

SECOND REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 1599**  
98TH GENERAL ASSEMBLY

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Reported from the Committee on Seniors, Families and Children, April 21, 2016, with recommendation that the Senate Committee Substitute do pass.

4581S.04C

ADRIANE D. CROUSE, Secretary.

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**AN ACT**

To repeal sections 193.125 and 453.080, RSMo, and to enact in lieu thereof three new sections relating to birth certificates.

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

Section A. Sections 193.125 and 453.080, RSMo, are repealed and three  
2 new sections enacted in lieu thereof, to be known as sections 193.125, 193.128,  
3 and 453.080, to read as follows:

193.125. 1. This section **and section 193.128** shall be known and may  
2 be cited as the ["Debbi Daniel Law"] "**Missouri Adoptee Rights Act**".

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.

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

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. The provisions of section 193.125 and this section  
2 shall be known and may be cited as the "Missouri Adoptee Rights Act".**

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

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

9           (1) Be at least eighteen years of age;  
10           (2) Have been born in this state; and  
11           (3) File a written application with and provide appropriate proof  
12 of identification to the state registrar.

13           4. The state registrar may require a waiting period and impose  
14 a fee for issuance of the uncertified copy under subsection 5 of this  
15 section. The fees and waiting period imposed under this subsection  
16 shall be identical to the fees and waiting period generally imposed on  
17 nonadopted persons seeking their own certificates of birth.

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

25           6. A birth parent may, at any time, request from the state  
26 registrar a contact preference form that shall accompany the original  
27 birth certificate of an adopted person. The contact preference form  
28 shall include the following options:

- 29           (1) "I would like to be contacted";  
30           (2) "I prefer to be contacted by an intermediary"; and  
31           (3) "I prefer not to be contacted".

32 A contact preference form may be updated by a birth parent at any  
33 time upon the request of the birth parent. A contact preference form  
34 completed by a birth parent at the time of the adoption and forwarded  
35 to the state registrar by the clerk of the court shall accompany the  
36 original birth certificate of the adopted person and may be updated by  
37 the birth parent at any time upon the request of the birth parent.

38           7. If both birth parents indicate on the contact preference form  
39 that they would prefer not to be contacted, a copy of the original birth  
40 certificate of the adopted person shall not be released. If only one  
41 birth parent indicates on the contact preference form that he or she  
42 would prefer not to be contacted, his or her identifying information  
43 shall be redacted from a copy of the original birth certificate of the  
44 adopted person and the copy of the original birth certificate shall be  
45 released under the provisions of this section.

46           8. A birth parent may, at any time, request a medical history  
47 form from the state registrar and the state registrar shall provide a  
48 medical history form to any birth parent who requests a contact  
49 preference form. The medical history form shall include the following  
50 options:

51           (1) "I am not aware of any medical history of any significance";

52           (2) "I prefer not to provide any medical information at this time";

53 and

54           (3) "I wish to give the following medical information".

55 A medical history form may be updated by a birth parent at any time  
56 upon the request of the birth parent.

57           9. A contact preference form or a medical history form received  
58 by the state registrar shall be placed in a sealed envelope upon receipt  
59 from the birth parent and shall be considered a confidential  
60 communication from the birth parent to the adopted person. The  
61 sealed envelope shall only be released to the adopted person requesting  
62 his or her own original birth certificate under the provisions of this  
63 section.

64           10. If a birth parent indicates on the contact preference form  
65 that he or she would prefer not to be contacted, the adopted person  
66 shall have access to a copy of the medical history form with the  
67 identifying information of such birth parent redacted.

68           11. The cost of a contact preference form shall not exceed the  
69 cost of obtaining an original birth certificate. There shall be no charge  
70 for a medical history form.

71           12. Beginning August 28, 2016, there shall be a public notification  
72 period to allow time for birth parents to file a contact preference  
73 form. Beginning January 1, 2018, original birth certificates shall be  
74 issued under the provisions of this section. An adopted person born  
75 prior to 1941 shall be given access to his or her original birth  
76 certificate beginning August 28, 2016.

