

HCS HB 1137 -- ADOPTION RECORDS

SPONSOR: Cox (Lauer)

COMMITTEE ACTION: Voted "do pass" by the Committee on Judiciary by a vote of 12 to 0.

This substitute changes the laws regarding adoption records. In its main provisions, the substitute:

(1) Requires the State Registrar within the Department of Health and Senior Services to develop and provide each birth parent of an adoptee with a contact preference form and a medical history form;

(2) Requires the State Registrar, upon receipt of the completed contact preference and medical history forms, to attach the forms to the original birth certificate of the adopted person. A completed contact preference form and medical history form have the same level of confidentiality as the original birth certificate;

(3) Requires a court conducting a final adoption hearing to determine whether the court has received and reviewed an investigation report required under Section 453.070, RSMo, if any, and an investigation and social study required under Section 211.455, if any; and

(4) Requires, By January 1, 2013, the Missouri Supreme Court to develop a standardized form to be used in all adoption cases which includes a checklist to verify that all the documents and procedures required by law have been submitted, followed, and reviewed by the judge prior to the entry of a final order. The form and attachments must be included as part of the adoption record.

For adoptions completed after August 28, 2012, the substitute:

(1) Allows any adopted person who is at least 18 years of age, born in Missouri, and who provides proof of identification or the adopted person's descendants if the adopted person is deceased to obtain a copy of the adopted person's original birth certificate unless the birth mother or birth father has objected;

(2) Requires the court to provide each birth parent with a confidentiality preference form prior to the entry of any adoption decree;

(3) Requires, if a birth parent objects, the court to provide the form to the State Registrar to be filed with the original

birth certificate of the adopted person;

(4) Specifies that no adoption decree can be entered until the birth mother and birth father, unless he is unknown or refuses to do so, have had the opportunity to communicate his and her wishes regarding the disclosure of the original birth certificate;

(5) Specifies that if a birth mother or birth father has objected to the disclosure of the original certificate, the person can request the Department of Social Services, the child-placing agency which processed the adoption, or the court personnel to make reasonable efforts to notify the birth mother and birth father of the request for its disclosure. The requestee may be charged for the actual costs of attempting the notification;

(6) Requires, if the birth mother and birth father consent to the release of the original birth certificate, the Department of Social Services, the child-placing agency which processed the adoption, or the court personnel to obtain a copy of a notarized form signed by the birth mother and birth father, if known, giving consent to release the original birth certificate;

(7) Specifies that a copy of the original birth certificate cannot be released if the birth mother and birth father cannot be located or if they do not consent to its release. Another request for the release can only be made until at least three years after the original or any future request; and

(8) Specifies that if the birth mother or birth father had objected, a copy of the original birth certificate can be obtained upon the birth mother's and birth father's death.

For adoptions completed on or prior to August 28, 2012, the substitute:

(1) Allows any adopted person who is at least 18 years of age, born in Missouri, and who provides proof of identification or the adopted person's descendants if the adopted person is deceased to obtain a copy of the adopted person's original birth certificate unless the birth mother or birth father has objected. If a birth mother or birth father has objected, the person can request the Department of Social Services, the child-placing agency which processed the adoption, or the court personnel to make reasonable efforts to notify the birth mother and birth father of the request for its disclosure. The requestee may be charged for the actual costs of attempting the notification;

(2) Requires, if the birth mother and birth father consent to the release of the original birth certificate, the Department of

Social Services, the child-placing agency which processed the adoption, or the court personnel to obtain a copy of a notarized form signed by the birth mother and birth father, if known, giving consent to release the original birth certificate and provide it to the adopted person or his or her descendant;

(3) Specifies that a copy of the original birth certificate cannot be released if the birth mother and birth father cannot be located or if they do not consent to its release. Another request for the release can only be made until at least three years after the original or any future requests; and

(4) Specifies that a copy of the original birth certificate can be obtained by the adopted person or his or her descendant upon the birth mother's and birth father's death.

FISCAL NOTE: Estimated Net Income on General Revenue Fund of \$11,182 in FY 2013, \$13,756 in FY 2014, and \$14,177 in FY 2015. Estimated Net Income on Other State Funds of \$34,650 in FY 2013, \$42,625 in FY 2014, and \$43,901 in FY 2015.

PROPOSERS: Supporters say that the bill will allow an avenue for an adoptee to obtain his or her original birth certificate and provides the option for a birth parent to complete a medical history form.

Testifying for the bill were Representative Lauer; Missouri Catholic Conference; Ina Lewis; Carolyn Pooler; and Connie Hall.

OPPONENTS: There was no opposition voiced to the committee.