

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1599
98TH GENERAL ASSEMBLY

4581S.04T

2016

AN ACT

To repeal sections 193.125 and 453.080, RSMo, and to enact in lieu thereof three new sections relating to birth certificates.

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

Section A. Sections 193.125 and 453.080, RSMo, are repealed and three new sections
2 enacted in lieu thereof, to be known as sections 193.125, 193.128, and 453.080, to read as
3 follows:

193.125. 1. This section **and section 193.128** shall be known and may be cited as the
2 ["Debbi Daniel Law"] "**Missouri Adoptee Rights Act**".

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

13 3. No new certificate of birth shall be established following an adoption by a stepparent
14 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 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 6. Not later than the fifteenth day of each calendar month or more frequently as directed
25 by the state registrar the clerk of the court shall forward to the state registrar reports of decrees
26 of adoption, annulment of adoption and amendments of decrees of adoption which were entered
27 in the preceding month, together with such related reports as the state registrar shall require.

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

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

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

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

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

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

**193.128. 1. The provisions of section 193.125 and this section shall be known and
2 may be cited as the "Missouri Adoptee Rights Act".**

**3 2. Notwithstanding section 453.121 to the contrary, an adopted person or the
4 adopted person's attorney may obtain a copy of such adopted person's original certificate
5 of birth from the state registrar in accordance with this section.**

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

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

9 (2) Have been born in this state; and

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

**12 4. The state registrar may require a waiting period and impose a fee for issuance
13 of the uncertified copy under subsection 5 of this section. The fees and waiting period
14 imposed under this subsection shall be identical to the fees and waiting period generally
15 imposed on nonadopted persons seeking their own certificates of birth.**

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

20 following statement printed on it: "For genealogical purposes only - not to be used for
21 establishing identity".

22 6. A birth parent may, at any time, request from the state registrar a contact
23 preference form that shall accompany the original birth certificate of an adopted person.
24 The contact preference form shall include the following options:

- 25 (1) "I would like to be contacted";
26 (2) "I prefer to be contacted by an intermediary"; and
27 (3) "I prefer not to be contacted".

28

29 A contact preference form may be updated by a birth parent at any time upon the request
30 of the birth parent. A contact preference form completed by a birth parent at the time of
31 the adoption and forwarded to the state registrar by the clerk of the court shall accompany
32 the original birth certificate of the adopted person and may be updated by the birth parent
33 at any time upon the request of the birth parent.

34 7. If both birth parents indicate on the contact preference form that they would
35 prefer not to be contacted, a copy of the original birth certificate of the adopted person
36 shall not be released. If only one birth parent indicates on the contact preference form that
37 he or she would prefer not to be contacted, his or her identifying information shall be
38 redacted from a copy of the original birth certificate of the adopted person and the copy
39 of the original birth certificate shall be released under the provisions of this section.

40 8. A birth parent may, at any time, request a medical history form from the state
41 registrar and the state registrar shall provide a medical history form to any birth parent
42 who requests a contact preference form. The medical history form shall include the
43 following options:

- 44 (1) "I am not aware of any medical history of any significance";
45 (2) "I prefer not to provide any medical information at this time"; and
46 (3) "I wish to give the following medical information".

47

48 A medical history form may be updated by a birth parent at any time upon the request of
49 the birth parent.

50 9. A contact preference form or a medical history form received by the state
51 registrar shall be placed in a sealed envelope upon receipt from the birth parent and shall
52 be considered a confidential communication from the birth parent to the adopted person.
53 The sealed envelope shall only be released to the adopted person requesting his or her own
54 original birth certificate under the provisions of this section.

