

SECOND REGULAR SESSION

HOUSE BILL NO. 2174

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KELLY.

4627L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 193.215, 210.127, 211.031, 211.442, 211.444, 211.453, 453.010, 453.040, 453.065, 453.080, 472.020, 475.035, and 475.045, RSMo, and to enact in lieu thereof fourteen new sections relating to parentage of a child.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 193.215, 210.127, 211.031, 211.442, 211.444, 211.453, 453.010, 2 453.040, 453.065, 453.080, 472.020, 475.035, and 475.045, RSMo, are repealed and fourteen 3 new sections enacted in lieu thereof, to be known as sections 193.215, 210.127, 211.031, 4 211.442, 211.444, 211.453, 453.010, 453.040, 453.045, 453.065, 453.080, 472.020, 475.035, and 5 475.045, to read as follows:

193.215. 1. A certificate or report registered pursuant to sections 193.005 to 193.325 2 may be amended only pursuant to the provisions of sections 193.005 to 193.325, and regulations 3 adopted by the department.

4 2. A certificate or report that is amended pursuant to this section shall be marked 5 "Amended" except as otherwise provided in this section. The date of amendment and a summary 6 description of the evidence submitted in support of the amendment shall be endorsed on or made 7 part of the record.

8 3. Upon receipt of a certified copy of an order of a court of competent jurisdiction 9 changing the name of a person born in this state and upon request of such person or such person's 10 parents, guardian, or legal representative, the state registrar shall amend the certificate of birth 11 to show the new name. The court order shall include such facts as are necessary to locate and 12 identify the certificate of birth of the person whose name is being changed.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

13 4. When an applicant does not submit the minimum documentation required in the
14 regulations for amending a vital record or when the state registrar has reasonable cause to
15 question the validity or adequacy of the applicant's sworn statements or the documentary
16 evidence, and if the deficiencies are not corrected, the state registrar shall not amend the vital
17 record and shall advise the applicant of the reason for this action and the applicant's right of
18 appeal to a court of competent jurisdiction.

19 5. When a certificate or report is amended pursuant to this section, the state registrar
20 shall report the amendment to any other custodians of the vital record and their record shall be
21 amended accordingly.

22 6. (1) Upon written request of both parents and receipt of a sworn acknowledgment of
23 paternity notarized and signed by both parents of a child born out of wedlock, the state registrar
24 shall amend the certificate of birth to show such paternity. The acknowledgment affidavit form
25 shall be developed by the state registrar and shall include the minimum requirements prescribed
26 by the secretary of the Department of Health and Human Services pursuant to 42 U.S.C. Section
27 652(a)(7). The acknowledgment form shall include provisions to allow the parents to change the
28 surname of the child and such surname shall be changed on the birth record if the parents elect
29 to change the child's surname. The signature of the parents shall be notarized or the signature
30 shall be witnessed by at least two disinterested adults whose signatures and addresses shall be
31 plainly written thereon. The form shall be accompanied by oral notice, which may be provided
32 through the use of video or audio equipment, and written notice to the mother and putative father
33 of:

34 [(1)] (a) The alternatives to, the legal consequences of, and the rights and responsibilities
35 that arise from signing the acknowledgment;

36 [(2)] (b) The benefits of having the child's paternity established; and

37 [(3)] (c) The availability of paternity establishment and child support enforcement
38 services.

39 (2) **Only a mother whose parental rights have not been voluntarily or involuntarily**
40 **terminated, or whose consent to adoption has not been accepted by a competent court, may**
41 **execute a voluntary acknowledgment of paternity under this section. A court of competent**
42 **jurisdiction may order the Missouri bureau of vital statistics to rescind any amended birth**
43 **certificate where it was issued based upon an acknowledgment of a mother whose parental**
44 **rights had been voluntarily or involuntarily terminated, or whose consent to adoption had**
45 **been accepted by a court prior to the voluntary acknowledgment of paternity.**

46 (3) A rescission of acknowledgment form shall be filed with the bureau of vital records
47 pursuant to section 210.823, RSMo, to vacate the legal finding of paternity. The bureau shall
48 file all rescissions and forward a copy of each to the **family support** division [of child support

49 enforcement]. The birth record shall only be changed pursuant to this subsection upon an order
50 of the court or the **family support** division [of child support enforcement].

