



AUTHORITY: section 193.215, RSMo 1986. This rule was previously filed as 19 CSR 30-10.110. Original rule filed Jan. 24, 1992, effective June 25, 1992. Changed to 19 CSR 10-10.110 July 30, 1998.*

**Original authority: 193.215, RSMo 1984.*

19 CSR 10-10.120 New Certificate Through Legitimation

PURPOSE: This rule defines the documentation required to legitimate a birth record.

(1) If the mother marries the natural father after the birth of their child, a new birth certificate can be created by the mother furnishing certified copies of her marriage license or marriage certification to the natural father. If the mother previously was married, certified copies of other marriage licenses or marriage certification also shall be furnished. Notarized affidavits shall be signed by the mother and father.

(A) If the father is deceased, a notarized affidavit is required from one (1) of the alleged father's parents or his brother or sister stating that s/he believes him to be the father of the child based on an oral or written statement of the man. A certified copy of the father's death certificate also is required.

(B) If the mother is deceased, an affidavit is required from one (1) of the mother's parents or her brother or sister stating that s/he believes the man to be the father of the child based on an oral or written statement of the man. A certified copy of the mother's death certificate also is required.

(2) A court-ordered legitimation shall be obtained when the requirements of section (1) of this rule cannot be met. The court shall find that the natural parents are or were legally married and state the date and place of marriage. The order also shall give the natural father's full name, date of birth, state of birth, race and Social Security number, and the natural mother's date of birth and Social Security number in order to establish a new birth certificate by legitimation. If the child's surname is to be changed to the father's surname, the order also shall indicate this change.

AUTHORITY: section 193.135, RSMo 1986. This rule was previously filed as 19 CSR 30-10.120. Original rule filed Jan. 24, 1992, effective June 25, 1992. Changed to 19 CSR 10-10.120 July 30, 1998.*

**Original authority: 193.135, RSMo 1984.*

19 CSR 10-10.130 Missouri Adoptee Rights

PURPOSE: This rule provides the process for an adoptee to receive a copy of his or her original birth certificate, the process for a birth parent to state his or her contact preference, and the process for completion of a medical history form by a birth parent.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) For purposes of this rule only, unless the context clearly indicates otherwise, the following terms mean:

(A) "Adoptee," an adopted person who was born in Missouri and is at least eighteen (18) years of age;

(B) "Applicant," the adoptee or the adoptee's attorney;

(C) "Attorney," a currently-licensed member of the Missouri Bar or bar of another state of the United States;

(D) "Birth parent," the parent(s) identified on the adoptee's original birth certificate;

(E) "Birth Parent Contact Preference Form," a form used by a birth parent to indicate his or her preference about contact with the adoptee;

(F) "Birth Parent Medical History Form," a form used by a birth parent to provide his or her medical history information to the adoptee;

(G) "Department," the Missouri Department of Health and Senior Services;

(H) "Identifying information," the name, date of birth, age, race, place of birth, occupation/industry/business, and address of the birth parent(s); any part of the child's name or any other name containing surnames of either birth parent; and informant name;

(I) "Intermediary," the person or agency identified by the birth parent to act as a means of contact between the birth parent and adoptee;

(J) "Original birth certificate," the adoptee's registered birth certificate sealed upon court order at the time of adoption;

(K) "Redact," to obscure or remove identifying information.

(2) Birth Parent Contact Preference Form. A birth parent may state his or her preference for contact with the adoptee by completing a Cover Sheet for Birth Parent Contact Preference Form as published August 2016 and a Birth Parent Contact Preference Form as published November 2016 which are incorporated by reference in this rule and may be obtained at www.health.mo.gov or by calling (573) 751-6387. This rule does not incorporate any subsequent amendments or additions. Completed forms may be delivered in person to the department at 930 Wildwood Drive, Jefferson City, Missouri, or by mail to the Department of Health and Senior Services, PO Box 570, Jefferson City, MO 65102.

(A) A birth parent shall provide to the department adequate information as requested on the Cover Sheet for Birth Parent Contact Preference Form so that the department can identify the correct sealed file in which to place the form. A birth parent shall also pay a non-refundable fee for processing the form and searching for the original birth record in an amount equal to the fee for a certified copy of a birth certificate. If the department is unable to identify the correct sealed file based upon the information provided by the birth parent on the Cover Sheet for Birth Parent Contact Preference Form, the department shall return the Cover Sheet for Birth Parent Contact Preference Form and the Birth Parent Contact Preference Form to the birth parent.

