

HB 2174 -- Parentage of a Child

Sponsor: Kelly

This bill changes the laws regarding the establishment of the parentage of a child. In its main provisions, the bill:

(1) Specifies that only a mother whose parental rights have not been voluntarily or involuntarily terminated or whose consent to adoption has not been accepted by a competent court can execute a voluntary acknowledgment of paternity;

(2) Authorizes a court of competent jurisdiction to order the Missouri Bureau of Vital Statistics to rescind an amended birth certificate if it was issued based upon an acknowledgment of a mother whose parental rights had been voluntarily or involuntarily terminated or whose consent to adoption had been accepted by a court prior to the voluntary acknowledgment of paternity;

(3) Requires the Children's Division within the Department of Social Services, or an entity under contract with the division, as part of the division's diligent search for the biological mother or father of a child, to search the Missouri Putative Father Registry to determine if any man is registered with the registry;

(4) Defines "father" as:

(a) The presumed father under Missouri law;

(b) The man who has filed an action to establish his paternity no later than 15 days after the birth of the child and has served a copy of the petition on the mother or prior to the filing of a petition for termination of parental rights or adoption;

(c) The man who has acknowledged paternity no later than 15 days after the birth of the child or prior to the filing of a petition for termination of parental rights or adoption; or

(d) The man who filed with the registry a notice of intent to claim paternity and has filed an action to establish his paternity in a court of competent jurisdiction no later than 15 days after the birth of the child or prior to the filing of a petition for termination of parental rights or adoption;

(5) Specifies that any man who has sexual intercourse with a woman is deemed to be on notice that a child may have been conceived and is entitled to notice of proceedings under Chapters 210 and 211, RSMo;

(6) Specifies that the juvenile court must have concurrent jurisdiction over guardianship actions for children who are wards of the juvenile court at the time the guardianship petition is filed under Missouri probate code;

(7) Specifies that rights to consent or withhold consent to the termination of parental rights are waived by a man who is not a parent under Missouri law at the time of the filing of a petition for adoption or for termination of parental rights;

(8) Specifies that a man whose consent to adoption is not required under Missouri law waives his rights to intervene in an action for termination of parental rights or in an action for adoption or waives his rights to file a paternity action for a child he believes is his after a petition for either adoption or termination of parental rights has been filed with the court, unless he can prove he has developed a consistent and substantial relationship with the child, except where he has been actively prevented from doing so by the mother, including:

(a) Providing prenatal financial support and medical care;

(b) Making consistent child support payments commensurate with his ability to pay;

(c) Having consistent contact and visitation with the child; or

(d) Assisting with educational and medical care;

(9) Changes the list of individuals who must be summoned and receive a copy of the petition to terminate parental rights by specifically listing the mother and the man who is presumed to be the father under Missouri law, the man who has filed an action to establish his paternity, the man who has acknowledged paternity, or the man who filed with the registry a notice of intent to claim paternity. In a case where the father's identity is unknown, a search of the registry must be conducted; and if no man is discovered, the court must not require service on an unknown father;

(10) Allows a prospective adoptive parent and the parent of the prospective adoptee, if the adoptee is at least two years of age, to enter into a post-adoption agreement to allow contact after the adoption. The agreement must be in writing and approved by the court and must include:

(a) An acknowledgment by the former parent or parents that the adoption is irrevocable, even if the adoptive parent or parents do not abide by the agreement; and

(b) An acknowledgment by the adoptive parent or parents that the agreement grants the former parent or parents the right to seek enforcement of the post-adoption privileges as set forth in the agreement;

(11) Prohibits a court from approving a post-adoption agreement unless the agreement is approved by the adoptive parent or parents and any former parent or other relative of the adoptee with whom the agreement is being made; and

(12) Requires a court to enforce a written post-adoption agreement unless enforcement is not in the adoptee's best interests.