

By: Representative Calvert

To: Judiciary A

HOUSE BILL NO. 1018

1 AN ACT TO AMEND SECTION 93-17-215, MISSISSIPPI CODE OF 1972,
 2 TO AUTHORIZE ANY ADOPTEE WHO IS TWENTY-FOUR YEARS OF AGE OR OLDER
 3 TO REQUEST IDENTIFYING INFORMATION OF BOTH BIRTH PARENTS ; TO
 4 AMEND SECTIONS 93-17-205, 93-17-219 AND 93-17-221, MISSISSIPPI
 5 CODE OF 1972, TO PROVIDE AN EXCEPTION TO A BIRTH PARENTS' RIGHT TO
 6 KEEP IDENTIFYING INFORMATION CONFIDENTIAL FOR A PERSON TWENTY-FOUR
 7 YEARS OF AGE OR OLDER; TO AMEND SECTION 93-17-223, MISSISSIPPI
 8 CODE OF 1972, TO EXCLUDE PERSONS TWENTY-FOUR YEARS OF AGE OR OLDER
 9 FROM THE PROHIBITION OF DIVULGING BIRTH PARENT INFORMATION; TO
 10 AMEND SECTION 93-17-21, MISSISSIPPI CODE OF 1972, TO AUTHORIZE
 11 RELEASE OF THE ORIGINAL BIRTH CERTIFICATE TO ANY ADOPTEE AGE
 12 TWENTY-FOUR YEARS OF AGE OR OLDER; AND FOR RELATED PURPOSES.

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

14 **SECTION 1.** Section 93-17-215, Mississippi Code of 1972, is
 15 amended as follows:

16 93-17-215. Any person twenty- * * * four (24) years of age
 17 or over who has been adopted in this state may request the bureau
 18 through a licensed adoption agency providing post-adoption
 19 services to obtain and provide the identifying information
 20 regarding either or both of his or her birth parents maintained as
 21 provided in Section 93-17-205 * * *.

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



24 93-17-205. (1) The bureau shall maintain a centralized
25 adoption records file for all adoptions performed in this state
26 after July 1, 2005, which shall contain the following information:

27 (a) The medical and social history of the birth
28 parents, including information regarding genetically inheritable
29 diseases or illnesses and any similar information furnished by the
30 birth parents about the adoptee's grandparents, aunts, uncles,
31 brothers and sisters if known;

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

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

37 (d) The medical and social history of the adoptee,
38 including information regarding genetically inheritable diseases
39 or illnesses, and any other relevant medical, social and genetic
40 information if available; and

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

44 The Administrative Office of Courts shall assist the bureau
45 in the maintenance of its centralized adoption record by compiling
46 the number of finalized adoptions in each chancery court district
47 on a monthly basis, and submitting this information to the bureau.
48 The bureau shall include these statistics in its centralized



49 adoption record. The information in this report shall include the
50 number of adoptions in this state where the adopting parent is a
51 blood relative of the adoptee and the number of adoptions in this
52 state where the adopting parent is not a blood relative of the
53 adoptee. The report shall not include any individual identifying
54 information. This information shall be updated annually and made
55 available to the public upon request for a reasonable fee.

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

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

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

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

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

71 (4) Any birth parent may file with the bureau at any time an
72 affidavit authorizing the bureau to provide the adoptee with his
73 or her original birth certificate and with any other available



74 information about the birth parent's identity and location, or an
75 affidavit expressly prohibiting the bureau from providing the
76 adoptee with any information about such birth parent's identity
77 and location, and prohibiting any licensed adoption agency from
78 conducting a search for such birth parent under the terms of
79 Sections 93-17-201 through 93-17-223, except for any person age
80 twenty-four (24) years of age or older. An affidavit filed under
81 this section may be revoked at any time by written notification to
82 the bureau from the birth parent.

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

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



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

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

109 **SECTION 3.** Section 93-17-219, Mississippi Code of 1972, is
110 amended as follows:

111 93-17-219. (1) * * * Except as otherwise provided in this
112 section for any person age twenty-four (24) of age or older, the
113 bureau does not have on file (a) an affidavit either authorizing
114 release of identifying information or prohibiting such release and
115 any further contact from each known birth parent for whom
116 information is sought, or (b) a notice that such birth parent has
117 been contacted once and has refused to authorize the release of
118 confidential information, then the adoptee may request the agency
119 to undertake a search for the birth parent who has not filed an
120 affidavit or who has not been contacted. The licensed agency
121 shall not inform any person other than the birth parents of the
122 purpose of the search.



123 (2) The licensed agency may charge the adoptee a reasonable
124 fee for the cost of the search. When the agency determines that
125 the fee will exceed One Hundred Dollars (\$100.00) for either birth
126 parent, it shall notify the adoptee. No fee in excess of One
127 Hundred Dollars (\$100.00) per birth parent may be charged unless
128 the adoptee, after receiving notification under this subsection,
129 has given consent to proceed with the search.

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

133 (a) The nature of the information requested;

134 (b) The date of the request; and

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

138 (4) Within three (3) working days after contacting a birth
139 parent, the licensed agency shall provide the birth parent with a
140 written statement of the information requested and an affidavit
141 form authorizing or prohibiting the release of the requested
142 information. If the birth parent authorizes the release of the
143 information, the licensed agency shall disclose the requested
144 information about that birth parent.

145 (5) If a licensed agency has contacted a birth parent as
146 provided by this section, and the birth parent does not file the



147 affidavit, the agency shall not disclose the requested
148 information.