51 7. The department shall offer voluntary paternity establishment services.

52 8. Upon receipt of a certified copy of an order of a court of competent jurisdiction
53 changing the name of a person born in this state and upon request of such person or such person's
54 parents, guardian or legal representative, the state registrar shall amend the certificate of birth
55 to show the new name.

56 9. Upon receipt of a certified copy of an order of a court of competent jurisdiction
57 indicating the sex of an individual born in this state has been changed by surgical procedure and
58 that such individual's name has been changed, the certificate of birth of such individual shall be
59 amended.

210.127. 1. If the location or identity of the biological [parent or parents] **mother or**
2 **father, as described in subsection 2 of this section**, of a child in the custody of the division is
3 unknown, the children's division shall utilize all reasonable and effective means available to
4 conduct a diligent search for the biological [parent or parents] **mother or father** of such child.

5 2. For purposes of this section, **the following terms shall mean:**

6 (1) "Diligent search" [means], the efforts of the division, or an entity under contract with
7 the division, to locate a biological [parent whose identity or location is unknown] **mother or**
8 **father as defined in this subsection**, initiated as soon as the division is made aware of the
9 existence of such [parent] **mother or father**, with the search progress reported at each court
10 hearing until the [parent] **mother or father** is either identified and located or the court excuses
11 further search. **The known biological mother may provide the names of all possible fathers.**
12 **The division, or an entity under contract with the division, shall include a search of the**
13 **Missouri putative father registry to determine if any man is registered with the putative**
14 **father registry. The court shall excuse the division, or any entity under contract with the**
15 **division, from conducting a search where the identity of a possible father is unknown;**

16 (2) "Father", includes:

17 (a) **The presumed father under subdivision (1), (2), or (3) of subsection 1 of section**
18 **210.822; or**

19 (b) **The man who has filed an action to establish his paternity in a court of**
20 **competent jurisdiction under sections 210.817 to 210.853 no later than fifteen days after**
21 **the birth of the child and has served a copy of the petition on the mother in accordance**
22 **with section 506.100, or prior to the filing of a petition for termination of parental rights**
23 **or adoption; or**

24 (c) **The man who has acknowledged paternity under section 210.823 no later than**
25 **fifteen days after the birth of the child, or prior to the filing of a petition for termination**
26 **of parental rights or adoption; or**

27 (d) **The man who filed with the putative father registry under section 192.016 a**
28 **notice of intent to claim paternity and has filed an action to establish his paternity in a**
29 **court of competent jurisdiction no later than fifteen days after the birth of the child or**
30 **prior to the filing of a petition for termination of parental rights or adoption.**

31 **3. Any man who has engaged in sexual intercourse with a woman is deemed to be**
32 **on notice that a child may be conceived and as a result is entitled to notice of proceedings**
33 **under this chapter and chapter 211 only as provided in this chapter and chapter 211.**

34 **4. Where the court excuses further search for a putative father under subsection**
35 **2 of this section, no further notice shall be required to such father for proceedings under**
36 **this chapter or chapter 211.**

211.031. 1. Except as otherwise provided in this chapter, the juvenile court or the family
2 court in circuits that have a family court as provided in sections 487.010 to 487.190, RSMo, shall
3 have exclusive original jurisdiction in proceedings:

4 (1) Involving any child or person seventeen years of age who may be a resident of or
5 found within the county and who is alleged to be in need of care and treatment because:

6 (a) The parents, or other persons legally responsible for the care and support of the child
7 or person seventeen years of age, neglect or refuse to provide proper support, education which
8 is required by law, medical, surgical or other care necessary for his or her well-being; except that
9 reliance by a parent, guardian or custodian upon remedial treatment other than medical or
10 surgical treatment for a child or person seventeen years of age shall not be construed as neglect
11 when the treatment is recognized or permitted pursuant to the laws of this state;

12 (b) The child or person seventeen years of age is otherwise without proper care, custody
13 or support; or

14 (c) The child or person seventeen years of age was living in a room, building or other
15 structure at the time such dwelling was found by a court of competent jurisdiction to be a public
16 nuisance pursuant to section 195.130, RSMo;

