

FIRST REGULAR SESSION

[PERFECTED]

SENATE SUBSTITUTE FOR

SENATE BILL NO. 327

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR KOENIG.

1595S.03P

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal sections 135.325, 135.326, 135.327, 135.335, 135.800, 191.975, 193.075, 210.150, 211.447, 452.375, 453.014, 453.030, 453.040, and 453.070, RSMo, and to enact in lieu thereof sixteen new sections relating to child placement, with existing penalty provisions.

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

Section A. Sections 135.325, 135.326, 135.327, 135.335,
2 135.800, 191.975, 193.075, 210.150, 211.447, 452.375, 453.014,
3 453.030, 453.040, and 453.070, RSMo, are repealed and sixteen
4 new sections enacted in lieu thereof, to be known as sections
5 135.325, 135.326, 135.327, 135.335, 135.800, 143.1170, 191.975,
6 193.075, 210.150, 210.156, 211.447, 452.375, 453.014, 453.030,
7 453.040, and 453.070, to read as follows:

135.325. Sections 135.325 to 135.339 shall be known
2 and may be cited as the "[Special Needs] Adoption Tax Credit
3 Act".

135.326. As used in sections 135.325 to 135.339, the
2 following terms shall mean:

3 (1) "Business entity", person, firm, a partner in a
4 firm, corporation or a shareholder in an S corporation doing
5 business in the state of Missouri and subject to the state
6 income tax imposed by the provisions of chapter 143, or a

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

7 corporation subject to the annual corporation franchise tax
8 imposed by the provisions of chapter 147, or an insurance
9 company paying an annual tax on its gross premium receipts
10 in this state, or other financial institution paying taxes
11 to the state of Missouri or any political subdivision of
12 this state under the provisions of chapter 148, or an
13 express company which pays an annual tax on its gross
14 receipts in this state pursuant to chapter 153;

15 (2) **"Child", any individual who:**

16 (a) **Has not attained an age of at least eighteen**
17 **years; or**

18 (b) **Is eighteen years of age or older but is**
19 **physically or mentally incapable of caring for himself or**
20 **herself;**

21 (3) **"[Handicap] Disability", a mental, physical, or**
22 **emotional impairment that substantially limits one or more**
23 **major life activities, whether the impairment is congenital**
24 **or acquired by accident, injury or disease, and where the**
25 **impairment is verified by medical findings;**

26 [(3)] (4) **"Nonrecurring adoption expenses", reasonable**
27 **and necessary adoption fees, court costs, attorney fees, and**
28 **other expenses which are directly related to the legal**
29 **adoption of a [special needs] child and which are not**
30 **incurred in violation of federal, state, or local law;**

31 [(4)] (5) **"Special needs child", a child for whom it**
32 **has been determined by the children's division, or by a**
33 **child-placing agency licensed by the state, or by a court of**
34 **competent jurisdiction to be a child:**

35 (a) **That cannot or should not be returned to the home**
36 **of his or her parents; and**

37 (b) **Who has a specific factor or condition such as**
38 **[ethnic background,] age, membership in a [minority or]**

39 sibling group, medical condition **or diagnosis**, or [handicap]
40 **disability** because of which it is reasonable to conclude
41 that such child cannot be easily placed with adoptive
42 parents;

43 [(5)] (6) "State tax liability", any liability
44 incurred by a taxpayer under the provisions of chapter 143,
45 chapter 147, chapter 148, and chapter 153, exclusive of the
46 provisions relating to the withholding of tax as provided
47 for in sections 143.191 to 143.265 and related provisions.

135.327. 1. Any person residing in this state who
2 legally adopts a special needs child on or after January 1,
3 1988, and before January 1, 2000, shall be eligible to
4 receive a tax credit of up to ten thousand dollars for
5 nonrecurring adoption expenses for each child adopted that
6 may be applied to taxes due under chapter 143. Any business
7 entity providing funds to an employee to enable that
8 employee to legally adopt a special needs child shall be
9 eligible to receive a tax credit of up to ten thousand
10 dollars for nonrecurring adoption expenses for each child
11 adopted that may be applied to taxes due under such business
12 entity's state tax liability, except that only one ten
13 thousand dollar credit is available for each special needs
14 child that is adopted.

15 2. Any person residing in this state who proceeds in
16 good faith with the adoption of a special needs child on or
17 after January 1, 2000, **and before January 1, 2022**, shall be
18 eligible to receive a tax credit of up to ten thousand
19 dollars for nonrecurring adoption expenses for each child
20 that may be applied to taxes due under chapter 143;
21 provided, however, that beginning on March 29, 2013, the tax
22 credits shall only be allocated for the adoption of special
23 needs children who are residents or wards of residents of

24 this state at the time the adoption is initiated. Any
25 business entity providing funds to an employee to enable
26 that employee to proceed in good faith with the adoption of
27 a special needs child shall be eligible to receive a tax
28 credit of up to ten thousand dollars for nonrecurring
29 adoption expenses for each child that may be applied to
30 taxes due under such business entity's state tax liability,
31 except that only one ten thousand dollar credit is available
32 for each special needs child that is adopted.

33 **3. Any person residing in this state who proceeds in**
34 **good faith with the adoption of a child on or after January**
35 **1, 2022, regardless of whether such child is a special needs**
36 **child, shall be eligible to receive a tax credit of up to**
37 **ten thousand dollars for nonrecurring adoption expenses for**
38 **each child that may be applied to taxes due under chapter**
39 **143. The tax credit shall be allowed regardless of whether**
40 **the child adopted is a resident or ward of a resident of**
41 **this state at the time the adoption is initiated; however,**
42 **priority shall be given to applications to claim the tax**
43 **credit for special needs children who are residents or wards**
44 **of residents of this state at the time the adoption is**
45 **initiated. Any business entity providing funds to an**
46 **employee to enable that employee to proceed in good faith**
47 **with the adoption of a child shall be eligible to receive a**
48 **tax credit of up to ten thousand dollars for nonrecurring**
49 **adoption expenses for each child that may be applied to**
50 **taxes due under such business entity's state tax liability;**
51 **except that, only one credit, up to ten thousand dollars,**
52 **shall be available for each child who is adopted.**

53 **4. Individuals and business entities may claim a tax**
54 **credit for their total nonrecurring adoption expenses in**
55 **each year that the expenses are incurred. A claim for fifty**

56 percent of the credit shall be allowed when the child is
57 placed in the home. A claim for the remaining fifty percent
58 shall be allowed when the adoption is final. The total of
59 these tax credits shall not exceed the maximum limit of ten
60 thousand dollars per child. The cumulative amount of tax
61 credits which may be claimed by taxpayers claiming the
62 credit for nonrecurring adoption expenses in any one fiscal
63 year prior to July 1, 2004, shall not exceed two million
64 dollars. The cumulative amount of tax credits that may be
65 claimed by taxpayers claiming the credit for nonrecurring
66 adoption expenses shall not be more than two million dollars
67 but may be increased by appropriation in any fiscal year
68 beginning on or after July 1, 2004, **and ending on or before**
69 **June 30, 2021. The cumulative amount of tax credits that**
70 **may be claimed by taxpayers claiming the credit for**
71 **nonrecurring adoption expenses shall not exceed six million**
72 **dollars in any fiscal year beginning on or after July 1,**
73 **2021.** For all fiscal years beginning on or after July 1,
74 2006, applications to claim the adoption tax credit [for
75 special needs children who are residents or wards of
76 residents of this state at the time the adoption is
77 initiated] shall be filed between July first and April
78 fifteenth of each fiscal year.

79 [4.] 5. Notwithstanding any provision of law to the
80 contrary, any individual or business entity may assign,
81 transfer or sell tax credits allowed in this section. Any
82 sale of tax credits claimed pursuant to this section shall
83 be at a discount rate of seventy-five percent or greater of
84 the amount sold.

135.335. In the year of adoption and in any year
2 thereafter in which the credit is carried forward pursuant
3 to section 135.333, the credit shall be reduced by an amount

4 equal to the state's cost of providing care, treatment,
5 maintenance and services when:

6 (1) The [special needs] child is placed, with no
7 intent to return to the adoptive home, in foster care or
8 residential treatment licensed or operated by the children's
9 division, the division of youth services or the department
10 of mental health; or

11 (2) A juvenile court temporarily or finally relieves
12 the adoptive parents of custody of the [special needs] child.

135.800. 1. The provisions of sections 135.800 to
2 135.830 shall be known and may be cited as the "Tax Credit
3 Accountability Act of 2004".

