

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 711
96TH GENERAL ASSEMBLY

5423L.04C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 193.215, 211.071, 211.073, 211.444, 453.005, 453.040, 453.065, 453.070, and 453.080, RSMo, and to enact in lieu thereof fourteen new sections relating to adoption.

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

Section A. Sections 193.215, 211.071, 211.073, 211.444, 453.005, 453.040, 453.065, 2 453.070, and 453.080, RSMo, are repealed and fourteen new sections enacted in lieu thereof, to 3 be known as sections 193.132, 193.215, 211.069, 211.071, 211.073, 211.444, 453.005, 453.040, 4 453.045, 453.065, 453.070, 453.080, 453.510, and 453.515, to read as follows:

193.132. 1. As used in this section, the following terms mean:

- 2 **(1) "Adoptee", the person who is the subject of a birth certificate;**
3 **(2) "Birth parent", the person who is the biological parent of an adoptee and who**
4 **is named as the parent on the original birth certificate of the adoptee;**
5 **(3) "Contact preference form", the form developed by the state registrar under**
6 **subsection 4 of this section;**
7 **(4) "Medical history form", the form developed by the state registrar under**
8 **subsection 3 of this section. At a minimum, such form shall include medical history**
9 **information regarding:**
10 **(a) Congenital or genetic history;**
11 **(b) Psychosocial history;**
12 **(c) Chronic diseases;**
13 **(d) Infectious diseases;**
14 **(e) Allergies;**

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.

15 (f) Pregnancy and birth history; and

16 (g) Deaths of birth family members that may affect the medical history.

17 2. Notwithstanding any other provision of law, the state registrar shall develop and
18 provide each birth parent with a contact preference form and a medical history form as
19 described in this section.

20 3. A birth parent may use a medical history form to describe his or her medical
21 history.

22 4. The birth parent may state a preference regarding contact by an adoptee on a
23 contact preference form. The form shall contain the following statements from which the
24 birth parent may choose only one:

25 (1) "I would like to be contacted. I have completed this contact preference form
26 and a medical history form and am filing both forms with the State Registrar.";

27 (2) "I would prefer to be contacted only through an intermediary. I have completed
28 this contact preference form and a medical history form and am filing both with the State
29 Registrar."; or

30 (3) "Do not contact me. I may change this preference by filling out another contact
31 preference form. I have completed this contact preference form and a medical history
32 form and am filing both with the State Registrar.".

33 5. Upon receipt of a completed contact preference form and a medical history form,
34 the state registrar shall attach the completed forms to the original birth certificate of the
35 adoptee. A completed contact preference form and medical history form shall have the
36 same level of confidentiality as the original birth certificate.

37 6. The state registrar shall develop by rule the forms required by this section and
38 may adopt other rules for the administration of this section. Any rule or portion of a rule,
39 as that term is defined in section 536.010, that is created under the authority delegated in
40 this section shall become effective only if it complies with and is subject to all of the
41 provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536,
42 are nonseverable and if any of the powers vested with the general assembly pursuant to
43 chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are
44 subsequently held unconstitutional, then the grant of rulemaking authority and any rule
45 proposed or adopted after August 28, 2012, shall be invalid and void.

46 7. Nothing in this section shall be construed as violating the provisions of section
47 453.121.

193.215. 1. A certificate or report registered pursuant to sections 193.005 to 193.325
2 may be amended only pursuant to the provisions of sections 193.005 to 193.325, and regulations
3 adopted by the department.

4 2. A certificate or report that is amended pursuant to this section shall be marked
5 "Amended" except as otherwise provided in this section. The date of amendment and a summary
6 description of the evidence submitted in support of the amendment shall be endorsed on or made
7 part of the record.

8 3. Upon receipt of a certified copy of an order of a court of competent jurisdiction
9 changing the name of a person born in this state and upon request of such person or such person's
10 parents, guardian, or legal representative, the state registrar shall amend the certificate of birth
11 to show the new name. The court order shall include such facts as are necessary to locate and
12 identify the certificate of birth of the person whose name is being changed.