17 (d) The child or person seventeen years of age is a child in need of mental health services
18 and the parent, guardian or custodian is unable to afford or access appropriate mental health
19 treatment or care for the child;

20 (2) Involving any child who may be a resident of or found within the county and who is
21 alleged to be in need of care and treatment because:

22 (a) The child while subject to compulsory school attendance is repeatedly and without
23 justification absent from school; or

24 (b) The child disobeys the reasonable and lawful directions of his or her parents or other
25 custodian and is beyond their control; or

26 (c) The child is habitually absent from his or her home without sufficient cause,
27 permission, or justification; or

28 (d) The behavior or associations of the child are otherwise injurious to his or her welfare
29 or to the welfare of others; or

30 (e) The child is charged with an offense not classified as criminal, or with an offense
31 applicable only to children; except that, the juvenile court shall not have jurisdiction over any
32 child fifteen and one-half years of age who is alleged to have violated a state or municipal traffic
33 ordinance or regulation, the violation of which does not constitute a felony, or any child who is
34 alleged to have violated a state or municipal ordinance or regulation prohibiting possession or
35 use of any tobacco product;

36 (3) Involving any child who is alleged to have violated a state law or municipal
37 ordinance, or any person who is alleged to have violated a state law or municipal ordinance prior
38 to attaining the age of seventeen years, in which cases jurisdiction may be taken by the court of
39 the circuit in which the child or person resides or may be found or in which the violation is
40 alleged to have occurred; except that, the juvenile court shall not have jurisdiction over any child
41 fifteen and one-half years of age who is alleged to have violated a state or municipal traffic
42 ordinance or regulation, the violation of which does not constitute a felony, and except that the
43 juvenile court shall have concurrent jurisdiction with the municipal court over any child who is
44 alleged to have violated a municipal curfew ordinance, and except that the juvenile court shall
45 have concurrent jurisdiction with the circuit court on any child who is alleged to have violated
46 a state or municipal ordinance or regulation prohibiting possession or use of any tobacco product;

47 (4) For the adoption of a person;

48 (5) For the commitment of a child or person seventeen years of age to the guardianship
49 of the department of social services as provided by law.

50 **2. The juvenile division of the circuit court shall have concurrent jurisdiction over**
51 **guardianship actions for children who are wards of the juvenile court at the time the**
52 **guardianship petition is filed under the Missouri probate code, sections 475.010 to 475.370.**

53 **3.** Transfer of a matter, proceeding, jurisdiction or supervision for a child or person
54 seventeen years of age who resides in a county of this state shall be made as follows:

55 (1) Prior to the filing of a petition and upon request of any party or at the discretion of
56 the juvenile officer, the matter in the interest of a child or person seventeen years of age may be
57 transferred by the juvenile officer, with the prior consent of the juvenile officer of the receiving
58 court, to the county of the child's residence or the residence of the person seventeen years of age
59 for future action;

60 (2) Upon the motion of any party or on its own motion prior to final disposition on the
61 pending matter, the court in which a proceeding is commenced may transfer the proceeding of
62 a child or person seventeen years of age to the court located in the county of the child's residence
63 or the residence of the person seventeen years of age, or the county in which the offense pursuant
64 to subdivision (3) of subsection 1 of this section is alleged to have occurred for further action;

65 (3) Upon motion of any party or on its own motion, the court in which jurisdiction has
66 been taken pursuant to subsection 1 of this section may at any time thereafter transfer jurisdiction
67 of a child or person seventeen years of age to the court located in the county of the child's
68 residence or the residence of the person seventeen years of age for further action with the prior
69 consent of the receiving court;

70 (4) Upon motion of any party or upon its own motion at any time following a judgment
71 of disposition or treatment pursuant to section 211.181, the court having jurisdiction of the cause
72 may place the child or person seventeen years of age under the supervision of another juvenile
73 court within or without the state pursuant to section 210.570, RSMo, with the consent of the
74 receiving court;

75 (5) Upon motion of any child or person seventeen years of age or his or her parent, the
76 court having jurisdiction shall grant one change of judge pursuant to Missouri Supreme Court
77 Rules;

78 (6) Upon the transfer of any matter, proceeding, jurisdiction or supervision of a child or
79 person seventeen years of age, certified copies of all legal and social documents and records
80 pertaining to the case on file with the clerk of the transferring juvenile court shall accompany the
81 transfer.

