

FIRST REGULAR SESSION

# HOUSE BILL NO. 650

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES JOHNSON (61) (Sponsor), SELBY, BROWN (30), ROORDA, HARRIS (110), SANDERS BROOKS, FAITH, OXFORD AND BROWN (50) (Co-sponsors).

Read 1<sup>st</sup> time February 24, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1360L.011

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### AN ACT

To repeal sections 193.125 and 193.255, RSMo, and to enact in lieu thereof two new sections relating to adoption records.

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

Section A. Sections 193.125 and 193.255, RSMo, are repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 193.125 and 193.255, to read as follows:

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

11 2. **Upon receipt of a written application to the state registrar, any adopted person**  
12 **eighteen years of age or older born in the state of Missouri shall be issued a certified copy**  
13 **of his or her unaltered, original, and unamended certificate of birth in the custody of the**  
14 **state registrar, with procedures, filing fees, and waiting periods identical to those imposed**  
15 **upon nonadopted citizens of the state of Missouri. Nothing in this subsection shall 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.

16 **construed as violating the provisions of section 453.121, RSMo.**

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

22 [3.] **4.** Whenever an adoption decree is amended or annulled, the clerk of the court shall  
23 prepare a report thereof, which shall include such facts as are necessary to identify the original  
24 adoption report and the facts amended in the adoption decree as shall be necessary to properly  
25 amend the birth record.

26 [4.] **5.** Not later than the fifteenth day of each calendar month or more frequently as  
27 directed by the state registrar the clerk of the court shall forward to the state registrar reports of  
28 decrees of adoption, annulment of adoption and amendments of decrees of adoption which were  
29 entered in the preceding month, together with such related reports as the state registrar shall  
30 require.

31 [5.] **6.** When the state registrar shall receive a report of adoption, annulment of adoption,  
32 or amendment of a decree of adoption for a person born outside this state, he or she shall forward  
33 such report to the state registrar in the state of birth.

34 [6.] **7.** In a case of adoption in this state of a person not born in any state, territory or  
35 possession of the United States or country not covered by interchange agreements, the state  
36 registrar shall upon receipt of the certificate of decree of adoption prepare a birth certificate in  
37 the name of the adopted person, as decreed by the court. The state registrar shall file the  
38 certificate of the decree of adoption, and such documents may be opened by the state registrar  
39 only by an order of court **or written application to the state registrar by any adopted person**  
40 **eighteen years of age or older as provided in subsection 2 of this section.** The birth  
41 certificate prepared under this subsection shall have the same legal weight as evidence as a  
42 delayed or altered birth certificate as provided in section 193.235.

43 [7.] **8.** The department, upon receipt of proof that a person has been adopted by a  
44 Missouri resident pursuant to laws of countries other than the United States, shall prepare a birth  
45 certificate in the name of the adopted person as decreed by the court of such country. If such  
46 proof contains the surname of either adoptive parent, the department of health and senior services  
47 shall prepare a birth certificate as requested by the adoptive parents. Any subsequent change of  
48 the name of the adopted person shall be made by a court of competent jurisdiction. The proof  
49 of adoption required by the department shall include a copy of the original birth certificate and  
50 adoption decree, an English translation of such birth certificate and adoption decree, and a copy  
51 of the approval of the immigration of the adopted person by the Immigration and Naturalization

52 Service of the United States government which shows the child lawfully entered the United  
53 States. The authenticity of the translation of the birth certificate and adoption decree required  
54 by this subsection shall be sworn to by the translator in a notarized document. The state registrar  
55 shall file such documents received by the department relating to such adoption and such  
56 documents may be opened by the state registrar only by an order of a court **or written**  
57 **application to the state registrar by any adopted person eighteen years of age or older as**  
58 **provided in subsection 2 of this section.** A birth certificate pursuant to this subsection shall  
59 be issued upon request of one of the adoptive parents of such adopted person or upon request of  
60 the adopted person if of legal age. The birth certificate prepared pursuant to the provisions of  
61 this subsection shall have the same legal weight as evidence as a delayed or altered birth  
62 certificate as provided in sections 193.005 to 193.325.