55 **10. If a birth parent indicates on the contact preference form that he or she would**
56 **prefer not to be contacted, the adopted person shall have access to a copy of the medical**
57 **history form with the identifying information of such birth parent redacted.**

58 **11. The cost of a contact preference form shall not exceed the cost of obtaining an**
59 **original birth certificate. There shall be no charge for a medical history form.**

60 **12. Beginning August 28, 2016, there shall be a public notification period to allow**
61 **time for birth parents to file a contact preference form. Beginning January 1, 2018,**
62 **original birth certificates shall be issued under the provisions of this section. An adopted**
63 **person born prior to 1941 shall be given access to his or her original birth certificate**
64 **beginning August 28, 2016.**

65 **13. The state registrar shall develop by rule the application form required by this**
66 **section and may adopt other rules for the administration of this section. Any rule or**
67 **portion of a rule, as that term is defined in section 536.010, that is created under the**
68 **authority delegated in this section shall become effective only if it complies with and is**
69 **subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This**
70 **section and chapter 536, are nonseverable, and if any of the powers vested with the general**
71 **assembly under chapter 536, to review, to delay the effective date, or to disapprove and**
72 **annul a rule are subsequently held unconstitutional, then the grant of rulemaking**
73 **authority and any rule proposed or adopted after August 28, 2016, shall be invalid and**
74 **void.**

 453.080. 1. The court shall conduct a hearing to determine whether the adoption shall
2 be finalized. During such hearing, the court shall ascertain whether:

3 (1) The person sought to be adopted, if a child, has been in the lawful and actual custody
4 of the petitioner for a period of at least six months prior to entry of the adoption decree; except
5 that the six-month period may be waived if the person sought to be adopted is a child who is
6 under the prior and continuing jurisdiction of a court pursuant to chapter 211 and the person
7 desiring to adopt the child is the child's current foster parent. "Lawful and actual custody" shall
8 include a transfer of custody pursuant to the laws of this state, another state, a territory of the
9 United States, or another country;

10 (2) The court has received and reviewed a postplacement assessment on the monthly
11 contacts with the adoptive family pursuant to section 453.077, except for good cause shown in
12 the case of a child adopted from a foreign country;

13 (3) The court has received and reviewed an updated financial affidavit;

14 (4) The court has received the recommendations of the guardian ad litem and has
15 received and reviewed the recommendations of the person placing the child, the person making
16 the assessment and the person making the postplacement assessment;

17 (5) There is compliance with the uniform child custody jurisdiction act, sections 452.440
18 to 452.550;

19 (6) There is compliance with the Indian Child Welfare Act, if applicable;

20 (7) There is compliance with the Interstate Compact on the Placement of Children
21 pursuant to section 210.620; and

22 (8) It is fit and proper that such adoption should be made.

23 2. If a petition for adoption has been filed pursuant to section 453.010 and a transfer of
24 custody has occurred pursuant to section 453.110, the court may authorize the filing for
25 finalization in another state if the adoptive parents are domiciled in that state.

26 3. If the court determines the adoption should be finalized, a decree shall be issued
27 setting forth the facts and ordering that from the date of the decree the adoptee shall be for all
28 legal intents and purposes the child of the petitioner or petitioners. The court may decree that
29 the name of the person sought to be adopted be changed, according to the prayer of the petition.

30 4. Before the completion of an adoption, the exchange of information among the parties
31 shall be at the discretion of the parties. Upon completion of an adoption, further contact among
32 the parties shall be at the discretion of the adoptive parents. The court shall not have jurisdiction
33 to deny continuing contact between the adopted person and the birth parent, or an adoptive parent
34 and a birth parent. Additionally, the court shall not have jurisdiction to deny an exchange of
35 identifying information between an adoptive parent and a birth parent.

36 **5. Before the completion of an adoption, the court shall make available to the birth**
37 **parent or parents a contact preference form developed by the state registrar pursuant to**
38 **section 193.128 and provided to the court by the department of health and senior services.**
39 **If a birth parent chooses to complete the form, the clerk of the court shall send the form**
40 **with the certificate of decree of adoption to the state registrar. Such form shall accompany**
41 **the original birth certificate of the adopted person and may be updated by a birth parent**
42 **at any time upon the request of the birth parent.**

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