

DEPARTMENT OF SOCIAL SERVICES

CHILDREN'S DIVISION

P. O. BOX 88

JEFFERSON CITY, MISSOURI

M E M O R A N D U M

TO: CHILDREN'S DIVISION AND CONTRACTED STAFF

FROM: DAVID WOOD, DIRECTOR

SUBJECT: ADOPTION RECORDS DISCLOSURE

DISCUSSION:

The purpose of this memo is to inform staff of a legislative action regarding disclosure of adoption records which will be effective on August 28, 2020. Section 453.121 RSMo has been amended by House Bill 1414.

The terms "identifying information", "lineal descendant" and "non-identifying information" have been amended and/or redefined by this legislation:

"Identifying information" is now defined as **individually identifying information for or about a unique individual, including information likely to disclose the contact information, location, or identity of such individual.** "

"Lineal descendant" is now defined in **Section 472.010 RSMo.**

"Non-identifying information" is now defined as **information that is not identifying information.**

The most significant change made by this legislation is the mandate to release all information to an adult adoptee if the adult adoptee's biological parent had their parental rights terminated through a nonconsensual or involuntary termination of parental rights proceeding.

This addition means adult adoptees who register with the adoption information registry or petition the court for release of information will have access to all information, including identifying information about the biological parent, but only if parental rights were terminated involuntarily. If the parental rights were terminated voluntarily, current policy regarding disclosure of identifying information pertaining to the adopted adult's biological parents still applies.

As part of the effort to prepare biological parents for termination of parental rights, it is essential that parents be informed of their rights on issues related to the release of their information. Staff have a duty to explain that this law allows identifying information is to be shared with adult adoptees when termination of parental rights occurred because of an involuntary or nonconsensual termination proceeding. Biological parents, who are voluntarily terminating their parental rights, are to be informed of the process, outlined in the law, to file an affidavit with the court, which allows or prohibits release of identifying information to an adult adoptee or their lineal descendants.

As a part of adoption planning, adoptive parents and youth, if age appropriate, are to be made aware of the adopted child's rights at age 18 to obtain information about their biological parents. Adoptive parents are to be made aware of the right of their adopted youth to register with the Missouri Adoption Information Registry at age 18 and are to be provided the Registry brochure.

<b>NECESSARY ACTION</b>	
<ol style="list-style-type: none"> <li>1. Review this memorandum with all Children's Division staff.</li> <li>2. Review revised Child Welfare Manual chapters as indicated below.</li> <li>3. All questions should be cleared through normal supervisory channels and directed to:</li> </ol>	
<b>PDS CONTACT</b> Vickie Stoneberger 573-751-0311 <a href="mailto:Vickie.Stoneberger@dss.mo.gov">Vickie.Stoneberger@dss.mo.gov</a>	<b>MANAGER CONTACT</b> Amy Martin 573-526-8040 <a href="mailto:Amy.L.Martin@dss.mo.gov">Amy.L.Martin@dss.mo.gov</a>
<b>CHILD WELFARE MANUAL REVISIONS</b>	
Section 5, Chapter 3, Adopted Adult Requesting Identifying Information and Adopted Adult Requesting Non-Identifying Information	
<b>FORMS AND INSTRUCTIONS</b>	
NA	
<b>REFERENCE DOCUMENTS AND RESOURCES</b>	
NA	
<b>RELATED STATUTE</b>	
RSMo 453.121	