



Missouri Catholic Conference

# The Messenger

*The Bishops of Missouri, speaking together on matters of public policy, form the Missouri Catholic Conference.*

April 2017

## Missouri to Release Adoptee Birth Certificates

### IN EFFECT: JANUARY 1, 2018

#### Adult Adoptees in Missouri Can Access Their Original Birth Certificates Starting Next Year

By Missouri Catholic Conference General Counsel, Tyler McClay

No woman who makes an adoption plan for her child does so lightly. The decision comes after agonizing hours spent considering all the options. For women in the past, this was especially true, since pregnancy out of wedlock carried a heavy social stigma. In the 1940s, 50s, and even into the 60s, women facing an unplanned pregnancy were often sent out of town by well-meaning family or friends to have their babies, and were told not to tell anyone about it—ever. It was a secret endeavor, aided by social service agencies that offered medical, material, and spiritual support and assistance, and, in most cases, confidentiality.

Confidentiality was part and parcel of these adoptions. In many cases, the women delivered the child, signed whatever paperwork was involved, and were told to move on with their lives. As the stories in this insert reveal, that's exactly how these events unfolded, and most of the birth mothers thought they would never hear from their child again.

Missouri law reflected this practice. Starting in 1941, adoptions were closed. Original birth certificates containing the names of birth mothers and fathers were sealed, only to be released by the Missouri Bureau of Vital Records upon an order of the court performing the adoption.

But during the 2016 legislative session, the Missouri General Assembly passed HB 1599. Sponsored by Stone County Republican State Representative Don Phillips, an adoptee himself, HB 1599 opened the door to the release of an adult adoptee's original birth certificate. Known as the "Missouri Adoptee Rights Act," HB 1599 will permit adult adoptees, 18 or older and born in Missouri, to have access to their original birth certificate starting in January 2018.

From Rep. Phillip's perspective, and the perspective of the other proponents of open adoption records, giving adult adoptees access to their original birth certificate is a civil right. They argue that they have a right to the birth certificate, because it belongs to them and the state does not have a right to withhold it. During debate on the floor in the Missouri House, Rep. Phillips said that HB 1599 will "stop adoptee discrimination," because it will offer "a great freedom to folks who deserve to have that document." Because of the current state of the law and the confidential nature of adoptions, he said, "judges don't want to issue a court order [releasing the original birth certificate] even when the birth parents are deceased."

Advocates for open adoption records argue that modern technology is making it harder and harder for people who made confidential adoption plans in the past to protect their identity. The internet, social media, online genealogy sites, and other modern tools that were unimaginable

when these laws were passed are changing the landscape, they argue.

But opponents of HB 1599 argue that women were made a promise of confidentiality years ago and that promise should not be broken after the fact. During debate on the bill, Michael Meehan, Executive Director of Catholic Charities' Good Shepherd Children and Family Services, testified before a Senate committee hearing, stating that his organization takes client confidentiality seriously, and that it is his job to protect it. He raised the concern that if HB 1599 were to pass, it would be impossible to notify every birth mother that made an adoption plan in Missouri of the change in the law, and that original birth certificates will be released in violation of the confidentiality that birth mothers were promised in the past.

Christine Corcoran, Director of Regional Operations for Lutheran Family and Children's Services of Missouri, agreed. She explained that in some cases, women choose to make an adoption plan after being sexually assaulted, or because they were only a teenager at the time. These women's situations and need for confidentiality deserve to be considered, she argued.

As passed, HB 1599 permits birth mothers and fathers to notify the Bureau of Vital Records of their objection to release of their identifying information. A birth mother or a birth father can sign a Contact Preference Form indicating that he/she wishes to maintain confidentiality. If only one parent signs the form, the original birth certificate will be redacted, removing that parent's name. If both parents sign the form, the original birth certificate will not be released at all. But birth parents must sign the form and return it to the Bureau of Vital Records office before the adopted adult requests the birth certificate to maintain their confidentiality.

Any birth parent making an adoption plan going forward can also sign a Contact Preference Form at the time of the adoption indicating a desire for confidentiality. That birth parent can then proceed with the adoption, knowing their confidentiality will be maintained unless they change their minds later and sign a new Contact Preference Form, updating their preferences.

Because adoptions before 1941 were not closed, lawmakers permitted adult adoptees from that period to access their original birth certificate starting on August 28, 2016. Birth parents can still request confidentiality if they submit a Contact Preference Form before the adoptee files an application form with the Bureau of Vital Records. The pages of this *Messenger* include important information for any Missouri birth mothers and fathers concerned about protecting their confidentiality.

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### *Birth Parent & Adoptee Information*

#### Birth Parents

HB 1599 permits birth parents to file a Contact Preference Form with the Missouri Bureau of Vital Records stating their preference regarding contact with the adult adoptee. The “contact preference form” will have three options:

- **I would like to be contacted;**
- **I prefer to be contacted by an intermediary;**
- **I prefer not to be contacted.**

If both birth parents file a Contact Preference Form indicating “I prefer not to be contacted,” the *original* birth certificate of the adult adoptee will **not** be released.

If only one birth parent files a Contact Preference Form indicating “I prefer not to be contacted,” the *original* birth certificate will be released with the name of the birth parent filing the “contact preference form” redacted.

Birth parents who made adoption plans in the past and who wish to maintain their confidentiality should file a Contact Preference Form with the Bureau of Vital Records as soon as possible **before January 1, 2018**.

Birth parents currently making adoption plans that wish to maintain their confidentiality should file a Contact Preference Form with the Bureau of Vital Records **at the time of the adoption**.

There is no fee associated with filing a Contact Preference Form.

