

SECOND REGULAR SESSION

HOUSE BILL NO. 1713

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PHILLIPS.

5090H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 193.128, RSMo, and to enact in lieu thereof one new section relating to the Missouri adoptee rights act.

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

Section A. Section 193.128, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 193.128, to read as follows:

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

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

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

(1) Be at least eighteen years of age;

(2) Have been born in this state; and

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

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

5. Upon receipt of a written application and proof of identification under subsection 3 of this section and fulfillment of the requirements of subsection 4 of this section, the state

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 registrar shall issue an uncertified copy of the unaltered original certificate of birth to the
19 applicant. The copy of the certificate of birth shall have the following statement printed on it:
20 “For genealogical purposes only - not to be used for establishing identity.”.

21 6. A birth parent **or adoptee** may, at any time, request from the state registrar a contact
22 preference form that shall accompany the original birth certificate of an adopted person. **The**
23 **birth parent shall provide appropriate proof of identification to the state registrar.** The
24 contact preference form shall include the following options:

- 25 (1) “I would like to be contacted”;
26 (2) “I prefer to be contacted by an intermediary”; and
27 (3) “I prefer not to be contacted”.

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29 A contact preference form may be updated by a birth parent **or adoptee** at any time upon the
30 request of the birth parent **or adoptee**. A contact preference form completed by a birth parent
31 **or adoptee** at the time of the adoption and forwarded to the state registrar by the clerk of the
32 court shall accompany the original birth certificate of the adopted person and may be updated by
33 the birth parent **or adoptee** at any time upon the request of the birth parent **or adoptee**.

34 7. If both birth parents indicate on the contact preference form that they would prefer not
35 to be contacted, a copy of the original birth certificate of the adopted person shall not be released.
36 If only one birth parent indicates on the contact preference form that he or she would prefer not
37 to be contacted, his or her identifying information shall be redacted from a copy of the original
38 birth certificate of the adopted person and the copy of the original birth certificate shall be
39 released under the provisions of this section. **Such information shall only be redacted for one**
40 **year from the date of relinquishment.**

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

- 44 (1) “I am not aware of any medical history of any significance”;
45 (2) “I prefer not to provide any medical information at this time”; and
46 (3) “I wish to give the following medical information”.

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

50 9. A contact preference form or a medical history form received by the state registrar
51 shall be placed in a sealed envelope upon receipt from the birth parent and shall be considered
52 a confidential communication from the birth parent to the adopted person. The sealed envelope

53 shall only be released to the adopted person requesting his or her own original birth certificate
54 under the provisions of this section.

55 10. If a birth parent indicates on the contact preference form that he or she would prefer
56 not to be contacted, the adopted person shall have access to a copy of the medical history form
57 with the identifying information of such birth parent redacted. **Such information shall only be**
58 **redacted for one year from the date of relinquishment.**

59 11. **Upon proof that an adopted person is deceased, his or her descendants shall**
60 **have the right to obtain a copy of the adopted person's original birth certificate and**
61 **accompanying contact preference form and medical history form under the provisions of**
62 **this section.**

63 12. The cost of a contact preference form shall not exceed the cost of obtaining an
64 original birth certificate. There shall be no charge for a medical history form.

65 ~~[12-]~~ 13. Beginning August 28, 2016, there shall be a public notification period to allow
66 time for birth parents to file a contact preference form. Beginning January 1, 2018, original birth
67 certificates shall be issued under the provisions of this section. An adopted person born prior
68 to 1941 shall be given access to his or her original birth certificate beginning August 28, 2016.

69 ~~[13-]~~ 14. The state registrar shall develop by rule the application form required by this
70 section and may adopt other rules for the administration of this section. Any rule or portion of
71 a rule, as that term is defined in section 536.010, that is created under the authority delegated in
72 this section shall become effective only if it complies with and is subject to all of the provisions
73 of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable
74 and if any of the powers vested with the general assembly under chapter 536 to review, to delay
75 the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then
76 the grant of rulemaking authority and any rule proposed or adopted after August 28, 2016, shall
77 be invalid and void.

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