

CHAPTER 140
HOUSE BILL No. 2186

AN ACT concerning adoptions; relating to advertising and placing children; prescribing certain restrictions and requirements; relating to birth certificates; amending K.S.A. 59-2123 and 65-2423 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 59-2123 is hereby amended to read as follows: 59-2123. (a) Except as otherwise provided in this section:

(1) ~~No person shall advertise~~ *Any person who advertises* that such person will adopt, find an adoptive home for a child or otherwise place a child for adoption *shall state in such advertisement whether or not such person is licensed and if licensed, under what authority such license is issued and in what profession;*

(2) no person shall offer to adopt, find a home for or otherwise place a child as an inducement to a woman to come to such person's maternity center during pregnancy or after delivery; and

(3) no person shall offer to adopt, find a home for or otherwise place a child as an inducement to any parent, guardian or custodian of a child to place such child in such person's home, institution or establishment.

(b) The provisions of subsection (a)(1) shall not apply to ~~a licensed child placement agency operating as authorized by Kansas law or to the department of social and rehabilitation services or to an individual seeking to adopt a child.~~

(c) As used in this section:

(1) "Advertise" means to communicate by newspaper, radio, television, handbills, placards or other print, broadcast, *telephone directory* or electronic medium.

(2) "Person" means an individual, firm, partnership, corporation, joint venture or other association or entity.

(3) "Maternity center" means the same as provided in K.S.A. 65-502 and amendments thereto.

(d) Any person who violates the provisions of this section shall be guilty of ~~a class C~~ *an unclassified* misdemeanor *and shall be fined not more than \$1,000 for each violation.*

Sec. 2. K.S.A. 65-2423 is hereby amended to read as follows: 65-2423. (a) In cases of adoption the state registrar upon receipt of a certified decree of adoption, or a similar document or documents which evidences finalization of the adoption in the foreign country, and the report of adoption form shall prepare a supplementary certificate or abstract in the new name of the adopted person and seal and file the original certificate of birth with such certified copy or abstract attached thereto. Such sealed documents may be opened by the state registrar only upon the demand of the adopted person if of legal age or by an order of court. Upon receipt of a certified copy of a court order of annulment of adoption the state registrar shall restore the original certificate to its original place in the files.

(b) For any child born in a foreign country but adopted in Kansas or born and adopted in a foreign country and such adoption is filed and entered pursuant to K.S.A. 59-2144, and amendments thereto, the state registrar, upon request, shall complete and register a birth certificate upon receipt of a certified copy of the decree of adoption, or a similar document or documents which evidences finalization of the adoption in the foreign country, the report of adoption form and proof of the date and place of the child's birth. The certificate shall show the new name of the child as specified in the decree of adoption, or a similar document or documents which evidences finalization of the adoption in the foreign country, and such further information concerning the adopting parents as may be necessary to complete the birth certificate. The certificate shall show the true country of birth and the date of birth of the child, ~~and that the certificate is not.~~ *The certificate shall state the following: "This certificate is issued pursuant to subsection (b) of K.S.A. 65-2423, and amendments thereto."*

Sec. 3. K.S.A. 59-2123 and 65-2423 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.

