

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 351**  
**96TH GENERAL ASSEMBLY**

1626L.05C

D. ADAM CRUMBLISS, Chief Clerk

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**AN ACT**

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

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*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Section A. Section 453.121, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 453.121, to read as follows: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 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 age or over;

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

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

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

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

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

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

21           4. An adopted adult, **or the adopted adult's lineal descendants if the adopted adult**  
22 **is deceased**, may make a written request to the circuit court having original jurisdiction of such  
23 adoption to secure and disclose information identifying the adopted adult's biological parents.  
24 If the biological parents have consented to the release of identifying information under  
25 subsection [11] **10** of this section, the court shall disclose such identifying information to the  
26 adopted adult **or the adopted adult's lineal descendants if the adopted adult is deceased**. If  
27 the biological parents have not consented to the release of identifying information under  
28 subsection [11] **10** of this section, the court shall, within ten days of receipt of the request, notify  
29 in writing [the adoptive parents of such petitioner and] the child-placing agency or juvenile court  
30 personnel having access to the information requested of the request by the adopted adult **or the**  
31 **adopted adult's lineal descendants**.

32           5. Within three months after receiving notice of the request of the adopted adult, [the  
33 child-placing agency or juvenile court personnel shall notify the adoptive parents, if such  
34 adoptive parents are living and shall not make any attempt to notify the biological parents  
35 without prior written consent of such adoptive parents for adoptions instituted or completed prior  
36 to August 13, 1986, but may proceed if there is proof that the adoptive parents are deceased or  
37 incapacitated, as such term is defined in chapter 475. If the adoptive parents are living but are  
38 unwilling to give such written consent, the child-placing agency or the juvenile court personnel  
39 shall make a written report to the court stating that they were unable to notify the biological  
40 parent. If the adoptive parents are deceased or give written consent] **or the adopted adult's**  
41 **lineal descendants**, the child-placing agency or the juvenile court personnel shall make  
42 reasonable efforts to notify the biological parents of the request of the adopted adult **or the**  
43 **adopted adult's lineal descendants**. The child-placing agency or juvenile court personnel may  
44 charge actual costs to the adopted adult **or the adopted adult's lineal descendants** for the cost  
45 of making such search. All communications under this subsection are confidential. For purposes  
46 of this subsection, "notify" means a personal and confidential contact with the biological parent  
47 of the adopted adult, which initial contact shall [not be made by mail and shall] be made by an  
48 employee of the child-placing agency which processed the adoption, juvenile court personnel or  
49 some other licensed child-placing agency designated by the child- placing agency or juvenile  
50 court. Nothing in this section shall be construed to permit the disclosure of communications

51 privileged pursuant to section 491.060. At the end of three months, the child-placing agency or  
52 juvenile court personnel shall file a report with the court stating that each biological parent that  
53 was located was given the following information:

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

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

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

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

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

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

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

75 (1) Is unknown;

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

77 (3) Is deceased; or

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

79 If the biological parent fails or refuses to file an affidavit with the court authorizing the release  
80 of identifying information, then the identifying information shall not be released to the adopted  
81 adult. No additional request for the same or substantially the same information may be made  
82 within three years of the time the biological parent fails or refuses to file an affidavit authorizing  
83 the release of identifying information.

84 8. If the biological [parent is] **parents are** deceased [but previously had filed an affidavit  
85 with the court stating that identifying information shall be disclosed, the information shall be  
86 forwarded to and released by the court to the adopted adult. If the biological parent is deceased

87 and, at any time prior to his death, the biological parent did not file an affidavit with the court  
88 stating that the identifying information shall be disclosed, the adopted adult may petition the  
89 court for an order releasing the identifying information. The court shall grant the petition upon  
90 a finding that disclosure of the information is necessary for health-related purposes] , **the court**  
91 **shall disclose the identifying information of the biological parents to the adopted adult or**  
92 **the adopted adult's lineal descendants if the adopted adult is deceased.**

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

100 10. The central office of the children's division within the department of social services  
101 shall maintain a registry by which biological parents, adult siblings, and adoptive adults may  
102 indicate their desire to be contacted by each other. The division may request such identification  
103 for the registry as a party may possess to assure positive identifications. At the time of registry,  
104 a biological parent or adult sibling may consent in writing to the release of identifying  
105 information to an adopted adult. If such a consent has not been executed and the division  
106 believes that a match has occurred on the registry between biological parents or adult siblings  
107 and an adopted adult, an employee of the division shall make the confidential contact provided  
108 in subsection 5 of this section with the biological parents or adult siblings and with the adopted  
109 adult. If the division believes that a match has occurred on the registry between one biological  
110 parent or adult sibling and an adopted adult, an employee of the division shall make the  
111 confidential contact provided by subsection 5 of this section with the biological parent or adult  
112 sibling. The division shall then attempt to make such confidential contact with the other  
113 biological parent, and shall proceed thereafter to make such confidential contact with the adopted  
114 adult only if the division determines that the other biological parent meets one of the conditions  
115 specified in subsection 7 of this section. The biological parent, adult sibling, or adopted adult  
116 may refuse to go forward with any further contact between the parties when contacted by the  
117 division.

118 11. The provisions of this section, except as provided in subsection 5 of this section  
119 governing the release of identifying and nonidentifying adoptive information apply to adoptions  
120 completed before and after August 13, 1986.

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