149 (6) If, after a search under this section, a known birth
150 parent cannot be located, the agency shall not disclose the
151 requested identifying information about that birth parent,
152 although it may disclose any available nonidentifying information
153 regarding that birth parent, and it may disclose identifying
154 information about the other birth parent if such other birth
155 parent has signed an unrevoked affidavit authorizing such release.
156 If a birth parent is located and refuses to authorize the release
157 of identifying information, the agency locating this birth parent
158 shall notify the bureau. The bureau shall note such contact and
159 refusal in its records.

160 (7) Only one (1) contact shall be made with a birth parent
161 pursuant to a search request under this section if the birth
162 parent refuses to authorize the release of the requested
163 information. Further contacts with a birth parent under this
164 section on behalf of the same adoptee shall be prohibited.

165 (8) The provisions of this section shall not be applicable
166 if the adoptee seeking the information is twenty-four (24) years
167 of age or older.

168 **SECTION 4.** Section 93-17-221, Mississippi Code of 1972, is
169 amended as follows:

170 93-17-221. The adoptee may petition the chancery court to
171 order the agency to disclose any identifying information that may



172 not be disclosed under Sections 93-17-201 through 93-17-223. The
173 court shall grant the petition for good cause shown or if the
174 adoptee is twenty-four (24) years of age or older.

175 **SECTION 5.** Section 93-17-223, Mississippi Code of 1972, is
176 amended as follows:

177 93-17-223. (1) In cases where only one (1) of the birth
178 parents has authorized the release of identifying information,
179 that birth parent shall be prohibited from divulging to the
180 adoptee the identity, or any information reasonably calculated to
181 lead to discovery of the identity, of the other birth parent, and
182 shall execute a sworn affidavit stating that no such information
183 shall be revealed. The refusal of any birth parent to comply with
184 this prohibition shall constitute an act of bad faith under the
185 terms of Sections 93-17-201 through 93-17-223, and such birth
186 parent shall be subject to civil liability for the release of such
187 information.

188 (2) The provisions of this section shall not apply if the
189 adoptee is twenty-four (24) years of age or older.

190 **SECTION 6.** Section 93-17-21, Mississippi Code of 1972, is
191 brought forward as follows:

192 93-17-21. (1) A certified copy of the final decree shall be
193 furnished to the Bureau of Vital Statistics, together with a
194 certificate signed by the clerk giving the true or original name
195 and the place and date of birth of the child. The said bureau
196 shall prepare a revised birth certificate which shall contain the



197 original date of birth, with the place of birth being shown as the
198 residence of the adoptive parents at the time the child was born,
199 but with the names of the adopting parents and the new name of the
200 child. In all other particulars, the certificate shall show the
201 true facts of birth. The fact that a revised birth certificate is
202 issued shall be indicated only by code numbers or some letter
203 inconspicuously placed on the face of the certificate. The word
204 "revised" shall not appear thereon. However, in the event an
205 unmarried adult shall be the adopting parent, then such birth
206 certificate may show thereon, upon order of the chancellor as set
207 forth in the decree of adoption, that same is a revised birth
208 certificate, giving the court where said decree was issued and the
209 date of such decree. The original birth certificate shall be
210 removed and placed, with reference made to the decree of adoption,
211 in a safely locked drawer or vault, and the same shall not be
212 public records and shall not be divulged except upon the order of
213 the court rendering the said final decree or pursuant to Sections
214 93-17-201 through 93-17-223, and for all purposes the revised
215 certificate shall be and become the birth certificate of the
216 child. However, the Bureau of Vital Statistics of the State of
217 Mississippi shall be required to prepare and register revised
218 certificates only for births which occurred in the State of
219 Mississippi as shown either by the court decree or by the original
220 birth record on file in the bureau; but if the birth occurred in
221 some other state, then the Director of the Bureau of Vital



222 Statistics of the State of Mississippi shall be required to
223 furnish to the attorney or other person representing the adopted
224 child the name and address of the proper official in the state
225 where the child was born, to whom the adoption decree and other
226 information may be referred for appropriate action, and shall
227 furnish to such attorney the certified copy of the decree and the
228 certificate furnished by the clerk.

229 (2) Provided, however, notwithstanding anything herein to
230 the contrary, either an original or a revised birth certificate
231 may be issued, as hereinafter provided, by the Bureau of Vital
232 Statistics to any child who was born outside the United States or
233 its possessions and adopted, either heretofore or hereafter, by an
234 order of a court in this state. Upon presentation of a certified
235 copy of the final decree of adoption containing the required
236 information, the Director of the Bureau of Vital Statistics shall
237 be authorized and directed to receive said certified copy of the
238 decree of adoption and prepare therefrom, and record, a birth
239 certificate which shall disclose the following information: The
240 name of the child (being the adopted name), race, sex, date of
241 birth, place of birth (being the actual town, district and county
242 of said child's birth, except where the child is born in a penal
243 or mental institution where the name of the county shall be
244 sufficient), names, race, ages, places of birth and occupation of
245 parents (being the adoptive parents) including the maiden name of
246 the adoptive mother. Such certificate shall comport in appearance



247 and indicia with the foregoing requirements for a "revised"
248 certificate issued to a child born in this state. The Director of
249 the Bureau of Vital Statistics shall be authorized and directed to
250 issue certified copies thereof, the same as if the birth
251 certificate were that of a child who had never been adopted.

252 **SECTION 7.** This act shall take effect and be in force from
253 and after July 1, 2023.