13 4. When an applicant does not submit the minimum documentation required in the
14 regulations for amending a vital record or when the state registrar has reasonable cause to
15 question the validity or adequacy of the applicant's sworn statements or the documentary
16 evidence, and if the deficiencies are not corrected, the state registrar shall not amend the vital
17 record and shall advise the applicant of the reason for this action and the applicant's right of
18 appeal to a court of competent jurisdiction.

19 5. When a certificate or report is amended pursuant to this section, the state registrar
20 shall report the amendment to any other custodians of the vital record and their record shall be
21 amended accordingly.

22 6. Upon written request of both parents and receipt of a sworn acknowledgment of
23 paternity notarized and signed by both parents of a child born out of wedlock, the state registrar
24 shall amend the certificate of birth to show such paternity. The acknowledgment affidavit form
25 shall be developed by the state registrar and shall include the minimum requirements prescribed
26 by the secretary of the Department of Health and Human Services pursuant to 42 U.S.C. Section
27 652(a)(7). The acknowledgment form shall include provisions to allow the parents to change the
28 surname of the child and such surname shall be changed on the birth record if the parents elect
29 to change the child's surname. The signature of the parents shall be notarized or the signature
30 shall be witnessed by at least two disinterested adults whose signatures and addresses shall be
31 plainly written thereon. The form shall be accompanied by oral notice, which may be provided
32 through the use of video or audio equipment, and written notice to the mother and putative father
33 of:

34 (1) The alternatives to, the legal consequences of, and the rights and responsibilities that
35 arise from signing the acknowledgment;

36 (2) The benefits of having the child's paternity established; and

37 (3) The availability of paternity establishment and child support enforcement services.

38 **7. Only a mother whose parental rights have not been voluntarily or involuntarily**
39 **terminated, or whose consent to adoption or waiver of consent to adoption has not been**

40 **accepted and approved by a court of competent jurisdiction may execute a voluntary**
41 **acknowledgment of paternity under this section. A court of competent jurisdiction may**
42 **order the bureau of vital statistics to rescind any amended birth certificate when it was**
43 **issued based upon an acknowledgment of a mother whose parental rights have been**
44 **voluntarily or involuntarily terminated, or whose consent to adoption or waiver of consent**
45 **to adoption has been accepted by a court prior to the acknowledgment of paternity.**

46 **8.** A rescission of acknowledgment form shall be filed with the bureau of vital records
47 pursuant to section 210.823 to vacate the legal finding of paternity. The bureau shall file all
48 rescissions and forward a copy of each to the division of child support enforcement. The birth
49 record shall only be changed pursuant to this subsection upon an order of the court or the
50 division of child support enforcement.

51 [7.] **9.** The department shall offer voluntary paternity establishment services.

52 [8.] **10.** Upon receipt of a certified copy of an order of a court of competent jurisdiction
53 changing the name of a person born in this state and upon request of such person or such person's
54 parents, guardian or legal representative, the state registrar shall amend the certificate of birth
55 to show the new name.

56 [9.] **11.** Upon receipt of a certified copy of an order of a court of competent jurisdiction
57 indicating the sex of an individual born in this state has been changed by surgical procedure and
58 that such individual's name has been changed, the certificate of birth of such individual shall be
59 amended.