77           13. The state registrar shall develop by rule the application form  
78 required by this section and may adopt other rules for the  
79 administration of this section. Any rule or portion of a rule, as that  
80 term is defined in section 536.010, that is created under the authority  
81 delegated in this section shall become effective only if it complies with  
82 and is subject to all of the provisions of chapter 536, and, if applicable,

83 **section 536.028. This section and chapter 536, are nonseverable, and if**  
84 **any of the powers vested with the general assembly under chapter 536,**  
85 **to review, to delay the effective date, or to disapprove and annul a rule**  
86 **are subsequently held unconstitutional, then the grant of rulemaking**  
87 **authority and any rule proposed or adopted after August 28, 2016, shall**  
88 **be invalid and void.**

453.080. 1. The court shall conduct a hearing to determine whether the  
2 adoption shall be finalized. During such hearing, the court shall ascertain  
3 whether:

4 (1) The person sought to be adopted, if a child, has been in the lawful and  
5 actual custody of the petitioner for a period of at least six months prior to entry  
6 of the adoption decree; except that the six-month period may be waived if the  
7 person sought to be adopted is a child who is under the prior and continuing  
8 jurisdiction of a court pursuant to chapter 211 and the person desiring to adopt  
9 the child is the child's current foster parent. "Lawful and actual custody" shall  
10 include a transfer of custody pursuant to the laws of this state, another state, a  
11 territory of the United States, or another country;

12 (2) The court has received and reviewed a postplacement assessment on  
13 the monthly contacts with the adoptive family pursuant to section 453.077, except  
14 for good cause shown in the case of a child adopted from a foreign country;

15 (3) The court has received and reviewed an updated financial affidavit;

16 (4) The court has received the recommendations of the guardian ad litem  
17 and has received and reviewed the recommendations of the person placing the  
18 child, the person making the assessment and the person making the  
19 postplacement assessment;

20 (5) There is compliance with the uniform child custody jurisdiction act,  
21 sections 452.440 to 452.550;

22 (6) There is compliance with the Indian Child Welfare Act, if applicable;

23 (7) There is compliance with the Interstate Compact on the Placement of  
24 Children pursuant to section 210.620; and

25 (8) It is fit and proper that such adoption should be made.

26 2. If a petition for adoption has been filed pursuant to section 453.010 and  
27 a transfer of custody has occurred pursuant to section 453.110, the court may  
28 authorize the filing for finalization in another state if the adoptive parents are  
29 domiciled in that state.

30 3. If the court determines the adoption should be finalized, a decree shall

31 be issued setting forth the facts and ordering that from the date of the decree the  
32 adoptee shall be for all legal intents and purposes the child of the petitioner or  
33 petitioners. The court may decree that the name of the person sought to be  
34 adopted be changed, according to the prayer of the petition.

35 4. Before the completion of an adoption, the exchange of information  
36 among the parties shall be at the discretion of the parties. Upon completion of  
37 an adoption, further contact among the parties shall be at the discretion of the  
38 adoptive parents. The court shall not have jurisdiction to deny continuing contact  
39 between the adopted person and the birth parent, or an adoptive parent and a  
40 birth parent. Additionally, the court shall not have jurisdiction to deny an  
41 exchange of identifying information between an adoptive parent and a birth  
42 parent.

43 **5. Before the completion of an adoption, the court shall make**  
44 **available to the birth parent or parents a contact preference form**  
45 **developed by the state registrar pursuant to section 193.128 and**  
46 **provided to the court by the department of health and senior services.**  
47 **If a birth parent chooses to complete the form, the clerk of the court**  
48 **shall send the form with the certificate of decree of adoption to the**  
49 **state registrar. Such form shall accompany the original birth**  
50 **certificate of the adopted person and may be updated by a birth parent**  
51 **at any time upon the request of the birth parent.**

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