

**SENATE AMENDMENT NO. \_\_\_\_\_**

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend \_\_\_\_\_ Senate \_\_\_\_\_ Bill No. 800 , Page 2 , Section 211.444 , Line 26 ,

2 by inserting immediately after said line the following:

3 "211.447. 1. Any information that could justify the filing  
4 of a petition to terminate parental rights may be referred to the  
5 juvenile officer by any person. The juvenile officer shall make  
6 a preliminary inquiry and if it appears that the information  
7 could justify the filing of a petition, the juvenile officer may  
8 take further action, including filing a petition. If it does not  
9 appear to the juvenile officer that a petition should be filed,  
10 such officer shall so notify the informant in writing within  
11 thirty days of the referral. Such notification shall include the  
12 reasons that the petition will not be filed.

13 2. Except as provided for in subsection 4 of this section,  
14 a petition to terminate the parental rights of the child's parent  
15 or parents shall be filed by the juvenile officer or the  
16 division, or if such a petition has been filed by another party,  
17 the juvenile officer or the division shall seek to be joined as a  
18 party to the petition, when:

19 (1) Information available to the juvenile officer or the  
20 division establishes that the child has been in foster care for  
21 at least fifteen of the most recent twenty-two months; or

22 (2) A court of competent jurisdiction has determined the

1 child to be an abandoned infant. For purposes of this  
2 subdivision, an "infant" means any child one year of age or under  
3 at the time of filing of the petition. The court may find that  
4 an infant has been abandoned if:

5 (a) The parent has left the child under circumstances that  
6 the identity of the child was unknown and could not be  
7 ascertained, despite diligent searching, and the parent has not  
8 come forward to claim the child; or

9 (b) The parent has, without good cause, left the child  
10 without any provision for parental support and without making  
11 arrangements to visit or communicate with the child, although  
12 able to do so; or

13 (c) The parent has voluntarily relinquished a child under  
14 section 210.950; or

15 (3) A court of competent jurisdiction has determined that  
16 the parent has:

17 (a) Committed murder of another child of the parent; or

18 (b) Committed voluntary manslaughter of another child of  
19 the parent; or

20 (c) Aided or abetted, attempted, conspired or solicited to  
21 commit such a murder or voluntary manslaughter; or

22 (d) Committed a felony assault that resulted in serious  
23 bodily injury to the child or to another child of the parent.

24 3. A termination of parental rights petition shall be filed  
25 by the juvenile officer or the division, or if such a petition  
26 has been filed by another party, the juvenile officer or the  
27 division shall seek to be joined as a party to the petition,  
28 within sixty days of the judicial determinations required in  
29 subsection 2 of this section, except as provided in subsection 4

1 of this section. Failure to comply with this requirement shall  
2 not deprive the court of jurisdiction to adjudicate a petition  
3 for termination of parental rights which is filed outside of  
4 sixty days.

5 4. If grounds exist for termination of parental rights  
6 pursuant to subsection 2 of this section, the juvenile officer or  
7 the division may, but is not required to, file a petition to  
8 terminate the parental rights of the child's parent or parents  
9 if:

10 (1) The child is being cared for by a relative; or

11 (2) There exists a compelling reason for determining that  
12 filing such a petition would not be in the best interest of the  
13 child, as documented in the permanency plan which shall be made  
14 available for court review; or

15 (3) The family of the child has not been provided such  
16 services as provided for in section 211.183.

