services, the child-placing agency which processed the adoption, or**
22 **the juvenile court personnel make reasonable efforts to notify the birth mother and birth**
23 **father of the request of the adopted adult or the adopted adult's lineal descendants. If the**
24 **department of social services does not have sufficient information or resources to locate**
25 **and notify the birth mother and birth father, the department may refer the adopted person**
26 **or the adopted person's lineal descendants to, or work in conjunction with, the child-**
27 **placing agency, or the juvenile court to notify the birth mother and birth father of the**
28 **request of the adopted adult or the adopted adult's lineal descendants. The department**
29 **of social services, the child-placing agency, or the juvenile court may charge actual costs**
30 **to the adopted adult or the adopted adult's lineal descendants for the cost of attempting to**
31 **notify the birth mother and birth father. All communications under this section are**
32 **confidential. For purposes of this subsection, "notify" means personal and confidential**
33 **contact with the birth mother and birth father of the adopted adult, which initial contact**
34 **shall be made by an employee of the department of social services, the child-placing agency**
35 **which processed the adoption, juvenile court personnel, or some other licensed child-**
36 **placing agency designated by the department of social services, the child-placing agency,**
37 **or the juvenile court. Nothing in this section shall be construed to permit the disclosure**
38 **of communications privileged under section 491.060.**

39 **(2) If the birth mother and birth father consent to the release of the original birth**
40 **certificate under this subsection, the department of social services, the child placing agency,**

41 or the juvenile court personnel shall obtain a copy of a notarized form provided by the
42 juvenile court and signed by the birth mother and birth father, if known, giving consent
43 to release of the original birth certificate and provide it to the adopted person or the
44 adopted person's lineal descendants. The adopted person or the adopted persons lineal
45 descendants may obtain a copy of the adopted person's original birth certificate in
46 accordance with subsection 5 of this section upon presenting the notarized consent form
47 to the registrar.

48 (3) If the birth mother or birth father does not consent to the release of a copy of
49 the original certificate of birth, or cannot be located, such copy shall not be released. The
50 adopted person or the adopted person's lineal descendants if the adopted person is
51 deceased may request that the department of social services, the child placing agency, or
52 the juvenile court personnel contact the birth mother and birth father again not less than
53 three years after the date of his or her original request and not less than three years from
54 the date of any future requests.

55 4. If the birth mother or birth father objected under subsection 2 of this section,
56 upon the birth mother's and birth father's death, the adopted person or the adopted
57 person's lineal descendants if the adopted person is deceased may obtain a copy of the
58 original certificate of birth from the state registrar.

59 5. Any time a copy of an original certificate of birth is obtained under this section,
60 the state registrar shall issue an uncertified copy of the unaltered, original birth certificate
61 to the adopted person or the adopted person's lineal descendants if the adopted person is
62 deceased. The copy of the birth certificate shall have the following statement printed on
63 it: "For informational purposes only - not to be used for establishing identity."

453.515. 1. (1) For all adoptions completed on or prior to August 28, 2012, an
2 adopted person who is at least eighteen years of age, born in this state, and provides proof
3 of identification, or the adopted person's lineal descendants if the adopted person is
4 deceased, may request that the department of social services, the child-placing agency
5 which processed the adoption, or the juvenile court personnel make reasonable efforts to
6 notify the birth mother and birth father of the request of the adopted adult or the adopted
7 adult's lineal descendants to request their consent to release a copy of the adopted adult's
8 original birth certificate. If the department of social services does not have sufficient
9 information or resources to locate and notify the birth mother and birth father, the
10 department may refer the adopted person or the adopted person's lineal descendants to,
11 or work in conjunction with, the child-placing agency or the juvenile court to notify the
12 birth mother and birth father of the request of the adopted adult or the adopted adult's
13 lineal descendants. The department of social services, the child-placing agency, or the

14 juvenile court may charge actual costs to the adopted adult or the adopted adult's lineal
15 descendants for the cost of attempting to notify the birth mother and birth father. All
16 communications under this section are confidential. For purposes of this subsection,
17 "notify" means personal and confidential contact with the birth mother and birth father
18 of the adopted adult, which initial contact shall be made by an employee of the department
19 of social services, the child-placing agency which processed the adoption, juvenile court
20 personnel, or some other licensed child-placing agency designated by the department of
21 social services, the child-placing agency, or the juvenile court. Nothing in this section shall
22 be construed to permit the disclosure of communications privileged under section 491.060.

23 (2) If the birth mother and birth father consent to the release of the original birth
24 certificate, the department of social services, the child placing agency, or the juvenile court
25 personnel shall obtain a copy of a notarized form provided by the juvenile court and signed
26 by the birth mother and birth father, if known, giving consent to release of the original
27 birth certificate and provide it to the adopted person or the adopted person's lineal
28 descendants. The adopted person or the adopted persons lineal descendants may obtain
29 a copy of the adopted person's original birth certificate in accordance with subsection 5 of
30 section 453.510 upon presenting the notarized consent form to the registrar.

31 (3) If the birth mother or birth father does not consent to the release of a copy of
32 the original certificate of birth or cannot be located, such copy shall not be released. The
33 adopted person or the adopted person's lineal descendants if the adopted person is
34 deceased may request that the department of social services, the child placing agency, or
35 the juvenile court personnel contact the birth mother and birth father again not less than
36 three years after the date of his or her original request and not less than three years from
37 the date of any future requests.

38 2. Upon the birth mother's and birth father's death, the adopted person or the
39 adopted person's lineal descendants if the adopted person is deceased may obtain a copy
40 of the original certificate of birth from the state registrar.

41 3. Any time a copy of an original certificate of birth is obtained under this section,
42 the state registrar shall issue an uncertified copy of the unaltered, original birth certificate
43 to the adopted person or the adopted person's lineal descendants if the adopted person is
44 deceased. The copy of the birth certificate shall have the following statement printed on
45 it: "For informational purposes only - not to be used for establishing identity."

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