82 [3.] 4. In any proceeding involving any child or person seventeen years of age taken into
83 custody in a county other than the county of the child's residence or the residence of a person
84 seventeen years of age, the juvenile court of the county of the child's residence or the residence
85 of a person seventeen years of age shall be notified of such taking into custody within
86 seventy-two hours.

87 [4.] 5. When an investigation by a juvenile officer pursuant to this section reveals that
88 the only basis for action involves an alleged violation of section 167.031, RSMo, involving a
89 child who alleges to be home schooled, the juvenile officer shall contact a parent or parents of
90 such child to verify that the child is being home schooled and not in violation of section 167.031,
91 RSMo, before making a report of such a violation. Any report of a violation of section 167.031,
92 RSMo, made by a juvenile officer regarding a child who is being home schooled shall be made
93 to the prosecuting attorney of the county where the child legally resides.

211.442. As used in sections 211.442 to 211.487, unless the context clearly indicates
2 otherwise, the following terms mean:

- 3 (1) "Child", an individual under eighteen years of age;
 4 (2) "Minor", any person who has not attained the age of eighteen years;
 5 (3) "Parent"[,] :
- 6 (a) A biological parent or parents [of a child, as well as,] **who have a parent and child**
 7 **relationship as defined in section 210.817 and section 210.819;**
 8 (b) The [husband of a natural mother at the time the child was conceived, or] **presumed**
 9 **father of a child under subdivisions (1), (2), and (3) of subsection 1 of section 210.822;**
 10 (c) **The acknowledged father under section 210.823;**
 11 (d) **The adjudicated parent under sections 210.817 to 210.823;**
 12 (e) A parent or parents of a child by adoption, [including both the mother] and the
 13 putative father of a child **who has, before the birth or within fifteen days of the birth of the**
 14 **child or prior to the filing of a petition for termination of parental rights or adoption, filed**
 15 **an intent to declare paternity under section 192.016 or filed a parentage action under**
 16 **sections 210.817 to 210.823 and properly served notice upon the mother.**

17
 18 The putative father of a child shall have no legal relationship unless he, prior to the entry of a
 19 decree under sections 211.442 to 211.487, has acknowledged the child as his own by
 20 affirmatively asserting his paternity.

211.444. 1. The juvenile court may, upon petition of the juvenile officer [or a
 2 child-placing agency licensed under sections 210.481 to 210.536, RSMo, in conjunction with a
 3 placement with such agency under subsection 6 of section 453.010, RSMo], **the court-**
 4 **appointed guardian ad litem**, or the court before which a petition for adoption has been filed
 5 pursuant to the provisions of chapter 453, RSMo, terminate the rights of a parent **or approve the**
 6 **consent to adoption by a parent, as defined in subdivision (3) of section 211.442, or of a**
 7 **named father**, to a child if the court finds that such termination **or consent to adoption** is in
 8 the best interests of the child and the parent, **as defined in subdivision (3) of section 211.442,**
 9 has consented in writing to the termination of his or her parental rights **or to the adoption.**

10 2. **The rights to consent or withhold consent to the termination of parental rights**
 11 **are waived by a man who is not parent under section 210.822, 210.823, or 211.442 at the**
 12 **time of the filing of a petition for adoption or for termination of parental rights. Failure**
 13 **to timely file as required in subdivision (3) of section 211.442 constitutes a waiver of such**
 14 **rights unless:**

- 15 (1) **The person was led to believe through the mother's fraud that:**
 16 (a) **The mother was not pregnant when in fact she was; or**
 17 (b) **The pregnancy was terminated when in fact the baby was born; or**
 18 (c) **After the birth, the child died when in fact the child is alive; and**

19 (2) The person upon the discovery of the fraud satisfied the requirements of
20 subdivision (3) of section 211.442 within fifteen days of such discovery.

