

SECOND REGULAR SESSION

HOUSE BILL NO. 1907

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES STEVENSON (Sponsor), SATER, NIEVES, EMERY,
BIVINS AND DAVIS (Co-sponsors).

4611L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

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

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Section A. Sections 193.125 and 193.255, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 193.125, 193.128, 193.132, and 193.255, to read as follows:

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

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

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

4. Information necessary to prepare the report of adoption shall be furnished by each petitioner for adoption or the petitioner's attorney. The social welfare agency or any person

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 having knowledge of the facts shall supply the court with such additional information as may be
17 necessary to complete the report. The provision of such information shall be prerequisite to the
18 issuance of a final decree in the matter by the court.

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

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

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

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

38 9. The department, upon receipt of proof that a person has been adopted by a Missouri
39 resident pursuant to laws of countries other than the United States, shall prepare a birth
40 certificate in the name of the adopted person as decreed by the court of such country. If such
41 proof contains the surname of either adoptive parent, the department of health and senior services
42 shall prepare a birth certificate as requested by the adoptive parents. Any subsequent change of
43 the name of the adopted person shall be made by a court of competent jurisdiction. The proof
44 of adoption required by the department shall include a copy of the original birth certificate and
45 adoption decree, an English translation of such birth certificate and adoption decree, and a copy
46 of the approval of the immigration of the adopted person by the Immigration and Naturalization
47 Service of the United States government which shows the child lawfully entered the United
48 States. The authenticity of the translation of the birth certificate and adoption decree required
49 by this subsection shall be sworn to by the translator in a notarized document. The state registrar
50 shall file such documents received by the department relating to such adoption and such
51 documents may be opened by the state registrar only by an order of a court. A birth certificate

52 pursuant to this subsection shall be issued upon request of one of the adoptive parents of such
53 adopted person or upon request of the adopted person if of legal age. The birth certificate
54 prepared pursuant to the provisions of this subsection shall have the same legal weight as
55 evidence as a delayed or altered birth certificate as provided in sections 193.005 to 193.325.

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

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

**193.128. 1. Notwithstanding any other provision of law, an adopted person, the
2 adopted person's attorney, or the adopted person's descendants, if the adopted person is
3 deceased, may obtain a copy of such adopted person's original certificate of birth from the
4 state registrar in accordance with this section.**

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

7 (1) Be at least eighteen years of age;

8 (2) Have been born in this state;

**9 (3) File a written application with and provide appropriate proof of identification
10 to the state registrar; and**

**11 (4) If included with the copy of the original birth certificate, agree in writing to
12 abide by the birth parent's preference stated in the contact preference form attached to the
13 adopted person's original birth certificate in accordance with section 193.132.**

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

**18 4. Upon receipt of a written application and proof of identification under
19 subsection 2 of this section and fulfillment of the requirements of subsection 3 of this
20 section, the state registrar shall issue an uncertified copy of the unaltered original birth
21 certificate to the applicant. The copy of the birth certificate shall have the following**

22 statement printed on it: "for informational purposes only - not to be used for establishing
23 identity". If a contact preference and medical history form has been completed and
24 submitted to the state registrar under section 193.132, the state registrar shall also provide
25 such information.

26 **5. The provisions of subsections 1 to 4 of this section shall not apply to adoptions**
27 **instituted or completed prior to August 28, 2010, except that a copy of a medical history**
28 **form, which has had all identifying information redacted, shall be issued to such adopted**
29 **person. For adoptions instituted or completed prior to August 28, 2010, the state registrar**
30 **shall follow the provisions of this subsection and shall release the original certificate of**
31 **birth only if the birth mother is deceased. If the birth mother is not deceased, the state**
32 **registrar shall, within three months of application by the adopted person, make reasonable**
33 **efforts to contact the birth mother via telephone, personally and confidentially, to obtain**
34 **the birth mother's consent or denial to release the original certificate of birth. The state**
35 **registrar may charge actual costs to the adopted person for the cost of making such search**
36 **of the birth mother. If the state registrar has been unable to contact the birth mother**
37 **within three months, the state registrar shall not release the certificate of birth. The**
38 **adopted person may reapply for a copy of his or her original certificate of birth within one**
39 **year from the end of the three-month period during which the attempted contact with the**
40 **birth mother was previously made. The state registrar shall not release the certificate of**
41 **birth until the birth mother submits a subsequent written consent for release.**