17 5. The juvenile officer or the division may file a petition  
18 to terminate the parental rights of the child's parent when it  
19 appears that one or more of the following grounds for termination  
20 exist:

21 (1) The child has been abandoned. For purposes of this  
22 subdivision a "child" means any child over one year of age at the  
23 time of filing of the petition. The court shall find that the  
24 child has been abandoned if, for a period of six months or  
25 longer:

26 (a) The parent has left the child under such circumstances  
27 that the identity of the child was unknown and could not be  
28 ascertained, despite diligent searching, and the parent has not  
29 come forward to claim the child; or

1 (b) The parent has, without good cause, left the child  
2 without any provision for parental support and without making  
3 arrangements to visit or communicate with the child, although  
4 able to do so;

5 (2) The child has been abused or neglected. In determining  
6 whether to terminate parental rights pursuant to this  
7 subdivision, the court shall consider and make findings on the  
8 following conditions or acts of the parent:

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

14 (b) Chemical dependency which prevents the parent from  
15 consistently providing the necessary care, custody and control of  
16 the child and which cannot be treated so as to enable the parent  
17 to consistently provide such care, custody and control;

18 (c) A severe act or recurrent acts of physical, emotional  
19 or sexual abuse toward the child or any child in the family by  
20 the parent, including an act of incest, or by another under  
21 circumstances that indicate that the parent knew or should have  
22 known that such acts were being committed toward the child or any  
23 child in the family; or

24 (d) Repeated or continuous failure by the parent, although  
25 physically or financially able, to provide the child with  
26 adequate food, clothing, shelter, or education as defined by law,  
27 or other care and control necessary for the child's physical,  
28 mental, or emotional health and development.

29

1 Nothing in this subdivision shall be construed to permit  
2 discrimination on the basis of disability or disease;

3 (3) The child has been under the jurisdiction of the  
4 juvenile court for a period of one year, and the court finds that  
5 the conditions which led to the assumption of jurisdiction still  
6 persist, or conditions of a potentially harmful nature continue  
7 to exist, that there is little likelihood that those conditions  
8 will be remedied at an early date so that the child can be  
9 returned to the parent in the near future, or the continuation of  
10 the parent-child relationship greatly diminishes the child's  
11 prospects for early integration into a stable and permanent home.  
12 In determining whether to terminate parental rights under this  
13 subdivision, the court shall consider and make findings on the  
14 following:

15 (a) The terms of a social service plan entered into by the  
16 parent and the division and the extent to which the parties have  
17 made progress in complying with those terms;

18 (b) The success or failure of the efforts of the juvenile  
19 officer, the division or other agency to aid the parent on a  
20 continuing basis in adjusting his circumstances or conduct to  
21 provide a proper home for the child;

22 (c) A mental condition which is shown by competent evidence  
23 either to be permanent or such that there is no reasonable  
24 likelihood that the condition can be reversed and which renders  
25 the parent unable to knowingly provide the child the necessary  
26 care, custody and control;

27 (d) Chemical dependency which prevents the parent from  
28 consistently providing the necessary care, custody and control  
29 over the child and which cannot be treated so as to enable the

1 parent to consistently provide such care, custody and control; or

2 (4) The parent has been found guilty or pled guilty to a  
3 felony violation of chapter 566 when the child or any child in  
4 the family was a victim, or a violation of section 568.020 when  
5 the child or any child in the family was a victim. As used in  
6 this subdivision, a "child" means any person who was under  
7 eighteen years of age at the time of the crime and who resided  
8 with such parent or was related within the third degree of  
9 consanguinity or affinity to such parent; or

10 (5) The child was conceived and born as a result of an act  
11 of forcible rape or rape in the first degree. When the  
12 biological father has pled guilty to, or is convicted of, the  
13 forcible rape or rape in the first degree of the birth mother,  
14 such a plea or conviction shall be conclusive evidence supporting  
15 the termination of the biological father's parental rights; or

16 (6) (a) The parent is unfit to be a party to the parent  
17 and child relationship because of a consistent pattern of  
18 committing a specific abuse including, but not limited to,  
19 specific conditions directly relating to the parent and child  
20 relationship which are determined by the court to be of a  
21 duration or nature that renders the parent unable for the  
22 reasonably foreseeable future to care appropriately for the  
23 ongoing physical, mental, or emotional needs of the child.