(B) A birth parent may change his or her contact preference by completing a new Cover Sheet for Birth Parent Contact Preference Form and Birth Parent Contact Preference Form. A birth parent shall also pay a non-refundable fee for processing the form and searching for the original birth record in an amount equal to the fee for a certified copy of a birth certificate. The forms and fee shall be mailed or delivered to the department at the address listed in section (2) above. If the department is unable to identify the correct sealed file based upon the information provided by the birth parent on the Cover Sheet for Birth Parent Contact Preference Form, the department shall return the Cover Sheet for Birth Parent Contact Preference Form and the Birth Parent Contact Preference Form to the birth parent.

(C) A birth parent may request that an adoptee contact him or her only through an intermediary, rather than be contacted directly by the adoptee, as indicated by the birth parent on the Birth Parent Contact Preference Form. In this case, the birth parent shall write the name and contact information of the intermediary on the Birth Parent Contact Preference Form.

(D) If a birth parent has filed a Birth Parent



Contact Preference Form with the department, the department shall provide a copy of the form to the applicant.

(E) If a birth parent has filed more than one (1) Birth Parent Contact Preference Form, the department shall issue a copy of only the most recently dated Birth Parent Contact Preference Form to the applicant.

(F) The Birth Parent Contact Preference Form issued to the adoptee shall not include the Cover Sheet for Birth Parent Contact Preference Form.

(G) The department shall not issue a copy of the original birth certificate to the applicant when—

1. The applicant does not meet the requirements of section 193.125, RSMo, and this rule; or

2. Both birth parents have filed a Birth Parent Contact Preference Form indicating that they prefer not to be contacted or prefer contact through an intermediary.

(H) The department shall issue a non-certified, unredacted copy of the original birth certificate stamped “For genealogical purposes only—not to be used for establishing identity” upon request to a qualified applicant when—

1. The original birth certificate lists two (2) parents and neither birth parent has filed a Birth Parent Contact Preference Form;

2. The original birth certificate lists two (2) parents and both birth parents have filed a Birth Parent Contact Preference Form indicating that he/she prefers to be contacted;

3. The original birth certificate lists two (2) parents and one (1) parent has filed a Birth Parent Contact Preference Form indicating that he/she prefers to be contacted and the other parent has not filed a Birth Parent Contact Preference Form;

4. The original birth certificate only lists one (1) parent and that parent has filed a Birth Parent Contact Preference Form indicating that he/she prefers to be contacted; or

5. The original birth certificate only lists one (1) parent and that parent has not filed a Birth Parent Contact Preference Form.

(I) The department shall issue a non-certified copy of the original birth certificate stamped “For genealogical purposes only—not to be used for establishing identity” to the applicant with the identifying information redacted for the birth parent who indicated they preferred not to be contacted or preferred to be contacted by an intermediary when—

1. The original birth certificate only lists one (1) parent and that parent has filed a Birth Parent Contact Preference Form indicating that he/she prefers not to be contacted or prefers contact by an intermediary;

2. The original birth certificate lists two (2) parents and one (1) parent has filed a Birth Parent Contact Preference Form indicating that he/she prefers not to be contacted or prefers contact through an intermediary and the other parent has not filed a Birth Parent Contact Preference Form; or

3. The original birth certificate lists two (2) parents and one (1) parent has filed a Birth Parent Contact Preference Form indicating that he/she prefers not to be contacted or prefers contact through an intermediary and the other parent has filed a Birth Parent Contact Preference Form indicating that he/she prefers to be contacted.

(3) Birth Parent Medical History Form. A birth parent may provide or update his or her medical history by completing a Cover Sheet for Birth Parent Medical History Form and a Birth Parent Medical History Form which are incorporated by reference in this rule as published August 2016 and may be obtained at www.health.mo.gov or by calling (573) 751-6387. This rule does not incorporate any subsequent amendments or additions. Completed forms may be delivered in person to the department at 930 Wildwood Drive, Jefferson City, Missouri, or by mail to the Department of Health and Senior Services, PO Box 570, Jefferson City, MO 65102.

(A) A birth parent shall furnish to the department adequate information as requested on the Cover Sheet for Birth Parent Medical History Form so that the department can identify the correct sealed file in which to place the Birth Parent Medical History Form. If the department is unable to identify the correct sealed file based upon the information provided on the Cover Sheet for Birth Parent Medical History Form, the department shall return the Cover Sheet for Birth Parent Medical History Form and the Birth Parent Medical History Form to the birth parent.

(B) A birth parent may change or update the Birth Parent Medical History Form by completing a new Cover Sheet for Birth Parent Medical History Form and Birth Parent Medical History Form and delivering or mailing the forms to the department at the address listed in section (3) above.

(C) A birth parent shall provide information regarding only him or herself, and his or her blood relatives, such as mother, father, sisters, brothers, grandparents, and other biological children on the Birth Parent Medical History Form.