211.069. The amendments to sections 211.071 and 211.073 enacted by the ninety-
2 **sixth general assembly, second regular session, shall be known and may be cited as**
3 **"Jonathan's Law".**

211.071. 1. If a petition alleges that a child between the ages of twelve and seventeen
2 has committed an offense which would be considered a felony if committed by an adult, the court
3 may, upon its own motion or upon motion by the juvenile officer, the child or the child's
4 custodian, order a hearing and may, in its discretion, dismiss the petition and such child may be
5 transferred to the court of general jurisdiction and prosecuted under the general law; except that
6 if a petition alleges that any child has committed an offense which would be considered first
7 degree murder under section 565.020, second degree murder under section 565.021, first degree
8 assault under section 565.050, forcible rape under section 566.030, forcible sodomy under
9 section 566.060, first degree robbery under section 569.020, or distribution of drugs under
10 section 195.211, or has committed two or more prior unrelated offenses which would be felonies
11 if committed by an adult, the court shall order a hearing, and may in its discretion, dismiss the
12 petition and transfer the child to a court of general jurisdiction for prosecution under the general
13 law.

14 2. Upon apprehension and arrest, jurisdiction over the criminal offense allegedly
15 committed by any person between seventeen and twenty-one years of age over whom the juvenile
16 court has retained continuing jurisdiction shall automatically terminate and that offense shall be
17 dealt with in the court of general jurisdiction as provided in section 211.041.

18 3. Knowing and willful age misrepresentation by a juvenile subject shall not affect any
19 action or proceeding which occurs based upon the misrepresentation. Any evidence obtained
20 during the period of time in which a child misrepresents his or her age may be used against the
21 child and will be subject only to rules of evidence applicable in adult proceedings.

22 4. Written notification of a transfer hearing shall be given to the juvenile and his or her
23 custodian in the same manner as provided in sections 211.101 and 211.111. Notice of the
24 hearing may be waived by the custodian. Notice shall contain a statement that the purpose of the
25 hearing is to determine whether the child is a proper subject to be dealt with under the provisions
26 of this chapter, and that if the court finds that the child is not a proper subject to be dealt with
27 under the provisions of this chapter, the petition will be dismissed to allow for prosecution of the
28 child under the general law.

29 5. The juvenile officer may consult with the office of prosecuting attorney concerning
30 any offense for which the child could be certified as an adult under this section. The prosecuting
31 or circuit attorney shall have access to police reports, reports of the juvenile or deputy juvenile
32 officer, statements of witnesses and all other records or reports relating to the offense alleged to
33 have been committed by the child. The prosecuting or circuit attorney shall have access to the
34 disposition records of the child when the child has been adjudicated pursuant to subdivision (3)
35 of subsection 1 of section 211.031. The prosecuting attorney shall not divulge any information
36 regarding the child and the offense until the juvenile court at a judicial hearing has determined
37 that the child is not a proper subject to be dealt with under the provisions of this chapter.

38 6. A written report shall be prepared in accordance with this chapter developing fully all
39 available information relevant to the criteria which shall be considered by the court in
40 determining whether the child is a proper subject to be dealt with under the provisions of this
41 chapter and whether there are reasonable prospects of rehabilitation within the juvenile justice
42 system. These criteria shall include but not be limited to:

43 (1) The seriousness of the offense alleged and whether the protection of the community
44 requires transfer to the court of general jurisdiction;

45 (2) Whether the offense alleged involved viciousness, force and violence;

46 (3) Whether the offense alleged was against persons or property with greater weight
47 being given to the offense against persons, especially if personal injury resulted;

48 (4) Whether the offense alleged is a part of a repetitive pattern of offenses which
49 indicates that the child may be beyond rehabilitation under the juvenile code;

50 (5) The record and history of the child, including experience with the juvenile justice
51 system, other courts, supervision, commitments to juvenile institutions and other placements;

52 (6) The sophistication and maturity of the child as determined by consideration of his
53 home and environmental situation, emotional condition and pattern of living;

54 (7) The age of the child;

55 (8) The program and facilities available to the juvenile court in considering disposition;

56 (9) Whether or not the child can benefit from the treatment or rehabilitative programs
57 available to the juvenile court; and

58 (10) Racial disparity in certification.

59 7. If the court dismisses the petition to permit the child to be prosecuted under the
60 general law, the court shall enter a dismissal order containing:

61 (1) Findings showing that the court had jurisdiction of the cause and of the parties;

62 (2) Findings showing that the child was represented by counsel;

63 (3) Findings showing that the hearing was held in the presence of the child and his
64 counsel; and

65 (4) Findings showing the reasons underlying the court's decision to transfer jurisdiction.

