

## IDENTIFYING/NON-IDENTIFYING SEARCH-RELATED INFORMATION

### IDENTIFYING INFORMATION

- Defined by Missouri Law as information that includes the name, date of birth, place of birth, and last-known address of the birth parent(s).
- The procedure for requesting identifying information and/or search request is as follows:
  - 1) After the age of 18, an adoptee may contact the Court that granted the adoption and request a search for his or her birth parent(s). The request to the court must be accompanied by as much of the following information as possible:
    - a. Date of Birth
    - b. Name at Time of Birth
    - c. Date the Court issued the Final Decree
    - d. Cause Number
    - e. Adoptive Parents' Names
    - f. Birth Parents' Names--If known
    - g. Your Maiden Name--If applicable
    - h. Your current Address and Telephone Number
  - 2) When court authorization and adopted adult fees have been received, the Lutheran Family and Children's Services' (LfCS) search consultant can initiate a search for your birth parents.
  - 3) The law requires confidential contact, preferably in person or by telephone. The birth parents are also required to sign notarized consents. If both were named in the adoption petition, both must sign consents. If the birth father is named in the record but not in the petition, he must be notified, but his consent may not be required (depending on the decision of the court) to release information about the birth mother. A consent is required to release any identifying information about the birth father. **Note: NO information can be released without a court order.**
  - 4) If either birth parent cannot be found, the searcher's attempts to locate must be documented in the report to the Court. The Judge will then make the decision about release of information regarding the consenting birth parent.
  - 5) If birth parents cannot be located, another request can be made after one year. If birth parents are located but refuse to consent, another request can be made after three years.
  - 6) If either or both birth parent(s) is deceased, verification of the death(s) will be obtained. Medical information available on the death certificate may be shared as non-identifying information. No identifying information can be released regarding a deceased birth parent unless the other biological parent :
    - a. has filed a prior consent with the court/agency of record
    - b. is known but cannot be found or is deceased
    - c. is unknown

- 7) If one or both of the birth parents are incapacitated and not able to sign consents, proof must be submitted to the Court. The Judge will make a decision regarding the release of information.
- 8) LFCS will provide a report to the Court regarding the progress/outcome of the search request within the three months stated by the law. If the search has not been completed within the three months, the searcher will request and the court will grant an extension.

### **NON-IDENTIFYING INFORMATION**

- Defined by Missouri Law as information concerning the physical description, nationality, religious background and medical history of the biological family member(s).
- The Court that granted the adoption, or the agency that arranged the adoption, may release non-identifying information to adoptive parents, legal guardians, or adopted adults, aged 18 or older, upon receipt of a request and verification of the identity of the requestor.
- The law allows for the cost of all services involved in releasing both, non-identifying and identifying information, to be passed on to the requester. A summary of non-identifying information will be prepared and sent to the requestor, upon receipt of the prescribed fee.

### **SIBLING SEARCHES**

Missouri Law will now allow for sibling searches. Identifying information about adult **brothers and sisters** can only be released with court authorization and the required signed consent of that sibling.

### **ADOPTION REGISTRY**

The Missouri Division of Family Services operates a registry in Jefferson City. When both parties (adopted adult and birth parents) have requested a matching, the regular process (outlined above) will be followed. Adoptees cannot register until they are 18 years old.

A change in the Adoption Law, effective in August of 2005, allows siblings 18 and older to enter their information in the Registry, and, when a match is made, the registry personnel will arrange a reunion. This change in the law did not affect Agency or Court procedures, however.

*The preceding is a summary of Missouri Law regarding search and is not a legal opinion. The purpose is to present salient points of Law 453.121 RSMo 1989 in an understandable manner. A complete copy of the statute would be available at your library.*