

By: Representative Yancey

To: Judiciary A

HOUSE BILL NO. 11

1 AN ACT TO AMEND SECTION 93-17-205, MISSISSIPPI CODE OF 1972,
 2 TO AUTHORIZE RELEASE OF IDENTIFYING INFORMATION OF BIRTH PARENTS
 3 UPON AGREEMENT BY SUCH PARENTS; TO AMEND SECTION 93-17-207,
 4 MISSISSIPPI CODE OF 1972, TO AUTHORIZE RELEASE OF CERTAIN
 5 IDENTIFYING INFORMATION TO ADOPTEES; TO AMEND SECTION 93-17-209,
 6 MISSISSIPPI CODE OF 1972, TO AUTHORIZE AN AGENCY TO PROVIDE
 7 CERTAIN IDENTIFYING INFORMATION TO ADOPTEES; TO AMEND SECTIONS
 8 93-17-215 AND 93-17-219, MISSISSIPPI CODE OF 1972, TO CONFORM TO
 9 THE PRECEDING SECTION; AND FOR RELATED PURPOSES.

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

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

13 93-17-205. (1) The bureau shall maintain a centralized
 14 adoption records file for all adoptions performed in this state
 15 after July 1, 2005, which shall contain the following information:

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



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

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

26 (d) The medical and social history of the adoptee,
27 including information regarding genetically inheritable diseases
28 or illnesses, and any other relevant medical, social and genetic
29 information if available; and

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

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



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

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

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

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

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

60 (4) (a) Any birth parent may file with the bureau at any
61 time an affidavit authorizing the bureau to provide the adoptee
62 with his or her original birth certificate and with any other
63 available information about the birth parent's identity and
64 location, or an affidavit expressly prohibiting the bureau from
65 providing the adoptee with any information about such birth
66 parent's identity and location, and prohibiting any licensed
67 adoption agency from conducting a search for such birth parent
68 under the terms of Sections 93-17-201 through 93-17-223. An



69 affidavit filed under this section may be revoked at any time by
70 written notification to the bureau from the birth parent.

71 (b) Any adoptee eighteen (18) years of age or older may
72 file with the bureau at any time a request to provide the adoptee
73 with his or her original birth certificate and with any other
74 available identifying information about a birth parent's identity
75 and location. Upon receipt of such request, the bureau shall
76 contact the birth parent, regardless as to whether such parent has
77 filed an affidavit under paragraph (a) of this subsection, to
78 notify him or her of the request. Upon agreement from a birth
79 parent, the bureau shall provide the requested information
80 regarding only the parent who agreed to the release of identifying
81 information.

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

89 (6) (a) If an agency receives a report from a physician
90 stating that a birth parent or another child of the birth parent
91 has acquired or may have a genetically transferable disease or
92 illness, the agency shall notify the bureau and the appropriate
93 licensed adoption agency, and the latter agency shall notify the



94 adoptee of the existence of the disease or illness, if he or she
95 is twenty-one (21) years of age or over, or notify the adoptee's
96 guardian, custodian or adoptive parent if the adoptee is under age
97 twenty-one (21).

98 (b) If an agency receives a report from a physician
99 that an adoptee has acquired or may have a genetically
100 transferable disease or illness, the agency shall notify the
101 bureau and the appropriate licensed agency, and the latter agency
102 shall notify the adoptee's birth parent of the existence of the
103 disease or illness.

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

108 **SECTION 2.** Section 93-17-207, Mississippi Code of 1972, is
109 amended as follows:

110 93-17-207. (1) The bureau or the agency shall release the
111 nonidentifying or identifying information * * * as authorized and
112 provided in Section 93-17-205 for a reasonable fee, including the
113 actual cost of reproduction, to any of the following persons upon
114 request made with sufficient proof of identity:

- 115 (a) An adoptee eighteen (18) years of age or older;
116 (b) An adoptive parent;
117 (c) The guardian or legal custodian of an adoptee; or



118 (d) The offspring or blood sibling of an adoptee if the
119 requester is eighteen (18) years of age or older.

120 (2) Information released pursuant to subsection (1) of this
121 section shall not include the name and address of the birth
122 parent, the identity of any provider of health care to the adoptee
123 or to the birth parent and any other information which might
124 reasonably lead to the discovery of the identity of either birth
125 parent, unless the birth parent has signed an affidavit agreeing
126 to such release of his or her information.

