

SECOND REGULAR SESSION

# HOUSE BILL NO. 1714

99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE PHILLIPS.

5091H.011

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To repeal section 453.121, RSMo, and to enact in lieu thereof one new section relating to adoption records.

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*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Section A. Section 453.121, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 453.121, to read as follows: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", information which includes the name, date of birth, place of birth and last known address of the biological parent;
- (6) "Lineal descendant", a legal descendant of a person as defined in section 472.010;
- (7) "Nonidentifying information", information concerning the physical description, nationality, religious background and medical history of the biological parent or sibling.

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.

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

19         4. An adopted adult, **biological parent, biological grandparent, or adult sibling of the**  
20 **adopted adult**, or the adopted adult's lineal descendants if the adopted adult is deceased, may  
21 make a written request to the circuit court having original jurisdiction of such adoption to secure  
22 and disclose information identifying the adopted adult's biological parents. If the biological  
23 parents have consented to the release of identifying information under subsection [8] 7 of this  
24 section, the court shall disclose such identifying information to the adopted adult or the adopted  
25 adult's lineal descendants if the adopted adult is deceased. If the biological parents have not  
26 consented to the release of identifying information under subsection [8] 7 of this section, the  
27 court shall, within ten days of receipt of the request, notify in writing the child-placing agency  
28 or juvenile court personnel having access to the information requested of the request by the  
29 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 the  
31 adopted adult's lineal descendants, the child-placing agency or the juvenile court personnel shall  
32 make reasonable efforts to notify the biological parents of the request of the adopted adult or the  
33 adopted adult's lineal descendants. The child-placing agency or juvenile court personnel may  
34 charge actual costs to the adopted adult or the adopted adult's lineal descendants for the cost of  
35 making such search. All communications under this subsection are confidential. For purposes  
36 of this subsection, "notify" means a personal and confidential contact with the biological parent  
37 of the adopted adult, which initial contact shall be made by an employee of the child-placing  
38 agency which processed the adoption, juvenile court personnel or some other licensed  
39 child-placing agency designated by the child-placing agency or juvenile court. Nothing in this  
40 section shall be construed to permit the disclosure of communications privileged pursuant to  
41 section 491.060. At the end of three months, the child-placing agency or juvenile court  
42 personnel shall file a report with the court stating that each biological parent that was located was  
43 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 descendants;
- 47             (4) The right of the biological parent to file an affidavit with the court stating that the  
48 identifying information should be disclosed;
- 49             (5) The effect of a failure of the biological parent to file an affidavit stating that the  
50 identifying information should be disclosed.

51         6. If the child-placing agency or juvenile court personnel reports to the court that it has  
52 been unable to notify the biological parent within three months, the identifying information shall

53 ~~[not]~~ be disclosed to the adopted adult or the adopted adult's lineal descendants. Additional  
54 requests for the same or substantially the same information may not be made to the court within  
55 one year from the end of the three-month period during which the attempted notification was  
56 made, unless good cause is shown and leave of court is granted.

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

66           (1) Is unknown;

67           (2) Is known but cannot be found and notified ~~[pursuant to section 5 of this act]~~ **under**  
68 **subsection 5 of this section;**

69           (3) Is deceased; or

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

71

72 If the biological parent fails or refuses to file an affidavit with the court authorizing the release  
73 of identifying information, then the identifying information shall not be released to the adopted  
74 adult. No additional request for the same or substantially the same information may be made  
75 within three years of the time the biological parent fails or refuses to file an affidavit authorizing  
76 the release of identifying information.

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

82         9. The central office of the children's division within the department of social services  
83 shall maintain a registry by which biological parents, adult siblings, and adoptive adults may  
84 indicate their desire to be contacted by each other. The division may request such identification  
85 for the registry as a party may possess to assure positive identifications. At the time of registry,  
86 a biological parent or adult sibling may consent in writing to the release of identifying  
87 information to an adopted adult. If such a consent has not been executed and the division  
88 believes that a match has occurred on the registry between biological parents or adult siblings

89 and an adopted adult, an employee of the division shall make the confidential contact provided  
90 in subsection 5 of this section with the biological parents or adult siblings and with the adopted  
91 adult. If the division believes that a match has occurred on the registry between one biological  
92 parent or adult sibling and an adopted adult, an employee of the division shall make the  
93 confidential contact provided by subsection 5 of this section with the biological parent or adult  
94 sibling. The division shall then attempt to make such confidential contact with the other  
95 biological parent, and shall proceed thereafter to make such confidential contact with the adopted  
96 adult only if the division determines that the other biological parent meets one of the conditions  
97 specified in subsection 7 of this section. The biological parent, adult sibling, or adopted adult  
98 may refuse to go forward with any further contact between the parties when contacted by the  
99 division.

100 10. The provisions of this section, except as provided in subsection 5 of this section  
101 governing the release of identifying and nonidentifying adoptive information apply to adoptions  
102 completed before and after August 13, 1986.

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