

**HOUSE** \_\_\_\_\_ **AMENDMENT NO.** \_\_\_\_\_

**Offered By**

1 AMEND House Committee Substitute for Senate Bill No. 0739, Page 1, Section A, Line 2, by inserting  
2 after all of said section and line the following:

3  
4 "211.444. 1. The juvenile court may, upon petition of the juvenile officer or a child-placing  
5 agency licensed under sections 210.481 to 210.536 in conjunction with a placement with such agency  
6 under subsection 6 of section 453.010, the children's division, or the court before which a petition for  
7 adoption has been filed pursuant to the provisions of chapter 453, terminate the rights of a parent or  
8 approve the consent to adoption or waiver of consent to adoption by a parent, as defined in section  
9 211.442, or of a named father to a child, including a child who is a ward of the court, if the court finds that  
10 such termination or consent to adoption or waiver of consent to adoption is in the best interests of the  
11 child and the parent, as defined in section 211.442, has consented in writing to the termination of his or  
12 her parental rights or consented or waived consent to the adoption.

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

20 3. The written consent required by subsection 1 of this section shall be valid and effective only  
21 after the child is at least forty-eight hours old and if it complies with the other requirements of section  
22 453.030.

23 453.065. As used in sections 453.065 to 453.074, the following words and terms shall have the  
24 meanings indicated:

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

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

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

5 (4) "Post adoption contract agreement", a written agreement approved by the court under  
6 subsection 4 of section 453.080;

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

10 [(5)] (6) "Time limited subsidy", a monthly allotment which is continued for a limited time after  
11 legal adoption, not exceeding four years. This compensation is to aid the family in integrating the care of  
12 the new child in their home.

13 453.080. 1. The court shall conduct a hearing to determine whether the adoption shall be  
14 finalized. During such hearing, the court shall ascertain whether:

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

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

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

25 (4) The court has received the recommendations of the guardian ad litem and has received and  
26 reviewed the recommendations of the person placing the child, the person making the assessment and the  
27 person making the postplacement assessment;

28 (5) [There is compliance with the uniform child custody jurisdiction act, sections 452.440 to  
29 452.550;

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

31 [(7)] (6) There is compliance with the Interstate Compact on the Placement of Children pursuant  
32 to section 210.620; and

33 [(8)] (7) It is fit and proper that such adoption should be made.

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

37 3. If the court determines the adoption should be finalized, a [decree] judgment shall be issued  
38 setting forth the facts and ordering that from the date of the [decree] judgment the adoptee shall be for all  
39 legal intents and purposes the child of the petitioner or petitioners. The court may decree that the name of

1 the person sought to be adopted be changed, according to the prayer of the petition.

2 4. Before the completion of an adoption, the exchange of information among the parties shall be  
3 at the discretion of the parties. Prospective adoptive parents and parents of a prospective adoptee may  
4 enter into a written post adoption contract agreement to allow contact after the adoption between the  
5 parents, siblings, or other relatives of the adoptee and the adoptee and the adoptive parents. Upon  
6 completion of an adoption, further contact among the parties shall be at the discretion of the adoptive  
7 parents, and such adoptive parents may exercise their discretion to enter into a written post adoption  
8 contract agreement with the former parents of an adoptee to allow contact between a former parent,  
9 sibling, or other relative of the adoptee and the adoptee or adoptive parents. The agreement shall be in  
10 writing, signed by the parties thereto, and be made a part of the court record. The agreement shall  
11 include:

12 (1) An acknowledgment by the former parents that the adoption is irrevocable, even if the  
13 adoptive parents do not abide by the post adoption contract agreement;

14 (2) An acknowledgment by the adoptive parents that the agreement grants the former parents the  
15 right to seek to enforce the post adoption privileges set forth in the agreement.

16  
17 The court shall enforce a written post adoption contract agreement made in accordance with this  
18 subsection unless enforcement is not in the best interest of the adoptee. The court shall not have  
19 jurisdiction to deny continuing contact between the adopted person and the birth parent, or an adoptive  
20 parent and a birth parent. Additionally, the court shall not have jurisdiction to deny an exchange of  
21 identifying information between an adoptive parent and a birth parent.”; and

22  
23 Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.