4 2. As used in sections 135.800 to 135.830, the
5 following terms mean:

6 (1) "Administering agency", the state agency or
7 department charged with administering a particular tax
8 credit program, as set forth by the program's enacting
9 statute; where no department or agency is set forth, the
10 department of revenue;

11 (2) "Agricultural tax credits", the agricultural
12 product utilization contributor tax credit created pursuant
13 to section 348.430, the new generation cooperative incentive
14 tax credit created pursuant to section 348.432, the family
15 farm breeding livestock loan tax credit created under
16 section 348.505, the qualified beef tax credit created under
17 section 135.679, and the wine and grape production tax
18 credit created pursuant to section 135.700;

19 (3) "All tax credit programs", or "any tax credit
20 program", the tax credit programs included in the
21 definitions of agricultural tax credits, business
22 recruitment tax credits, community development tax credits,
23 domestic and social tax credits, entrepreneurial tax

24 credits, environmental tax credits, financial and insurance
25 tax credits, housing tax credits, redevelopment tax credits,
26 and training and educational tax credits;

27 (4) "Business recruitment tax credits", the business
28 facility tax credit created pursuant to sections 135.110 to
29 135.150 and section 135.258, the enterprise zone tax
30 benefits created pursuant to sections 135.200 to 135.270,
31 the business use incentives for large-scale development
32 programs created pursuant to sections 100.700 to 100.850,
33 the development tax credits created pursuant to sections
34 32.100 to 32.125, the rebuilding communities tax credit
35 created pursuant to section 135.535, the film production tax
36 credit created pursuant to section 135.750, the enhanced
37 enterprise zone created pursuant to sections 135.950 to
38 135.970, and the Missouri quality jobs program created
39 pursuant to sections 620.1875 to 620.1900;

40 (5) "Community development tax credits", the
41 neighborhood assistance tax credit created pursuant to
42 sections 32.100 to 32.125, the family development account
43 tax credit created pursuant to sections 208.750 to 208.775,
44 the dry fire hydrant tax credit created pursuant to section
45 320.093, and the transportation development tax credit
46 created pursuant to section 135.545;

47 (6) "Domestic and social tax credits", the youth
48 opportunities tax credit created pursuant to section 135.460
49 and sections 620.1100 to 620.1103, the shelter for victims
50 of domestic violence created pursuant to section 135.550,
51 the senior citizen or disabled person property tax credit
52 created pursuant to sections 135.010 to 135.035, the
53 [special needs] adoption tax credit created pursuant to
54 sections 135.325 to 135.339, the champion for children tax
55 credit created pursuant to section 135.341, the maternity

56 home tax credit created pursuant to section 135.600, the
57 surviving spouse tax credit created pursuant to section
58 135.090, the residential treatment agency tax credit created
59 pursuant to section 135.1150, the pregnancy resource center
60 tax credit created pursuant to section 135.630, the food
61 pantry tax credit created pursuant to section 135.647, the
62 health care access fund tax credit created pursuant to
63 section 135.575, the residential dwelling access tax credit
64 created pursuant to section 135.562, the developmental
65 disability care provider tax credit created under section
66 135.1180, the shared care tax credit created pursuant to
67 section 192.2015, and the diaper bank tax credit created
68 pursuant to section 135.621;

69 (7) "Entrepreneurial tax credits", the capital tax
70 credit created pursuant to sections 135.400 to 135.429, the
71 certified capital company tax credit created pursuant to
72 sections 135.500 to 135.529, the seed capital tax credit
73 created pursuant to sections 348.300 to 348.318, the new
74 enterprise creation tax credit created pursuant to sections
75 620.635 to 620.653, the research tax credit created pursuant
76 to section 620.1039, the small business incubator tax credit
77 created pursuant to section 620.495, the guarantee fee tax
78 credit created pursuant to section 135.766, and the new
79 generation cooperative tax credit created pursuant to
80 sections 32.105 to 32.125;

81 (8) "Environmental tax credits", the charcoal producer
82 tax credit created pursuant to section 135.313, the wood
83 energy tax credit created pursuant to sections 135.300 to
84 135.311, and the alternative fuel stations tax credit
85 created pursuant to section 135.710;

86 (9) "Financial and insurance tax credits", the bank
87 franchise tax credit created pursuant to section 148.030,

88 the bank tax credit for S corporations created pursuant to
89 section 143.471, the exam fee tax credit created pursuant to
90 section 148.400, the health insurance pool tax credit
91 created pursuant to section 376.975, the life and health
92 insurance guaranty tax credit created pursuant to section
93 376.745, the property and casualty guaranty tax credit
94 created pursuant to section 375.774, and the self-employed
95 health insurance tax credit created pursuant to section
96 143.119;

97 (10) "Housing tax credits", the neighborhood
98 preservation tax credit created pursuant to sections 135.475
99 to 135.487, the low-income housing tax credit created
100 pursuant to sections 135.350 to 135.363, and the affordable
101 housing tax credit created pursuant to sections 32.105 to
102 32.125;

103 (11) "Recipient", the individual or entity who is the
104 original applicant for and who receives proceeds from a tax
105 credit program directly from the administering agency, the
106 person or entity responsible for the reporting requirements
107 established in section 135.805;

108 (12) "Redevelopment tax credits", the historic
109 preservation tax credit created pursuant to sections 253.545
110 to 253.559, the brownfield redevelopment program tax credit
111 created pursuant to sections 447.700 to 447.718, the
112 community development corporations tax credit created
113 pursuant to sections 135.400 to 135.430, the infrastructure
114 tax credit created pursuant to subsection 6 of section
115 100.286, the bond guarantee tax credit created pursuant to
116 section 100.297, the disabled access tax credit created
117 pursuant to section 135.490, the new markets tax credit
118 created pursuant to section 135.680, and the distressed

119 areas land assemblage tax credit created pursuant to section
120 99.1205;

121 (13) "Training and educational tax credits", the
122 Missouri works new jobs tax credit and Missouri works
123 retained jobs credit created pursuant to sections 620.800 to
124 620.809.

143.1170. 1. As used in this section, the following
2 terms mean:

3 (1) "Deduction", an amount subtracted from a
4 taxpayer's Missouri adjusted gross income to determine the
5 taxpayer's Missouri taxable income for a given tax year;

6 (2) "Foster parent", the same definition as provided
7 under section 210.566;

8 (3) "Taxpayer", any individual who is a resident of
9 this state and subject to the income tax imposed under this
10 chapter, excluding withholding tax imposed under sections
11 143.191 to 143.265.

12 2. (1) For all tax years beginning on or after
13 January 1, 2022, a taxpayer shall be allowed a deduction for
14 expenses incurred directly by the taxpayer in providing care
15 as a foster parent to one or more children in this state.

16 (2) The amount of the deduction shall be equal to the
17 amount of expenses directly incurred by the taxpayer in
18 providing such care; provided that:

19 (a) If the taxpayer provides care as a foster parent
20 for at least six months during the tax year, the total
21 amount of the deduction claimed under this section shall not
22 exceed five thousand dollars, provided that a deduction
23 claimed under this section by taxpayers with a filing status
24 of married filing separately shall not exceed two thousand
25 five hundred dollars per taxpayer; and

26 (b) If the taxpayer provides care as a foster parent
27 for less than six months during the tax year, the maximum
28 deduction limits described in paragraph (a) of this
29 subdivision shall apply, but such limits shall be reduced on
30 a pro rata basis.

31 3. The department of revenue shall collaborate with
32 the children's division of the department of social services
33 in order to establish and implement a procedure to verify
34 that a taxpayer claiming the deduction authorized under this
35 section is a foster parent.

36 4. Each taxpayer claiming the deduction authorized
37 under this section shall file an affidavit with such
38 taxpayer's income tax return. The affidavit shall affirm
39 that the taxpayer is a foster parent and that the taxpayer
40 is entitled to the deduction in the amount claimed on his or
41 her tax return.

42 5. The department of revenue may promulgate all
43 necessary rules and regulations for the administration of
44 this section. Any rule or portion of a rule, as that term
45 is defined in section 536.010, that is created under the
46 authority delegated in this section shall become effective
47 only if it complies with and is subject to all of the
48 provisions of chapter 536 and, if applicable, section
49 536.028. This section and chapter 536 are nonseverable, and
50 if any of the powers vested with the general assembly
51 pursuant to chapter 536 to review, to delay the effective
52 date, or to disapprove and annul a rule are subsequently
53 held unconstitutional, then the grant of rulemaking
54 authority and any rule proposed or adopted after August 28,
55 2021, shall be invalid and void.

191.975. 1. This section shall be known and may be
2 cited as the "Adoption Awareness Law".

