

SECOND REGULAR SESSION

# HOUSE BILL NO. 1998

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES JOHNSON (Sponsor), SCHIEFFER, MEADOWS, FAITH,  
GEORGE, DAUS, NOLTE, HARRIS (110), SCAVUZZO, WOOD AND ROORDA (Co-sponsors).

Read 1st time February 6, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

4726L.01I

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### AN ACT

To repeal sections 193.125 and 193.255, RSMo, and to enact in lieu thereof four 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Section A. Sections 193.125 and 193.255, RSMo, are repealed and four new sections  
2 enacted in lieu thereof, to be known as sections 193.125, 193.128, 193.132, and 193.255, to read  
3 as follows:

193.125. 1. For each adoption decreed by a court of competent jurisdiction in this state,  
2 the court shall require the preparation of a certificate of decree of adoption on a form as  
3 prescribed or approved by the state registrar. The certificate of decree of adoption shall include  
4 such facts as are necessary to locate and identify the certificate of birth of the person adopted,  
5 and shall provide information necessary to establish a new certificate of birth of the person  
6 adopted and shall identify the court and county of the adoption and be certified by the clerk of  
7 the court. The state registrar shall file the original certificate of birth with the certificate of  
8 decree of adoption and such file may be opened by the state registrar only upon receipt of a  
9 certified copy of an order as decreed by the court of adoption **or in accordance with section**  
10 **193.128.**

11 2. Information necessary to prepare the report of adoption shall be furnished by each  
12 petitioner for adoption or the petitioner's attorney. The social welfare agency or any person  
13 having knowledge of the facts shall supply the court with such additional information as may be

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.

14 necessary to complete the report. The provision of such information shall be prerequisite to the  
15 issuance of a final decree in the matter by the court.

16         3. Whenever an adoption decree is amended or annulled, the clerk of the court shall  
17 prepare a report thereof, which shall include such facts as are necessary to identify the original  
18 adoption report and the facts amended in the adoption decree as shall be necessary to properly  
19 amend the birth record.

20         4. Not later than the fifteenth day of each calendar month or more frequently as directed  
21 by the state registrar the clerk of the court shall forward to the state registrar reports of decrees  
22 of adoption, annulment of adoption and amendments of decrees of adoption which were entered  
23 in the preceding month, together with such related reports as the state registrar shall require.

24         5. When the state registrar shall receive a report of adoption, annulment of adoption, or  
25 amendment of a decree of adoption for a person born outside this state, he or she shall forward  
26 such report to the state registrar in the state of birth.

27         6. In a case of adoption in this state of a person not born in any state, territory or  
28 possession of the United States or country not covered by interchange agreements, the state  
29 registrar shall upon receipt of the certificate of decree of adoption prepare a birth certificate in  
30 the name of the adopted person, as decreed by the court. The state registrar shall file the  
31 certificate of the decree of adoption, and such documents may be opened by the state registrar  
32 only by an order of court. The birth certificate prepared under this subsection shall have the  
33 same legal weight as evidence as a delayed or altered birth certificate as provided in section  
34 193.235.

35         7. The department, upon receipt of proof that a person has been adopted by a Missouri  
36 resident pursuant to laws of countries other than the United States, shall prepare a birth  
37 certificate in the name of the adopted person as decreed by the court of such country. If such  
38 proof contains the surname of either adoptive parent, the department of health and senior services  
39 shall prepare a birth certificate as requested by the adoptive parents. Any subsequent change of  
40 the name of the adopted person shall be made by a court of competent jurisdiction. The proof  
41 of adoption required by the department shall include a copy of the original birth certificate and  
42 adoption decree, an English translation of such birth certificate and adoption decree, and a copy  
43 of the approval of the immigration of the adopted person by the Immigration and Naturalization  
44 Service of the United States government which shows the child lawfully entered the United  
45 States. The authenticity of the translation of the birth certificate and adoption decree required  
46 by this subsection shall be sworn to by the translator in a notarized document. The state registrar  
47 shall file such documents received by the department relating to such adoption and such  
48 documents may be opened by the state registrar only by an order of a court. A birth certificate  
49 pursuant to this subsection shall be issued upon request of one of the adoptive parents of such

50 adopted person or upon request of the adopted person if of legal age. The birth certificate  
51 prepared pursuant to the provisions of this subsection shall have the same legal weight as  
52 evidence as a delayed or altered birth certificate as provided in sections 193.005 to 193.325.

