

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 351
96TH GENERAL ASSEMBLY
2011

1626L.05T

AN ACT

To repeal section 453.121, RSMo, and to enact in lieu thereof one new section relating to adoption records.

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

Section A. Section 453.121, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 453.121, to read as follows:

453.121. 1. As used in this section, unless the context clearly indicates
2 otherwise, the following terms mean:

3 (1) "Adopted adult", any adopted person who is eighteen years of age or
4 over;

5 (2) "Adopted child", any adopted person who is less than eighteen years
6 of age;

7 (3) "Adult sibling", any brother or sister of the whole or half blood who is
8 eighteen years of age or over;

9 (4) **"Biological parent", the natural and biological mother or**
10 **father of the adopted child;**

11 (5) "Identifying information", information which includes the name, date
12 of birth, place of birth and last known address of the biological parent;

13 (6) **"Lineal descendant", a legal descendant of a person as defined**
14 **in section 472.010;**

15 [(5)] (7) "Nonidentifying information", information concerning the
16 physical description, nationality, religious background and medical history of the

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

17 biological parent or sibling.

18 2. All papers, records, and information pertaining to an adoption whether
19 part of any permanent record or file may be disclosed only in accordance with this
20 section.

21 3. Nonidentifying information, if known, concerning undisclosed biological
22 parents or siblings shall be furnished by the child-placing agency or the juvenile
23 court to the adoptive parents, legal guardians [or], adopted adult **or the**
24 **adopted adult's lineal descendants if the adopted adult is deceased,**
25 upon written request therefor.

26 4. An adopted adult, **or the adopted adult's lineal descendants if**
27 **the adopted adult is deceased,** may make a written request to the circuit
28 court having original jurisdiction of such adoption to secure and disclose
29 information identifying the adopted adult's biological parents. If the biological
30 parents have consented to the release of identifying information under subsection
31 [11] 9 of this section, the court shall disclose such identifying information to the
32 adopted adult **or the adopted adult's lineal descendants if the adopted**
33 **adult is deceased.** If the biological parents have not consented to the release
34 of identifying information under subsection [11] 9 of this section, the court shall,
35 within ten days of receipt of the request, notify in writing [the adoptive parents
36 of such petitioner and] the child-placing agency or juvenile court personnel
37 having access to the information requested of the request by the adopted adult
38 **or the adopted adult's lineal descendants.**

39 5. Within three months after receiving notice of the request of the adopted
40 adult, [the child-placing agency or juvenile court personnel shall notify the
41 adoptive parents, if such adoptive parents are living and shall not make any
42 attempt to notify the biological parents without prior written consent of such
43 adoptive parents for adoptions instituted or completed prior to August 13, 1986,
44 but may proceed if there is proof that the adoptive parents are deceased or
45 incapacitated, as such term is defined in chapter 475. If the adoptive parents are
46 living but are unwilling to give such written consent, the child-placing agency or
47 the juvenile court personnel shall make a written report to the court stating that
48 they were unable to notify the biological parent. If the adoptive parents are
49 deceased or give written consent] **or the adopted adult's lineal descendants,**
50 the child-placing agency or the juvenile court personnel shall make reasonable
51 efforts to notify the biological parents of the request of the adopted adult **or the**
52 **adopted adult's lineal descendants.** The child-placing agency or juvenile

53 court personnel may charge actual costs to the adopted adult **or the adopted**
54 **adult's lineal descendants** for the cost of making such search. All
55 communications under this subsection are confidential. For purposes of this
56 subsection, "notify" means a personal and confidential contact with the biological
57 parent of the adopted adult, which initial contact shall [not be made by mail and
58 shall] be made by an employee of the child-placing agency which processed the
59 adoption, juvenile court personnel or some other licensed child-placing agency
60 designated by the child- placing agency or juvenile court. Nothing in this section
61 shall be construed to permit the disclosure of communications privileged pursuant
62 to section 491.060. At the end of three months, the child-placing agency or
63 juvenile court personnel shall file a report with the court stating that each
64 biological parent that was located was given the following information:

65 (1) The nature of the identifying information to which the agency has
66 access;

67 (2) The nature of any nonidentifying information requested;

68 (3) The date of the request of the adopted adult **or the adopted adult's**
69 **lineal descendants**;

70 (4) The right of the biological parent to file an affidavit with the court
71 stating that the identifying information should be disclosed;

72 (5) The effect of a failure of the biological parent to file an affidavit
73 stating that the identifying information should be disclosed.