3 2. To raise public awareness and to educate the
4 public, the department of social services, with the
5 assistance of the department of health and senior services,
6 shall be responsible for:

7 (1) Collecting and distributing resource materials to
8 educate the public about foster care and adoption;

9 (2) Developing and distributing educational materials,
10 including but not limited to videos, brochures and other
11 media as part of a comprehensive public relations campaign
12 about the positive option of adoption and foster care. The
13 materials shall include, but not be limited to, information
14 about:

15 (a) The benefits of adoption and foster care;

16 (b) Adoption and foster care procedures;

17 (c) Means of financing the cost of adoption and foster
18 care[,] including, but not limited to, adoption subsidies,
19 foster care payments, and [special needs] adoption tax
20 credits;

21 (d) Options for birth parents in choosing adoptive
22 parents;

23 (e) Protection for and rights of birth parents and
24 adoptive parents prior to and following the adoption;

25 (f) Location of adoption and foster care agencies;

26 (g) Information regarding various state health and
27 social service programs for pregnant women and children,
28 including but not limited to medical assistance programs and
29 temporary assistance for needy families (TANF); and

30 (h) Referrals to appropriate counseling services,
31 including but not be limited to counseling services for
32 parents who are considering retaining custody of their
33 children, placing their children for adoption, or becoming

34 foster or adoptive parents; but excluding any referrals for
35 abortion or to abortion facilities;

36 (3) Making such educational materials available
37 through state and local public health clinics, public
38 hospitals, family planning clinics, abortion facilities as
39 defined in section 188.015, maternity homes as defined in
40 section 135.600, child-placing agencies licensed pursuant to
41 sections 210.481 to 210.536, attorneys whose practice
42 involves private adoptions, in vitro fertilization clinics
43 and private physicians for distribution to their patients
44 who request such educational materials. Such materials
45 shall also be available to the public through the department
46 of social services' internet website;

47 (4) Establishing a toll-free telephone number for
48 information on adoption and foster care, and to answer
49 questions and assist persons inquiring about becoming
50 adoptive or foster parents.

51 3. In addition, the department may establish and
52 implement an ongoing advertising campaign for the
53 recruitment of adoptive and foster care families, with a
54 special emphasis on the recruitment of qualified adoptive
55 and foster care families for special needs children. Such
56 advertising campaign may utilize, but shall not be limited
57 to, the following media: television, radio, outdoor
58 advertising, newspaper, magazines and other print media,
59 websites, and the internet. The department may contract
60 with professional advertising agencies or other professional
61 entities to conduct such advertising campaign on behalf of
62 the department.

63 4. The provisions of this section shall be subject to
64 appropriations.

65 5. The department of social services shall promulgate
66 rules for the implementation of this section in accordance
67 with chapter 536.

 193.075. 1. The forms of certificates and reports
2 required by sections 193.005 to 193.325 or by regulations
3 adopted hereunder shall include as a minimum the items
4 recommended by the federal agency responsible for national
5 vital statistics.

6 2. Each certificate, report, and other document
7 required by sections 193.005 to 193.325 shall be on a form
8 or in a format prescribed by the state registrar.

9 3. All vital records shall contain the date received
10 for registration.

11 4. Information required in certificates or reports
12 authorized by sections 193.005 to 193.325 may be filed and
13 registered by photographic, electronic, or other means as
14 prescribed by the state registrar.

15 5. In addition to other personal data required by the
16 registrar to be entered on a birth certificate, each parent
17 shall furnish to the registrar the Social Security account
18 number, or numbers if applicable, issued to the parent
19 unless the registrar finds good cause for not requiring the
20 furnishing of such number or numbers. Good cause shall be
21 determined in accordance with regulations established by the
22 Secretary of the United States Department of Health and
23 Human Services. The registrar shall make numbers furnished
24 under this section available to the family support division
25 **and the children's division** of the department of social
26 services. Such numbers shall not be recorded on the birth
27 certificate. The family support division shall not use any
28 Social Security number furnished under the section for any
29 purpose other than for the establishment and enforcement of

30 child support obligations, and the confidentiality
31 provisions and penalties contained in section 454.440 shall
32 apply. **The children's division shall not use any Social**
33 **Security number furnished under this section for any purpose**
34 **other than verifying the identity of a parent of a child**
35 **whose birth record information is provided under section**
36 **210.156 and the confidentiality provisions of section**
37 **210.156 shall apply.** Nothing in this section shall be
38 construed to prohibit the department of health and senior
39 services from using Social Security numbers for statistical
40 purposes.

210.150. 1. The children's division shall ensure the
2 confidentiality of all reports and records made pursuant to
3 sections 210.109 to 210.183 and maintained by the division,
4 its local offices, the central registry, and other
5 appropriate persons, officials, and institutions pursuant to
6 sections 210.109 to 210.183. To protect the rights of the
7 family and the child named in the report as a victim, the
8 children's division shall establish guidelines which will
9 ensure that any disclosure of information concerning the
10 abuse and neglect involving that child is made only to
11 persons or agencies that have a right to such information.
12 The division may require persons to make written requests
13 for access to records maintained by the division. The
14 division shall only release information to persons who have
15 a right to such information. The division shall notify
16 persons receiving information pursuant to subdivisions (2),
17 (7), (8) and (9) of subsection 2 of this section of the
18 purpose for which the information is released and of the
19 penalties for unauthorized dissemination of information.
20 Such information shall be used only for the purpose for
21 which the information is released.

22 2. Only the following persons shall have access to
23 investigation records contained in the central registry:

24 (1) Appropriate federal, state or local criminal
25 justice agency personnel, or any agent of such entity, with
26 a need for such information under the law to protect
27 children from abuse or neglect;

28 (2) A physician or a designated agent who reasonably
29 believes that the child being examined may be abused or
30 neglected;

31 (3) Appropriate staff of the division and of its local
32 offices, including interdisciplinary teams which are formed
33 to assist the division in investigation, evaluation and
34 treatment of child abuse and neglect cases or a
35 multidisciplinary provider of professional treatment
36 services for a child referred to the provider;

37 (4) Any child named in the report as a victim, or a
38 legal representative, or the parent, if not the alleged
39 perpetrator, or guardian of such person when such person is
40 a minor, or is mentally ill or otherwise incompetent, but
41 the names of reporters shall not be furnished to persons in
42 this category. Prior to the release of any identifying
43 information, the division shall determine if the release of
44 such identifying information may place a person's life or
45 safety in danger. If the division makes the determination
46 that a person's life or safety may be in danger, the
47 identifying information shall not be released. The division
48 shall provide a method for confirming or certifying that a
49 designee is acting on behalf of a subject;

50 (5) Any alleged perpetrator named in the report, but
51 the names of reporters shall not be furnished to persons in
52 this category. Prior to the release of any identifying
53 information, the division shall determine if the release of

54 such identifying information may place a person's life or
55 safety in danger. If the division makes the determination
56 that a person's life or safety may be in danger, the
57 identifying information shall not be released. However, the
58 investigation reports will not be released to any alleged
59 perpetrator with pending criminal charges arising out of the
60 facts and circumstances named in the investigation records
61 until an indictment is returned or an information filed;

62 (6) A grand jury, juvenile officer, prosecuting
63 attorney, law enforcement officer involved in the
64 investigation of child abuse or neglect, juvenile court or
65 other court conducting abuse or neglect or child protective
66 proceedings or child custody proceedings, and other federal,
67 state and local government entities, or any agent of such
68 entity, with a need for such information in order to carry
69 out its responsibilities under the law to protect children
70 from abuse or neglect;

71 (7) Any person engaged in a bona fide research
72 purpose, with the permission of the director; provided,
73 however, that no information identifying the child named in
74 the report as a victim or the reporters shall be made
75 available to the researcher, unless the identifying
76 information is essential to the research or evaluation and
77 the child named in the report as a victim or, if the child
78 is less than eighteen years of age, through the child's
79 parent, or guardian provides written permission;

80 (8) Any child-care facility; child-placing agency;
81 residential-care facility, including group homes; juvenile
82 courts; public or private elementary schools; public or
83 private secondary schools; or any other public or private
84 agency exercising temporary supervision over a child or
85 providing or having care or custody of a child who may

86 request an examination of the central registry from the
87 division for all employees and volunteers or prospective
88 employees and volunteers, who do or will provide services or
89 care to children. Any agency or business recognized by the
90 division or business which provides training and places or
91 recommends people for employment or for volunteers in
92 positions where they will provide services or care to
93 children may request the division to provide an examination
94 of the central registry. Such agency or business shall
95 provide verification of its status as a recognized agency.
96 Requests for examinations shall be made to the division
97 director or the director's designee in writing by the chief
98 administrative officer of the above homes, centers, public
99 and private elementary schools, public and private secondary
100 schools, agencies, or courts. The division shall respond in
101 writing to that officer. The response shall include
102 information pertaining to the nature and disposition of any
103 report or reports of abuse or neglect revealed by the
104 examination of the central registry. This response shall
105 not include any identifying information regarding any person
106 other than the alleged perpetrator of the abuse or neglect;

107 (9) Any parent or legal guardian who inquires about a
108 child abuse or neglect report involving a specific person or
109 child-care facility who does or may provide services or care
110 to a child of the person requesting the information.

