

HB 1137 -- Adoption Records

Sponsor: Lauer

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

- (1) Requires the State Registrar within the Department of Health and Senior Services to develop and, upon request, provide each birth parent of an adoptee with a contact preference form and a medical history form. If the parent fills out a contact preference form, he or she must also fill out a medical history form; and
- (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.

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

- (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 juvenile 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 juvenile 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 juvenile 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 juvenile 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 bill:

(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 juvenile 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 juvenile 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.