

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



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

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

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

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

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



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

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

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

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

