

SECOND REGULAR SESSION

SENATE BILL NO. 713

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR LAMPING.

Read 1st time January 26, 2012, and ordered printed.

TERRY L. SPIELER, Secretary.

4355S.03I

AN ACT

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

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Section A. Section 453.121, RSMo, is repealed and one new section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 father of the
10 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 in
14 section 472.010;

15 (7) "Nonidentifying information", information concerning the physical
16 description, nationality, religious background and medical history of the biological
17 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

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

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, adopted adult or the adopted
24 adult's lineal descendants if the adopted adult is deceased, upon written request
25 therefor.

26 4. An adopted adult, or the adopted adult's lineal descendants if the
27 adopted adult is deceased, may make a written request to the circuit court having
28 original jurisdiction of such adoption to secure and disclose information
29 identifying the adopted adult's biological parents. If the biological parents have
30 consented to the release of identifying information under subsection 8 of this
31 section, the court shall disclose such identifying information to the adopted adult
32 or the adopted adult's lineal descendants if the adopted adult is deceased. If the
33 biological parents have not consented to the release of identifying information
34 under subsection 8 of this section, the court shall, within ten days of receipt of
35 the request, notify in writing the child-placing agency or juvenile court personnel
36 having access to the information requested of the request by the adopted adult
37 or the adopted adult's lineal descendants.

38 5. Within three months after receiving notice of the request of the adopted
39 adult, or the adopted adult's lineal descendants, the child-placing agency or the
40 juvenile court personnel shall make reasonable efforts to notify the biological
41 parents of the request of the adopted adult or the adopted adult's lineal
42 descendants. The child-placing agency or juvenile court personnel may charge
43 actual costs to the adopted adult or the adopted adult's lineal descendants for the
44 cost of making such search. All communications under this subsection are
45 confidential. For purposes of this subsection, "notify" means a personal and
46 confidential contact with the biological parent of the adopted adult, which initial
47 contact shall be made by an employee of the child-placing agency which processed
48 the adoption, juvenile court personnel or some other licensed child-placing agency
49 designated by the child-placing agency or juvenile court. Nothing in this section
50 shall be construed to permit the disclosure of communications privileged pursuant
51 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
53 biological parent that was located was given the following information:

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

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

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

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

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

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

70 7. If, within three months, the child-placing agency or juvenile court
71 personnel reports to the court that it has notified the biological parent pursuant
72 to subsection 5 of this section, the court shall receive the identifying information
73 from the child-placing agency. If an affidavit duly executed by a biological parent
74 authorizing the release of information is filed with the court or if a biological
75 parent is found to be deceased **or is proven to be one hundred years of age**
76 **or older at the time of the request**, the court shall disclose the identifying
77 information as to that biological parent to the adopted adult or the adopted
78 adult's lineal descendants if the adopted adult is deceased, provided that the
79 other biological parent either:

80 (1) Is unknown;

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

83 (3) Is deceased **or is proven to be one hundred years of age or**
84 **older at the time of the request**; or

85 (4) Has filed with the court an affidavit authorizing release of identifying
86 information. If the biological parent fails or refuses to file an affidavit with the
87 court authorizing the release of identifying information, then the identifying
88 information shall not be released to the adopted adult. No additional request for
89 the same or substantially the same information may be made within three years
90 of the time the biological parent fails or refuses to file an affidavit authorizing the
91 release of identifying information.

92 8. Any adopted adult whose adoption was finalized in this state or whose
93 biological parents had their parental rights terminated in this state may request
94 the court to secure and disclose identifying information concerning an adult
95 sibling. **If identifying information concerning the adopted adult's**
96 **biological parents is disclosed under subsection 7 of this section,**
97 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
99 [only] upon consent of that adult sibling.

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

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

124 11. **If a request for identifying information of a biological parent**
125 **by an adopted adult or adopted adult's lineal descendants if the**
126 **adopted adult is deceased cannot be met due to the fact that the court**
127 **file does not contain the identity of the biological mother, the court**

128 shall request a copy of the original birth certificate from the state
129 registrar in order to provide the requested identifying information to
130 the adopted adult or adopted adult's lineal descendants if the adopted
131 adult is deceased so long as all other requirements for release of
132 identifying information have been met under subsection 7 of this
133 section.

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