

House _____ Amendment NO. _____

Offered By

AMEND House Bill No. 1966, Page 1, Section 210.498, Lines 1-4, by deleting said lines and inserting in lieu thereof the following:

"210.498. 1. Any parent or legal guardian of a child in foster care may have access to"; and

Further amend said bill and section, Page 2, Line 18, by deleting said line and inserting in lieu thereof the following:

"information relating to the foster home provider and the foster home provider's family unless the"; and

Further amend said bill, page, and section, Lines 22-33, by deleting said lines and inserting in lieu thereof the following:

"2. The division may disclose or utilize information and records relating to foster homes in its discretion and as needed for the administration of the foster care program including, but not limited to, the licensure of foster homes and for the protection, care, and safety of children who are or who may be placed in foster care.

3. Upon written request, the director of the department of social services shall authorize the disclosure of information and findings pertaining to foster homes in cases of child fatalities or near-fatalities to courts, juvenile officers, law enforcement agencies, and prosecuting and circuit attorneys that have a need for the information to conduct their duties under law. Nothing in this subsection shall otherwise preclude the disclosure of such information as provided for under subsection 5 of section 210.150.

4. The division may disclose information and records pertaining to foster homes to juvenile officers, courts, the office of child advocate, guardians ad litem, law enforcement agencies, child welfare agencies, child placement agencies, prosecuting attorneys, and other local, state, and federal government agencies that have a need for the information to conduct their duties under law.

5. Information and records pertaining to the licensure of foster homes and the care and treatment of children in foster homes shall be considered closed records under chapter 610 and may only be disclosed and utilized under this section.

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

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

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

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

Action Taken _____ Date _____

1 age or over;

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

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

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

6 (7) "Nonidentifying information", information concerning the physical description,
7 nationality, religious background and medical history of the biological parent or sibling.

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

10 3. Nonidentifying information, if known, concerning undisclosed biological parents or
11 siblings shall be furnished by the child-placing agency or the juvenile court to the adoptive parents,
12 legal guardians, adopted adult or the adopted adult's lineal descendants if the adopted adult is
13 deceased, upon written request therefor.

14 4. An adopted adult, or the adopted adult's lineal descendants if the adopted adult is
15 deceased, may make a written request to the circuit court having original jurisdiction of such
16 adoption to secure and disclose information identifying the adopted adult's biological parents. If the
17 biological parents have consented to the release of identifying information under subsection 8 of this
18 section, the court shall disclose such identifying information to the adopted adult or the adopted
19 adult's lineal descendants if the adopted adult is deceased. If the biological parents have not
20 consented to the release of identifying information under subsection 8 of this section, the court shall,
21 within ten days of receipt of the request, notify in writing the child-placing agency or juvenile court
22 personnel having access to the information requested of the request by the adopted adult or the
23 adopted adult's lineal descendants.

24 5. Within three months after receiving notice of the request of the adopted adult, or the
25 adopted adult's lineal descendants, the child-placing agency or the juvenile court personnel shall
26 make reasonable efforts to notify the biological parents of the request of the adopted adult or the
27 adopted adult's lineal descendants. The child-placing agency or juvenile court personnel may charge
28 actual costs to the adopted adult or the adopted adult's lineal descendants for the cost of making
29 such search. All communications under this subsection are confidential. For purposes of this
30 subsection, "notify" means a personal and confidential contact with the biological parent of the
31 adopted adult, which initial contact shall be made by an employee of the child-placing agency which
32 processed the adoption, juvenile court personnel or some other licensed child-placing agency
33 designated by the child-placing agency or juvenile court. Nothing in this section shall be construed
34 to permit the disclosure of communications privileged pursuant to section 491.060. At the end of
35 three months, the child-placing agency or juvenile court personnel shall file a report with the court
36 stating that each biological parent that was located was given the following information:

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

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

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

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

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

44 6. If the child-placing agency or juvenile court personnel reports to the court that it has been
45 unable to notify the biological parent within three months, the identifying information shall not be
46 disclosed to the adopted adult or the adopted adult's lineal descendants. Additional requests for the
47 same or substantially the same information may not be made to the court within one year from the
48 end of the three-month period during which the attempted notification was made, unless good cause

1 is shown and leave of court is granted.

2 7. If, within three months, the child-placing agency or juvenile court personnel reports to
3 the court that it has notified the biological parent pursuant to subsection 5 of this section, the court
4 shall receive the identifying information from the child-placing agency. If an affidavit duly
5 executed by a biological parent authorizing the release of information is filed with the court or if a
6 biological parent is found to be deceased, the court shall disclose the identifying information as to
7 that biological parent to the adopted adult or the adopted adult's lineal descendants if the adopted
8 adult is deceased, provided that the other biological parent either:

9 (1) Is unknown;

10 (2) Is known but cannot be found and notified pursuant to [section 5 of this act] subsection
11 5 of this section;

12 (3) Is deceased; or

13 (4) Has filed with the court an affidavit authorizing release of identifying information.

14
15 If the biological parent fails or refuses to file an affidavit with the court authorizing the release of
16 identifying information, then the identifying information shall not be released to the adopted adult.
17 No additional request for the same or substantially the same information may be made within three
18 years of the time the biological parent fails or refuses to file an affidavit authorizing the release of
19 identifying information.

20 8. Any adopted adult whose adoption was finalized in this state or whose biological parents
21 had their parental rights terminated in this state may request the court to secure and disclose
22 identifying information concerning an adult sibling. Identifying information pertaining exclusively
23 to the adult sibling, whether part of the permanent record of a file in the court or in an agency, shall
24 be released only upon consent of that adult sibling.

25 9. The central office of the children's division within the department of social services shall
26 maintain a registry by which biological parents, adult siblings, and adoptive adults may indicate
27 their desire to be contacted by each other. The division may request such identification for the
28 registry as a party may possess to assure positive identifications. At the time of registry, a
29 biological parent or adult sibling may consent in writing to the release of identifying information to
30 an adopted adult. If such a consent has not been executed and the division believes that a match has
31 occurred on the registry between biological parents or adult siblings and an adopted adult, an
32 employee of the division shall make the confidential contact provided in subsection 5 of this section
33 with the biological parents or adult siblings and with the adopted adult. If the division believes that
34 a match has occurred on the registry between one biological parent or adult sibling and an adopted
35 adult, an employee of the division shall make the confidential contact provided by subsection 5 of
36 this section with the biological parent or adult sibling. The division shall then attempt to make such
37 confidential contact with the other biological parent, and shall proceed thereafter to make such
38 confidential contact with the adopted adult only if the division determines that the other biological
39 parent meets one of the conditions specified in subsection 7 of this section. The biological parent,
40 adult sibling, or adopted adult may refuse to go forward with any further contact between the parties
41 when contacted by the division.

42 10. The provisions of this section, except as provided in subsection 5 of this section
43 governing the release of identifying and nonidentifying adoptive information apply to adoptions
44 completed before and after August 13, 1986.

45 11. All papers, records, and information known to or in the possession of an adoptive parent
46 or adoptive child that pertain to an adoption, whether or not part of any permanent record or file,
47 may be disclosed by the adoptive parent or adoptive child. The provisions of this subsection shall
48 not be construed to create a right to have access to information not otherwise allowed under this

1 section."; and

2
3 Further amend said bill, Page 5, Section 610.021, Lines 115-116, by deleting said lines and inserting
4 in lieu thereof the following:

5
6 "(24) Records relating to foster home or kinship placements of children in foster care under
7 section 210.498."; and

8
9 Further amend said bill by amending the title, enacting clause, and intersectional references
10 accordingly.