

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1599
98TH GENERAL ASSEMBLY

Reported from the Committee on Seniors, Families and Children, April 21, 2016, with recommendation that the Senate Committee Substitute do pass.

4581S.04C

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal sections 193.125 and 453.080, RSMo, and to enact in lieu thereof three new sections relating to birth certificates.

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

Section A. Sections 193.125 and 453.080, RSMo, are repealed and three
2 new sections enacted in lieu thereof, to be known as sections 193.125, 193.128,
3 and 453.080, to read as follows:

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

3 2. Except as otherwise provided in subsection 3 of this section, for each
4 adoption decreed by a court of competent jurisdiction in this state, the court shall
5 require the preparation of a certificate of decree of adoption on a form as
6 prescribed or approved by the state registrar. The certificate of decree of
7 adoption shall include such facts as are necessary to locate and identify the
8 certificate of birth of the person adopted, and shall provide information necessary
9 to establish a new certificate of birth of the person adopted and shall identify the
10 court and county of the adoption and be certified by the clerk of the court. The
11 state registrar shall file the original certificate of birth with the certificate of
12 decree of adoption and such file may be opened by the state registrar only upon
13 receipt of a certified copy of an order as decreed by the court of adoption **or in**
14 **accordance with section 193.128.**

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

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 4. Information necessary to prepare the report of adoption shall be
19 furnished by each petitioner for adoption or the petitioner's attorney. The social
20 welfare agency or any person having knowledge of the facts shall supply the court
21 with such additional information as may be necessary to complete the
22 report. The provision of such information shall be prerequisite to the issuance
23 of a final decree in the matter by the court.

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

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

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

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

46 9. The department, upon receipt of proof that a person has been adopted
47 by a Missouri resident pursuant to laws of countries other than the United
48 States, shall prepare a birth certificate in the name of the adopted person as
49 decreed by the court of such country. If such proof contains the surname of either
50 adoptive parent, the department of health and senior services shall prepare a
51 birth certificate as requested by the adoptive parents. Any subsequent change
52 of the name of the adopted person shall be made by a court of competent
53 jurisdiction. The proof of adoption required by the department shall include a

54 copy of the original birth certificate and adoption decree, an English translation
55 of such birth certificate and adoption decree, and a copy of the approval of the
56 immigration of the adopted person by the Immigration and Naturalization Service
57 of the United States government which shows the child lawfully entered the
58 United States. The authenticity of the translation of the birth certificate and
59 adoption decree required by this subsection shall be sworn to by the translator
60 in a notarized document. The state registrar shall file such documents received
61 by the department relating to such adoption and such documents may be opened
62 by the state registrar only by an order of a court. A birth certificate pursuant to
63 this subsection shall be issued upon request of one of the adoptive parents of such
64 adopted person or upon request of the adopted person if of legal age. The birth
65 certificate prepared pursuant to the provisions of this subsection shall have the
66 same legal weight as evidence as a delayed or altered birth certificate as provided
67 in sections 193.005 to 193.325.

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

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

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

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

**7 3. In order for an adopted person to receive a copy of his or her
8 original certificate 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
12 of identification to the state registrar.

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

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

25 6. A birth parent may, at any time, request from the state
26 registrar a contact preference form that shall accompany the original
27 birth certificate of an adopted person. The contact preference form
28 shall include the following options:

- 29 (1) "I would like to be contacted";
30 (2) "I prefer to be contacted by an intermediary"; and
31 (3) "I prefer not to be contacted".

32 A contact preference form may be updated by a birth parent at any
33 time upon the request of the birth parent. A contact preference form
34 completed by a birth parent at the time of the adoption and forwarded
35 to the state registrar by the clerk of the court shall accompany the
36 original birth certificate of the adopted person and may be updated by
37 the birth parent at any time upon the request of the birth parent.

38 7. If both birth parents indicate on the contact preference form
39 that they would prefer not to be contacted, a copy of the original birth
40 certificate of the adopted person shall not be released. If only one
41 birth parent indicates on the contact preference form that he or she
42 would prefer not to be contacted, his or her identifying information
43 shall be redacted from a copy of the original birth certificate of the
44 adopted person and the copy of the original birth certificate shall be
45 released under the provisions of this section.

46 8. A birth parent may, at any time, request a medical history
47 form from the state registrar and the state registrar shall provide a
48 medical history form to any birth parent who requests a contact
49 preference form. The medical history form shall include the following
50 options:

51 (1) "I am not aware of any medical history of any significance";

52 (2) "I prefer not to provide any medical information at this time";

53 and

54 (3) "I wish to give the following medical information".

