

**Pending  
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

**Senate Bill No. 2205**

**BY: Committee**

**Amend by striking all after the enacting clause and inserting  
in lieu thereof the following:**

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

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

20           (a) The medical and social history of the birth  
21 parents, including information regarding genetically inheritable  
22 diseases or illnesses and any similar information furnished by the  
23 birth parents about the adoptee's grandparents, aunts, uncles,  
24 brothers and sisters if known;



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

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

30           (d) The medical and social history of the adoptee,  
31 including information regarding genetically inheritable diseases  
32 or illnesses, and any other relevant medical, social and genetic  
33 information if available; and

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

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



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

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

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

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

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

64           (4) Any birth parent may file with the bureau at any time an  
65 affidavit authorizing the bureau to provide the adoptee with his  
66 or her original birth certificate and with any other available  
67 information about the birth parent's identity and location, or an  
68 affidavit expressly prohibiting the bureau from providing the  
69 adoptee with any information about such birth parent's identity  
70 and location, and prohibiting any licensed adoption agency from  
71 conducting a search for such birth parent under the terms of  
72 Sections 93-17-201 through 93-17-223. An affidavit filed under  
73 this section may be revoked at any time by written notification to



74 the bureau from the birth parent. Such affidavit shall not be  
75 effective against an adoptee who is twenty-one (21) years of age  
76 or older as provided in Section 93-17-215.

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

84 (6) (a) If an agency receives a report from a physician  
85 stating that a birth parent or another child of the birth parent  
86 has acquired or may have a genetically transferable disease or  
87 illness, the agency shall notify the bureau and the appropriate  
88 licensed adoption agency, and the latter agency shall notify the  
89 adoptee of the existence of the disease or illness, if he or she  
90 is twenty-one (21) years of age or over, or notify the adoptee's  
91 guardian, custodian or adoptive parent if the adoptee is under age  
92 twenty-one (21).

93 (b) If an agency receives a report from a physician  
94 that an adoptee has acquired or may have a genetically  
95 transferable disease or illness, the agency shall notify the  
96 bureau and the appropriate licensed agency, and the latter agency  
97 shall notify the adoptee's birth parent of the existence of the  
98 disease or illness.



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

103 **SECTION 2.** Section 93-17-209, Mississippi Code of 1972, is  
104 amended as follows:

105 93-17-209. (1) Except as otherwise provided in Section  
106 93-17-215, whenever any person specified under Section 93-17-207  
107 wishes to obtain medical, social or genetic background information  
108 about an adoptee or nonidentifying information about the birth  
109 parents of such adoptee, and the information is not on file with  
110 the bureau and the birth parents have not filed affidavits  
111 prohibiting a search to be conducted for them under the provisions  
112 of Sections 93-17-201 through 93-17-223, the person may request a  
113 licensed adoption agency to locate the birth parents to obtain the  
114 information.

115 (2) Employees of any agency conducting a search under this  
116 section may not inform any person other than the birth parents of  
117 the purpose of the search.

118 (3) The agency may charge the requester a reasonable fee for  
119 the cost of the search. When the agency determines that the fee  
120 will exceed One Hundred Dollars (\$100.00) for either birth parent,  
121 it shall notify the requester. No fee in excess of One Hundred  
122 Dollars (\$100.00) per birth parent may be charged unless the



123 requester, after receiving notification under this paragraph, has  
124 given consent to proceed with the search.

125 (4) The agency conducting the search shall, upon locating a  
126 birth parent, notify him or her of the request and of the need for  
127 medical, social and genetic information.

128 (5) The agency shall release to the requester any medical or  
129 genetic information provided by a birth parent under this section  
130 without disclosing the birth parent's identity or location.

131 (6) If a birth parent is located but refuses to provide the  
132 information requested, the agency shall notify the requester,  
133 without disclosing the birth parent's identity or location, and  
134 the requester may petition the chancery court to order the birth  
135 parent to disclose the nonidentifying information. The court  
136 shall grant the motion for good cause shown.

