

SECOND REGULAR SESSION

SENATE BILL NO. 685

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR LeVOTA.

Read 1st time January 9, 2014, and ordered printed.

TERRY L. SPIELER, Secretary.

5137S.011

AN ACT

To repeal section 193.125, RSMo, and to enact in lieu thereof two new sections 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Section A. Section 193.125, RSMo, is repealed and two new sections
2 enacted in lieu thereof, to be known as sections 193.125 and 193.128, to read as
3 follows:

193.125. 1. This section shall be known and may be cited as the "Debbi
2 Daniel Law".

3 2. Except as otherwise provided in subsection 3 of this section, for each
4 adoption decreed by a court of competent jurisdiction in this state, the court shall
5 require the preparation of a certificate of decree of adoption on a form as
6 prescribed or approved by the state registrar. The certificate of decree of
7 adoption shall include such facts as are necessary to locate and identify the
8 certificate of birth of the person adopted, and shall provide information necessary
9 to establish a new certificate of birth of the person adopted and shall identify the
10 court and county of the adoption and be certified by the clerk of the court. The
11 state registrar shall file the original certificate of birth with the certificate of
12 decree of adoption and such file may be opened by the state registrar only upon
13 receipt of a certified copy of an order as decreed by the court of adoption **or in**
14 **accordance with section 193.128.**

15 3. No new certificate of birth shall be established following an adoption
16 by a stepparent if so requested by the adoptive parent or the adoptive stepparent
17 of the child.

18 4. Information necessary to prepare the report of adoption shall be
19 furnished by each petitioner for adoption or the petitioner's attorney. The social

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

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

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

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

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

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

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

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

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

**193.128. 1. Notwithstanding section 453.121 to the contrary, an
2 adopted person, the adopted person's attorney, or the adopted person's
3 descendants, if the adopted person is deceased, may obtain a copy of
4 such adopted person's original certificate of birth from the state
5 registrar in accordance with this section.**

**6 2. In order for an adopted person to receive a copy of his or her
7 original certificate of birth, the adopted person shall:**

- 8 (1) Be at least eighteen years of age;
- 9 (2) Have been born in this state;
- 10 (3) File a written application with and provide appropriate proof

11 of identification to the state registrar.

12 3. The state registrar may require a waiting period and impose
13 a fee for issuance of the uncertified copy under subsection 4 of this
14 section. The fees and waiting period imposed under this subsection
15 shall be identical to the fees and waiting period generally imposed on
16 persons seeking their own certificates of birth.

17 4. Upon receipt of a written application and proof of
18 identification under subsection 2 of this section and fulfillment of the
19 requirements of subsections 3 and 5 of this section, the state registrar
20 shall issue an uncertified copy of the unaltered original certificate of
21 birth to the applicant. The copy of the certificate of birth shall have
22 the following statement printed on it: "for informational purposes only
23 - not to be used for establishing identity".

24 5. (1) If the birth mother is deceased or cannot be found, the
25 state registrar shall notify the adopted person that the copy of the
26 original certificate of birth shall be released five years from the date
27 of the initial application and upon the adopted person's subsequent
28 written application for release of the certificate of birth and
29 notification to the state registrar that the five years have passed.

30 (2) If the birth mother is not deceased, the state registrar shall,
31 within three months of application by the adopted person, make
32 reasonable efforts to contact the birth mother via telephone, personally
33 and confidentially, to obtain the birth mother's consent or denial to
34 release the original certificate of birth. The state registrar may charge
35 actual costs to the adopted person for the cost of making such search
36 of the birth mother. If the state registrar has been unable to contact
37 the birth mother within three months, the state registrar shall not
38 release the certificate of birth. The adopted person may re-apply for
39 a copy of his or her original certificate of birth once every two years
40 from the end of the three-month period during which the attempted
41 contact with the birth mother was previously made. The state registrar
42 shall not release the certificate of birth under this subdivision until the
43 birth mother submits a subsequent written consent for release or the
44 birth mother dies or cannot be found in which case the procedures
45 under subdivision (1) of this subsection shall apply.

46 6. The state registrar shall develop by rule the application form
47 required by this section and may adopt other rules for the

48 administration of this section. Any rule or portion of a rule, as that
49 term is defined in section 536.010, that is created under the authority
50 delegated in this section shall become effective only if it complies with
51 and is subject to all of the provisions of chapter 536, and, if applicable,
52 section 536.028. This section and chapter 536, are nonseverable and if
53 any of the powers vested with the general assembly pursuant to chapter
54 536, to review, to delay the effective date, or to disapprove and annul
55 a rule are subsequently held unconstitutional, then the grant of
56 rulemaking authority and any rule proposed or adopted after August
57 28, 2014, shall be invalid and void.

58 7. Nothing in this section shall be construed as violating the
59 provisions of section 453.121.

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Bill

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