24 (b) It is presumed that a parent is unfit to be a party to  
25 the parent and child relationship upon a showing that:

26 a. Within a three-year period immediately prior to the  
27 termination adjudication, the parent's parental rights to one or  
28 more other children were involuntarily terminated pursuant to  
29 subsection 2 or 4 of this section or subdivision (1), (2), (3),

1 or (4) of this subsection or similar laws of other states;

2 b. If the parent is the birth mother and within eight hours  
3 after the child's birth, the child's birth mother tested positive  
4 and over .08 blood alcohol content pursuant to testing under  
5 section 577.020 for alcohol, or tested positive for cocaine,  
6 heroin, methamphetamine, a controlled substance as defined in  
7 section 195.010, or a prescription drug as defined in section  
8 196.973, excepting those controlled substances or prescription  
9 drugs present in the mother's body as a result of medical  
10 treatment administered to the mother, and the birth mother is the  
11 biological mother of at least one other child who was adjudicated  
12 an abused or neglected minor by the mother or the mother has  
13 previously failed to complete recommended treatment services by  
14 the children's division through a family-centered services case;

15 c. If the parent is the birth mother and at the time of the  
16 child's birth or within eight hours after a child's birth the  
17 child tested positive for alcohol, cocaine, heroin,  
18 methamphetamine, a controlled substance as defined in section  
19 195.010, or a prescription drug as defined in section 196.973,  
20 excepting those controlled substances or prescription drugs  
21 present in the mother's body as a result of medical treatment  
22 administered to the mother, and the birth mother is the  
23 biological mother of at least one other child who was adjudicated  
24 an abused or neglected minor by the mother or the mother has  
25 previously failed to complete recommended treatment services by  
26 the children's division through a family-centered services case;  
27 or

28 d. Within a three-year period immediately prior to the  
29 termination adjudication, the parent has pled guilty to or has

1       been convicted of a felony involving the possession,  
2       distribution, or manufacture of cocaine, heroin, or  
3       methamphetamine, and the parent is the biological parent of at  
4       least one other child who was adjudicated an abused or neglected  
5       minor by such parent or such parent has previously failed to  
6       complete recommended treatment services by the children's  
7       division through a family-centered services case.

8             6. The juvenile court may terminate the rights of a parent  
9       to a child upon a petition filed by the juvenile officer or the  
10       division, or in adoption cases, by a prospective parent, if the  
11       court finds that the termination is in the best interest of the  
12       child and when it appears by clear, cogent and convincing  
13       evidence that grounds exist for termination pursuant to  
14       subsection 2, 4 or 5 of this section.

15            7. When considering whether to terminate the parent-child  
16       relationship pursuant to subsection 2 or 4 of this section or  
17       subdivision (1), (2), (3) or (4) of subsection 5 of this section,  
18       the court shall evaluate and make findings on the following  
19       factors, when appropriate and applicable to the case:

20            (1) The emotional ties to the birth parent;

21            (2) The extent to which the parent has maintained regular  
22       visitation or other contact with the child;

23            (3) The extent of payment by the parent for the cost of  
24       care and maintenance of the child when financially able to do so  
25       including the time that the child is in the custody of the  
26       division or other child-placing agency;

27            (4) Whether additional services would be likely to bring  
28       about lasting parental adjustment enabling a return of the child  
29       to the parent within an ascertainable period of time;



1           (5) The parent's disinterest in or lack of commitment to  
2 the child;

3           (6) The conviction of the parent of a felony offense that  
4 the court finds is of such a nature that the child will be  
5 deprived of a stable home for a period of years; provided,  
6 however, that incarceration in and of itself shall not be grounds  
7 for termination of parental rights;

8           (7) Deliberate acts of the parent or acts of another of  
9 which the parent knew or should have known that subjects the  
10 child to a substantial risk of physical or mental harm.

11           8. The court may attach little or no weight to infrequent  
12 visitations, communications, or contributions. It is irrelevant  
13 in a termination proceeding that the maintenance of the  
14 parent-child relationship may serve as an inducement for the  
15 parent's rehabilitation.

16           9. In actions for adoption pursuant to chapter 453, the  
17 court may hear and determine the issues raised in a petition for  
18 adoption containing a prayer for termination of parental rights  
19 filed with the same effect as a petition permitted pursuant to  
20 subsection 2, 4, or 5 of this section.