(D) If a birth parent has filed more than one (1) Birth Parent Medical History Form, the department shall release to the applicant a copy of only the most recently dated form.

(E) The department shall not use the infor-

mation on the Cover Sheet for Birth Parent Medical History Form or Birth Parent Medical History Form for statistical or any other purposes and shall not disclose the information to anyone other than the adoptee or the adoptee’s attorney.

(F) The copy of the Birth Parent Medical History Form issued to the adoptee shall not include the Cover Sheet for Birth Parent Medical History Form.

(4) Adoptees born before 1941. An adoptee born before 1941, or the adoptee’s attorney, may request a copy of the adoptee’s original birth certificate beginning August 28, 2016, by completing an Application for Non-Certified Copy of an Original Birth Certificate form which is incorporated by reference in this rule as published November 2016 and may be obtained at www.health.mo.gov or by calling (573) 751-6387. This rule does not incorporate any subsequent amendments or additions. The application shall include a non-refundable fee in an amount equal to the fee for a certified copy of a birth certificate. Completed forms and fees may be delivered in person to the department at 930 Wildwood Drive, Jefferson City, Missouri, or by mail to the Department of Health and Senior Services, PO Box 570, Jefferson City, MO 65102.

(A) If the adoptee’s attorney submits the Application for Non-Certified Copy of an Original Birth Certificate form, the attorney shall provide the department with a statement signed by the adoptee or other documentation establishing the attorney’s authority to act on behalf of the adoptee.

(B) The applicant shall furnish to the department adequate information as requested on the Application for Non-Certified Copy of an Original Birth Certificate form so that the department can identify the correct sealed file containing the original birth certificate.

(C) The department shall issue copies of the birth certificate as provided in subsections (2)(G)-(I) of this rule. If the department cannot locate the original birth certificate, the department shall issue to the applicant a written statement that no record was found.

(D) The copy of the original birth certificate issued to the applicant shall be stamped “For genealogical purposes only—not to be used for establishing identity.”

(E) If the adoptee’s parent(s) have provided a Birth Parent Contact Preference Form or Birth Parent Medical History Form to the department, the department shall provide a copy to the applicant.

(5) Adoptees born in or after 1941. An adoptee born in or after 1941, or the adoptee’s attorney, may request a copy of the adoptee’s



original birth certificate beginning January 1, 2018. To make a request, an applicant shall complete the Application for Non-Certified Copy of an Original Birth Certificate form which is incorporated by reference in this rule as published November 2016 and may be obtained at www.health.mo.gov or by calling (573) 751-6387. This rule does not incorporate any subsequent amendments or additions. The application shall include a non-refundable fee in an amount equal to the fee for a certified copy of a birth certificate. Completed forms and fees may be delivered in person to the department at 930 Wildwood Drive, Jefferson City, Missouri, or by mail to the Department of Health and Senior Services, PO Box 570, Jefferson City, MO 65102.

(A) If the adoptee's attorney submits the Application for Non-Certified Copy of an Original Birth Certificate form, the attorney shall provide the department with a statement signed by the adoptee or other documentation establishing the attorney's authority to act on behalf of the adoptee.

(B) The applicant shall furnish to the department adequate information as requested on the Application for Non-Certified Copy of an Original Birth Certificate form so that the department can identify the correct sealed file containing the original birth certificate.

(C) The department shall issue copies of the birth certificate as provided in subsections (2)(G)–(I) of this rule. If the department cannot locate the original birth certificate, the department shall issue to the applicant a written statement that no record was found.

(D) The copy of the original birth certificate issued to the applicant shall be stamped "For genealogical purposes only—not to be used for establishing identity."

(E) If the adoptee's parent(s) have provided a Birth Parent Contact Preference Form or Birth Parent Medical History Form to the department, the department shall provide a copy to the applicant.

(6) Applicants, birth parents, or others shall not send to the department items other than the forms prescribed by this regulation (e.g., letters, papers, photos, mementos, etc). Any such items sent to the department shall be discarded.

(7) The department shall not issue copies of vital records, including birth, death, marriage, or divorce records, for the birth parents to an adoptee.

(8) The department shall not amend the adoptee's original birth certificate as defined in this rule.

AUTHORITY: sections 193.035, 193.045, and 193.128, RSMo 2016. Emergency rule filed Aug. 29, 2016, effective Sept. 8, 2016, expired March 6, 2017. Original rule filed Aug. 29, 2016, effective Feb. 28, 2017.*

**Original authority: 193.035, RSMo 1984, amended 1993, 1995; 193.045, RSMo 1984; and 193.128, RSMo 2016.*