42 **6. The state registrar shall develop by rule the application form required by this**
43 **section and may adopt other rules for the administration of this section. Any rule or**
44 **portion of a rule, as that term is defined in section 536.010, that is created under the**
45 **authority delegated in this section shall become effective only if it complies with and is**
46 **subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This**
47 **section and chapter 536, are nonseverable and if any of the powers vested with the general**
48 **assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove**
49 **and annul a rule are subsequently held unconstitutional, then the grant of rulemaking**
50 **authority and any rule proposed or adopted after August 28, 2010, shall be invalid and**
51 **void.**

52 **7. Nothing in this section shall be construed as violating the provisions of section**
53 **453.121.**

193.132. 1. As used in this section, the following terms mean:

2 **(1) "Adoptee", the person who is the subject of a birth certificate;**

3 **(2) "Birth parent", the person who is the biological parent of an adoptee and who**
4 **is named as the parent on the original birth certificate of the adoptee;**

5 (3) "Contact preference form", the form developed by the state registrar under
6 subsection 4 of this section;

7 (4) "Medical history form", the form developed by the state registrar under
8 subsection 3 of this section. At a minimum, such form shall include medical history
9 information regarding:

10 (a) Congenital or genetic history;

11 (b) Psychosocial history;

12 (c) Chronic diseases;

13 (d) Infectious diseases;

14 (e) Allergies;

15 (f) Pregnancy and birth history; and

16 (g) Deaths of birth family members that may affect the medical history.

17 2. Notwithstanding any other provision of law, the state registrar shall develop and,
18 upon request, provide each birth parent with a contact preference form and a medical
19 history form as described in this section.

20 3. A birth parent may use a medical history form to describe his or her medical
21 history. A birth parent shall fill out a medical history form if such birth parent also fills
22 out a contact preference form.

23 4. The birth parent may state a preference regarding contact by an adoptee on a
24 contact preference form. The form shall contain the following statements from which the
25 birth parent may choose only one:

26 (1) "I would like to be contacted. I have completed this contact preference form
27 and a medical history form and am filing both forms with the State Registrar.";

28 (2) "I would prefer to be contacted only through an intermediary. I have completed
29 this contact preference form and a medical history form and am filing both with the State
30 Registrar."; or

31 (3) "Do not contact me. I may change this preference by filling out another contact
32 preference form. I have completed this contact preference form and a medical history
33 form and am filing both with the State Registrar.".

34 5. Upon receipt of a completed contact preference form and a medical history form,
35 the state registrar shall attach the completed forms to the original birth certificate of the
36 adoptee. A completed contact preference form and medical history form shall have the
37 same level of confidentiality as the original birth certificate.

38 6. The state registrar shall develop by rule the forms required by this section and
39 may adopt other rules for the administration of this section. Any rule or portion of a rule,
40 as that term is defined in section 536.010, that is created under the authority delegated in

41 **this section shall become effective only if it complies with and is subject to all of the**
42 **provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536,**
43 **are nonseverable and if any of the powers vested with the general assembly pursuant to**
44 **chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are**
45 **subsequently held unconstitutional, then the grant of rulemaking authority and any rule**
46 **proposed or adopted after August 28, 2010, shall be invalid and void.**

47 **7. Nothing in this section shall be construed as violating the provisions of section**
48 **453.121.**

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 **or her** custody or a part thereof to any applicant having
4 a direct and tangible interest in the vital record. Each copy issued shall show the date of
5 registration, and copies issued from records marked "Delayed" or "Amended" shall be similarly
6 marked and show the effective date. The documentary evidence used to establish a delayed
7 certificate shall be shown on all copies issued. All forms and procedures used in the issuance
8 of certified copies of vital records in the state shall be provided or approved by the state registrar.
9 **In accordance with sections 193.128 and 193.132, the state registrar and other custodians**
10 **of vital records authorized by the state registrar to issue copies of vital records shall issue**
11 **an uncertified copy of an original birth certificate, contact preference form, and medical**
12 **history form to an adopted person. The registrar may impose a minimal fee to the adopted**
13 **person for the costs of providing copies of the contact preference form and medical history**
14 **form.**

15 2. A certified copy of a vital record or any part thereof, issued in accordance with
16 subsection 1 of this section, shall be considered for all purposes the same as the original and shall
17 be prima facie evidence of the facts stated therein, provided that the evidentiary value of a
18 certificate or record filed more than one year after the event, or a record which has been
19 amended, shall be determined by the judicial or administrative body or official before whom the
20 certificate is offered as evidence.

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

26 4. Federal, state, local and other public or private agencies may, upon request, be
27 furnished copies or data of any other vital statistics not obtainable under subsection 1 of this
28 section for statistical or administrative purposes upon such terms or conditions as may be

29 prescribed by regulation, provided that such copies or data shall not be used for purposes other
30 than those for which they were requested unless so authorized by the state registrar.

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

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

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

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

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