111 Request for examinations shall be made to the division
112 director or the director's designee, in writing, by the
113 parent or legal guardian of the child and shall be
114 accompanied with a signed and notarized release form from
115 the person who does or may provide care or services to the
116 child. The notarized release form shall include the full
117 name, date of birth and Social Security number of the person

118 who does or may provide care or services to a child. The
119 response shall include information pertaining to the nature
120 and disposition of any report or reports of abuse or neglect
121 revealed by the examination of the central registry. This
122 response shall not include any identifying information
123 regarding any person other than the alleged perpetrator of
124 the abuse or neglect. The response shall be given within
125 ten working days of the time it was received by the division;

126 (10) Any person who inquires about a child abuse or
127 neglect report involving a specific child-care facility,
128 child-placing agency, residential-care facility, public and
129 private elementary schools, public and private secondary
130 schools, juvenile court or other state agency. The
131 information available to these persons is limited to the
132 nature and disposition of any report contained in the
133 central registry and shall not include any identifying
134 information pertaining to any person mentioned in the report;

135 (11) Any state agency acting pursuant to statutes
136 regarding a license of any person, institution, or agency
137 which provides care for or services to children;

138 (12) Any child fatality review panel established
139 pursuant to section 210.192 or any state child fatality
140 review panel established pursuant to section 210.195;

141 (13) Any person who is a tenure-track or full-time
142 research faculty member at an accredited institution of
143 higher education engaged in scholarly research, with the
144 permission of the director. Prior to the release of any
145 identifying information, the director shall require the
146 researcher to present a plan for maintaining the
147 confidentiality of the identifying information. The
148 researcher shall be prohibited from releasing the
149 identifying information of individual cases; [and]

150 (14) Appropriate staff of the United States Department
151 of Defense including, but not limited to, authorized family
152 advocacy program staff or any other staff authorized to
153 receive and respond to reports requested under 10 U.S.C.
154 Section 1787, in cases where a report has been made and the
155 suspected perpetrator or any person responsible for the
156 care, custody, and control of the subject child is a member
157 of any branch of the military or is a member of the Armed
158 Forces, as defined in section 41.030; **and**

159 **(15) The state registrar of vital statistics, or his**
160 **or her designee, but the information made available shall be**
161 **limited to identifying information only for the purposes of**
162 **providing birth record information under section 210.156.**

163 3. Only the following persons shall have access to
164 records maintained by the division pursuant to section
165 210.152 for which the division has received a report of
166 child abuse and neglect and which the division has
167 determined that there is insufficient evidence or in which
168 the division proceeded with the family assessment and
169 services approach:

170 (1) Appropriate staff of the division;

171 (2) Any child named in the report as a victim, or a
172 legal representative, or the parent or guardian of such
173 person when such person is a minor, or is mentally ill or
174 otherwise incompetent. The names or other identifying
175 information of reporters shall not be furnished to persons
176 in this category. Prior to the release of any identifying
177 information, the division shall determine if the release of
178 such identifying information may place a person's life or
179 safety in danger. If the division makes the determination
180 that a person's life or safety may be in danger, the
181 identifying information shall not be released. The division

182 shall provide for a method for confirming or certifying that
183 a designee is acting on behalf of a subject;

184 (3) Any alleged perpetrator named in the report, but
185 the names of reporters shall not be furnished to persons in
186 this category. Prior to the release of any identifying
187 information, the division shall determine if the release of
188 such identifying information may place a person's life or
189 safety in danger. If the division makes the determination
190 that a person's life or safety may be in danger, the
191 identifying information shall not be released. However, the
192 investigation reports will not be released to any alleged
193 perpetrator with pending criminal charges arising out of the
194 facts and circumstances named in the investigation records
195 until an indictment is returned or an information filed;

196 (4) Any child fatality review panel established
197 pursuant to section 210.192 or any state child fatality
198 review panel established pursuant to section 210.195;

199 (5) Appropriate criminal justice agency personnel or
200 juvenile officer;

201 (6) Multidisciplinary agency or individual including a
202 physician or physician's designee who is providing services
203 to the child or family, with the consent of the parent or
204 guardian of the child or legal representative of the child;

205 (7) Any person engaged in bona fide research purpose,
206 with the permission of the director; provided, however, that
207 no information identifying the subjects of the reports or
208 the reporters shall be made available to the researcher,
209 unless the identifying information is essential to the
210 research or evaluation and the subject, or if a child,
211 through the child's parent or guardian, provides written
212 permission; and

213 (8) Appropriate staff of the United States Department
214 of Defense including, but not limited to, authorized family
215 advocacy program staff or any other staff authorized to
216 receive and respond to reports requested under 10 U.S.C.
217 Section 1787, in cases where a report has been made and the
218 suspected perpetrator or any person responsible for the
219 care, custody, and control of the subject child is a member
220 of any branch of the military or is a member of the Armed
221 Forces, as defined in section 41.030.

222 4. Any person who knowingly violates the provisions of
223 this section, or who permits or encourages the unauthorized
224 dissemination of information contained in the information
225 system or the central registry and in reports and records
226 made pursuant to sections 210.109 to 210.183, shall be
227 guilty of a class A misdemeanor.

228 5. Nothing in this section shall preclude the release
229 of findings or information about cases which resulted in a
230 child fatality or near fatality. Such release is at the
231 sole discretion of the director of the department of social
232 services, based upon a review of the potential harm to other
233 children within the immediate family.

234 6. Notwithstanding any provisions of this section or
235 chapter to the contrary, if the division receives a report
236 and ascertains that a suspected perpetrator or any person
237 responsible for the care, custody, and control of the
238 subject child is a member of any branch of the military or
239 is a member of the Armed Forces, as defined in section
240 41.030, the division shall report its findings to the most
241 relevant family advocacy program authorized by the United
242 States Department of Defense or any other relevant person
243 authorized by the United States Department of Defense to
244 receive reports under 10 U.S.C. Section 1787.

210.156. 1. The children's division shall make
2 available to the state registrar of vital statistics the
3 identifying information of the following individuals of whom
4 the division has knowledge:

5 (1) Individuals whose parental rights have been
6 terminated under section 211.447 and who are identified in
7 the central registry as having a finding by the division or
8 a court adjudication of child abuse or neglect within the
9 previous ten years; and

10 (2) Individuals identified in the central registry who
11 have pled guilty or have been found guilty, within the
12 previous ten years, of an offense under the following, if
13 the victim is a child less than eighteen years of age:
14 chapter 566 or section 565.020, 565.021, 565.023, 565.024,
15 567.050, 568.020, 568.065, 573.023, 573.025, 573.035,
16 573.037, 573.040, 573.200, or 573.205.

17 2. The state registrar shall provide to the division
18 the birth record information of children born to individuals
19 whose identifying information has been provided under
20 subsection 1 of this section. The division shall verify
21 that the parent of the child is the same individual whose
22 identifying information was provided and, if the parent's
23 identity has been verified, shall provide the appropriate
24 local office with information regarding the birth of the
25 child. Appropriate local division personnel, or local
26 providers designated by the division, shall initiate contact
27 with the family, or make a good faith effort to do so, to
28 determine if the parent or family has a need for services
29 and provide such voluntary and time-limited services as
30 appropriate. The division shall document the results of
31 such contact and services provided, if any, in the
32 information system established under section 210.109.

33 3. The children's division and the state registrar
34 shall ensure the confidentiality of all identifying
35 information and birth records provided under this section
36 and shall not disclose such information and records except
37 as needed to effectuate the provisions of this section.
38 Such information and records shall be considered closed
39 records under chapter 610.