55 A medical history form may be updated by a birth parent at any time
56 upon the request of the birth parent.

57 9. A contact preference form or a medical history form received
58 by the state registrar shall be placed in a sealed envelope upon receipt
59 from the birth parent and shall be considered a confidential
60 communication from the birth parent to the adopted person. The
61 sealed envelope shall only be released to the adopted person requesting
62 his or her own original birth certificate under the provisions of this
63 section.

64 10. If a birth parent indicates on the contact preference form
65 that he or she would prefer not to be contacted, the adopted person
66 shall have access to a copy of the medical history form with the
67 identifying information of such birth parent redacted.

68 11. The cost of a contact preference form shall not exceed the
69 cost of obtaining an original birth certificate. There shall be no charge
70 for a medical history form.

71 12. Beginning August 28, 2016, there shall be a public notification
72 period to allow time for birth parents to file a contact preference
73 form. Beginning January 1, 2018, original birth certificates shall be
74 issued under the provisions of this section. An adopted person born
75 prior to 1941 shall be given access to his or her original birth
76 certificate beginning August 28, 2016.

77 13. The state registrar shall develop by rule the application form
78 required by this section and may adopt other rules for the
79 administration of this section. Any rule or portion of a rule, as that
80 term is defined in section 536.010, that is created under the authority
81 delegated in this section shall become effective only if it complies with
82 and is subject to all of the provisions of chapter 536, and, if applicable,

83 **section 536.028. This section and chapter 536, are nonseverable, and if**
84 **any of the powers vested with the general assembly under chapter 536,**
85 **to review, to delay the effective date, or to disapprove and annul a rule**
86 **are subsequently held unconstitutional, then the grant of rulemaking**
87 **authority and any rule proposed or adopted after August 28, 2016, shall**
88 **be invalid and void.**

453.080. 1. The court shall conduct a hearing to determine whether the
2 adoption shall be finalized. During such hearing, the court shall ascertain
3 whether:

4 (1) The person sought to be adopted, if a child, has been in the lawful and
5 actual custody of the petitioner for a period of at least six months prior to entry
6 of the adoption decree; except that the six-month period may be waived if the
7 person sought to be adopted is a child who is under the prior and continuing
8 jurisdiction of a court pursuant to chapter 211 and the person desiring to adopt
9 the child is the child's current foster parent. "Lawful and actual custody" shall
10 include a transfer of custody pursuant to the laws of this state, another state, a
11 territory of the United States, or another country;

12 (2) The court has received and reviewed a postplacement assessment on
13 the monthly contacts with the adoptive family pursuant to section 453.077, except
14 for good cause shown in the case of a child adopted from a foreign country;

15 (3) The court has received and reviewed an updated financial affidavit;

16 (4) The court has received the recommendations of the guardian ad litem
17 and has received and reviewed the recommendations of the person placing the
18 child, the person making the assessment and the person making the
19 postplacement assessment;

20 (5) There is compliance with the uniform child custody jurisdiction act,
21 sections 452.440 to 452.550;

22 (6) There is compliance with the Indian Child Welfare Act, if applicable;

23 (7) There is compliance with the Interstate Compact on the Placement of
24 Children pursuant to section 210.620; and

25 (8) It is fit and proper that such adoption should be made.

26 2. If a petition for adoption has been filed pursuant to section 453.010 and
27 a transfer of custody has occurred pursuant to section 453.110, the court may
28 authorize the filing for finalization in another state if the adoptive parents are
29 domiciled in that state.

30 3. If the court determines the adoption should be finalized, a decree shall

31 be issued setting forth the facts and ordering that from the date of the decree the
32 adoptee shall be for all legal intents and purposes the child of the petitioner or
33 petitioners. The court may decree that the name of the person sought to be
34 adopted be changed, according to the prayer of the petition.

35 4. Before the completion of an adoption, the exchange of information
36 among the parties shall be at the discretion of the parties. Upon completion of
37 an adoption, further contact among the parties shall be at the discretion of the
38 adoptive parents. The court shall not have jurisdiction to deny continuing contact
39 between the adopted person and the birth parent, or an adoptive parent and a
40 birth parent. Additionally, the court shall not have jurisdiction to deny an
41 exchange of identifying information between an adoptive parent and a birth
42 parent.

43 **5. Before the completion of an adoption, the court shall make**
44 **available to the birth parent or parents a contact preference form**
45 **developed by the state registrar pursuant to section 193.128 and**
46 **provided to the court by the department of health and senior services.**
47 **If a birth parent chooses to complete the form, the clerk of the court**
48 **shall send the form with the certificate of decree of adoption to the**
49 **state registrar. Such form shall accompany the original birth**
50 **certificate of the adopted person and may be updated by a birth parent**
51 **at any time upon the request of the birth parent.**

✓