

SECOND REGULAR SESSION

# HOUSE BILL NO. 1599

98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE PHILLIPS.

4581H.011

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

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

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

Section A. Section 193.125, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 193.125 and 193.128, to read as follows:

193.125. 1. This section **and section 193.128** shall be known and may be cited as the ["Debbi Daniel Law"] **“Missouri Adoptee Rights Act”**.

2. Except as otherwise provided in subsection 3 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 **or in accordance with section 193.128**.

3. No new certificate of birth shall be established following an adoption by a stepparent if so requested by the adoptive parent or the adoptive stepparent of the child.

4. Information necessary to prepare the report of adoption shall be furnished by each petitioner for adoption or the petitioner's attorney. The social welfare agency or any person having knowledge of the facts shall supply the court with such additional information as may be

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.

18 necessary to complete the report. The provision of such information shall be prerequisite to the  
19 issuance of a final decree in the matter by the court.

20           5. Whenever an adoption decree is amended or annulled, the clerk of the court shall  
21 prepare a report thereof, which shall include such facts as are necessary to identify the original  
22 adoption report and the facts amended in the adoption decree as shall be necessary to properly  
23 amend the birth record.

24           6. Not later than the fifteenth day of each calendar month or more frequently as directed  
25 by the state registrar the clerk of the court shall forward to the state registrar reports of decrees  
26 of adoption, annulment of adoption and amendments of decrees of adoption which were entered  
27 in the preceding month, together with such related reports as the state registrar shall require.

28           7. When the state registrar shall receive a report of adoption, annulment of adoption, or  
29 amendment of a decree of adoption for a person born outside this state, he or she shall forward  
30 such report to the state registrar in the state of birth.

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

39           9. The department, upon receipt of proof that a person has been adopted by a Missouri  
40 resident pursuant to laws of countries other than the United States, shall prepare a birth  
41 certificate in the name of the adopted person as decreed by the court of such country. If such  
42 proof contains the surname of either adoptive parent, the department of health and senior services  
43 shall prepare a birth certificate as requested by the adoptive parents. Any subsequent change of  
44 the name of the adopted person shall be made by a court of competent jurisdiction. The proof  
45 of adoption required by the department shall include a copy of the original birth certificate and  
46 adoption decree, an English translation of such birth certificate and adoption decree, and a copy  
47 of the approval of the immigration of the adopted person by the Immigration and Naturalization  
48 Service of the United States government which shows the child lawfully entered the United  
49 States. The authenticity of the translation of the birth certificate and adoption decree required  
50 by this subsection shall be sworn to by the translator in a notarized document. The state registrar  
51 shall file such documents received by the department relating to such adoption and such  
52 documents may be opened by the state registrar only by an order of a court. A birth certificate  
53 pursuant to this subsection shall be issued upon request of one of the adoptive parents of such

54 adopted person or upon request of the adopted person if of legal age. The birth certificate  
55 prepared pursuant to the provisions of this subsection shall have the same legal weight as  
56 evidence as a delayed or altered birth certificate as provided in sections 193.005 to 193.325.

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

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

**193.128. 1. The provisions of section 193.125 and this section shall be known and  
2 may be cited as the "Missouri Adoptee Rights Act".**

**3 2. Notwithstanding section 453.121 to the contrary, an adopted person, the adopted  
4 person's attorney, or the adopted person's descendants, if the adopted person is deceased,  
5 may obtain a copy of such adopted person's original certificate of birth from the state  
6 registrar in accordance with this section.**

**7 3. In order for an adopted person to receive a copy of his or her original certificate  
8 of birth, the adopted person shall:**

**9 (1) Be at least eighteen years of age;**

**10 (2) Have been born in this state; and**

**11 (3) File a written application with and provide appropriate proof of identification  
12 to the state registrar.**

**13 4. The state registrar may require a waiting period and impose a fee for issuance  
14 of the uncertified copy under subsection 5 of this section. The fees and waiting period  
15 imposed under this subsection shall be identical to the fees and waiting period generally  
16 imposed on nonadopted persons seeking their own certificates of birth.**

**17 5. Upon receipt of a written application and proof of identification under  
18 subsection 3 of this section and fulfillment of the requirements of subsection 4 of this  
19 section, the state registrar shall issue an uncertified copy of the unaltered original  
20 certificate of birth to the applicant. The copy of the certificate of birth shall have the  
21 following statement printed on it: "For genealogical purposes only - not to be used for  
22 establishing identity".**

23           **6. The state registrar shall develop by rule the application form required by this**  
24 **section and may adopt other rules for the administration of this section. Any rule or**  
25 **portion of a rule, as that term is defined in section 536.010, that is created under the**  
26 **authority delegated in this section shall become effective only if it complies with and is**  
27 **subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This**  
28 **section and chapter 536, are nonseverable, and if any of the powers vested with the general**  
29 **assembly under chapter 536, to review, to delay the effective date, or to disapprove and**  
30 **annul a rule are subsequently held unconstitutional, then the grant of rulemaking**  
31 **authority and any rule proposed or adopted after August 28, 2016, shall be invalid and**  
32 **void.**

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