21 3. A man whose consent to adoption is not required under section 453.030 or
22 453.040 waives his rights to intervene in an action for termination of parental rights or in
23 an action for adoption or waives his rights to file a paternity action for a child he believes
24 is his after a petition for either adoption or termination of parental rights has been filed
25 with the court, unless he can prove that he has developed a consistent and substantial
26 relationship with the child, including but not limited to providing prenatal financial
27 support and medical care, consistent child support payments commensurate with ability
28 to pay, consistent contact and visitation with the child, or assistance with educational and
29 medical care, unless actively thwarted from doing so by the mother.

30 4. The written consent required by subsection 1 of this section may be executed before
31 or after the institution of the proceedings and shall be acknowledged before a notary public. In
32 lieu of such acknowledgment, the signature of the person giving the written consent shall be
33 witnessed by at least two adult persons who are present at the execution whose signatures and
34 addresses shall be plainly written thereon and who determine and certify that the consent is
35 knowingly and freely given. The two adult witnesses shall not be the prospective parents. The
36 notary public or witnesses shall verify the identity of the party signing the consent.

37 [3.] 5. The written consent required by subsection 1 of this section shall be valid and
38 effective only after the child is at least forty-eight hours old and if it complies with the other
39 requirements of section 453.030, RSMo.

211.453. 1. Service of summons shall be made as in other civil cases in the manner
2 prescribed in section 506.150, RSMo. However, if service cannot be made as prescribed in
3 section 506.150, RSMo, and it is not waived, then the service shall be made by mail or
4 publication as provided in section 506.160, RSMo.

5 2. Persons who shall be summoned and receive a copy of the petition shall include:

6 (1) The [parent] **mother** of the child, [including a putative father who has acknowledged
7 the child as his own by affirmatively asserting his paternity,] **as defined in sections 210.817 and**
8 **210.819, and only the man who:**

9 (a) **Is presumed to be the father under subdivision (1), (2), or (3) of subsection 1 of**
10 **section 210.822; or**

11 (b) **Has filed an action to establish his paternity, in a court of competent**
12 **jurisdiction, under sections 210.817 to 210.853 no later than fifteen days after the birth of**
13 **the child and has served a copy of the petition on the mother in accordance with section**
14 **506.100, or prior to the filing of a petition for termination of parental rights or adoption;**
15 **or**

16 (c) **Has acknowledged paternity under section 210.823 no later than fifteen days**
17 **after the birth of the child, or prior to the filing of a petition for termination of parental**
18 **rights or adoption; or**

19 (d) **Filed with the putative father registry under section 192.016 a notice of intent**
20 **to claim paternity and has filed an action to establish his paternity in a court of competent**
21 **jurisdiction no later than fifteen days after the birth of the child or prior to the filing of a**
22 **petition for termination of parental rights or adoption, unless the parent has filed a consent**
23 **to the termination of parental rights or consent to adoption in court;**

24 (2) The guardian of the person of the child;

25 (3) The person, agency or organization having custody of the child;

26 (4) The foster parent, relative or other person with whom the child has been placed; and

27 (5) Any other person whose presence the court deems necessary.

28 3. **In all cases where the identity of the father is unknown, a search of the Missouri**
29 **putative father registry shall be conducted to determine if a man is registered with the**
30 **putative father registry. If such a man is discovered, service shall be carried out according**
31 **to the provisions of this section. If no such man is discovered, the court shall not require**
32 **service on an unknown father.** The court shall not require service in the case of a parent whose
33 identity is unknown and cannot be ascertained, or cannot be located, **as determined under**
34 **section 210.127.**

35 4. Any person required to receive summons may waive appearance or service of
36 summons.

453.010. 1. Any person desiring to adopt another person as his or her child shall petition
2 the juvenile division of the circuit court of the county in which:

3 (1) The person seeking to adopt resides;

4 (2) The child sought to be adopted was born;

5 (3) The child is located at the time of the filing of the petition; or

6 (4) Either birth person resides.

7 2. A petition to adopt shall not be dismissed or denied on the grounds that the petitioner
8 is not domiciled or does not reside in any of the venues set forth in subdivision (2), (3) or (4) of
9 subsection 1 of this section.

