

FIRST REGULAR SESSION  
[ P E R F E C T E D ]  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 351**  
96TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR LAMPING.

Offered April 5, 2011.

Senate Substitute adopted, April 5, 2011.

Taken up for Perfection April 5, 2011. Bill declared Perfected and Ordered Printed, as amended.

TERRY L. SPIELER, Secretary.

1626S.03P

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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Section A. Section 453.121, RSMo, is repealed and one new section  
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;**

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

15            [(5)] (7) "Nonidentifying information", information concerning the  
16 physical description, nationality, religious background and medical history of the  
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] 10 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 were married to each other**  
34 **at the time of the request for the identifying information or at the time**  
35 **of death of one of the biological parents, the information shall not be**  
36 **released until the death of the surviving biological parent, unless the**  
37 **surviving biological parent consents to such release.** If the biological  
38 parents have not consented to the release of identifying information under  
39 subsection [11] 10 of this section, the court shall, within ten days of receipt of the  
40 request, notify in writing [the adoptive parents of such petitioner and] the  
41 child-placing agency or juvenile court personnel having access to the information  
42 requested of the request by the adopted adult **or the adopted adult's lineal**  
43 **descendants.**

44            5. Within three months after receiving notice of the request of the adopted  
45 adult, [the child-placing agency or juvenile court personnel shall notify the  
46 adoptive parents, if such adoptive parents are living and shall not make any  
47 attempt to notify the biological parents without prior written consent of such  
48 adoptive parents for adoptions instituted or completed prior to August 13, 1986,  
49 but may proceed if there is proof that the adoptive parents are deceased or  
50 incapacitated, as such term is defined in chapter 475. If the adoptive parents are

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

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

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

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

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

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

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

86 7. If, within three months, the child-placing agency or juvenile court

87 personnel reports to the court that it has notified the biological parent pursuant  
88 to subsection 5 of this section, the court shall receive the identifying information  
89 from the child-placing agency. If an affidavit duly executed by a biological parent  
90 authorizing the release of information is filed with the court, the court shall  
91 disclose the identifying information as to that biological parent to the adopted  
92 **adult or the adopted adult's lineal descendants if the adopted adult is**  
93 **deceased**, provided that the other biological parent either:

94 (1) Is unknown;

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

97 (3) Is deceased; or

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

105 8. If the biological parent is deceased [but previously had filed an  
106 affidavit with the court stating that identifying information shall be disclosed, the  
107 information shall be forwarded to and released by the court to the adopted adult.  
108 If the biological parent is deceased and, at any time prior to his death, the  
109 biological parent did not file an affidavit with the court stating that the  
110 identifying information shall be disclosed, the adopted adult may petition the  
111 court for an order releasing the identifying information. The court shall grant the  
112 petition upon a finding that disclosure of the information is necessary for  
113 health-related purposes], **the court shall disclose the identifying**  
114 **information as to that biological parent to the adopted adult or the**  
115 **adopted adult's lineal descendants if the adopted adult is deceased.**

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

123 be released only upon consent of that adult sibling.

124           10. The central office of the children's division within the department of  
125 social services shall maintain a registry by which biological parents, adult  
126 siblings, and adoptive adults may indicate their desire to be contacted by each  
127 other. The division may request such identification for the registry as a party  
128 may possess to assure positive identifications. At the time of registry, a biological  
129 parent or adult sibling may consent in writing to the release of identifying  
130 information to an adopted adult. If such a consent has not been executed and the  
131 division believes that a match has occurred on the registry between biological  
132 parents or adult siblings and an adopted adult, an employee of the division shall  
133 make the confidential contact provided in subsection 5 of this section with the  
134 biological parents or adult siblings and with the adopted adult. If the division  
135 believes that a match has occurred on the registry between one biological parent  
136 or adult sibling and an adopted adult, an employee of the division shall make the  
137 confidential contact provided by subsection 5 of this section with the biological  
138 parent or adult sibling. The division shall then attempt to make such  
139 confidential contact with the other biological parent, and shall proceed thereafter  
140 to make such confidential contact with the adopted adult only if the division  
141 determines that the other biological parent meets one of the conditions specified  
142 in subsection 7 of this section. The biological parent, adult sibling, or adopted  
143 adult may refuse to go forward with any further contact between the parties when  
144 contacted by the division.

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

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