40 4. The division may promulgate rules and regulations
41 to implement the provisions of this section. Any rule or
42 portion of a rule, as that term is defined in section
43 536.010, that is created under the authority delegated in
44 this section shall become effective only if it complies with
45 and is subject to all of the provisions of chapter 536 and,
46 if applicable, section 536.028. This section and chapter
47 536 are nonseverable and if any of the powers vested with
48 the general assembly pursuant to chapter 536 to review, to
49 delay the effective date, or to disapprove and annul a rule
50 are subsequently held unconstitutional, then the grant of
51 rulemaking authority and any rule proposed or adopted after
52 August 28, 2021, shall be invalid and void.

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

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

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

22 (2) A court of competent jurisdiction has determined
23 the child to be an abandoned [infant] **child**. For purposes
24 of this subdivision, [an "infant"] **a "child"** means any child
25 [one year] **under two years** of age [or under] at the time of
26 filing of the petition. The court may find that [an infant]
27 **a child** has been abandoned if:

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

32 (b) The parent has, without good cause, left the child
33 without any provision for parental support and without
34 making arrangements to visit or communicate with the child,
35 although able to do so, **or, for a period of sixty days when**
36 **the child was under one year of age, willfully,**
37 **substantially, and continuously neglected to provide the**
38 **child with necessary care and protection;** or

39 (c) The parent has voluntarily relinquished a child
40 under section 210.950; or

41 (3) A court of competent jurisdiction has determined
42 that the parent has:

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

44 (b) Committed voluntary manslaughter of another child
45 of the parent; or

46 (c) Aided or abetted, attempted, conspired or
47 solicited to commit such a murder or voluntary manslaughter;
48 or

49 (d) Committed a felony assault that resulted in
50 serious bodily injury to the child or to another child of
51 the parent; or

52 (4) The parent has been found guilty of or pled guilty
53 to a felony violation of chapter 566, **567**, **568**, or 573 when
54 the child or any child [in the family] was a victim[, or a
55 violation of section 568.020 or 568.065 when the child or
56 any child in the family was a victim]. As used in this
57 subdivision, a "child" means any person who was under
58 eighteen years of age at the time of the [crime and who
59 resided with such parent or was related within the third
60 degree of consanguinity or affinity to such parent] **offense.**

61 3. A termination of parental rights petition shall be
62 filed by the juvenile officer or the division, or if such a
63 petition has been filed by another party, the juvenile
64 officer or the division shall seek to be joined as a party
65 to the petition, within sixty days of the judicial
66 determinations required in subsection 2 of this section,
67 except as provided in subsection 4 of this section. Failure
68 to comply with this requirement shall not deprive the court
69 of jurisdiction to adjudicate a petition for termination of
70 parental rights which is filed outside of sixty days.

71 4. If grounds exist for termination of parental rights
72 pursuant to subsection 2 of this section, the juvenile
73 officer or the division may, but is not required to, file a
74 petition to terminate the parental rights of the child's
75 parent or parents if:

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

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

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

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

87 (1) The child has been abandoned. For purposes of
88 this subdivision a "child" means any child [over one year]
89 **two years** of age **or older** at the time of filing of the
90 petition. The court shall find that the child has been
91 abandoned if, for a period of six months or longer:

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

96 (b) The parent has, [without good cause, left the
97 child without any provision for parental support and without
98 making arrangements to visit or communicate with the child,
99 although able to do so] **for a period of six months**
100 **immediately prior to the filing of the petition for**
101 **termination of parental rights, willfully, substantially,**
102 **and continuously neglected to provide the child with**
103 **necessary care and protection;**

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

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

113 (b) Chemical dependency which prevents the parent from
114 consistently providing the necessary care, custody and
115 control of the child and which cannot be treated so as to
116 enable the parent to consistently provide such care, custody
117 and control;

118 (c) A severe act or recurrent acts of physical,
119 emotional or sexual abuse toward the child or any child in
120 the family by the parent, including an act of incest, or by
121 another under circumstances that indicate that the parent
122 knew or should have known that such acts were being
123 committed toward the child or any child in the family; or

124 (d) Repeated or continuous failure by the parent,
125 although physically or financially able, to provide the
126 child with adequate food, clothing, shelter, or education as
127 defined by law, or other care and control necessary for the
128 child's physical, mental, or emotional health and
129 development.

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

132 (3) The child has been under the jurisdiction of the
133 juvenile court for a period of one year, and the court finds
134 that the conditions which led to the assumption of
135 jurisdiction still persist, or conditions of a potentially
136 harmful nature continue to exist, that there is little
137 likelihood that those conditions will be remedied at an
138 early date so that the child can be returned to the parent

139 in the near future, or the continuation of the parent-child
140 relationship greatly diminishes the child's prospects for
141 early integration into a stable and permanent home. In
142 determining whether to terminate parental rights under this
143 subdivision, the court shall consider and make findings on
144 the following:

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

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

152 (c) A mental condition which is shown by competent
153 evidence either to be permanent or such that there is no
154 reasonable likelihood that the condition can be reversed and
155 which renders the parent unable to knowingly provide the
156 child the necessary care, custody and control;

157 (d) Chemical dependency which prevents the parent from
158 consistently providing the necessary care, custody and
159 control over the child and which cannot be treated so as to
160 enable the parent to consistently provide such care, custody
161 and control; or

162 (4) The child was conceived and born as a result of an
163 act of forcible rape or rape in the first degree. When the
164 biological father has pled guilty to, or is convicted of,
165 the forcible rape or rape in the first degree of the birth
166 mother, such a plea or conviction shall be conclusive
167 evidence supporting the termination of the biological
168 father's parental rights; or

169 (5) (a) The parent is unfit to be a party to the
170 parent and child relationship because of a consistent

171 pattern of committing a specific abuse including, but not
172 limited to, specific conditions directly relating to the
173 parent and child relationship which are determined by the
174 court to be of a duration or nature that renders the parent
175 unable for the reasonably foreseeable future to care
176 appropriately for the ongoing physical, mental, or emotional
177 needs of the child.

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

181 a. Within a three-year period immediately prior to the
182 termination adjudication, the parent's parental rights to
183 one or more other children were involuntarily terminated
184 pursuant to subsection 2 or 4 of this section or subdivision
185 (1), (2), or (3) of this subsection or similar laws of other
186 states;

187 b. If the parent is the birth mother and within eight
188 hours after the child's birth, the child's birth mother
189 tested positive and over eight-hundredths of one percent
190 blood alcohol content pursuant to testing under section
191 577.020 for alcohol, or tested positive for cocaine, heroin,
192 methamphetamine, a controlled substance as defined in
193 section 195.010, or a prescription drug as defined in
194 section 196.973, excepting those controlled substances or
195 prescription drugs present in the mother's body as a result
196 of medical treatment administered to the mother, and the
197 birth mother is the biological mother of at least one other
198 child who was adjudicated an abused or neglected minor by
199 the mother or the mother has previously failed to complete
200 recommended treatment services by the children's division
201 through a family-centered services case;

202 c. If the parent is the birth mother and at the time
203 of the child's birth or within eight hours after a child's
204 birth the child tested positive for alcohol, cocaine,
205 heroin, methamphetamine, a controlled substance as defined
206 in section 195.010, or a prescription drug as defined in
207 section 196.973, excepting those controlled substances or
208 prescription drugs present in the mother's body as a result
209 of medical treatment administered to the mother, and the
210 birth mother is the biological mother of at least one other
211 child who was adjudicated an abused or neglected minor by
212 the mother or the mother has previously failed to complete
213 recommended treatment services by the children's division
214 through a family-centered services case; [or]

215 d. Within a three-year period immediately prior to the
216 termination adjudication, the parent has pled guilty to or
217 has been convicted of a felony involving the possession,
218 distribution, or manufacture of cocaine, heroin, or
219 methamphetamine, and the parent is the biological parent of
220 at least one other child who was adjudicated an abused or
221 neglected minor by such parent or such parent has previously
222 failed to complete recommended treatment services by the
223 children's division through a family-centered services case;
224 **or**

225 **e. For at least fifteen of the twenty-two months prior**
226 **to the filing of the petition, the child has been in foster**
227 **care under the jurisdiction of the juvenile court.**

228 6. The juvenile court may terminate the rights of a
229 parent to a child upon a petition filed by the juvenile
230 officer or the division, or in adoption cases, by a
231 prospective parent, if the court finds that the termination
232 is in the best interest of the child and when it appears by

233 clear, cogent and convincing evidence that grounds exist for
234 termination pursuant to subsection 2, 4 or 5 of this section.