21           10. The disability or disease of a parent shall not  
22 constitute a basis for a determination that a child is a child in  
23 need of care, for the removal of custody of a child from the  
24 parent, or for the termination of parental rights without a  
25 specific showing that there is a causal relation between the  
26 disability or disease and harm to the child.

27           11. A court of competent jurisdiction may terminate the  
28 parental rights of a biological father of a child if he is an  
29 alleged perpetrator of forcible rape under section 566.030 as it

1 existed prior to August 28, 2013, or rape in the first degree  
2 under section 566.030 that resulted in the conception and birth  
3 of the child. The biological mother who is the victim of the  
4 forcible rape or rape in the first degree or, if she is a minor,  
5 someone on her behalf may file a petition to terminate the  
6 parental rights of the biological father. The court may  
7 terminate the parental rights of the biological father if the  
8 court finds that by:

9 (1) Clear, cogent, and convincing evidence the biological  
10 father committed the act of forcible rape or rape in the first  
11 degree against the biological mother;

12 (2) Clear, cogent, and convincing evidence the child was  
13 conceived as a result of that act of forcible rape or rape in the  
14 first degree; and

15 (3) The preponderance of the evidence the termination of  
16 the parental rights of the biological father is in the best  
17 interests of the child.

18 12. In any action to terminate the parental rights of the  
19 biological father under subsection 11 of this section or  
20 subdivision (5) of subsection 5 of this section, a court of  
21 competent jurisdiction may order that the mother and the child  
22 conceived and born as a result of forcible rape or rape in the  
23 first degree are entitled to obtain from the biological father  
24 certain payments, support, beneficiary designations, or other  
25 financial benefits. The court shall issue such order only if the  
26 mother gives her consent; provided, that the court shall first  
27 inform the mother that such order may require or obligate the  
28 mother to have continuous or future communication and contact  
29 with the biological father. Such order shall be issued without

1 the biological father being entitled to or granted any custody,  
2 guardianship, visitation privileges, or other parent-child  
3 relationship, and may include any or all of the following:

4 (1) Payment for the reasonable expenses of the mother or  
5 the child, or both, related to pregnancy, labor, delivery,  
6 postpartum care, newborn care, or early childhood care;

7 (2) Child support under this chapter or chapters 210, 452,  
8 or 454;

9 (3) All rights of the child to inherit under the probate  
10 code, as defined in section 472.010; provided that, for purposes  
11 of intestate succession, the biological father or his kindred  
12 shall have no right to inherit from or through the child;

13 (4) The designation of the child as the beneficiary of a  
14 life or accidental death insurance policy, annuity, contract,  
15 plan, or other product sold or issued by a life insurance  
16 company; or

17 (5) Any other payments, support, beneficiary designations,  
18 or financial benefits that are in the best interests of the child  
19 or for the reasonable expenses of the mother, or both.

20  
21 If the mother declines to seek a court order for child support  
22 under this subsection, no state agency shall require the mother  
23 to do so in order to receive public assistance benefits for  
24 herself or the child, including, but not limited to, benefits for  
25 temporary assistance for needy families, supplemental nutrition  
26 assistance program, or MO HealthNet. The court order terminating  
27 the parental rights of the biological father under subdivision  
28 (5) of subsection 5 of this section or subsection 11 of this  
29 section shall serve as a sufficient basis for a good cause or

1 other exemptions under 42 U.S.C. Section 654(29) and the state  
2 agency shall not require the mother or the child to otherwise  
3 provide the identity, location, income, or assets of the  
4 biological father or have contact or communicate with the  
5 biological father. However, nothing in this subsection shall  
6 prohibit a state agency from requesting that the mother assign  
7 any child support rights she receives under this subsection to  
8 the state as a condition of receipt of public assistance benefits  
9 under applicable federal and state law."; and

10 Further amend the title and enacting clause accordingly.  
11