10 3. If the person sought to be adopted is a child who is under the prior and continuing
11 jurisdiction of a court pursuant to the provision of chapter 211, RSMo, any person desiring to
12 adopt such person as his or her child, **or the court-appointed guardian ad litem of the**
13 **prospective adoptee,** shall petition the juvenile division of the circuit court which has
14 jurisdiction over the child for permission to adopt such person as his or her child. Upon receipt
15 of a motion from the petitioner and consent of the receiving court, the juvenile division of the

16 circuit court which has jurisdiction over the child may transfer jurisdiction to the juvenile
17 division of a circuit court within any of the alternative venues set forth in subsection 1 of this
18 section.

19 4. If the petitioner has a spouse living and competent to join in the petition, such spouse
20 may join therein, and in such case the adoption shall be by them jointly. If such a spouse does
21 not join the petition the court in its discretion may, after a hearing, order such joinder, and if such
22 order is not complied with may dismiss the petition.

23 5. Upon receipt of a properly filed petition, a court, as defined in this section, shall hear
24 such petition in a timely fashion. A court or any child-placing agency shall not deny or delay the
25 placement of a child for adoption when an approved family is available, regardless of the
26 approved family's residence or domicile. The court shall expedite the placement of a child for
27 adoption pursuant to subsection 3 of this section.

28 6. A licensed child-placing agency may file a petition for transfer of custody if a birth
29 parent consents in writing by power of attorney for placement of a minor child, a consent to
30 adoption, or any other document which evidences a desire to place the child with the licensed
31 child-placing agency for the purposes of transfer of custody of the child to the licensed
32 child-placing agency. The written consent obtained from the birth parent shall strictly comply
33 with section 453.030.

453.040. The consent to the adoption of a child is not required of:

2 (1) A parent whose rights with reference to the child have been terminated pursuant to
3 law, including section 211.444, RSMo, or section 211.447, RSMo, or other similar laws in other
4 states;

5 (2) A parent of a child who has legally consented to a future adoption of the child;

6 (3) A parent whose identity is unknown and cannot be ascertained at the time of the
7 filing of the petition;

8 (4) A man who has not been established to be the father and who is not presumed by law
9 to be the father, and who, after the conception of the child, executes a verified statement denying
10 paternity and disclaiming any interest in the child and acknowledging that this statement is
11 irrevocable when executed and follows the consent as set forth in section 453.030;

12 (5) A parent or other person who has not executed a consent and who, after proper
13 service of process, fails to file an answer or make an appearance in a proceeding for adoption or
14 for termination of parental rights at the time such cause is heard;

15 (6) A parent who has a mental condition which is shown by competent evidence either
16 to be permanent or such that there is no reasonable likelihood that the condition can be reversed
17 and which renders the parent unable to knowingly provide the child the necessary care, custody
18 and control;

19 (7) A parent who has for a period of at least six months, for a child one year of age or
20 older, or at least sixty days, for a child under one year of age, immediately prior to the filing of
21 the petition for adoption, willfully abandoned the child or, for a period of at least six months
22 immediately prior to the filing of the petition for adoption, willfully, substantially and
23 continuously neglected to provide him with necessary care and protection;

24 (8) A parent whose rights to the child may be terminated for any of the grounds set forth
25 in section 211.447, RSMo, and whose rights have been terminated after hearing and proof of
26 such grounds as required by sections 211.442 to 211.487, RSMo. Such petition for termination
27 may be filed as a count in an adoption petition;

28 **(9) A man whose consent is not required under subdivision (2) of subsection 3 of**
29 **section 453.030.**

453.045. A man whose consent to adoption is not required under section 453.030
2 **or 453.040 waives his right to intervene in an action for termination of parental rights or**
3 **in an action for adoption or to file a paternity action for a child he believes is his after a**
4 **petition for either adoption or termination of parental rights has been filed with the court,**
5 **unless he can prove that he has developed a consistent and substantial relationship with**
6 **the child, including but not limited to providing prenatal financial support and medical**
7 **care, consistent child support payments commensurate with ability to pay, consistent**
8 **contact and visitation with the child, and assistance with educational and medical care,**
9 **unless actively thwarted from doing so by the mother.**