66

67 8. A copy of the petition and order of the dismissal shall be sent to the prosecuting
68 attorney.

69 9. When a petition has been dismissed thereby permitting a child to be prosecuted under
70 the general law **and the prosecution of the child results in a conviction**, the jurisdiction of the
71 juvenile court over that child is forever terminated, except as provided in subsection 10 of this
72 section, for an act that would be a violation of a state law or municipal ordinance.

73 10. If a petition has been dismissed thereby permitting a child to be prosecuted under the
74 general law and the child is found not guilty by a court of general jurisdiction, the juvenile court
75 shall have jurisdiction over any later offense committed by that child which would be considered
76 a misdemeanor or felony if committed by an adult, subject to the certification provisions of this
77 section.

78 11. If the court does not dismiss the petition to permit the child to be prosecuted under
79 the general law, it shall set a date for the hearing upon the petition as provided in section
80 211.171.

211.073. 1. The court [may] **shall**, in a case when the offender is under seventeen years
2 **and six months** of age and has been transferred to a court of general jurisdiction pursuant to
3 section 211.071, and whose prosecution results in a conviction or a plea of guilty, [invoke]
4 **consider** dual jurisdiction of both the criminal and juvenile codes, as set forth in this section.
5 The court is authorized to impose a juvenile disposition under this chapter and simultaneously

6 impose an adult criminal sentence, the execution of which shall be suspended pursuant to the
7 provisions of this section. Successful completion of the juvenile disposition ordered shall be a
8 condition of the suspended adult criminal sentence. The court may order an offender into the
9 custody of the division of youth services pursuant to this section [if:

10 (1) A facility is designed and built by the division of youth services specifically for
11 offenders sentenced pursuant to this section and if the division determines that there is space
12 available, based on design capacity, in the facility; and

13 (2)] :

14 (1) Upon agreement of the division of youth services; and

15 (2) **If the division of youth services determines that there is space available in a**
16 **facility designed to serve offenders sentenced under this section.**

17

18 **If the division of youth services agrees to accept a youth and the court does not impose a**
19 **juvenile disposition, the court shall make findings on the record as to why the division of**
20 **youth services was not appropriate for the offender prior to imposing the adult criminal**
21 **sentence.**

22 2. If there is probable cause to believe that the offender has violated a condition of the
23 suspended sentence or committed a new offense, the court shall conduct a hearing on the
24 violation charged, unless the offender waives such hearing. If the violation is established and
25 found the court may continue or revoke the juvenile disposition, impose the adult criminal
26 sentence, or enter such other order as it may see fit.

27 3. When an offender has received a suspended sentence pursuant to this section and the
28 division determines the child is beyond the scope of its treatment programs, the division of youth
29 services may petition the court for a transfer of custody of the offender. The court shall hold a
30 hearing and shall:

31 (1) Revoke the suspension and direct that the offender be taken into immediate custody
32 of the department of corrections; or

33 (2) Direct that the offender be placed on probation.

34 4. When an offender who has received a suspended sentence reaches the age of
35 seventeen, the court shall hold a hearing. The court shall:

36 (1) Revoke the suspension and direct that the offender be taken into immediate custody
37 of the department of corrections;

38 (2) Direct that the offender be placed on probation; or

39 (3) Direct that the offender remain in the custody of the division of youth services if the
40 division agrees to such placement.

41 5. The division of youth services shall petition the court for a hearing before it releases
42 an offender who comes within subsection 1 of this section at any time before the offender
43 reaches the age of twenty-one years. The court shall:

44 (1) Revoke the suspension and direct that the offender be taken into immediate custody
45 of the department of corrections; or

46 (2) Direct that the offender be placed on probation.