74 6. If the child-placing agency or juvenile court personnel reports to the
75 court that it has been unable to notify the biological parent within three months,
76 the identifying information shall not be disclosed to the adopted adult **or the**
77 **adopted adult's lineal descendants**. Additional requests for the same or
78 substantially the same information may not be made to the court within one year
79 from the end of the three-month period during which the attempted notification
80 was made, unless good cause is shown and leave of court is granted.

81 7. If, within three months, the child-placing agency or juvenile court
82 personnel reports to the court that it has notified the biological parent pursuant
83 to subsection 5 of this section, the court shall receive the identifying information
84 from the child-placing agency. If an affidavit duly executed by a biological parent
85 authorizing the release of information is filed with the court **or if a biological**
86 **parent is found to be deceased**, the court shall disclose the identifying
87 information as to that biological parent to the adopted adult **or the adopted**
88 **adult's lineal descendants if the adopted adult is deceased**, provided that

89 the other biological parent either:

90 (1) Is unknown;

91 (2) Is known but cannot be found and notified pursuant to section 5 of this
92 act;

93 (3) Is deceased; or

94 (4) Has filed with the court an affidavit authorizing release of identifying
95 information. If the biological parent fails or refuses to file an affidavit with the
96 court authorizing the release of identifying information, then the identifying
97 information shall not be released to the adopted adult. No additional request for
98 the same or substantially the same information may be made within three years
99 of the time the biological parent fails or refuses to file an affidavit authorizing the
100 release of identifying information.

101 8. [If the biological parent is deceased but previously had filed an
102 affidavit with the court stating that identifying information shall be disclosed, the
103 information shall be forwarded to and released by the court to the adopted adult.
104 If the biological parent is deceased and, at any time prior to his death, the
105 biological parent did not file an affidavit with the court stating that the
106 identifying information shall be disclosed, the adopted adult may petition the
107 court for an order releasing the identifying information. The court shall grant the
108 petition upon a finding that disclosure of the information is necessary for
109 health-related purposes.

110 9.] Any adopted adult whose adoption was finalized in this state or whose
111 biological parents had their parental rights terminated in this state may request
112 the court to secure and disclose identifying information concerning an adult
113 sibling [and upon a finding by the court that such information is necessary for
114 urgent health-related purposes in the same manner as provided in this
115 section]. Identifying information pertaining exclusively to the adult sibling,
116 whether part of the permanent record of a file in the court or in an agency, shall
117 be released only upon consent of that adult sibling.

118 [10.] 9. The central office of the children's division within the department
119 of social services shall maintain a registry by which biological parents, adult
120 siblings, and adoptive adults may indicate their desire to be contacted by each
121 other. The division may request such identification for the registry as a party
122 may possess to assure positive identifications. At the time of registry, a biological
123 parent or adult sibling may consent in writing to the release of identifying
124 information to an adopted adult. If such a consent has not been executed and the

125 division believes that a match has occurred on the registry between biological
126 parents or adult siblings and an adopted adult, an employee of the division shall
127 make the confidential contact provided in subsection 5 of this section with the
128 biological parents or adult siblings and with the adopted adult. If the division
129 believes that a match has occurred on the registry between one biological parent
130 or adult sibling and an adopted adult, an employee of the division shall make the
131 confidential contact provided by subsection 5 of this section with the biological
132 parent or adult sibling. The division shall then attempt to make such
133 confidential contact with the other biological parent, and shall proceed thereafter
134 to make such confidential contact with the adopted adult only if the division
135 determines that the other biological parent meets one of the conditions specified
136 in subsection 7 of this section. The biological parent, adult sibling, or adopted
137 adult may refuse to go forward with any further contact between the parties when
138 contacted by the division.

139 **[11.] 10.** The provisions of this section, except as provided in subsection
140 5 of this section governing the release of identifying and nonidentifying adoptive
141 information apply to adoptions completed before and after August 13, 1986.

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