

HB 1822 -- ADOPTION RECORDS

SPONSOR: McGaugh

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Children and Families by a vote of 10 to 1. Voted "Do Pass" by the Select Committee on Social Services by a vote of 7 to 0.

This bill changes the law regarding the release of certain adoption records. If the state registrar releases a copy of an original birth certificate upon presentation of a court order entered in accordance with the provisions of the bill, the state registrar must issue an uncertified copy of the unaltered original birth certificate. The copy of the birth certificate must have the following statement printed on it: "For informational purposes only - not to be used for establishing identity." If the court discloses identifying information under the provisions of the bill, the court must also order release of copies of the following records of the adoption to the adopted adult or the adopted adult's lineal descendants if the adopted adult is deceased:

- (1) The original birth certificate;
- (2) The consent to termination of parental rights;
- (3) Any waiver of consent to future adoption of the child;
- (4) The adoption decree; and
- (5) The petition for temporary custody and adoption.

When identifying information is withheld under the provisions of the bill due to a lack of consent or a failure to locate a biological parent, the court must order redaction of any withheld identifying information contained in the above listed documents. Only those documents in the possession of the court or other state agencies must be subject to release under these provisions.

This bill is the same as HB 1112 (2015).

PROPONENTS: Supporters say that the bill enhances current law by adding information from adoption records that is not available in an original birth certificate. The goal is to increase the adoptees' access to biological information while also observing the privacy of birth parents. The law differed over time and agencies, courts, and judges made promises of anonymity at times. Mutual consent is important when looking at opening records and the search process can be very emotional for everyone involved. An intermediary can help to set expectations and act as go between to

get information, including medical history, when birth parents don't want to be contacted. The goal is to balance competing interests.

Testifying for the bill were Representative McGaugh; Missouri Catholic Conference; Lutheran Family And Children Services; and Laura Long.

OPPONENTS: Those who oppose the bill say that the current system has major issues and does not work well as is, the bill does not improve this. Adoptees don't know where their adoption was finalized, which hinders any search. The current system fails because adoptees are unable to afford search fees and record keepers are often unable to locate adoption files. The bill violates adoptees' right to equal treatment under the law.

Testifying against the bill was Heather Dodd, Missouri Adoptee Rights Movement.

OTHERS: Others testifying on the bill say there are many reasons more birth mothers are not making themselves known.

Testifying on the bill was Annette G Driver.