63 [8.] **9.** If no certificate of birth is on file for the person under twelve years of age who has  
64 been adopted, a belated certificate of birth shall be filed with the state registrar as provided in  
65 sections 193.005 to 193.325 before a new birth record is to be established as result of adoption.  
66 A new certificate is to be established on the basis of the adoption under this section and shall be  
67 prepared on a standard certificate of live birth form.

68 [9.] **10.** If no certificate of birth has been filed for a person twelve years of age or older  
69 who has been adopted, a new birth certificate is to be established under this section upon receipt  
70 of proof of adoption as required by the department. A new certificate shall be prepared in the  
71 name of the adopted person as decreed by the court, registering adopted parents' names. The new  
72 certificate shall be prepared on a delayed birth certificate form. The adoption decree is placed  
73 in a sealed file and shall not be subject to inspection except upon an order of the court.

193.255. 1. The state registrar and other custodians of vital records authorized by the  
2 state registrar to issue certified copies of vital records upon receipt of application shall issue a  
3 certified copy of any vital record in [his] **the registrar's** custody or a part thereof to any  
4 applicant having a direct and tangible interest in the vital record, **including an adopted person**  
5 **eighteen years of age or older as provided for in section 193.125.** Each copy issued shall  
6 show the date of registration, and copies issued from records marked "Delayed" or "Amended"  
7 shall be similarly marked and show the effective date. The documentary evidence used to  
8 establish a delayed certificate shall be shown on all copies issued. All forms and procedures  
9 used in the issuance of certified copies of vital records in the state shall be provided or approved  
10 by the state registrar.

11 2. A certified copy of a vital record or any part thereof, issued in accordance with  
12 subsection 1 of this section, shall be considered for all purposes the same as the original and shall  
13 be prima facie evidence of the facts stated therein, provided that the evidentiary value of a  
14 certificate or record filed more than one year after the event, or a record which has been

15 amended, shall be determined by the judicial or administrative body or official before whom the  
16 certificate is offered as evidence.

17         3. The federal agency responsible for national vital statistics may be furnished such  
18 copies or data from the system of vital statistics as it may require for national statistics, provided  
19 such federal agency share in the cost of collecting, processing, and transmitting such data, and  
20 provided further that such data shall not be used for other than statistical purposes by the federal  
21 agency unless so authorized by the state registrar.

22         4. Federal, state, local and other public or private agencies may, upon request, be  
23 furnished copies or data of any other vital statistics not obtainable under subsection 1 of this  
24 section for statistical or administrative purposes upon such terms or conditions as may be  
25 prescribed by regulation, provided that such copies or data shall not be used for purposes other  
26 than those for which they were requested unless so authorized by the state registrar.

27         5. The state registrar may, by agreement, transmit copies of records and other reports  
28 required by sections 193.005 to 193.325 to offices of vital statistics outside this state when such  
29 records or other reports relate to residents of those jurisdictions or persons born in those  
30 jurisdictions. This agreement shall require that the copies be used for statistical and  
31 administrative purposes only, and the agreement shall further provide for the retention and  
32 disposition of such copies. Copies received by the department from offices of vital statistics in  
33 other states shall be handled in the same manner as prescribed in this section.

34         6. No person shall prepare or issue any certificate which purports to be an original,  
35 certified copy, or copy of a vital record except as authorized herein or by regulations adopted  
36 hereunder.

37         7. Upon application from either parent, or if both parents are deceased, the sibling of the  
38 stillborn child, pursuant to subsection 7 of section 193.165, the state registrar or other custodians  
39 of vital records shall issue to such applicant a certificate of birth resulting in stillbirth. The  
40 certificate shall be based upon the information available from the spontaneous fetal death report  
41 filed pursuant to section 193.165. Any certificate of birth resulting in stillbirth issued shall  
42 conspicuously include, in no smaller than twelve-point type, the statement "This is not proof of  
43 a live birth.". No certificate of birth resulting in stillbirth shall be issued to any person other than  
44 a parent, or if both parents are deceased, the sibling of the stillborn child who files an application  
45 pursuant to section 193.165. The state registrar or other custodians of vital records are  
46 authorized to charge a minimal fee to such applicant to cover the actual costs of providing the  
47 certificate pursuant to this section.

48         8. Any parent, or if both parents are deceased, any sibling of the stillborn child may file  
49 an application for a certificate of birth resulting in stillbirth for a birth that resulted in stillbirth  
50 prior to August 28, 2004.