

SECOND REGULAR SESSION

# HOUSE BILL NO. 1994

96TH GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVE CARLSON.

6159L.011

D. ADAM CRUMBLISS, Chief Clerk

---

## AN ACT

To repeal sections 211.444, 453.065, and 453.080, RSMo, and to enact in lieu thereof three new sections relating to adoption.

---

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

Section A. Sections 211.444, 453.065, and 453.080, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 211.444, 453.065, and 453.080, to read as follows:

211.444. 1. The juvenile court may, upon petition of the juvenile officer or a child-placing agency licensed under sections 210.481 to 210.536 in conjunction with a placement with such agency under subsection 6 of section 453.010, **the children's division**, or the court before which a petition for adoption has been filed pursuant to the provisions of chapter 453, terminate the rights of a parent **or approve the consent to adoption or waiver of consent to adoption by a parent, as defined in section 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 such termination **or consent to adoption or waiver of consent to adoption** is in the best interests of the child and the parent, **as defined in section 211.442**, has consented in writing to the termination of his or her parental rights **or consented or waived consent to the adoption**.

2. The written consent required by subsection 1 of this section may be executed before or after the institution of the proceedings and shall be acknowledged before a notary public. In lieu of such acknowledgment, the signature of the person giving the written consent shall be witnessed by at least two adult persons who are present at the execution whose signatures and addresses shall be plainly written thereon and who determine and certify that the consent is

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 knowingly and freely given. The two adult witnesses shall not be the prospective parents. The  
17 notary public or witnesses shall verify the identity of the party signing the consent.

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

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 contract agreement", a written agreement approved by the court**  
15 **under subsection 4 of section 453.080;**

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 and the person  
7 desiring to adopt the child is the child's current foster parent. "Lawful and actual custody" shall  
8 include a transfer of custody pursuant to the laws of this state, another state, a territory of the  
9 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  
18 452.440 to 452.550;

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

20 [(7)] (6) There is compliance with the Interstate Compact on the Placement of Children  
21 pursuant to section 210.620; and

22 [(8)] (7) 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] **judgment** shall  
27 be issued setting forth the facts and ordering that from the date of the [decree] **judgment** the  
28 adoptee shall be for all legal intents and purposes the child of the petitioner or petitioners. The  
29 court may decree that the name of the person sought to be adopted be changed, according to the  
30 prayer of the petition.

31 4. Before the completion of an adoption, the exchange of information among the parties  
32 shall be at the discretion of the parties. **Prospective adoptive parents and parents of a**  
33 **prospective adoptee may enter into a written post adoption contract agreement to allow**  
34 **contact after the adoption between the parents, siblings, or other relatives of the adoptee**  
35 **and the adoptee and the adoptive parents.** Upon completion of an adoption, further contact  
36 among the parties shall be at the discretion of the adoptive parents, **and such adoptive parents**  
37 **may exercise their discretion to enter into a written post adoption contract agreement with**  
38 **the former parents of an adoptee to allow contact between a former parent, sibling, or**  
39 **other relative of the adoptee and the adoptee or adoptive parents. The agreement shall be**  
40 **in writing, signed by the parties thereto, and be made a part of the court record. The**  
41 **agreement shall include:**

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

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

47

48 **The court shall enforce a written post adoption contract agreement made in accordance**  
49 **with this subsection unless enforcement is not in the best interest of the adoptee.** The court  
50 shall not have jurisdiction to deny continuing contact between the adopted person and the birth  
51 parent, or an adoptive parent and a birth parent. Additionally, the court shall not have  
52 jurisdiction to deny an exchange of identifying information between an adoptive parent and a  
53 birth parent.

✓