

FIRST REGULAR SESSION

HOUSE BILL NO. 680

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES WHITE (Sponsor), SATER, DAVIS, LANT, WALLINGFORD, SHUMAKE, CRAWFORD, LICHTENEGGER, FRANKLIN, BRATTIN, REIBOLDT, FUHR, BROWN (85), WIELAND, ENTLICHER, FLANIGAN, McMANUS AND LONG (Co-sponsors).

1576L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 453.080, RSMo, and to enact in lieu thereof one new section relating to adoption proceedings.

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

Section A. Section 453.080, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 453.080, to read as follows:

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

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

(2) The court has received and reviewed:

(a) A postplacement assessment on the monthly contacts with the adoptive family pursuant to section 453.077, except for good cause shown in the case of a child adopted from a foreign country;

(b) **An investigation report under section 453.070, if any;**

(c) **An investigation and social study under section 211.455, if any;**

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.

- 16 (3) The court has received and reviewed an updated financial affidavit;
- 17 (4) The court has received the recommendations of the guardian ad litem and has
18 received and reviewed the recommendations of the person placing the child, the person making
19 the assessment and the person making the postplacement assessment;
- 20 (5) There is compliance with the uniform child custody jurisdiction act, sections 452.440
21 to 452.550;
- 22 (6) There is compliance with the Indian Child Welfare Act, if applicable;
- 23 (7) There is compliance with the Interstate Compact on the Placement of Children
24 pursuant to section 210.620; and
- 25 (8) It is fit and proper that such adoption should be made.
- 26 2. If a petition for adoption has been filed pursuant to section 453.010 and a transfer of
27 custody has occurred pursuant to section 453.110, the court may authorize the filing for
28 finalization in another state if the adoptive parents are domiciled in that state.
- 29 3. If the court determines the adoption should be finalized, a decree shall be issued
30 setting forth the facts and ordering that from the date of the decree the adoptee shall be for all
31 legal intents and purposes the child of the petitioner or petitioners. The court may decree that
32 the name of the person sought to be adopted be changed, according to the prayer of the petition.
- 33 4. Before the completion of an adoption, the exchange of information among the parties
34 shall be at the discretion of the parties. Upon completion of an adoption, further contact among
35 the parties shall be at the discretion of the adoptive parents. The court shall not have jurisdiction
36 to deny continuing contact between the adopted person and the birth parent, or an adoptive parent
37 and a birth parent. Additionally, the court shall not have jurisdiction to deny an exchange of
38 identifying information between an adoptive parent and a birth parent.
- 39 **5. By January 1, 2012, the Missouri supreme court shall develop a standardized**
40 **form to be used in all adoption cases which includes a checklist to verify all of the**
41 **documents and procedures required under this section have been submitted, followed, and**
42 **reviewed by the judge prior to entering a final order. Such form shall include, but not be**
43 **limited to, attachment of any written reports or assessments required under this section**
44 **and the signature of the judge attesting to the submission and review of such form and**
45 **attachments prior to entering a final order. Such form and attachments shall be included**
46 **as part of the adoption record.**