

SECOND REGULAR SESSION

HOUSE BILL NO. 1990

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE COLEMAN (97).

4451H.011

DANA RADEMAN MILLER, Chief Clerk

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Section A. Section 453.121, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 453.121, to read as follows: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 otherwise, the following terms mean:

(1) "Adopted adult", any adopted person who is eighteen years of age or over;

(2) "Adopted child", any adopted person who is less than eighteen years of age;

(3) "Adult sibling", any brother or sister of the whole or half blood who is eighteen years of age or over;

(4) "Biological parent", the natural and biological mother or father of the adopted child;

(5) "Identifying information", individually identifying information for or about a unique individual, including information likely to disclose the contact information, location, or identity of such individual;

(6) "Lineal descendant", as defined in section 472.010;

(7) "Nonidentifying information", information that is not identifying information.

2. All papers, records, and information pertaining to an adoption whether part of any permanent record or file may be disclosed only in accordance with this section.

3. Nonidentifying information, if known, concerning undisclosed biological parents or siblings shall be furnished by the child-placing agency or the juvenile court to the adoptive

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 parents, legal guardians, adopted adult or the adopted adult's lineal descendants if the adopted
19 adult is deceased, upon written request therefor.

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

30 5. Within three months after receiving notice of the request of the adopted adult, or
31 the adopted adult's lineal descendants, the child-placing agency or the juvenile court
32 personnel shall make reasonable efforts to notify the biological parents of the request of the
33 adopted adult or the adopted adult's lineal descendants. The child-placing agency or juvenile
34 court personnel may charge actual costs to the adopted adult or the adopted adult's lineal
35 descendants for the cost of making such search. All communications under this subsection
36 are confidential. For purposes of this subsection, "notify" means a personal and confidential
37 contact with the biological parent of the adopted adult, which initial contact shall be made by
38 an employee of the child-placing agency which processed the adoption, juvenile court
39 personnel or some other licensed child-placing agency designated by the child-placing agency
40 or juvenile court. Nothing in this section shall be construed to permit the disclosure of
41 communications privileged pursuant to section 491.060. At the end of three months, the
42 child-placing agency or juvenile court personnel shall file a report with the court stating that
43 each biological parent that was located was given the following information:

- 44 (1) The nature of the identifying information to which the agency has access;
45 (2) The nature of any nonidentifying information requested;
46 (3) The date of the request of the adopted adult or the adopted adult's lineal
47 descendants;
48 (4) The right of the biological parent to file an affidavit with the court stating that the
49 identifying information should be disclosed;
50 (5) The effect of a failure of the biological parent to file an affidavit stating that the
51 identifying information should be disclosed.

52 6. If the child-placing agency or juvenile court personnel reports to the court that it
53 has been unable to notify the biological parent within three months, the identifying
54 information shall not be disclosed to the adopted adult or the adopted adult's lineal

55 descendants. Additional requests for the same or substantially the same information may not
56 be made to the court within one year from the end of the three-month period during which the
57 attempted notification was made, unless good cause is shown and leave of court is granted.

58 7. If, within three months, the child-placing agency or juvenile court personnel
59 reports to the court that it has notified the biological parent pursuant to subsection 5 of this
60 section, the court shall receive the identifying information from the child-placing agency. If
61 an affidavit duly executed by a biological parent authorizing the release of information is filed
62 with the court or if a biological parent is found to be deceased, the court shall disclose the
63 identifying information as to that biological parent to the adopted adult or the adopted adult's
64 lineal descendants if the adopted adult is deceased, provided that the other biological parent
65 either:

66 (1) Is unknown;

67 (2) Is known but cannot be found and notified pursuant to subsection 5 of this section;

68 (3) Is deceased; or

69 (4) Has filed with the court an affidavit authorizing release of identifying information.

70

71 If the biological parent fails or refuses to file an affidavit with the court authorizing the
72 release of identifying information **and the biological parent willingly gave up his or her**
73 **child for adoption**, then the identifying information shall not be released to the adopted
74 adult; **however, if the biological parent fails or refuses to file an affidavit with the court**
75 **authorizing the release of identifying information and the state was involved in the**
76 **removal of the child from the home of the biological parent, the identifying information**
77 **shall be released to the adopted adult if the adopted adult petitions the court.** No
78 additional request for the same or substantially the same information may be made within
79 three years of the time the biological parent fails or refuses to file an affidavit authorizing the
80 release of identifying information.

81 8. Notwithstanding any provision of law, all information, including identifying
82 information, shall be released to an adopted adult if the adopted adult's biological parent lost
83 his or her parental rights through a nonconsensual termination of parental rights proceeding.

84 9. Any adopted adult whose adoption was finalized in this state or whose biological
85 parents had their parental rights terminated in this state may request the court to secure and
86 disclose identifying information concerning an adult sibling. Identifying information
87 pertaining exclusively to the adult sibling, whether part of the permanent record of a file in
88 the court or in an agency, shall be released only upon consent of that adult sibling.

89 10. The central office of the children's division within the department of social
90 services shall maintain a registry by which biological parents, adult siblings, and adoptive
91 adults may indicate their desire to be contacted by each other. The division may request such

92 identification for the registry as a party may possess to assure positive identifications. At the
93 time of registry, a biological parent or adult sibling may consent in writing to the release of
94 identifying information to an adopted adult. If such a consent has not been executed and the
95 division believes that a match has occurred on the registry between biological parents or adult
96 siblings and an adopted adult, an employee of the division shall make the confidential contact
97 provided in subsection 5 of this section with the biological parents or adult siblings and with
98 the adopted adult. If the division believes that a match has occurred on the registry between
99 one biological parent or adult sibling and an adopted adult, an employee of the division shall
100 make the confidential contact provided by subsection 5 of this section with the biological
101 parent or adult sibling. The division shall then attempt to make such confidential contact with
102 the other biological parent, and shall proceed thereafter to make such confidential contact
103 with the adopted adult only if the division determines that the other biological parent meets
104 one of the conditions specified in subsection 7 of this section. The biological parent, adult
105 sibling, or adopted adult may refuse to go forward with any further contact between the
106 parties when contacted by the division.

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

110 12. All papers, records, and information known to or in the possession of an adoptive
111 parent or adoptive child that pertain to an adoption, regardless of whether part of any
112 permanent record or file, may be disclosed by the adoptive parent or adoptive child. The
113 provisions of this subsection shall not be construed to create a right to have access to
114 information not otherwise allowed under this section.

✓