

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1640
94TH GENERAL ASSEMBLY

3029S.05T

2008

AN ACT

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

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

Section A. Section 193.125, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 193.125, to read as follows:

193.125. 1. **This section shall be known and may be cited as the "Debbi Daniel Law".**

2 **2. Except as otherwise provided in subsection 3 of this section,** for each adoption
3 decreed by a court of competent jurisdiction in this state, the court shall require the preparation
4 of a certificate of decree of adoption on a form as prescribed or approved by the state registrar.
5 The certificate of decree of adoption shall include such facts as are necessary to locate and
6 identify the certificate of birth of the person adopted, and shall provide information necessary
7 to establish a new certificate of birth of the person adopted and shall identify the court and
8 county of the adoption and be certified by the clerk of the court. The state registrar shall file the
9 original certificate of birth with the certificate of decree of adoption and such file may be opened
10 by the state registrar only upon receipt of a certified copy of an order as decreed by the court of
11 adoption.
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13 **[2.] 3. No new certificate of birth shall be established following an adoption by a**
14 **stepparent if so requested by the adoptive parent or the adoptive stepparent of the child.**

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.

15 **4.** Information necessary to prepare the report of adoption shall be furnished by each
16 petitioner for adoption or the petitioner's attorney. The social welfare agency or any person
17 having knowledge of the facts shall supply the court with such additional information as may be
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 [3.] **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 [4.] **6.** Not later than the fifteenth day of each calendar month or more frequently as
25 directed by the state registrar the clerk of the court shall forward to the state registrar reports of
26 decrees of adoption, annulment of adoption and amendments of decrees of adoption which were
27 entered in the preceding month, together with such related reports as the state registrar shall
28 require.

29 [5.] **7.** When the state registrar shall receive a report of adoption, annulment of adoption,
30 or amendment of a decree of adoption for a person born outside this state, he or she shall forward
31 such report to the state registrar in the state of birth.

32 [6.] **8.** In a case of adoption in this state of a person not born in any state, territory or
33 possession of the United States or country not covered by interchange agreements, the state
34 registrar shall upon receipt of the certificate of decree of adoption prepare a birth certificate in
35 the name of the adopted person, as decreed by the court. The state registrar shall file the
36 certificate of the decree of adoption, and such documents may be opened by the state registrar
37 only by an order of court. The birth certificate prepared under this subsection shall have the
38 same legal weight as evidence as a delayed or altered birth certificate as provided in section
39 193.235.

40 [7.] **9.** The department, upon receipt of proof that a person has been adopted by a
41 Missouri resident pursuant to laws of countries other than the United States, shall prepare a birth
42 certificate in the name of the adopted person as decreed by the court of such country. If such
43 proof contains the surname of either adoptive parent, the department of health and senior services
44 shall prepare a birth certificate as requested by the adoptive parents. Any subsequent change of
45 the name of the adopted person shall be made by a court of competent jurisdiction. The proof
46 of adoption required by the department shall include a copy of the original birth certificate and
47 adoption decree, an English translation of such birth certificate and adoption decree, and a copy
48 of the approval of the immigration of the adopted person by the Immigration and Naturalization
49 Service of the United States government which shows the child lawfully entered the United
50 States. The authenticity of the translation of the birth certificate and adoption decree required

51 by this subsection shall be sworn to by the translator in a notarized document. The state registrar
52 shall file such documents received by the department relating to such adoption and such
53 documents may be opened by the state registrar only by an order of a court. A birth certificate
54 pursuant to this subsection shall be issued upon request of one of the adoptive parents of such
55 adopted person or upon request of the adopted person if of legal age. The birth certificate
56 prepared pursuant to the provisions of this subsection shall have the same legal weight as
57 evidence as a delayed or altered birth certificate as provided in sections 193.005 to 193.325.

58 [8.] **10.** If no certificate of birth is on file for the person under twelve years of age who
59 has been adopted, a belated certificate of birth shall be filed with the state registrar as provided
60 in sections 193.005 to 193.325 before a new birth record is to be established as result of
61 adoption. A new certificate is to be established on the basis of the adoption under this section
62 and shall be prepared on a certificate of live birth form.

63 [9.] **11.** If no certificate of birth has been filed for a person twelve years of age or older
64 who has been adopted, a new birth certificate is to be established under this section upon receipt
65 of proof of adoption as required by the department. A new certificate shall be prepared in the
66 name of the adopted person as decreed by the court, registering adopted parents' names. The new
67 certificate shall be prepared on a delayed birth certificate form. The adoption decree is placed
68 in a sealed file and shall not be subject to inspection except upon an order of the court.

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