235 7. When considering whether to terminate the parent-
236 child relationship pursuant to subsection 2 or 4 of this
237 section or subdivision (1), (2), or (3) of subsection 5 of
238 this section, the court shall evaluate and make findings on
239 the following factors, when appropriate and applicable to
240 the case:

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

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

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

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

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

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

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

262 8. The court may attach little or no weight to
263 infrequent visitations, communications, or contributions.
264 It is irrelevant in a termination proceeding that the

265 maintenance of the parent-child relationship may serve as an
266 inducement for the parent's rehabilitation.

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

272 10. The disability or disease of a parent shall not
273 constitute a basis for a determination that a child is a
274 child in need of care, for the removal of custody of a child
275 from the parent, or for the termination of parental rights
276 without a specific showing that there is a causal relation
277 between the disability or disease and harm to the child.

278 11. A court of competent jurisdiction may terminate
279 the parental rights of a biological father of a child if he
280 is an alleged perpetrator of forcible rape under section
281 566.030 as it existed prior to August 28, 2013, or rape in
282 the first degree under section 566.030 that resulted in the
283 conception and birth of the child. The biological mother
284 who is the victim of the forcible rape or rape in the first
285 degree or, if she is a minor, someone on her behalf may file
286 a petition to terminate the parental rights of the
287 biological father. The court may terminate the parental
288 rights of the biological father if the court finds that by:

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

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

295 (3) The preponderance of the evidence the termination
296 of the parental rights of the biological father is in the
297 best interests of the child.

298 12. In any action to terminate the parental rights of
299 the biological father under subsection 11 of this section or
300 subdivision (5) of subsection 5 of this section, a court of
301 competent jurisdiction may order that the mother and the
302 child conceived and born as a result of forcible rape or
303 rape in the first degree are entitled to obtain from the
304 biological father certain payments, support, beneficiary
305 designations, or other financial benefits. The court shall
306 issue such order only if the mother gives her consent;
307 provided, that the court shall first inform the mother that
308 such order may require or obligate the mother to have
309 continuous or future communication and contact with the
310 biological father. Such order shall be issued without the
311 biological father being entitled to or granted any custody,
312 guardianship, visitation privileges, or other parent-child
313 relationship, and may include any or all of the following:

314 (1) Payment for the reasonable expenses of the mother
315 or the child, or both, related to pregnancy, labor,
316 delivery, postpartum care, newborn care, or early childhood
317 care;

318 (2) Child support under this chapter or chapter 210,
319 452, or 454;

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

325 (4) The designation of the child as the beneficiary of
326 a life or accidental death insurance policy, annuity,

327 contract, plan, or other product sold or issued by a life
328 insurance company; or

329 (5) Any other payments, support, beneficiary
330 designations, or financial benefits that are in the best
331 interests of the child or for the reasonable expenses of the
332 mother, or both.

333 If the mother declines to seek a court order for child
334 support under this subsection, no state agency shall require
335 the mother to do so in order to receive public assistance
336 benefits for herself or the child, including, but not
337 limited to, benefits for temporary assistance for needy
338 families, supplemental nutrition assistance program, or MO
339 HealthNet. The court order terminating the parental rights
340 of the biological father under subdivision (5) of subsection
341 5 of this section or subsection 11 of this section shall
342 serve as a sufficient basis for a good cause or other
343 exemptions under 42 U.S.C. Section 654(29) and the state
344 agency shall not require the mother or the child to
345 otherwise provide the identity, location, income, or assets
346 of the biological father or have contact or communicate with
347 the biological father. However, nothing in this subsection
348 shall prohibit a state agency from requesting that the
349 mother assign any child support rights she receives under
350 this subsection to the state as a condition of receipt of
351 public assistance benefits under applicable federal and
352 state law.

452.375. 1. As used in this chapter, unless the
2 context clearly indicates otherwise:

3 (1) "Custody" means joint legal custody, sole legal
4 custody, joint physical custody or sole physical custody or
5 any combination thereof;

6 (2) "Joint legal custody" means that the parents share
7 the decision-making rights, responsibilities, and authority
8 relating to the health, education and welfare of the child,
9 and, unless allocated, apportioned, or decreed, the parents
10 shall confer with one another in the exercise of decision-
11 making rights, responsibilities, and authority;

12 (3) "Joint physical custody" means an order awarding
13 each of the parents significant, but not necessarily equal,
14 periods of time during which a child resides with or is
15 under the care and supervision of each of the parents.
16 Joint physical custody shall be shared by the parents in
17 such a way as to assure the child of frequent, continuing
18 and meaningful contact with both parents;

19 (4) "Third-party custody" means a third party
20 designated as a legal and physical custodian pursuant to
21 subdivision (5) of subsection 5 of this section.

22 2. The court shall determine custody in accordance
23 with the best interests of the child. When the parties have
24 not reached an agreement on all issues related to custody,
25 the court shall consider all relevant factors and enter
26 written findings of fact and conclusions of law, including,
27 but not limited to, the following:

28 (1) The wishes of the child's parents as to custody
29 and the proposed parenting plan submitted by both parties;

30 (2) The needs of the child for a frequent, continuing
31 and meaningful relationship with both parents and the
32 ability and willingness of parents to actively perform their
33 functions as mother and father for the needs of the child;

34 (3) The interaction and interrelationship of the child
35 with parents, siblings, and any other person who may
36 significantly affect the child's best interests;

37 (4) Which parent is more likely to allow the child
38 frequent, continuing and meaningful contact with the other
39 parent;

40 (5) The child's adjustment to the child's home,
41 school, and community;

42 (6) The mental and physical health of all individuals
43 involved, including any history of abuse of any individuals
44 involved. If the court finds that a pattern of domestic
45 violence as defined in section 455.010 has occurred, and, if
46 the court also finds that awarding custody to the abusive
47 parent is in the best interest of the child, then the court
48 shall enter written findings of fact and conclusions of law.

49 Custody and visitation rights shall be ordered in a manner
50 that best protects the child and any other child or children
51 for whom the parent has custodial or visitation rights, and
52 the parent or other family or household member who is the
53 victim of domestic violence from any further harm;

54 (7) The intention of either parent to relocate the
55 principal residence of the child; and

56 (8) The wishes of a child as to the child's custodian.
57 The fact that a parent sends his or her child or children
58 to a home school, as defined in section 167.031, shall not
59 be the sole factor that a court considers in determining
60 custody of such child or children.

61 3. (1) In any court proceedings relating to custody
62 of a child, the court shall not award custody or
63 unsupervised visitation of a child to a parent if such
64 parent or any person residing with such parent has been
65 found guilty of, or pled guilty to, any of the following
66 offenses when a child was the victim:

67 (a) A felony violation of section 566.030, 566.031,
68 566.032, 566.060, 566.061, 566.062, 566.064, 566.067,

69 566.068, 566.083, 566.100, 566.101, 566.111, 566.151,
70 566.203, 566.206, 566.209, 566.211, or 566.215;

71 (b) A violation of section 568.020;

72 (c) A violation of subdivision (2) of subsection 1 of
73 section 568.060;

74 (d) A violation of section 568.065;

75 (e) A violation of section 573.200;

76 (f) A violation of section 573.205; or

77 (g) A violation of section 568.175.

78 (2) For all other violations of offenses in chapters
79 566 and 568 not specifically listed in subdivision (1) of
80 this subsection or for a violation of an offense committed
81 in another state when a child is the victim that would be a
82 violation of chapter 566 or 568 if committed in Missouri,
83 the court may exercise its discretion in awarding custody or
84 visitation of a child to a parent if such parent or any
85 person residing with such parent has been found guilty of,
86 or pled guilty to, any such offense.

87 4. The general assembly finds and declares that it is
88 the public policy of this state that frequent, continuing
89 and meaningful contact with both parents after the parents
90 have separated or dissolved their marriage is in the best
91 interest of the child, except for cases where the court
92 specifically finds that such contact is not in the best
93 interest of the child, and that it is the public policy of
94 this state to encourage parents to participate in decisions
95 affecting the health, education and welfare of their
96 children, and to resolve disputes involving their children
97 amicably through alternative dispute resolution. In order
98 to effectuate these policies, the court shall determine the
99 custody arrangement which will best assure both parents
100 participate in such decisions and have frequent, continuing

101 and meaningful contact with their children so long as it is
102 in the best interests of the child.