137 (7) The Mississippi Department of Health and Human Services  
138 shall provide the bureau each year with a list of licensed  
139 adoption agencies in this state capable of performing the types of  
140 searches described in this section.

141 **SECTION 3.** Section 93-17-215, Mississippi Code of 1972, is  
142 amended as follows:

143 93-17-215. (1) Any person twenty-one (21) years of age or  
144 over who has been adopted in this state may request the bureau  
145 through a licensed adoption agency providing post-adoption  
146 services to obtain and provide the unrestricted identifying



147 information regarding \* \* \* one (1) or both of his or her birth  
148 parents maintained as provided in Section 93-17-205 \* \* \*.

149 (2) The licensed agency may charge the adoptee a reasonable  
150 fee for the cost of the search. When the agency determines that  
151 the fee will exceed One Hundred Dollars (\$100.00) for either birth  
152 parent, it shall notify the adoptee. No fee in excess of One  
153 Hundred Dollars (\$100.00) per birth parent may be charged unless  
154 the adoptee, after receiving notification under this paragraph,  
155 has given consent to proceed with the search.

156 (3) Upon locating a birth parent, the licensed agency  
157 conducting the search shall make at least two (2) verbal contacts  
158 and notify him or her of the following:

159 (a) The nature of the information requested;

160 (b) The date of the request; and

161 (c) The fact that the adoptee has the right to all  
162 identifying information because he or she is twenty-one (21) years  
163 of age or older.

164 (4) Within three (3) working days after contacting a birth  
165 parent, the licensed agency shall provide the birth parent with a  
166 written statement of the information requested. The licensed  
167 agency shall disclose the requested information about that birth  
168 parent.

169 (5) If, after a search under this section, a known birth  
170 parent cannot be located, the agency shall disclose all requested  
171 identifying information about that birth parent.



172           **SECTION 4.** Section 93-17-217, Mississippi Code of 1972, is  
173 amended as follows:

174           93-17-217. \* \* \* Before acting on a request made pursuant to  
175 Section 93-17-209 \* \* \*, the agency shall require the adoptee to  
176 provide adequate identification and to submit to counseling by  
177 such agency in connection with the release and use of this  
178 information. The bureau shall release the requested information  
179 to the designated agency upon request by such agency.

180           **SECTION 5.** Section 93-17-219, Mississippi Code of 1972, is  
181 amended as follows:

182           93-17-219. (1) Except as otherwise provided in Section  
183 93-17-215 for any person twenty-one (21) years of age or over, if  
184 the bureau does not have on file (a) an affidavit either  
185 authorizing release of identifying information or prohibiting such  
186 release and any further contact from each known birth parent for  
187 whom information is sought, or (b) a notice that such birth parent  
188 has been contacted once and has refused to authorize the release  
189 of confidential information, then the adoptee may request the  
190 agency to undertake a search for the birth parent who has not  
191 filed an affidavit or who has not been contacted. The licensed  
192 agency shall not inform any person other than the birth parents of  
193 the purpose of the search.

194           (2) The licensed agency may charge the adoptee a reasonable  
195 fee for the cost of the search. When the agency determines that  
196 the fee will exceed One Hundred Dollars (\$100.00) for either birth





197 parent, it shall notify the adoptee. No fee in excess of One  
198 Hundred Dollars (\$100.00) per birth parent may be charged unless  
199 the adoptee, after receiving notification under this paragraph,  
200 has given consent to proceed with the search.

201 (3) Upon locating a birth parent the licensed agency  
202 conducting the search shall make at least one (1) verbal contact  
203 and notify him or her of the following:

204 (a) The nature of the information requested;

205 (b) The date of the request; and

206 (c) The fact that the birth parent has the right to  
207 consent to or prohibit the release of this information by filing  
208 with the bureau the affidavit to this effect.