47 6. If the suspension of the adult criminal sentence is revoked, all time served by the
48 offender under the juvenile disposition shall be credited toward the adult criminal sentence
49 imposed.

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

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

453.005. 1. The provisions of sections 453.005 to 453.400 shall be construed so as to
2 promote the best interests and welfare of the child in recognition of the entitlement of the child
3 to a permanent and stable home.

4 2. The **children's** division [of family services] and all persons involved in the adoptive
5 placement of children as provided in subdivisions (1), (2) and (4) of section 453.014 shall
6 provide for the diligent recruitment of potential adoptive homes that reflect the ethnic and racial
7 diversity of children in the state for whom adoptive homes are needed.

8 **3. The race or ethnicity of the adoptive child, the child's biological parents, or the**
9 **prospective adoptive parents shall not be a consideration when determining the best**
10 **interests of the child, the welfare of a child, the suitability and assessment of prospective**
11 **adoptive parents, or the home of the prospective adoptive parents in adoptive placements.**
12 **For any Native American child placed in protective custody, the division shall comply with**
13 **the placement requirements set forth in 25 U.S.C. Section 1915.** Placement of a child in an
14 adoptive home may not be delayed or denied on the basis of race, color or national origin.

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

- 2 (1) A parent whose rights with reference to the child have been terminated pursuant to
3 law, including section 211.444 or section 211.447 or other similar laws in other states;
- 4 (2) A parent of a child who has legally consented to a future adoption of the child;
- 5 (3) A parent whose identity is unknown and cannot be ascertained at the time of the
6 filing of the petition;
- 7 (4) A man who has not been established to be the father and who is not presumed by law
8 to be the father, and who, after the conception of the child, executes a verified statement denying
9 paternity and disclaiming any interest in the child and acknowledging that this statement is
10 irrevocable when executed and follows the consent as set forth in section 453.030;
- 11 (5) A parent or other person who has not executed a consent and who, after proper
12 service of process, fails to file an answer or make an appearance in a proceeding for adoption or
13 for termination of parental rights at the time such cause is heard;
- 14 (6) A parent who has a mental condition which is shown by competent evidence either
15 to be permanent or such that there is no reasonable likelihood that the condition can be reversed
16 and which renders the parent unable to knowingly provide the child the necessary care, custody
17 and control;
- 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 an unborn child**
24 **and who attempted to coerce the mother to obtain an abortion;**
- 25 (9) **A man who has reason to believe he is the biological father of a newborn child**
26 **but who has not provided consistent prenatal financial support to the mother and**
27 **consistent payment for prenatal, natal, and postnatal medical care for the mother and child**
28 **unless actively thwarted from doing so by the mother;**

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

33 **(11) A man whose consent is not required under subdivision (2) of subsection 3 of**
34 **section 453.030.**

453.045. A man whose consent to adoption is not required under section 453.030
2 **or 453.040 waives his right to intervene in an action for termination of parental rights or**
3 **in an action for adoption, or to file a paternity action for a child after a petition for either**
4 **adoption or termination of parental rights has been filed with the court, unless he can**
5 **establish that he has previously developed a consistent and substantial relationship with**
6 **the child, including but not limited to providing, unless actively thwarted from doing so by**
7 **the mother of the child:**

8 **(1) Consistent prenatal financial support;**

9 **(2) Consistent payment of prenatal and natal medical care for the mother and**
10 **child;**

11 **(3) Consistent child support payments commensurate with his ability to pay;**

12 **(4) Consistent contact and visitation with the child; and**

13 **(5) Assistance with educational and medical care of the child.**

 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.

453.070. 1. Except as provided in subsection 5 of this section, no decree for the
2 adoption of a child under eighteen years of age shall be entered for the petitioner or petitioners
3 in such adoption as ordered by the juvenile court having jurisdiction, until a full investigation,
4 which includes an assessment of the adoptive parents, an appropriate postplacement assessment
5 and a summary of written reports as provided for in section 453.026, and any other pertinent
6 information relevant to whether the child is suitable for adoption by the petitioner and whether
7 the petitioner is suitable as a parent for the child, has been made. The report shall also include
8 a statement to the effect that the child has been considered as a potential subsidy recipient.