103 5. Prior to awarding the appropriate custody
104 arrangement in the best interest of the child, the court
105 shall consider each of the following as follows:

106 (1) Joint physical and joint legal custody to both
107 parents, which shall not be denied solely for the reason
108 that one parent opposes a joint physical and joint legal
109 custody award. The residence of one of the parents shall be
110 designated as the address of the child for mailing and
111 educational purposes;

112 (2) Joint physical custody with one party granted sole
113 legal custody. The residence of one of the parents shall be
114 designated as the address of the child for mailing and
115 educational purposes;

116 (3) Joint legal custody with one party granted sole
117 physical custody;

118 (4) Sole custody to either parent; or

119 (5) Third-party custody or visitation:

120 (a) When the court finds that each parent is unfit,
121 unsuitable, or unable to be a custodian, or the welfare of
122 the child requires, and it is in the best interests of the
123 child, then custody, temporary custody or visitation may be
124 awarded **a person related by consanguinity or affinity to the**
125 **child. If no person related to the child by consanguinity**
126 **or affinity is willing to accept custody, then the court may**
127 **award custody** to any other person or persons deemed by the
128 court to be suitable and able to provide an adequate and
129 stable environment for the child. Before the court awards
130 custody, temporary custody or visitation to a third person
131 under this subdivision, the court shall make that person a
132 party to the action;

133 (b) Under the provisions of this subsection, any
134 person may petition the court to intervene as a party in
135 interest at any time as provided by supreme court rule.

136 6. If the parties have not agreed to a custodial
137 arrangement, or the court determines such arrangement is not
138 in the best interest of the child, the court shall include a
139 written finding in the judgment or order based on the public
140 policy in subsection 4 of this section and each of the
141 factors listed in subdivisions (1) to (8) of subsection 2 of
142 this section detailing the specific relevant factors that
143 made a particular arrangement in the best interest of the
144 child. If a proposed custodial arrangement is rejected by
145 the court, the court shall include a written finding in the
146 judgment or order detailing the specific relevant factors
147 resulting in the rejection of such arrangement.

148 7. Upon a finding by the court that either parent has
149 refused to exchange information with the other parent, which
150 shall include but not be limited to information concerning
151 the health, education and welfare of the child, the court
152 shall order the parent to comply immediately and to pay the
153 prevailing party a sum equal to the prevailing party's cost
154 associated with obtaining the requested information, which
155 shall include but not be limited to reasonable attorney's
156 fees and court costs.

157 8. As between the parents of a child, no preference
158 may be given to either parent in the awarding of custody
159 because of that parent's age, sex, or financial status, nor
160 because of the age or sex of the child. The court shall not
161 presume that a parent, solely because of his or her sex, is
162 more qualified than the other parent to act as a joint or
163 sole legal or physical custodian for the child.

164 9. Any judgment providing for custody shall include a
165 specific written parenting plan setting forth the terms of
166 such parenting plan arrangements specified in subsection 8
167 of section 452.310. Such plan may be a parenting plan
168 submitted by the parties pursuant to section 452.310 or, in
169 the absence thereof, a plan determined by the court, but in
170 all cases, the custody plan approved and ordered by the
171 court shall be in the court's discretion and shall be in the
172 best interest of the child.

173 10. After August 28, 2016, every court order
174 establishing or modifying custody or visitation shall
175 include the following language: "In the event of
176 noncompliance with this order, the aggrieved party may file
177 a verified motion for contempt. If custody, visitation, or
178 third-party custody is denied or interfered with by a parent
179 or third party without good cause, the aggrieved person may
180 file a family access motion with the court stating the
181 specific facts that constitute a violation of the custody
182 provisions of the judgment of dissolution, legal separation,
183 or judgment of paternity. The circuit clerk will provide
184 the aggrieved party with an explanation of the procedures
185 for filing a family access motion and a simple form for use
186 in filing the family access motion. A family access motion
187 does not require the assistance of legal counsel to prepare
188 and file."

189 11. No court shall adopt any local rule, form, or
190 practice requiring a standardized or default parenting plan
191 for interim, temporary, or permanent orders or judgments.
192 Notwithstanding any other provision to the contrary, a court
193 may enter an interim order in a proceeding under this
194 chapter, provided that the interim order shall not contain
195 any provisions about child custody or a parenting schedule

196 or plan without first providing the parties with notice and
197 a hearing, unless the parties otherwise agree.

198 12. Unless a parent has been denied custody rights
199 pursuant to this section or visitation rights under section
200 452.400, both parents shall have access to records and
201 information pertaining to a minor child including, but not
202 limited to, medical, dental, and school records. If the
203 parent without custody has been granted restricted or
204 supervised visitation because the court has found that the
205 parent with custody or any child has been the victim of
206 domestic violence, as defined in section 455.010, by the
207 parent without custody, the court may order that the reports
208 and records made available pursuant to this subsection not
209 include the address of the parent with custody or the child.

210 A court shall order that the reports and records made
211 available under this subsection not include the address of
212 the parent with custody if the parent with custody is a
213 participant in the address confidentiality program under
214 section 589.663. Unless a parent has been denied custody
215 rights pursuant to this section or visitation rights under
216 section 452.400, any judgment of dissolution or other
217 applicable court order shall specifically allow both parents
218 access to such records and reports.

219 13. Except as otherwise precluded by state or federal
220 law, if any individual, professional, public or private
221 institution or organization denies access or fails to
222 provide or disclose any and all records and information,
223 including, but not limited to, past and present dental,
224 medical and school records pertaining to a minor child, to
225 either parent upon the written request of such parent, the
226 court shall, upon its finding that the individual,
227 professional, public or private institution or organization

228 denied such request without good cause, order that party to
229 comply immediately with such request and to pay to the
230 prevailing party all costs incurred, including, but not
231 limited to, attorney's fees and court costs associated with
232 obtaining the requested information.

233 14. An award of joint custody does not preclude an
234 award of child support pursuant to section 452.340 and
235 applicable supreme court rules. The court shall consider
236 the factors contained in section 452.340 and applicable
237 supreme court rules in determining an amount reasonable or
238 necessary for the support of the child.

239 15. If the court finds that domestic violence or abuse
240 as defined in section 455.010 has occurred, the court shall
241 make specific findings of fact to show that the custody or
242 visitation arrangement ordered by the court best protects
243 the child and the parent or other family or household member
244 who is the victim of domestic violence, as defined in
245 section 455.010, and any other children for whom such parent
246 has custodial or visitation rights from any further harm.

453.014. 1. The following persons may place a minor
2 for adoption:

3 (1) The children's division of the department of
4 social services;

5 (2) A child placing agency licensed pursuant to
6 sections 210.481 to 210.536;

7 (3) The child's parents, without the direct or
8 indirect assistance of an intermediary, in the home of a
9 relative of the child within the third degree;

10 (4) An intermediary, which shall include an attorney
11 licensed pursuant to chapter 484; a physician licensed
12 pursuant to chapter 334; or a clergyman of the parents.

13 2. All persons granted the authority to place a minor
14 child for adoption as designated in subdivision (1), (2) or
15 (4) of subsection 1 of this section shall comply with the
16 rules and regulations promulgated by the **children's division**
17 **of the** department of social services [and the department of
18 health and senior services] for such placement.

19 3. The children's division of the department of social
20 services [and the department of health and senior services]
21 shall promulgate rules and regulations regarding the
22 placement of a minor for adoption.

23 4. No rule or portion of a rule promulgated under the
24 authority of this section shall become effective unless it
25 has been promulgated pursuant to the provisions of section
26 536.024.

 453.030. 1. In all cases the approval of the court of
2 the adoption shall be required and such approval shall be
3 given or withheld as the welfare of the person sought to be
4 adopted may, in the opinion of the court, demand.

5 2. The written consent of the person to be adopted
6 shall be required in all cases where the person sought to be
7 adopted is fourteen years of age or older, except where the
8 court finds that such child has not sufficient mental
9 capacity to give the same. In a case involving a child
10 under fourteen years of age, the guardian ad litem shall
11 ascertain the child's wishes and feelings about his or her
12 adoption by conducting an interview or interviews with the
13 child, if appropriate based on the child's age and maturity
14 level, which shall be considered by the court as a factor in
15 determining if the adoption is in the child's best interests.

16 3. With the exceptions specifically enumerated in
17 section 453.040, when the person sought to be adopted is
18 under the age of eighteen years, the written consent of the

19 following persons shall be required and filed in and made a
20 part of the files and record of the proceeding:

21 (1) The mother of the child;

22 (2) Any man who:

23 (a) Is presumed to be the father pursuant to
24 subdivision (1), (2), or (3) of subsection 1 of section
25 210.822; or

26 (b) Has filed an action to establish his paternity in
27 a court of competent jurisdiction no later than fifteen days
28 after the birth of the child and has served a copy of the
29 petition on the mother in accordance with section 506.100; or

30 (c) Filed with the putative father registry pursuant
31 to section 192.016 a notice of intent to claim paternity or
32 an acknowledgment of paternity either prior to or within
33 fifteen days after the child's birth, and has filed an
34 action to establish his paternity in a court of competent
35 jurisdiction no later than fifteen days after the birth of
36 the child; and

37 (3) The child's current adoptive parents or other
38 legally recognized mother and father.

