

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 1599, Page 1, Section 193.125, Lines 1
2 and 2, by deleting all of said lines and inserting in lieu thereof the following:

3
4 "193.125. 1. This section shall be known and may be cited as the "Debbi Daniel Law".";
5 and

6
7 Further amend said bill, page, and section, Line 12, by deleting all of said line and inserting in lieu
8 thereof the following:

9
10 "adoption. If the state registrar releases a copy of an original birth certificate upon
11 presentation of a court order entered in accordance with subsection 8 of section 453.121, the state
12 registrar shall issue an uncertified copy of the unaltered original birth certificate. The copy of the
13 birth certificate shall have the following statement printed on it: "For informational purposes only -
14 not to be used for establishing identity."."; and

15
16 Further amend said bill, Page 3, Section 193.128, Lines 1 through 22, by deleting all of said lines
17 from the bill; and

18
19 Further amend said bill and section, Page 4, Line 23, by deleting the number "6." and inserting in
20 lieu thereof the following: "193.128. 1."; and

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22 Further amend said bill, page, and section, Lines 32 through 41, by deleting all of said lines from
23 the bill; and

24
25 Further amend said bill, page, and section, Line 42, by deleting the number "8." and inserting in lieu
26 thereof the number "2."; and

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28 Further amend said bill, page, and section, Line 52, by deleting the number "9." and inserting in lieu
29 thereof the number "3."; and

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31 Further amend said bill, page, and section, Line 56, by deleting all of said line and inserting in lieu
32 thereof the following:

33
34 "original birth certificate under section 453.121."; and

35
36 Further amend said bill and section, Page 5, Lines 57 through 63, by deleting all of said lines from
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1 the bill; and

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3 Further amend said bill, page, and section, Line 64, by deleting the number "12." and inserting in
4 lieu thereof the number "4."; and

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6 Further amend said bill, page, and section, Lines 66 through 70, by deleting all of said lines from
7 the bill; and

8
9 Further amend said bill, page, and section, Line 71, by deleting the number "14." and inserting in
10 lieu thereof the number "5."; and

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12 Further amend said bill, page, and section, Line 80, by inserting after all of said section and line the
13 following:

14
15 "453.121. 1. As used in this section, unless the context clearly indicates otherwise, the
16 following terms mean:

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

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

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

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

22 (5) "Identifying information", information which includes the name, date of birth, place of
23 birth and last known address of the biological parent;

24 (6) "Lineal descendant", a legal descendant of a person as defined in section 472.010;

25 (7) "Nonidentifying information", information concerning the physical description,
26 nationality, religious background and medical history of the biological parent or sibling.

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

29 3. Nonidentifying information, if known, concerning undisclosed biological parents or
30 siblings shall be furnished by the child-placing agency or the juvenile court to the adoptive parents,
31 legal guardians, adopted adult or the adopted adult's lineal descendants if the adopted adult is
32 deceased, upon written request therefor.

33 4. An adopted adult, or the adopted adult's lineal descendants if the adopted adult is
34 deceased, may make a written request to the circuit court having original jurisdiction of such
35 adoption to secure and disclose information identifying the adopted adult's biological parents. If the
36 biological parents have consented to the release of identifying information under subsection [8] 9 of
37 this section, the court shall disclose such identifying information to the adopted adult or the adopted
38 adult's lineal descendants if the adopted adult is deceased. If the biological parents have not
39 consented to the release of identifying information under subsection [8] 9 of this section, the court
40 shall, within ten days of receipt of the request, notify in writing the child-placing agency or juvenile
41 court personnel having access to the information requested of the request by the adopted adult or the
42 adopted adult's lineal descendants.

