

By: Senator(s) Younger, Jackson (11th)

To: Judiciary, Division A

SENATE BILL NO. 2205

1 AN ACT TO AMEND SECTION 93-17-21, MISSISSIPPI CODE OF 1972,
 2 TO PROVIDE THAT AN ADOPTEE MAY OBTAIN A COPY OF THE ADOPTEE'S
 3 ORIGINAL BIRTH CERTIFICATE IF 18 YEARS HAVE PASSED SINCE THE
 4 ISSUANCE OF A REVISED BIRTH CERTIFICATE FOLLOWING THE ADOPTION; TO
 5 AMEND SECTION 93-17-205, MISSISSIPPI CODE OF 1972, TO CONFORM; AND
 6 FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 93-17-21, Mississippi Code of 1972, is
 9 amended as follows:

10 93-17-21. (1) A certified copy of the final decree shall be
 11 furnished to the Bureau of Vital Statistics, together with a
 12 certificate signed by the clerk giving the true or original name
 13 and the place and date of birth of the child. The said bureau
 14 shall prepare a revised birth certificate which shall contain the
 15 original date of birth, with the place of birth being shown as the
 16 residence of the adoptive parents at the time the child was born,
 17 but with the names of the adopting parents and the new name of the
 18 child. In all other particulars, the certificate shall show the
 19 true facts of birth. The fact that a revised birth certificate is
 20 issued shall be indicated only by code numbers or some letter



21 inconspicuously placed on the face of the certificate. The word
22 "revised" shall not appear thereon. However, in the event an
23 unmarried adult shall be the adopting parent, then such birth
24 certificate may show thereon, upon order of the chancellor as set
25 forth in the decree of adoption, that same is a revised birth
26 certificate, giving the court where said decree was issued and the
27 date of such decree. The original birth certificate shall be
28 removed and placed, with reference made to the decree of adoption,
29 in a safely locked drawer or vault, and the same shall not be
30 public records and shall not be divulged except upon the order of
31 the court rendering the said final decree under subsection (3) of
32 this section or pursuant to Sections 93-17-201 through 93-17-223,
33 and for all purposes the revised certificate shall be and become
34 the birth certificate of the child. However, the Bureau of Vital
35 Statistics of the State of Mississippi shall be required to
36 prepare and register revised certificates only for births which
37 occurred in the State of Mississippi as shown either by the court
38 decree or by the original birth record on file in the bureau; but
39 if the birth occurred in some other state, then the Director of
40 the Bureau of Vital Statistics of the State of Mississippi shall
41 be required to furnish to the attorney or other person
42 representing the adopted child the name and address of the proper
43 official in the state where the child was born, to whom the
44 adoption decree and other information may be referred for
45 appropriate action, and shall furnish to such attorney the



46 certified copy of the decree and the certificate furnished by the
47 clerk.

48 (2) * * * Notwithstanding anything herein to the contrary,
49 either an original or a revised birth certificate may be
50 issued * * * by the Bureau of Vital Statistics to any child who
51 was born outside the United States or its possessions and adopted,
52 either heretofore or hereafter, by an order of a court in this
53 state. Upon presentation of a certified copy of the final decree
54 of adoption containing the required information, the Director of
55 the Bureau of Vital Statistics shall be authorized and directed to
56 receive said certified copy of the decree of adoption and prepare
57 therefrom, and record, a birth certificate which shall disclose
58 the following information: The name of the child (being the
59 adopted name), race, sex, date of birth, place of birth (being the
60 actual town, district and county of said child's birth, except
61 where the child is born in a penal or mental institution where the
62 name of the county shall be sufficient), names, race, ages, places
63 of birth and occupation of parents (being the adoptive parents),
64 including the maiden name of the adoptive mother. Such
65 certificate shall comport in appearance and indicia with the
66 foregoing requirements for a "revised" certificate issued to a
67 child born in this state. The Director of the Bureau of Vital
68 Statistics shall be authorized and directed to issue certified
69 copies thereof, the same as if the birth certificate were that of
70 a child who had never been adopted.



