

SECOND REGULAR SESSION

# HOUSE BILL NO. 1259

## 96TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE KELLY (24).

5155L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 453.040, RSMo, and to enact in lieu thereof one new section relating to consent for adoption.

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

Section A. Section 453.040, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 453.040, to read as follows:

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

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

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

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

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

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

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

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.

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

23 (8) **A man who has reason to believe he is the biological father of a newborn child**  
24 **but who has not provided consistent prenatal financial support to the mother and**  
25 **consistent payment for prenatal, natal, and postnatal medical care for the mother and baby**  
26 **unless actively thwarted from doing so by the mother;**

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

31 (10) **A man whose consent is not required under subdivision (2) of subsection 3 of**  
32 **section 453.030.**

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