39 Upon request by the petitioner and within one business day
40 of such request, the clerk of the local court shall verify
41 whether such written consents have been filed with the court.

42 4. The written consent required in subdivisions (2)
43 and (3) of subsection 3 of this section may be executed
44 before or after the birth of the child or before or after
45 the commencement of the adoption proceedings, and shall be
46 executed in front of a judge or acknowledged before a notary
47 public. If consent is executed in front of a judge, it
48 shall be the duty of the judge to advise the consenting
49 birth parent of the consequences of the consent. In lieu of

50 such acknowledgment, the signature of the person giving such
51 written consent shall be witnessed by the signatures of at
52 least two adult persons whose signatures and addresses shall
53 be plainly written thereon. The two adult witnesses shall
54 not be the prospective adoptive parents or any attorney
55 representing a party to the adoption proceeding other than
56 the attorney representing the party signing the consent.
57 The notary public or witnesses shall verify the identity of
58 the party signing the consent. Notwithstanding any other
59 provision of law to the contrary, a properly executed
60 written consent under this subsection shall be considered
61 irrevocable.

62 5. The written consent required in subdivision (1) of
63 subsection 3 of this section by the birth mother shall not
64 be executed anytime before the child is forty-eight hours
65 old. Such written consent shall be executed in front of a
66 judge or acknowledged before a notary public. If consent is
67 executed in front of a judge, it shall be the duty of the
68 judge to advise the consenting party of the consequences of
69 the consent. In lieu of acknowledgment before a notary
70 public, the signature of the person giving such written
71 consent shall be witnessed by the signatures of at least two
72 adult persons who are present at the execution whose
73 signatures and addresses shall be plainly written thereon
74 and who determine and certify that the consent is knowingly
75 and freely given. The two adult witnesses shall not be the
76 prospective adoptive parents or any attorney representing a
77 party to the adoption proceeding other than the attorney
78 representing the party signing the consent. The notary
79 public or witnesses shall verify the identity of the party
80 signing the consent.

81 6. A consent is final when executed, unless the
82 consenting party, prior to a final decree of adoption,
83 alleges and proves by clear and convincing evidence that the
84 consent was not freely and voluntarily given. The burden of
85 proving the consent was not freely and voluntarily given
86 shall rest with the consenting party. Consents in all cases
87 shall have been executed not more than six months prior to
88 the date the petition for adoption is filed.

89 7. A consent form shall be developed through rules and
90 regulations promulgated by the **children's division of the**
91 department of social services. No rule or portion of a rule
92 promulgated under the authority of this section shall become
93 effective unless it has been promulgated pursuant to the
94 provisions of chapter 536. If a written consent is obtained
95 after August 28, 1997, but prior to the development of a
96 consent form by the department and the written consent
97 complies with the provisions of subsection 8 of this
98 section, such written consent shall be deemed valid.

99 8. However, the consent form must specify that:

100 (1) The birth parent understands the importance of
101 identifying all possible fathers of the child and may
102 provide the names of all such persons; and

103 (2) The birth parent understands that if he denies
104 paternity, but consents to the adoption, he waives any
105 future interest in the child.

106 9. The written consent to adoption required by
107 subsection 3 and executed through procedures set forth in
108 subsection 5 of this section shall be valid and effective
109 even though the parent consenting was under eighteen years
110 of age, if such parent was represented by a guardian ad
111 litem, at the time of the execution thereof.

112 10. Where the person sought to be adopted is eighteen
113 years of age or older, his or her written consent alone to
114 his or her adoption shall be sufficient.

115 11. A birth parent, including a birth parent less than
116 eighteen years of age, shall have the right to legal
117 representation [and payment of any reasonable legal fees
118 incurred throughout the adoption process]. In addition, the
119 court may appoint an attorney to represent a birth parent
120 **less than eighteen years of age** if:

121 (1) A birth parent requests representation;

122 (2) The court finds that hiring an attorney to
123 represent such birth parent would cause a financial hardship
124 for the birth parent; and

125 (3) The birth parent is not already represented by
126 counsel.

127 12. [Except in cases where the court determines that
128 the adoptive parents are unable to pay reasonable attorney
129 fees and appoints pro bono counsel for the birth parents,
130 the court shall order the costs of the attorney fees
131 incurred pursuant to subsection 11 of this section to be
132 paid by the prospective adoptive parents or the child-
133 placing agency.

134 13.] The court shall receive and acknowledge a written
135 consent to adoption properly executed by a birth parent
136 under this section when such consent is in the best
137 interests of the child.

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

3 (1) A parent whose rights with reference to the child
4 have been terminated pursuant to law, including section
5 211.444 or section 211.447 or other similar laws in other
6 states;

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

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

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

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

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

28 (7) A parent who has [for a period of at least six
29 months, for a child one year of age or older, or at least
30 sixty days, for a child under one year of age, immediately
31 prior to the filing of the petition for adoption, willfully
32 abandoned the child or, for a period of at least six months
33 immediately prior to the filing of the petition for
34 adoption, willfully, substantially and continuously
35 neglected to provide him with necessary care and protection]
36 **abandoned a child as described in paragraph (b) of**
37 **subdivision (2) of subsection 2 of section 211.447 or**

38 **paragraph (b) of subdivision (1) of subsection 5 of section**
39 **211.447;**

40 (8) A parent whose rights to the child may be
41 terminated for any of the grounds set forth in section
42 211.447 and whose rights have been terminated after hearing
43 and proof of such grounds as required by sections 211.442 to
44 211.487. Such petition for termination may be filed as a
45 count in an adoption petition.

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

15 2. Such investigation shall be made, as directed by
16 the court having jurisdiction, either by the children's
17 division of the department of social services, a juvenile
18 court officer, a licensed child-placement agency, a social
19 worker, a professional counselor, or a psychologist licensed
20 under chapter 337 and associated with a licensed child-
21 placement agency, or other suitable person appointed by the
22 court. The results of such investigation shall be embodied
23 in a written report that shall be submitted to the court
24 within ninety days of the request for the investigation.

25 3. The children's division shall develop rules and
26 regulations regarding the content of the assessment of the
27 petitioner or petitioners. The content of the assessment
28 shall include but not be limited to a report on the
29 condition of the petitioner's home and information on the
30 petitioner's education, financial, marital, medical and
31 psychological status and criminal background check. If an
32 assessment is conducted after August 28, 1997, but prior to
33 the promulgation of rules and regulations by the
34 [department] **children's division** concerning the contents of
35 such assessment, any discrepancy between the contents of the
36 actual assessment and the contents of the assessment
37 required by [department] **children's division** rule shall not
38 be used as the sole basis for invalidating an adoption. No
39 rule or portion of a rule promulgated pursuant to the
40 authority of this section shall become effective unless it
41 has been promulgated pursuant to the provisions of chapter
42 536.

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

46 5. In cases where the adoption or custody involves a
47 child under eighteen years of age that is the natural child
48 of one of the petitioners and where all of the parents
49 required by this chapter to give consent to the adoption or
50 transfer of custody have given such consent, the juvenile
51 court may waive the investigation and report, except the
52 criminal background check, and enter the decree for the
53 adoption or order the transfer of custody without such
54 investigation and report.

55 6. In the case of an investigation and report made by
56 the children's division by order of the court, the court may

57 order the payment of a reasonable fee by the petitioner to
58 cover the costs of the investigation and report.

59 7. Any adult person or persons over the age of
60 eighteen who, as foster parent or parents, have cared for a
61 foster child continuously for a period of nine months or
62 more and bonding has occurred as evidenced by the positive
63 emotional and physical interaction between the foster parent
64 and child, may apply to such authorized agency for the
65 placement of such child with them for the purpose of
66 adoption if the child is eligible for adoption. The agency
67 and court shall give preference and first consideration for
68 adoptive placements to foster parents. However, the final
69 determination of the propriety of the adoption of such
70 foster child shall be within the sole discretion of the
71 court.

72 8. (1) Nothing in this section shall be construed to
73 permit discrimination on the basis of disability or disease
74 of a prospective adoptive parent.

75 (2) The disability or disease of a prospective
76 adoptive parent shall not constitute a basis for a
77 determination that the petitioner is unfit or not suitable
78 to be an adoptive parent without a specific showing that
79 there is a causal relationship between the disability or
80 disease and a substantial and significant risk of harm to a
81 child.

✓