43 5. Within three months after receiving notice of the request of the adopted adult, or the
44 adopted adult's lineal descendants, the child-placing agency or the juvenile court personnel shall
45 make reasonable efforts to notify the biological parents of the request of the adopted adult or the
46 adopted adult's lineal descendants. The child-placing agency or juvenile court personnel may charge
47 actual costs to the adopted adult or the adopted adult's lineal descendants for the cost of making
48 such search. All communications under this subsection are confidential. For purposes of this

1 subsection, "notify" means a personal and confidential contact with the biological parent of the
 2 adopted adult, which initial contact shall be made by an employee of the child-placing agency which
 3 processed the adoption, juvenile court personnel or some other licensed child-placing agency
 4 designated by the child-placing agency or juvenile court. Nothing in this section shall be construed
 5 to permit the disclosure of communications privileged pursuant to section 491.060. At the end of
 6 three months, the child-placing agency or juvenile court personnel shall file a report with the court
 7 stating that each biological parent that was located was given the following information:

- 8 (1) The nature of the identifying information to which the agency has access;
- 9 (2) The nature of any nonidentifying information requested;
- 10 (3) The date of the request of the adopted adult or the adopted adult's lineal descendants;
- 11 (4) The right of the biological parent to file an affidavit with the court stating that the
 12 identifying information should be disclosed;
- 13 (5) The effect of a failure of the biological parent to file an affidavit stating that the
 14 identifying information should be disclosed.

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

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

- 28 (1) Is unknown;
- 29 (2) Is known but cannot be found and notified pursuant to [section] subsection 5 of this [act]
 30 section;
- 31 (3) Is deceased; or
- 32 (4) Has filed with the court an affidavit authorizing release of identifying information. If
 33 the biological parent fails or refuses to file an affidavit with the court authorizing the release of
 34 identifying information, then the identifying information shall not be released to the adopted adult.
 35 No additional request for the same or substantially the same information may be made within three
 36 years of the time the biological parent fails or refuses to file an affidavit authorizing the release of
 37 identifying information.

38 8. If the court discloses identifying information under subsection 7 of this section, the court
 39 shall also order release of copies of the following records of the adoption to the adopted adult or the
 40 adopted adult's lineal descendants if the adopted adult is deceased:

- 41 (1) The original birth certificate;
- 42 (2) The consent to termination of parental rights;
- 43 (3) Any waiver of consent to future adoption of the child;
- 44 (4) The adoption decree; and
- 45 (5) The petition for temporary custody and adoption.

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 47 If identifying information is withheld under subsection 7 of this section due to a lack of consent or a
 48 failure to locate a biological parent, the court shall order redaction of any withheld identifying

1 information contained in the above listed documents. Only those documents in the possession of the
2 court or other state agencies shall be subject to release under this subsection.

3 9. Any adopted adult whose adoption was finalized in this state or whose biological parents
4 had their parental rights terminated in this state may request the court to secure and disclose
5 identifying information concerning an adult sibling. Identifying information pertaining exclusively
6 to the adult sibling, whether part of the permanent record of a file in the court or in an agency, shall
7 be released only upon consent of that adult sibling and a finding that the provisions of subsection 7
8 of this section have been met.

9 [9.] 10. The central office of the children's division within the department of social services
10 shall maintain a registry by which biological parents, adult siblings, and adoptive adults may
11 indicate their desire to be contacted by each other. The division may request such identification for
12 the registry as a party may possess to assure positive identifications. At the time of registry, a
13 biological parent or adult sibling may consent in writing to the release of identifying information to
14 an adopted adult. If such a consent has not been executed and the division believes that a match has
15 occurred on the registry between biological parents or adult siblings and an adopted adult, an
16 employee of the division shall make the confidential contact provided in subsection 5 of this section
17 with the biological parents or adult siblings and with the adopted adult. If the division believes that
18 a match has occurred on the registry between one biological parent or adult sibling and an adopted
19 adult, an employee of the division shall make the confidential contact provided by subsection 5 of
20 this section with the biological parent or adult sibling. The division shall then attempt to make such
21 confidential contact with the other biological parent, and shall proceed thereafter to make such
22 confidential contact with the adopted adult only if the division determines that the other biological
23 parent meets one of the conditions specified in subsection 7 of this section. The biological parent,
24 adult sibling, or adopted adult may refuse to go forward with any further contact between the parties
25 when contacted by the division.

26 [10.] 11. The provisions of this section, except as provided in subsection 5 of this section
27 governing the release of identifying and nonidentifying adoptive information apply to adoptions
28 completed before and after August 13, 1986."; and

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30 Further amend said bill by amending the title, enacting clause, and intersectional references
31 accordingly.
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