453.065. As used in sections 453.065 to 453.074, the following words and terms shall
2 have the meanings indicated:

3 (1) "Child", a person within the state who is under the age of eighteen or in the custody
4 of the division of family services who is in need of medical, dental, educational, mental or other
5 related health services and treatment, as defined in this section, or who belongs to a racial or
6 ethnic minority, who is five years of age or older, or who is a member of a sibling group, and for
7 whom an adoptive home is not readily available. If the physical, dental or mental condition of
8 the child requires care after the age of eighteen, payment can be continued with the approval of
9 the division of family services of the department of social services and subject to annual review;

10 (2) "Diminishing allotment", a monthly payment which periodically diminishes over a
11 period of not longer than four years at which time it ceases;

12 (3) "Long term subsidy", a continuous monthly payment toward the child's care for a
13 period of more than four years;

14 (4) **"Post-adoption contact agreement", a written agreement approved by the court**
15 **under subsection 5 of section 210.080;**

16 (5) "Special services", an allotment to a child who is in need of medical, dental,
17 educational, mental health or other related health services and treatment, including treatment for
18 physical handicap, intellectual impairment, developmental disability, mental or emotional
19 disturbance, social maladjustment;

20 [(5)] (6) "Time limited subsidy", a monthly allotment which is continued for a limited
21 time after legal adoption, not exceeding four years. This compensation is to aid the family in
22 integrating the care of the new child in their home.

453.080. 1. The court shall conduct a hearing to determine whether the adoption shall
2 be finalized. During such hearing, the court shall ascertain whether:

3 (1) The person sought to be adopted, if a child, has been in the lawful and actual custody
4 of the petitioner for a period of at least six months prior to entry of the adoption decree; except
5 that the six-month period may be waived if the person sought to be adopted is a child who is
6 under the prior and continuing jurisdiction of a court pursuant to chapter 211, RSMo, and the
7 person desiring to adopt the child is the child's current foster parent. "Lawful and actual custody"
8 shall include a transfer of custody pursuant to the laws of this state, another state, a territory of
9 the United States, or another country;

10 (2) The court has received and reviewed a postplacement assessment on the monthly
11 contacts with the adoptive family pursuant to section 453.077, except for good cause shown in
12 the case of a child adopted from a foreign country;

13 (3) The court has received and reviewed an updated financial affidavit;

14 (4) The court has received the recommendations of the guardian ad litem and has
15 received and reviewed the recommendations of the person placing the child, the person making
16 the assessment and the person making the postplacement assessment;

17 (5) There is compliance with the uniform child custody jurisdiction act, sections 452.440
18 to 452.550, RSMo;

19 (6) There is compliance with the Indian Child Welfare Act, if applicable;

20 (7) There is compliance with the Interstate Compact on the Placement of Children
21 pursuant to section 210.620, RSMo; and

22 (8) It is fit and proper that such adoption should be made.

23 2. If a petition for adoption has been filed pursuant to section 453.010 and a transfer of
24 custody has occurred pursuant to section 453.110, the court may authorize the filing for
25 finalization in another state if the adoptive parents are domiciled in that state.

26 3. If the court determines the adoption should be finalized, a decree shall be issued
27 setting forth the facts and ordering that from the date of the decree the adoptee shall be for all
28 legal intents and purposes the child of the petitioner or petitioners. The court may decree that
29 the name of the person sought to be adopted be changed, according to the prayer of the petition.

30 4. Before the completion of an adoption, the exchange of information among the parties
31 shall be at the discretion of the parties. Upon completion of an adoption, further contact among
32 the parties shall be at the discretion of the adoptive parents, **unless a post-adoption contact**
33 **agreement is formed under subsection 5 of this section.** The court shall not have jurisdiction
34 to deny continuing contact between the adopted person and the birth parent, or an adoptive parent
35 and a birth parent. Additionally, the court shall not have jurisdiction to deny an exchange of
36 identifying information between an adoptive parent and a birth parent.

