

HB 1665 -- Adoption Records

Sponsor: Corcoran

This bill changes the laws regarding adoption records. In its main provisions, the bill:

(1) Allows any adopted person who is 18 years of age or older or whose adoption was completed on or after August 28, 2010, to submit an application to the State Registrar and, upon receiving the application, be issued a certified copy of his or her original unaltered birth certificate and adoption records. Currently, the State Registrar can only open an adoption file if a certified copy of a court order has been issued (Section 193.125.3, RSMo);

(2) Requires the original birth certificate, consent to termination of parental rights, any waiver of consent to future adoption of a child, the adoption decree and order, and the petition for temporary custody and adoption to be released if they are included in the records for adoptions completed after August 28, 2010 (Section 453.080.5);

(3) Allows an adopted individual who is 18 years of age or older and who was adopted after August 28, 2010, to open and inspect his or her adoption records and files without a court order (Section 453.120);

(4) Allows the release of identifying information without the consent of the biological parents for adoptions completed after August 28, 2010. Individuals adopted prior to August 28, 2010, will still be required to obtain consent from the biological parents for the release of the information (Section 453.121.4);

(5) Requires, for adoptions completed prior to August 28, 2010, within three months of receiving a request from an adopted adult, the child-placing agency or the juvenile court to make reasonable effort to notify the biological parent of the request; but the agency or court is not required to make reasonable effort for adoptions completed on or after August 28, 2010, and notification is not required for the release of the identifying information. Notification to the biological parent by mail will no longer be required. After three months of receiving the request, even if a biological parent was not located, the child-placing agency or juvenile court must file a report with the court that states what information is on file; what information has been requested by the adoptee; the date of the request; and for adoptions prior to August 28, 2010, the court affidavit from the biological parent authorizing the release of identifying information, if one exists (Section 453.121.5);

(6) Prohibits, for adoptions completed prior to August 28, 2010, all identifying information from being disclosed if a biological parent could not be contacted after three months of an adoptee's request. If after three months of a request a biological parent has been notified and has authorized by affidavit the release of his or her information, the court must disclose the information to the adoptee. For adoptions completed after August 28, 2010, all identifying information as to the biological parents of the adopted individual must be released when requested and the consent of the biological parent is not required (Sections 453.121.6 and 453.121.7);

(7) Allows, for adoptions completed prior to August 28, 2010, and when a biological parent has died, the adopted individual to petition the court for an order to release the identifying information of his or her biological parent without an affidavit from the parent authorizing the release of the information (Section 453.121.8);

(8) Allows, for adoptions completed prior to August 28, 2010, an adopted adult to petition a court for the release of identifying information without the requirement that it is necessary for health-related purposes if the biological parent is deceased (Section 453.121.9); and

(9) Requires the Children's Division within the Department of Social Services to make a confidential contact with a biological parent only in the case of a potential match within the adoption registry if the adoption occurred prior to August 28, 2010 (Section 453.121.10).