71 (3) A person who has been adopted is entitled to a certified
72 copy of the person's original birth certificate if at least
73 eighteen (18) years have passed since the issuance of the revised
74 birth certificate. The copy of the person's original birth
75 certificate shall be clearly marked "cancelled and revised."

76 **SECTION 2.** Section 93-17-205, Mississippi Code of 1972, is
77 amended as follows:

78 93-17-205. (1) The bureau shall maintain a centralized
79 adoption records file for all adoptions performed in this state
80 after July 1, 2005, which shall contain the following information:

81 (a) The medical and social history of the birth
82 parents, including information regarding genetically inheritable
83 diseases or illnesses and any similar information furnished by the
84 birth parents about the adoptee's grandparents, aunts, uncles,
85 brothers and sisters if known;

86 (b) A report of any medical examination which either
87 birth parent had within one (1) year before the date of the
88 petition for adoption, if available and known;

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

91 (d) The medical and social history of the adoptee,
92 including information regarding genetically inheritable diseases
93 or illnesses, and any other relevant medical, social and genetic
94 information if available; and



95 (e) Forms 100A, 100B (if applicable) and evidence of
96 Interstate Compact for Placement of Children approval (if
97 applicable).

98 The Administrative Office of Courts shall assist the bureau
99 in the maintenance of its centralized adoption record by compiling
100 the number of finalized adoptions in each chancery court district
101 on a monthly basis, and submitting this information to the bureau.
102 The bureau shall include these statistics in its centralized
103 adoption record. The information in this report shall include the
104 number of adoptions in this state where the adopting parent is a
105 blood relative of the adoptee and the number of adoptions in this
106 state where the adopting parent is not a blood relative of the
107 adoptee. The report shall not include any individual identifying
108 information. This information shall be updated annually and made
109 available to the public upon request for a reasonable fee.

110 (2) Any birth parent may file with the bureau at any time
111 any relevant supplemental nonidentifying information about the
112 adoptee or the adoptee's birth parents, and the bureau shall
113 maintain this information in the centralized adoption records
114 file.

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

117 (a) The name, date of birth, social security number
118 (both original and revised, where applicable) and birth
119 certificate (both original and revised) of the adoptee;



120 (b) The names, current addresses and social security
121 numbers of the adoptee's birth parents, guardian and legal
122 custodian;

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

125 (4) Any birth parent may file with the bureau at any time an
126 affidavit authorizing the bureau to provide the adoptee with his
127 or her original birth certificate and with any other available
128 information about the birth parent's identity and location, or an
129 affidavit expressly prohibiting the bureau from providing the
130 adoptee with any information about such birth parent's identity
131 and location, and prohibiting any licensed adoption agency from
132 conducting a search for such birth parent under the terms of
133 Sections 93-17-201 through 93-17-223 without affecting an adoptee
134 who is entitled to a copy of the adoptee's original and cancelled
135 birth certificate under Section 93-17-21(3). An affidavit filed
136 under this section may be revoked at any time by written
137 notification to the bureau from the birth parent.

138 (5) Counsel for the adoptive parents in the adoption
139 finalization proceeding shall provide the bureau with the
140 information required in subsections (1) and (3) of this section,
141 and he shall also make such information a part of the adoption
142 records of the court in which the final decree of adoption is
143 rendered. This information shall be provided on forms prepared by
144 the bureau.



145 (6) (a) If an agency receives a report from a physician
146 stating that a birth parent or another child of the birth parent
147 has acquired or may have a genetically transferable disease or
148 illness, the agency shall notify the bureau and the appropriate
149 licensed adoption agency, and the latter agency shall notify the
150 adoptee of the existence of the disease or illness, if he or she
151 is twenty-one (21) years of age or over, or notify the adoptee's
152 guardian, custodian or adoptive parent if the adoptee is under age
153 twenty-one (21).

154 (b) If an agency receives a report from a physician
155 that an adoptee has acquired or may have a genetically
156 transferable disease or illness, the agency shall notify the
157 bureau and the appropriate licensed agency, and the latter agency
158 shall notify the adoptee's birth parent of the existence of the
159 disease or illness.

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

164 **SECTION 3.** This act shall take effect and be in force from
165 and after July 1, 2021.