37 **5. If a prospective adoptee is at least two years of age, a prospective adoptive parent**
38 **and parent of the prospective adoptee, including parents of those children who are under**
39 **the continuing jurisdiction of the juvenile court, may enter into a written agreement to**
40 **allow contact after the adoption between the parent or parents or other relative of the**
41 **adoptee and the adoptee and adoptive parent or parents. An adoptive parent or parents**
42 **and former parent or parents of an adoptee may enter into a written agreement to allow**
43 **contact between a relative or former parent of the adoptee and the adoptee or adoptive**
44 **parent or parents. The agreement shall be in writing and approved by the court. The**
45 **agreement shall include:**

46 (1) **An acknowledgment by the former parent or parents that the adoption is**
47 **irrevocable, even if the adoptive parent or parents do not abide by the post-adoption**
48 **contact agreement;**

49 (2) **An acknowledgment by the adoptive parent or parents that the agreement**
50 **grants the former parent or parents the right to seek to enforce the post-adoption privileges**
51 **set forth in the agreement.**

52

53 **The court shall not approve an agreement unless the agreement is approved by the**
54 **adoptive parent or parents and any former parent or other relative of the adoptee with**
55 **whom the agreement is being made. The court shall enforce a written agreement made in**
56 **accordance with this section unless enforcement is not in the adoptee's best interests.**

472.020. 1. The probate division of the circuit court may hear and determine all matters
2 pertaining to probate business, to granting letters testamentary and of administration, the
3 appointment of guardians and conservators of minors and incapacitated and disabled persons,
4 settling the accounts of personal representatives and conservators, and the sale or leasing of lands
5 by personal representatives and conservators, including jurisdiction of the construction of wills
6 as an incident to the administration of estates, of the determination of heirship, of the
7 administration of testamentary and inter vivos trusts, of disability and incapacity proceedings as
8 provided by law and of such other probate business as may be prescribed by law.

9 **2. The juvenile division of the circuit court shall have concurrent jurisdiction over**
10 **guardianship actions for children who are wards of the juvenile court at the time the**
11 **guardianship petition is filed under the Missouri probate code, sections 475.010 to 475.370.**

475.035. 1. The venue for the appointment of a guardian or conservator shall be:

2 (1) In the county in this state where the minor or alleged incapacitated or disabled person
3 is domiciled; or

4 (2) If the minor or alleged incapacitated or disabled person has no domicile in this state,
5 then in the county in which the minor or alleged incapacitated or disabled person actually resides,
6 or if he or she does not reside in any county, then in any county wherein there is any property of
7 the minor or alleged incapacitated or disabled person; or

8 (3) In the county, or on any federal reservation within the county, wherein the minor or
9 alleged incapacitated or disabled person or his or her property is found; or

10 (4) In a county of this state which is within a judicial circuit which has prior and
11 continuing jurisdiction over the minor pursuant to subdivision (1) of subsection 1 of section
12 211.031, RSMo. **Such juvenile court shall have concurrent jurisdiction with the probate**
13 **court under subsection 2 of section 211.031.**

14 2. If the alleged incapacitated or disabled person has resided in a county other than the
15 county of his or her domicile for more than one year, the court of that county may assume venue
16 for the purpose of appointment of a guardian or conservator.

17 3. If proceedings are commenced in more than one county, they shall be stayed except
18 in the county where first commenced until final determination of venue in the county where first
19 commenced. The proceeding is deemed commenced by the filing of a petition; and the
20 proceeding first legally commenced to appoint a conservator of the estate extends to all of the
21 property of the protectee in this state.

475.045. 1. Except in cases where they fail or refuse to give required security or are
2 adjudged unfit for the duties of guardianship or conservatorship, or waive their rights to be
3 appointed, the following persons, if otherwise qualified, shall be appointed as guardians or
4 conservators of minors:

5 (1) The parent or parents of the minor, except as provided in section 475.030;

6 (2) If any minor over the age of fourteen years has no qualified parent living, a person
7 nominated by the minor, unless the court finds appointment contrary to the best interests of the
8 minor;

9 (3) Where both parents of a minor are dead, any person appointed under [this section or]
10 section 475.046, **or** by the will of the last surviving parent, who has not been adjudged unfit or
11 incompetent for the duties of guardian or conservator.

12 2. Unfitness of any of the persons mentioned in subsection 1 **of this section** for the
13 duties of guardianship or conservatorship may be adjudged by the court after due notice and
14 hearing.

15 3. If no appointment is made under subsection 1 of this section, the court shall appoint
16 as guardian or conservator of a minor the most suitable person who is willing to serve and whose
17 appointment serves the best interests of the child to a stable and permanent placement.

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