9 2. Such investigation shall be made, as directed by the court having jurisdiction, either
10 by the division of family services of the state department of social services, a juvenile court
11 officer, a licensed child-placement agency, a social worker **or professional counselor** licensed
12 pursuant to chapter 337, or other suitable person appointed by the court. The results of such
13 investigation shall be embodied in a written report that shall be submitted to the court within
14 ninety days of the request for the investigation.

15 3. The department of social services, division of family services, shall develop rules and
16 regulations regarding the content of the assessment of the petitioner or petitioners. The content
17 of the assessment shall include but not be limited to, a report on the condition of the petitioner's
18 home and information on the petitioner's education, financial, marital, medical and psychological
19 status and criminal background check. If an assessment is conducted after August 28, 1997, but
20 prior to the promulgation of rules and regulations by the department concerning the contents of
21 such assessment, any discrepancy between the contents of the actual assessment and the contents
22 of the assessment required by department rule shall not be used as the sole basis for invalidating
23 an adoption. No rule or portion of a rule promulgated pursuant to the authority of this section
24 shall become effective unless it has been promulgated pursuant to the provisions of chapter 536.

25 4. The assessment of petitioner or petitioners shall be submitted to the petitioner and to
26 the court prior to the scheduled hearing of the adoptive petition.

27 5. In cases where the adoption or custody involves a child under eighteen years of age
28 that is the natural child of one of the petitioners and where all of the parents required by this
29 chapter to give consent to the adoption or transfer of custody have given such consent, the
30 juvenile court may waive the investigation and report, except the criminal background check, and

31 enter the decree for the adoption or order the transfer of custody without such investigation and
32 report.

33 6. In the case of an investigation and report made by the division of family services by
34 order of the court, the court may order the payment of a reasonable fee by the petitioner to cover
35 the costs of the investigation and report.

36 7. Any adult person or persons over the age of eighteen, who, as foster parent or parents,
37 have cared for a foster child continuously for a period of nine months or more and bonding has
38 occurred as evidenced by the positive emotional and physical interaction between the foster
39 parent and child, may apply to such authorized agency for the placement of such child with them
40 for the purpose of adoption if the child is eligible for adoption. The agency and court shall give
41 preference and first consideration for adoptive placements to foster parents. However, the final
42 determination of the propriety of the adoption of such foster child shall be within the sole
43 discretion of the court.

44 8. (1) Nothing in this section shall be construed to permit discrimination on the basis
45 of disability or disease of a prospective adoptive parent.

46 (2) The disability or disease of a prospective adoptive parent shall not constitute a basis
47 for a determination that the petitioner is unfit or not suitable to be an adoptive parent without a
48 specific showing that there is a causal relationship between the disability or disease and a
49 substantial and significant risk of harm to a child.

 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:

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

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

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

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
21 452.440 to 452.550;

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

23 [(7)] (6) There is compliance with the Interstate Compact on the Placement of Children
24 pursuant to section 210.620; and

25 [(8)] (7) 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] **judgment** shall
30 be issued setting forth the facts and ordering that from the date of the [decree] **judgment** the
31 adoptee shall be for all legal intents and purposes the child of the petitioner or petitioners. The
32 court may decree that the name of the person sought to be adopted be changed, according to the
33 prayer of the petition.

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

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

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

50

51 **The court shall enforce a written post adoption contract agreement made in accordance
52 with this subsection unless enforcement is not in the best interest of the adoptee.** The court

53 shall not have jurisdiction to deny continuing contact between the adopted person and the birth
54 parent, or an adoptive parent and a birth parent. Additionally, the court shall not have
55 jurisdiction to deny an exchange of identifying information between an adoptive parent and a
56 birth parent.