209 (4) Within three (3) working days after contacting a birth  
210 parent, the licensed agency shall provide the birth parent with a  
211 written statement of the information requested and an affidavit  
212 form authorizing or prohibiting the release of the requested  
213 information. If the birth parent authorizes the release of the  
214 information, the licensed agency shall disclose the requested  
215 information about that birth parent.

216 (5) If a licensed agency has contacted a birth parent as  
217 provided by this section, and the birth parent does not file the  
218 affidavit, the agency shall not disclose the requested  
219 information.

220 (6) If, after a search under this section, a known birth  
221 parent cannot be located, the agency shall not disclose the



222 requested identifying information about that birth parent,  
223 although it may disclose any available nonidentifying information  
224 regarding that birth parent, and it may disclose identifying  
225 information about the other birth parent if such other birth  
226 parent has signed an unrevoked affidavit authorizing such release.  
227 If a birth parent is located and refuses to authorize the release  
228 of identifying information, the agency locating this birth parent  
229 shall notify the bureau. The bureau shall note such contact and  
230 refusal in its records.

231 (7) Only one (1) contact shall be made with a birth parent  
232 pursuant to a search request under this section if the birth  
233 parent refuses to authorize the release of the requested  
234 information. Further contacts with a birth parent under this  
235 section on behalf of the same adoptee shall be prohibited.

236 **SECTION 6.** Section 93-17-221, Mississippi Code of 1972, is  
237 brought forward as follows:

238 93-17-221. The adoptee may petition the chancery court to  
239 order the agency to disclose any identifying information that may  
240 not be disclosed under Sections 93-17-201 through 93-17-223. The  
241 court shall grant the petition for good cause shown.

242 **SECTION 7.** Section 93-17-223, Mississippi Code of 1972, is  
243 amended as follows:

244 93-17-223. Except as provided in Section 93-17-215, in cases  
245 where only one (1) of the birth parents has authorized the release  
246 of identifying information, that birth parent shall be prohibited



247 from divulging to the adoptee the identity, or any information  
248 reasonably calculated to lead to discovery of the identity, of the  
249 other birth parent, and shall execute a sworn affidavit stating  
250 that no such information shall be revealed. The refusal of any  
251 birth parent to comply with this prohibition shall constitute an  
252 act of bad faith under the terms of Sections 93-17-201 through  
253 93-17-223, and such birth parent shall be subject to civil  
254 liability for the release of such information.

255 **SECTION 8.** This act shall take effect and be in force from  
256 and after July 1, 2021, and shall stand repealed on June 30, 2021.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 93-17-205, MISSISSIPPI CODE OF 1972,  
2 TO CLARIFY THAT A BIRTH PARENT MAY PROVIDE SUPPLEMENTAL  
3 IDENTIFYING INFORMATION; TO AMEND SECTION 93-17-209, MISSISSIPPI  
4 CODE OF 1972, TO REVISE THE PROCEDURE FOR RESPONDING TO REQUESTS  
5 OF ADOPTEES; TO AMEND SECTION 93-17-215, MISSISSIPPI CODE OF 1972,  
6 TO AUTHORIZE ADOPTEES WHO ARE 21 YEARS OF AGE OR OLDER TO HAVE  
7 UNRESTRICTED ACCESS TO ALL IDENTIFYING INFORMATION OF ADOPTIVE  
8 PARENTS; TO AMEND SECTIONS 93-17-217, 93-17-219 AND 93-17-223,  
9 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTIONS; TO  
10 BRING FORWARD SECTION 93-17-221, MISSISSIPPI CODE OF 1972, WHICH  
11 ALLOWS AN ADOPTEE TO PETITION CHANCERY COURT FOR DISCLOSURE OF  
12 IDENTIFYING INFORMATION, FOR PURPOSES OF AMENDMENT; AND FOR  
13 RELATED PURPOSES.