#### Adoptees

HB 1599 permits an **adult adoptee** to access his/her *original* birth certificate directly from the Missouri Bureau of Vital Records on **January 1, 2018**, if the adoptee:

- **Is at least 18 years of age;**
- **Was born in Missouri;**
- **Files a written application, including proof of I.D., with the Bureau of Vital Records.**

Adult adoptees born in Missouri **before 1941** will be permitted access to their *original* birth certificate from the Bureau of Vital Records beginning **August 28, 2016** upon filing a written application and showing proof of I.D.

The Bureau of Vital Records may charge a fee and require a waiting period prior to release of an *original* birth certificate.

Any *original* birth certificate released will state “for genealogical purposes only - not to be used to establish identity,” so that the adult adoptee cannot use the *original* birth certificate to change his/her legal identity for purposes of obtaining, for example, a driver’s license or a passport.

#### BIRTH PARENTS & ADOPTEES

For more in-depth information and to access forms, please contact the Missouri Bureau of Vital Records at [vitalrecordsinfo@health.mo.gov](mailto:vitalrecordsinfo@health.mo.gov) or call 573-751-6387, or visit the Bureau’s website: [health.mo.gov/data/vitalrecords/adopteerightsact.php](http://health.mo.gov/data/vitalrecords/adopteerightsact.php)

#### Access to all other Missouri adoption records

- HB 1599 does not change existing Missouri law governing access by adult adoptees, or their attorneys, to all other adoption records.

- All other adoption records can be only obtained by filing the appropriate documents with the juvenile court that processed the adoption.

# BIRTH PARENTS: HAVE YOU FILLED OUT A CONTACT PREFERENCE FORM?

IF THE ADULT ADOPTEE REQUESTS HIS/HER BIRTH CERTIFICATE BEFORE YOU FILL OUT A CONTACT PREFERENCE FORM, IT WILL BE PROVIDED TO THEM WITHOUT YOUR CONSENT.

To obtain a form, please contact the Missouri Bureau of Vital Records at [vitalrecordsinfo@health.mo.gov](mailto:vitalrecordsinfo@health.mo.gov) or call 573-751-6387

Was your child placed for adoption **AFTER** the year **1941**?

**YES**

Your child's birth certificate will be available to him/her beginning on **January 1, 2018.**

Do you want to file a contact preference form to make your wishes known?  
*You must act before the adoptee requests his or her birth certificate.*

**NO**

Your child's birth certificate became available to him/her on **August 28, 2016.**

**YES**

**NO**

CHOOSE A CONTACT PREFERENCE

**I would like to be contacted.**

Indicate on the Contact Preference Form that you would like to give your child your direct contact information.

**I prefer to be contacted by an intermediary.**

On the Contact Preference Form, provide the contact information of a trusted friend or professional that your child can contact who will then contact you.

**I prefer not to be contacted.**

Indicate on the **Contact Preference Form** that you do not want to be contacted. Your child's birth certificate will be released to them with your name removed.

If you do not fill out a form, your child's birth certificate will be available to him or her beginning on **January 1, 2018** and will include **your identifying information.**

## When Confidentiality is Key: Stories behind two closed adoptions



There are many reasons why birth mothers choose closed adoptions, or choose to keep their adoption plan a secret from even their closest family members. Concern for their own safety, or the safety of their child, the fear of being shamed for having a child out of wedlock or of exposing a past these mothers want to forget are just some of the realities these mothers face. These true adoption stories were provided by a Missouri adoption counselor and reflect circumstances where confidentiality was not just wanted, but truly needed. All names have been changed to protect their confidentiality.

Sadie gave birth to a baby boy in the mid-1950's when she was 18 years old. She told her parents and extended family that she had found a job in another town doing housekeeping work for a family who offered her room and board in exchange for her work. Her father was a well-known member of her small farming community, and if the community found out about the out-of-wedlock pregnancy, her family would have been shamed. She never told anyone about this pregnancy or subsequent adoption. She went on to get married 10 years later and raise three children, none of whom knew about her earlier situation. When her 60 year old son contacted the agency requesting an adoption search, an adoption counselor then contacted Sadie, who whispered in hushed tones to please never call her again. She tearfully said that she was glad to know that her son was okay but had never told her husband, who she has been married to for over 40 years, about the adoption. She was terrified that the adoptee would contact her, and that her husband and children would find out about this secret that she had never shared with anyone. She felt that her life would be ruined and that no one would ever trust her again. She prided herself on having such a wonderful family and was terrified that this would change everything for her.

Edna was married with two children and going through a divorce when she found out she was pregnant with her third child. Her husband had been physically and verbally abusive to her and her two children, and Edna had finally found the strength to leave him and start a new life. Then she found out she was pregnant. She was living in a confidential location so that he could not find her and her children. Her husband found out about the pregnancy and told her that he would kill her if she did not give him the baby. Edna prayed over what she should do and she delivered her baby and placed her for adoption without anyone knowing. She told her husband that the baby had died at birth. Because she was married, the hospital insisted that her husband's name be included on the baby's birth certificate. Edna has spent her whole adult life terrified that her now ex-husband would track her down and hurt her and her children. If the adoptee's original birth certificate is shared with the adoptee, the adoptee will have information on both her birth parents, which could jeopardize Edna's safety and open up a wound that she has tried so hard to come to terms with.

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If you or someone you know will be affected by this law, please read and share this information! If you have any questions don't hesitate to call the Missouri Catholic Conference at 573-635-7239.

**SAVE THE DATE:  
SATURDAY, OCTOBER 7, 2017**



St. Joseph Cathedral, Jefferson City

**KEYNOTE SPEAKER**

Apostolic Nuncio to the United States  
Archbishop Christophe Pierre

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