

By: Representatives Wells-Smith, Fillingane

To: Judiciary A

HOUSE BILL NO. 988

1 AN ACT TO AMEND SECTION 93-17-205, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE THE BUREAU OF VITAL STATISTICS OF THE STATE DEPARTMENT
3 OF HEALTH TO MAINTAIN A RECORD WITH INFORMATION REGARDING THE
4 NUMBER OF ADOPTIONS IN THIS STATE WHERE AN ADOPTING PARENT IS A
5 BLOOD RELATIVE OF AN ADOPTEE AND THE NUMBER OF ADOPTIONS IN THIS
6 STATE WHERE AN ADOPTING PARENT IS NOT A BLOOD RELATIVE; AND FOR
7 RELATED PURPOSES.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

9 **SECTION 1.** Section 93-17-205, Mississippi Code of 1972, is
10 amended as follows:

11 93-17-205. (1) The bureau shall maintain a centralized
12 adoption records file for all adoptions performed in this state
13 after July 1, 1992, which shall include the following information:

14 (a) The medical and social history of the birth
15 parents, including information regarding genetically inheritable
16 diseases or illnesses and any similar information furnished by the
17 birth parents about the adoptee's grandparents, aunts, uncles,
18 brothers and sisters;

19 (b) A report of any medical examination which either
20 birth parent had within one (1) year before the date of the
21 petition for adoption, if available;

22 (c) A report describing the adoptee's prenatal care and
23 medical condition at birth, if available; and

24 (d) The medical and social history of the adoptee,
25 including information regarding genetically inheritable diseases
26 or illnesses, and any other relevant medical, social and genetic
27 information.

28 (2) Any birth parent may file with the bureau at any time
29 any relevant supplemental nonidentifying information about the

30 adoptee or the adoptee's birth parents, and the bureau shall
31 maintain this information in the centralized adoption records
32 file.

33 (3) The bureau shall also maintain as part of the
34 centralized adoption records file the following:

35 (a) The name, date of birth, social security number
36 (both original and revised, where applicable) and birth
37 certificate (both original and revised) of the adoptee;

38 (b) The names, current addresses and social security
39 numbers of the adoptee's birth parents, guardian and legal
40 custodian;

41 (c) Any other available information about the birth
42 parent's identity and location.

43 (4) Any birth parent may file with the bureau at any time an
44 affidavit authorizing the bureau to provide the adoptee with his
45 or her original birth certificate and with any other available
46 information about the birth parent's identity and location, or an
47 affidavit expressly prohibiting the bureau from providing the
48 adoptee with any information about such birth parent's identity
49 and location, and prohibiting any licensed adoption agency from
50 conducting a search for such birth parent under the terms of
51 Sections 93-17-201 through 93-17-223. An affidavit filed under
52 this section may be revoked at any time by written notification to
53 the bureau from the birth parent.

54 (5) Counsel for the adoptive parents in the adoption
55 finalization proceeding shall provide the bureau with the
56 information required in subsections (1) and (3) of this section,
57 and he shall also make such information a part of the adoption
58 records of the court in which the final decree of adoption is
59 rendered. This information shall be provided on forms prepared by
60 the bureau.

61 (6) (a) If an agency receives a report from a physician
62 stating that a birth parent or another child of the birth parent

63 has acquired or may have a genetically transferable disease or
64 illness, the agency shall notify the bureau and the appropriate
65 licensed adoption agency, and the latter agency shall notify the
66 adoptee of the existence of the disease or illness, if he or she
67 is twenty-one (21) years of age or over, or notify the adoptee's
68 guardian, custodian or adoptive parent if the adoptee is under age
69 twenty-one (21).

70 (b) If an agency receives a report from a physician
71 that an adoptee has acquired or may have a genetically
72 transferable disease or illness, the agency shall notify the
73 bureau and the appropriate licensed agency, and the latter agency
74 shall notify the adoptee's birth parent of the existence of the
75 disease or illness.

76 (7) Compliance with the provisions of this section may be
77 waived by the court, in its discretion, in any chancery court
78 proceeding in which one or more of the petitioners for adoption is
79 the natural mother or father of the adoptee.

80 (8) The bureau also shall maintain a vital statistics
81 records file for all adoptions performed in this state regarding
82 the types of adoptions. The information in this file shall
83 include the number of adoptions in this state where the adopting
84 parent is a blood relative of the adoptee and the number of
85 adoptions in this state where the adopting parent is not a blood
86 relative of the adoptee. The file shall not include any
87 individual identifying information. This information shall be
88 updated annually and made available to the public upon request for
89 a reasonable fee.

90 **SECTION 2.** This act shall take effect and be in force from
91 and after July 1, 2005.