

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1640
94TH GENERAL ASSEMBLY

Reported from the Committee on the Judiciary and Civil and Criminal Jurisprudence, April 15, 2008, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

3029S.05C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal section 193.125, RSMo, and to enact in lieu thereof one new section relating to birth certificates.

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

Section A. Section 193.125, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 193.125, to read as follows: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.

[2.] 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

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

19 welfare agency or any person having knowledge of the facts shall supply the court
20 with such additional information as may be necessary to complete the
21 report. The provision of such information shall be prerequisite to the issuance
22 of a final decree in the matter by the court.

23 **[3.] 5.** Whenever an adoption decree is amended or annulled, the clerk
24 of the court shall prepare a report thereof, which shall include such facts as are
25 necessary to identify the original adoption report and the facts amended in the
26 adoption decree as shall be necessary to properly amend the birth record.

27 **[4.] 6.** Not later than the fifteenth day of each calendar month or more
28 frequently as directed by the state registrar the clerk of the court shall forward
29 to the state registrar reports of decrees of adoption, annulment of adoption and
30 amendments of decrees of adoption which were entered in the preceding month,
31 together with such related reports as the state registrar shall require.

32 **[5.] 7.** When the state registrar shall receive a report of adoption,
33 annulment of adoption, or amendment of a decree of adoption for a person born
34 outside this state, he or she shall forward such report to the state registrar in the
35 state of birth.

36 **[6.] 8.** In a case of adoption in this state of a person not born in any
37 state, territory or possession of the United States or country not covered by
38 interchange agreements, the state registrar shall upon receipt of the certificate
39 of decree of adoption prepare a birth certificate in the name of the adopted
40 person, as decreed by the court. The state registrar shall file the certificate of the
41 decree of adoption, and such documents may be opened by the state registrar only
42 by an order of court. The birth certificate prepared under this subsection shall
43 have the same legal weight as evidence as a delayed or altered birth certificate
44 as provided in section 193.235.

45 **[7.] 9.** The department, upon receipt of proof that a person has been
46 adopted by a Missouri resident pursuant to laws of countries other than the
47 United States, shall prepare a birth certificate in the name of the adopted person
48 as decreed by the court of such country. If such proof contains the surname of
49 either adoptive parent, the department of health and senior services shall prepare
50 a birth certificate as requested by the adoptive parents. Any subsequent change
51 of the name of the adopted person shall be made by a court of competent
52 jurisdiction. The proof of adoption required by the department shall include a
53 copy of the original birth certificate and adoption decree, an English translation
54 of such birth certificate and adoption decree, and a copy of the approval of the

55 immigration of the adopted person by the Immigration and Naturalization Service
56 of the United States government which shows the child lawfully entered the
57 United States. The authenticity of the translation of the birth certificate and
58 adoption decree required by this subsection shall be sworn to by the translator
59 in a notarized document. The state registrar shall file such documents received
60 by the department relating to such adoption and such documents may be opened
61 by the state registrar only by an order of a court. A birth certificate pursuant to
62 this subsection shall be issued upon request of one of the adoptive parents of such
63 adopted person or upon request of the adopted person if of legal age. The birth
64 certificate prepared pursuant to the provisions of this subsection shall have the
65 same legal weight as evidence as a delayed or altered birth certificate as provided
66 in sections 193.005 to 193.325.

67 **[8.] 10.** If no certificate of birth is on file for the person under twelve
68 years of age who has been adopted, a belated certificate of birth shall be filed
69 with the state registrar as provided in sections 193.005 to 193.325 before a new
70 birth record is to be established as result of adoption. A new certificate is to be
71 established on the basis of the adoption under this section and shall be prepared
72 on a certificate of live birth form.

73 **[9.] 11.** If no certificate of birth has been filed for a person twelve years
74 of age or older who has been adopted, a new birth certificate is to be established
75 under this section upon receipt of proof of adoption as required by the
76 department. A new certificate shall be prepared in the name of the adopted
77 person as decreed by the court, registering adopted parents' names. The new
78 certificate shall be prepared on a delayed birth certificate form. The adoption
79 decree is placed in a sealed file and shall not be subject to inspection except upon
80 an order of the court.

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