57 **5. By July 1, 2013, the Missouri supreme court shall develop a standardized form**
58 **to be used in all adoption cases which includes a checklist to verify all of the documents and**
59 **procedures required under this section have been submitted, followed, and reviewed by the**
60 **judge prior to entering a final order. Such form shall include, but not be limited to,**
61 **attachment of any written reports or assessments required under this section and the**
62 **signature of the judge attesting to the submission and review of such form and attachments**
63 **prior to entering a final order. Such form and attachments shall be included as part of the**
64 **adoption record.**

2 **453.510. 1. Effective for all adoptions completed after August 28, 2012, an adopted**
3 **person, who is eighteen years of age, born in this state, and provides proof of identification**
4 **or the adopted person's lineal descendants if the adopted person is deceased, may obtain**
5 **a copy of such adopted person's original certificate of birth from the state registrar in the**
6 **department of health and senior services unless the birth mother or birth father has**
7 **objected as provided by subsection 2 of this section.**

8 **2. Prior to the entry of any decree of adoption, the birth mother and birth father**
9 **shall be provided with a form, developed by the state registrar, by the court to determine**
10 **whether the birth mother or father wishes to maintain the confidentiality of the original**
11 **birth certificate. The birth mother or birth father may signify an objection to the**
12 **disclosure of the original birth certificate of the adopted person on the form provided by**
13 **the court. If the birth mother or birth father objects, the court shall provide this form to**
14 **the state registrar to be filed with the original certificate of birth. No decree of adoption**
15 **shall be entered in this state until the birth mother and birth father, unless he is unknown**
16 **or refuses to do so, have been afforded the opportunity to communicate their individual**
17 **wishes as to the disclosure of the original birth certificate.**

18 **3. (1) If a birth mother or birth father has objected to the disclosure of the original**
19 **birth certificate under subsection 2 of this section, then an adopted person who is at least**
20 **eighteen years of age, born in this state, and provided proof of identification, or the**
21 **adopted person's lineal descendants if the adopted person is deceased, may request that the**
22 **department of social services, the child placing agency which processed the adoption, or**
23 **the court personnel make reasonable efforts to notify the birth mother and birth father of**
24 **the request of the adopted adult or the adopted adult's lineal descendants. If the**
department of social services does not have sufficient information or resources to locate

25 and notify the birth mother and birth father, the department may refer the adopted person
26 or the adopted person's lineal descendants to, or work in conjunction with, the child
27 placing agency, or the court to notify the birth mother and birth father of the request of
28 the adopted adult or the adopted adult's lineal descendants. The department of social
29 services, the child placing agency, or the court may charge actual costs to the adopted adult
30 or the adopted adult's lineal descendants for the cost of attempting to notify the birth
31 mother and birth father. All communications under this section are confidential. For
32 purposes of this subsection, "notify" means personal and confidential contact with the
33 birth mother and birth father of the adopted adult, which initial contact shall be made by
34 an employee of the department of social services, the child placing agency which processed
35 the adoption, court personnel, or some other licensed child placing agency designated by
36 the department of social services, the child placing agency, or the court. Nothing in this
37 section shall be construed to permit the disclosure of communications privileged under
38 section 491.060.

39 (2) If the birth mother and birth father consent to the release of the original birth
40 certificate under this subsection, the department of social services, the child placing agency,
41 or the court personnel shall obtain a copy of a notarized form developed by the state
42 registrar and provided by the court and signed by the birth mother and birth father, if
43 known, giving consent to release of the original birth certificate and provide it to the
44 adopted person or the adopted person's lineal descendants. The adopted person or the
45 adopted persons lineal descendants may obtain a copy of the adopted person's original
46 birth certificate in accordance with subsection 5 of this section upon presenting the
47 notarized consent form to the state registrar.