53 8. If no certificate of birth is on file for the person under twelve years of age who has  
54 been adopted, a belated certificate of birth shall be filed with the state registrar as provided in  
55 sections 193.005 to 193.325 before a new birth record is to be established as result of adoption.  
56 A new certificate is to be established on the basis of the adoption under this section and shall be  
57 prepared on a certificate of live birth form.

58 9. If no certificate of birth has been filed for a person twelve years of age or older who  
59 has been adopted, a new birth certificate is to be established under this section upon receipt of  
60 proof of adoption as required by the department. A new certificate shall be prepared in the name  
61 of the adopted person as decreed by the court, registering adopted parents' names. The new  
62 certificate shall be prepared on a delayed birth certificate form. The adoption decree is placed  
63 in a sealed file and shall not be subject to inspection except upon an order of the court.

**193.128. 1. Notwithstanding any other provision of law, an adopted person, the  
2 adopted person's attorney, or if the adopted person is deceased, the adopted person's  
3 descendants may obtain a copy of such adopted person's original certificate of birth from  
4 the state registrar in accordance with this section. Nothing in this section shall be  
5 construed as violating the provisions of section 453.121, RSMo.**

**6 2. In order for an adopted person to receive a copy of his or her original certificate  
7 of birth, the adopted person shall:**

- 8 (1) Be at least eighteen years of age;  
9 (2) Have been born in this state;  
10 (3) File a written application with and provide appropriate proof of identification  
11 to the state registrar; and  
12 (4) If included with the copy of the original birth certificate, agree in writing to  
13 abide by the contact preference of the birth parent stated in the contact preference form  
14 attached to the adopted person's original birth certificate in accordance with section  
15 193.132.

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

20 4. Upon receipt of a written application and proof of identification under  
21 subsection 2 of this section and fulfillment of the requirements of subsection 3 of this  
22 section, the state registrar shall issue an uncertified copy of the unaltered original birth

23 certificate to the applicant. If a contact preference or medical history form has been  
24 completed and submitted to the state registrar under section 193.132, the state registrar  
25 shall also provide such information.

26       **5. The state registrar shall develop by rule the application form required by this**  
27 **section and may adopt other rules for the administration of this section. Any rule or**  
28 **portion of a rule, as that term is defined in section 536.010, RSMo, that is created under**  
29 **the authority delegated in this section shall become effective only if it complies with and**  
30 **is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028,**  
31 **RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers**  
32 **vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the**  
33 **effective date, or to disapprove and annul a rule are subsequently held unconstitutional,**  
34 **then the grant of rulemaking authority and any rule proposed or adopted after August 28,**  
35 **2008, shall be invalid and void.**

**193.132. 1. Notwithstanding any other provision of law, the state registrar shall,**  
2 **upon request, provide each birth parent with a contact preference form and a medical**  
3 **history form as described in this section. Nothing in this section shall be construed as**  
4 **violating the provisions of section 453.121, RSMo.**

5       **2. As used in this section, the following terms mean:**

6       **(1) "Adoptee", the person who is the subject of a birth certificate;**

7       **(2) "Birth parent", the person who is the biological parent of an adoptee and who**  
8 **is named as the parent on the original birth certificate of the adoptee;**

9       **(3) "Contact preference form", the form developed by the state registrar under**  
10 **subsection 4 of this section;**

11       **(4) "Medical history form", the form developed by the state registrar under**  
12 **subsection 3 of this section.**

13       **3. The state registrar shall develop and, upon request, distribute to birth parents**  
14 **a medical history form. A birth parent may use such form to describe the medical history**  
15 **of the birth parent. A birth parent shall fill out a medical history form if such birth parent**  
16 **fills out a contact preference form.**

17       **4. The state registrar shall develop a contact preference form on which a birth**  
18 **parent may state a preference regarding contact by an adoptee. The form shall contain the**  
19 **following statements from which the birth parent may choose only one:**

20       **(1) "I would like to be contacted. I have completed this contact preference form**  
21 **and a medical history form and am filing both forms with the State Registrar.";**

22           (2) "I would prefer to be contacted only through an intermediary. I have  
23 completed this contact preference form and a medical history form and am filing both with  
24 the State Registrar."; or

25           (3) "Do not contact me. I may change this preference by filling out another contact  
26 preference form. I have completed this contact preference form and a medical history  
27 form and am filing both with the State Registrar."