127 **SECTION 3.** Section 93-17-209, Mississippi Code of 1972, is
128 amended as follows:

129 93-17-209. (1) Whenever any person specified under Section
130 93-17-207 wishes to obtain * * * information about an adoptee or
131 nonidentifying or identifying information about the birth parents
132 of such adoptee, and the information is not on file with the
133 bureau * * *, the person may request a licensed adoption agency to
134 locate the birth parents to obtain the information.

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

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



143 requester, after receiving notification under this subsection, has
144 given consent to proceed with the search.

145 (4) The agency conducting the search shall, upon locating a
146 birth parent, notify him or her of the request * * *.

147 (5) The agency shall release to the requester any * * *
148 information provided by a birth parent under this section without
149 disclosing the birth parent's identity or location, unless the
150 birth parent agrees to such disclosure.

151 (6) If a birth parent is located but refuses to provide the
152 information requested, the agency shall notify the requester,
153 without disclosing the birth parent's identity or location, and
154 the requester may petition the chancery court to order the birth
155 parent to disclose the nonidentifying information. The court
156 shall grant the motion for good cause shown.

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

161 **SECTION 4.** Section 93-17-215, Mississippi Code of 1972, is
162 amended as follows:

163 93-17-215. Any person twenty-one (21) years of age or over
164 who has been adopted in this state may request the bureau through
165 a licensed adoption agency providing post-adoption services to
166 obtain and provide the identifying information regarding either or
167 both of his or her birth parents maintained as provided in Section



168 93-17-205 * * *. Upon receipt of such request, the bureau shall
169 contact the birth parent, regardless as to whether such parent has
170 filed an affidavit under Section 93-17-205(4) (a), to notify him or
171 her of the request and upon agreement by the birth parent, the
172 bureau shall provide the requested information regarding only the
173 parent who agreed to the release of identifying information.

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

176 93-17-219. (1) If the bureau does not have on file (a) an
177 affidavit either authorizing release of identifying
178 information * * * and any further contact from each known birth
179 parent for whom information is sought, or (b) a notice that such
180 birth parent has been contacted once and has refused to authorize
181 the release of confidential information, then the adoptee may
182 request the agency to undertake a search * * *. The licensed
183 agency shall not inform any person other than the birth parents of
184 the purpose of the search.

185 (2) The licensed agency may charge the adoptee a reasonable
186 fee for the cost of the search. When the agency determines that
187 the fee will exceed One Hundred Dollars (\$100.00) for either birth
188 parent, it shall notify the adoptee. No fee in excess of One
189 Hundred Dollars (\$100.00) per birth parent may be charged unless
190 the adoptee, after receiving notification under this subsection,
191 has given consent to proceed with the search.



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

195 (a) The nature of the information requested;

196 (b) The date of the request; and

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

200 (4) Within three (3) working days after contacting a birth
201 parent, the licensed agency shall provide the birth parent with a
202 written statement of the information requested and an affidavit
203 form authorizing or prohibiting the release of the requested
204 information. If the birth parent authorizes the release of the
205 information, the licensed agency shall disclose the requested
206 information about that birth parent.

207 (5) If a licensed agency has contacted a birth parent as
208 provided by this section, and the birth parent does not file the
209 affidavit, the agency shall not disclose the requested
210 information.

211 (6) If, after a search under this section, a known birth
212 parent cannot be located, the agency shall not disclose the
213 requested identifying information about that birth parent,
214 although it may disclose any available nonidentifying information
215 regarding that birth parent, and it may disclose identifying
216 information about the other birth parent if such other birth



217 parent has signed an unrevoked affidavit authorizing such release.
218 If a birth parent is located and refuses to authorize the release
219 of identifying information, the agency locating this birth parent
220 shall notify the bureau. The bureau shall note such contact and
221 refusal in its records.

222 (7) Only one (1) contact shall be made with a birth parent
223 pursuant to a search request under this section if the birth
224 parent refuses to authorize the release of the requested
225 information. Further contacts with a birth parent under this
226 section on behalf of the same adoptee shall be prohibited.

227 **SECTION 6.** This act shall take effect and be in force from
228 and after July 1, 2023.