48 (3) If the birth mother or birth father does not consent to the release of a copy of
49 the original certificate of birth, or cannot be located, such copy shall not be released. The
50 adopted person or the adopted person's lineal descendants if the adopted person is
51 deceased may request that the department of social services, the child placing agency, or
52 the court personnel contact the birth mother and birth father again not less than three
53 years after the date of his or her original request and not less than three years from the
54 date of any future requests.

55 4. If the birth mother or birth father objected under subsection 2 of this section,
56 upon the birth mother's and birth father's death, the adopted person or the adopted
57 person's lineal descendants if the adopted person is deceased may obtain a copy of the
58 original certificate of birth from the state registrar.

59 5. Any time a copy of an original certificate of birth is obtained under this section,
60 the state registrar shall issue an uncertified copy of the unaltered, original birth certificate

61 to the adopted person or the adopted person's lineal descendants if the adopted person is
62 deceased. The copy of the birth certificate shall have the following statement printed on
63 it: "For informational purposes only - not to be used for establishing identity."

453.515. 1. (1) For all adoptions completed on or prior to August 28, 2012, an
2 adopted person who is at least eighteen years of age, born in this state, and provides proof
3 of identification, or the adopted person's lineal descendants if the adopted person is
4 deceased, may request that the department of social services, the child placing agency
5 which processed the adoption, or the court personnel make reasonable efforts to notify the
6 birth mother and birth father of the request of the adopted adult or the adopted adult's
7 lineal descendants to request their consent to release a copy of the adopted adult's original
8 birth certificate. If the department of social services does not have sufficient information
9 or resources to locate and notify the birth mother and birth father, the department may
10 refer the adopted person or the adopted person's lineal descendants to, or work in
11 conjunction with, the child placing agency or the court to notify the birth mother and birth
12 father of the request of the adopted adult or the adopted adult's lineal descendants. The
13 department of social services, the child placing agency, or the court may charge actual costs
14 to the adopted adult or the adopted adult's lineal descendants for the cost of attempting to
15 notify the birth mother and birth father. All communications under this section are
16 confidential. For purposes of this subsection, "notify" means personal and confidential
17 contact with the birth mother and birth father of the adopted adult, which initial contact
18 shall be made by an employee of the department of social services, the child placing agency
19 which processed the adoption, court personnel, or some other licensed child placing agency
20 designated by the department of social services, the child placing agency, or the court.
21 Nothing in this section shall be construed to permit the disclosure of communications
22 privileged under section 491.060.

23 (2) If the birth mother and birth father consent to the release of the original birth
24 certificate, the department of social services, the child placing agency, or the court
25 personnel shall obtain a copy of a notarized form developed by the state registrar provided
26 by the court and signed by the birth mother and birth father, if known, giving consent to
27 release of the original birth certificate and provide it to the adopted person or the adopted
28 person's lineal descendants. The adopted person or the adopted persons lineal descendants
29 may obtain a copy of the adopted person's original birth certificate in accordance with
30 subsection 5 of section 453.510 upon presenting the notarized consent form to the state
31 registrar.

32 (3) If the birth mother or birth father does not consent to the release of a copy of
33 the original certificate of birth or cannot be located, such copy shall not be released. The

34 **adopted person or the adopted person's lineal descendants if the adopted person is**
35 **deceased may request that the department of social services, the child placing agency, or**
36 **the court personnel contact the birth mother and birth father again not less than three**
37 **years after the date of his or her original request and not less than three years from the**
38 **date of any future requests.**

39 **2. Upon the birth mother's and birth father's death, the adopted person or the**
40 **adopted person's lineal descendants if the adopted person is deceased may obtain a copy**
41 **of the original certificate of birth from the state registrar.**

42 **3. Any time a copy of an original certificate of birth is obtained under this section,**
43 **the state registrar shall issue an uncertified copy of the unaltered, original birth certificate**
44 **to the adopted person or the adopted person's lineal descendants if the adopted person is**
45 **deceased. The copy of the birth certificate shall have the following statement printed on**
46 **it: "For informational purposes only - not to be used for establishing identity."**

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