

HCS HB 1258, 1259 & 1260 -- ACKNOWLEDGMENT OF PATERNITY AND  
CONSENT TO AN ADOPTION (Kelly, 24)

COMMITTEE OF ORIGIN: Committee on Children and Families

This substitute specifies that a mother can execute a voluntary acknowledgment of paternity if:

- (1) Her parental rights have not been voluntarily or involuntarily terminated; or
- (2) Her consent to adoption or waiver of consent to adoption has not been accepted and approved by a court of competent jurisdiction.

A court may order the Bureau of Vital Statistics within the Department of Health and Senior Services to rescind any amended birth certificate if it was issued based upon an acknowledgment of paternity by a mother whose parental rights have been terminated or whose consent to adoption or waiver of consent to adoption has been accepted by a court prior to the acknowledgment of paternity.

Consent to the adoption of a child is not required of a man who has reason to believe he is the biological father of a newborn child but who has not provided consistent prenatal financial support to the mother and consistent payment for prenatal, natal, and postnatal medical care for the mother and baby unless actively thwarted from doing so by the mother and is not required of a man whose consent is not required under Section 453.030, RSMo.

A man whose consent to adoption is not required under Sections 453.030 or 453.040, RSMo, waives his right to intervene in an action for termination of parental rights or for adoption or to file a paternity action for a child after a petition for adoption or termination of parental rights has been filed unless he can establish that he has previously developed a consistent and substantial relationship with the child, including by providing, unless actively thwarted from doing so by the mother of the child:

- (1) Consistent prenatal financial support;
- (2) Consistent payment of prenatal and natal medical care for the mother and baby;
- (3) Consistent child support payments commensurate with his ability to pay;

- (4) Consistent contact and visitation with the child; and
- (5) Assistance with educational and medical care of the child.

FISCAL NOTE: No impact on state funds in FY 2013, FY 2014, and FY 2015.