

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1713
99TH GENERAL ASSEMBLY

Reported from the Committee on Seniors, Families and Children, May 9, 2018, with recommendation that the Senate Committee Substitute do pass.

5090S.03C

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal section 193.128, RSMo, and to enact in lieu thereof one new section relating to birth certificates.

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

Section A. Section 193.128, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 193.128, to read as follows:

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

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

7 3. In order for an adopted person to receive a copy of his or her original
8 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 of
12 identification to the state registrar.

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

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

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

24 6. A birth parent **or adoptee** may, at any time, request from the state
25 registrar a contact preference form that shall accompany the original birth
26 certificate of an adopted person. **The birth parent shall provide**
27 **appropriate proof of identification to the state registrar.** The contact
28 preference form 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 **or adoptee** at any
33 time upon the request of the birth parent **or adoptee**. A contact preference form
34 completed by a birth parent **or adoptee** at the time of the adoption and
35 forwarded 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 the birth
37 parent **or adoptee** at any time upon the request of the birth parent **or adoptee**.

38 7. If both birth parents indicate on the contact preference form that they
39 would prefer not to be contacted, a copy of the original birth certificate of the
40 adopted person shall not be released. If only one birth parent indicates on the
41 contact preference form that he or she would prefer not to be contacted, his or her
42 identifying information, **as defined in section 453.121**, shall be redacted from
43 a copy of the original birth certificate of the adopted person and the copy of the
44 original birth certificate shall be released under the provisions of this section.

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

- 49 (1) "I am not aware of any medical history of any significance";
50 (2) "I prefer not to provide any medical information at this time"; and
51 (3) "I wish to give the following medical information".

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

54 9. A contact preference form or a medical history form received by the

55 state registrar shall be placed in a sealed envelope upon receipt from the birth
56 parent and shall be considered a confidential communication from the birth
57 parent to the adopted person. The sealed envelope shall only be released to the
58 adopted person requesting his or her own original birth certificate under the
59 provisions of this section.

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

64 11. **Upon proof that an adopted person is deceased, his or her**
65 **lineal descendants, as defined in section 453.121, shall have the right**
66 **to obtain a copy of the adopted person's original birth certificate and**
67 **accompanying contact preference form and medical history form in**
68 **accordance with the provisions of this section, including the provisions**
69 **of subsection 7 of this section regarding birth parent contact**
70 **preferences and subsection 10 of this section regarding birth parent**
71 **medical histories.**

72 12. The cost of a contact preference form shall not exceed the cost of
73 obtaining an original birth certificate. There shall be no charge for a medical
74 history form.

75 [12.] 13. Beginning August 28, 2016, there shall be a public notification
76 period to allow time for birth parents to file a contact preference form. Beginning
77 January 1, 2018, original birth certificates shall be issued under the provisions
78 of this section. An adopted person born prior to 1941 shall be given access to his
79 or her original birth certificate beginning August 28, 2016.

80 [13.] 14. The state registrar shall develop by rule the application form
81 required by this section and may adopt other rules for the administration of this
82 section. Any rule or portion of a rule, as that term is defined in section 536.010,
83 that is created under the authority delegated in this section shall become effective
84 only if it complies with and is subject to all of the provisions of chapter 536 and,
85 if applicable, section 536.028. This section and chapter 536 are nonseverable and
86 if any of the powers vested with the general assembly under chapter 536 to
87 review, to delay the effective date, or to disapprove and annul a rule are
88 subsequently held unconstitutional, then the grant of rulemaking authority and
89 any rule proposed or adopted after August 28, 2016, shall be invalid and void.