28           5. Upon receipt of a completed contact preference form or medical history form,  
29 the state registrar shall attach the completed form to the original birth certificate of the  
30 adoptee. A completed contact preference form and medical history form shall have the  
31 same level of confidentiality as the original birth certificate.

32           6. The state registrar shall develop by rule the forms required by this section and  
33 may adopt other rules for the administration of this section. Any rule or portion of a rule,  
34 as that term is defined in section 536.010, RSMo, that is created under the authority  
35 delegated in this section shall become effective only if it complies with and is subject to all  
36 of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This  
37 section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the  
38 general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or  
39 to disapprove and annul a rule are subsequently held unconstitutional, then the grant of  
40 rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be  
41 invalid and void.

193.255. 1. The state registrar and other custodians of vital records authorized by the  
2 state registrar to issue certified copies of vital records upon receipt of application shall issue a  
3 certified copy of any vital record in his **or her** custody or a part thereof to any applicant having  
4 a direct and tangible interest in the vital record. Each copy issued shall show the date of  
5 registration, and copies issued from records marked "Delayed" or "Amended" shall be similarly  
6 marked and show the effective date. The documentary evidence used to establish a delayed  
7 certificate shall be shown on all copies issued. All forms and procedures used in the issuance  
8 of certified copies of vital records in the state shall be provided or approved by the state registrar.  
9 **In accordance with sections 193.128 and 193.132, the state registrar and other custodians**  
10 **of vital records authorized by the state registrar to issue copies of vital records upon**  
11 **receipt of application shall issue an uncertified copy of an original birth certificate, contact**  
12 **preference form, and medical history form to an adopted person.**

13           2. A certified copy of a vital record or any part thereof, issued in accordance with  
14 subsection 1 of this section, shall be considered for all purposes the same as the original and shall  
15 be prima facie evidence of the facts stated therein, provided that the evidentiary value of a  
16 certificate or record filed more than one year after the event, or a record which has been

17 amended, shall be determined by the judicial or administrative body or official before whom the  
18 certificate is offered as evidence.

19         3. The federal agency responsible for national vital statistics may be furnished such  
20 copies or data from the system of vital statistics as it may require for national statistics, provided  
21 such federal agency share in the cost of collecting, processing, and transmitting such data, and  
22 provided further that such data shall not be used for other than statistical purposes by the federal  
23 agency unless so authorized by the state registrar.

24         4. Federal, state, local and other public or private agencies may, upon request, be  
25 furnished copies or data of any other vital statistics not obtainable under subsection 1 of this  
26 section for statistical or administrative purposes upon such terms or conditions as may be  
27 prescribed by regulation, provided that such copies or data shall not be used for purposes other  
28 than those for which they were requested unless so authorized by the state registrar.

29         5. The state registrar may, by agreement, transmit copies of records and other reports  
30 required by sections 193.005 to 193.325 to offices of vital statistics outside this state when such  
31 records or other reports relate to residents of those jurisdictions or persons born in those  
32 jurisdictions. This agreement shall require that the copies be used for statistical and  
33 administrative purposes only, and the agreement shall further provide for the retention and  
34 disposition of such copies. Copies received by the department from offices of vital statistics in  
35 other states shall be handled in the same manner as prescribed in this section.

36         6. No person shall prepare or issue any certificate which purports to be an original,  
37 certified copy, or copy of a vital record except as authorized herein or by regulations adopted  
38 hereunder.

39         7. Upon application from either parent, or if both parents are deceased, the sibling of the  
40 stillborn child, pursuant to subsection 7 of section 193.165, the state registrar or other custodians  
41 of vital records shall issue to such applicant a certificate of birth resulting in stillbirth. The  
42 certificate shall be based upon the information available from the spontaneous fetal death report  
43 filed pursuant to section 193.165. Any certificate of birth resulting in stillbirth issued shall  
44 conspicuously include, in no smaller than twelve-point type, the statement "This is not proof of  
45 a live birth.". No certificate of birth resulting in stillbirth shall be issued to any person other than  
46 a parent, or if both parents are deceased, the sibling of the stillborn child who files an application  
47 pursuant to section 193.165. The state registrar or other custodians of vital records are  
48 authorized to charge a minimal fee to such applicant to cover the actual costs of providing the  
49 certificate pursuant to this section.

50         8. Any parent, or if both parents are deceased, any sibling of the stillborn child may file  
51 an application for a certificate of birth resulting in stillbirth for a birth that resulted in stillbirth  
52 prior to August 28, 2004.

H.B. 1998

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