

SECOND REGULAR SESSION

# HOUSE BILL NO. 2319

99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE PHILLIPS.

6168H.011

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To repeal sections 453.120 and 453.121, RSMo, and to enact in lieu thereof two new sections relating to adoption records.

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

Section A. Sections 453.120 and 453.121, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 453.120 and 453.121, to read as follows:

453.120. 1. The files and records of the court in adoption proceedings shall not be open to inspection or copy by any person or persons, except upon an order of the court expressly permitting the same issued in accordance with the provisions of section 453.121. **All papers, records, and information known to or in the possession of an adoptive parent or adoptive child that pertain to an adoption, regardless of whether they are part of any permanent record or file, may be voluntarily disclosed by the adoptive parents or adoptive child so long as no information is disclosed pertaining to the child's biological family.**

2. Any person **who is not the adoptive parent or adopted child** who permits such inspection or copy without an order of the court as provided in this section shall be guilty of a class C misdemeanor.

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;

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.

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

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

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

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

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

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

43 (1) The nature of the identifying information to which the agency has access;

- 44 (2) The nature of any nonidentifying information requested;
- 45 (3) The date of the request of the adopted adult or the adopted adult's lineal descendants;
- 46 (4) The right of the biological parent to file an affidavit with the court stating that the  
47 identifying information should be disclosed;
- 48 (5) The effect of a failure of the biological parent to file an affidavit stating that the  
49 identifying information should be disclosed.
- 50 6. If the child-placing agency or juvenile court personnel reports to the court that it has  
51 been unable to notify the biological parent within three months, the identifying information shall  
52 not be disclosed to the adopted adult or the adopted adult's lineal descendants. Additional  
53 requests for the same or substantially the same information may not be made to the court within  
54 one year from the end of the three-month period during which the attempted notification was  
55 made, unless good cause is shown and leave of court is granted.
- 56 7. If, within three months, the child-placing agency or juvenile court personnel reports  
57 to the court that it has notified the biological parent pursuant to subsection 5 of this section, the  
58 court shall receive the identifying information from the child-placing agency. If an affidavit duly  
59 executed by a biological parent authorizing the release of information is filed with the court or  
60 if a biological parent is found to be deceased, the court shall disclose the identifying information  
61 as to that biological parent to the adopted adult or the adopted adult's lineal descendants if the  
62 adopted adult is deceased, provided that the other biological parent either:
- 63 (1) Is unknown;
- 64 (2) Is known but cannot be found and notified pursuant to ~~[section 5 of this act]~~  
65 **subsection 5 of this section;**
- 66 (3) Is deceased; or
- 67 (4) Has filed with the court an affidavit authorizing release of identifying information.  
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- 69 If the biological parent fails or refuses to file an affidavit with the court authorizing the release  
70 of identifying information, then the identifying information shall not be released to the adopted  
71 adult. No additional request for the same or substantially the same information may be made  
72 within three years of the time the biological parent fails or refuses to file an affidavit authorizing  
73 the release of identifying information.
- 74 8. Any adopted adult whose adoption was finalized in this state or whose biological  
75 parents had their parental rights terminated in this state may request the court to secure and  
76 disclose identifying information concerning an adult sibling. Identifying information pertaining  
77 exclusively to the adult sibling, whether part of the permanent record of a file in the court or in  
78 an agency, shall be released only upon consent of that adult sibling.

79           9. The central office of the children's division within the department of social services  
80 shall maintain a registry by which biological parents, adult siblings, and adoptive adults may  
81 indicate their desire to be contacted by each other. The division may request such identification  
82 for the registry as a party may possess to assure positive identifications. At the time of registry,  
83 a biological parent or adult sibling may consent in writing to the release of identifying  
84 information to an adopted adult. If such a consent has not been executed and the division  
85 believes that a match has occurred on the registry between biological parents or adult siblings  
86 and an adopted adult, an employee of the division shall make the confidential contact provided  
87 in subsection 5 of this section with the biological parents or adult siblings and with the adopted  
88 adult. If the division believes that a match has occurred on the registry between one biological  
89 parent or adult sibling and an adopted adult, an employee of the division shall make the  
90 confidential contact provided by subsection 5 of this section with the biological parent or adult  
91 sibling. The division shall then attempt to make such confidential contact with the other  
92 biological parent, and shall proceed thereafter to make such confidential contact with the adopted  
93 adult only if the division determines that the other biological parent meets one of the conditions  
94 specified in subsection 7 of this section. The biological parent, adult sibling, or adopted adult  
95 may refuse to go forward with any further contact between the parties when contacted by the  
96 division.

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

100           **11. All papers, records, and information known to or in the possession of an**  
101 **adoptive parent or adoptive child that pertain to an adoption, regardless of whether they**  
102 **are part of any permanent record or file, may be disclosed by the adoptive parents or**  
103 **adoptive child. This subsection shall not be construed to create a right to have access to**  
104 **information not otherwise allowed by this section.**

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