

FIRST REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 429**

**101ST GENERAL ASSEMBLY**

0318S.06T

2021

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**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.

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*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135.335, 135.800, 191.975, 193.075, 210.150, 211.447, 452.375, 453.014, 453.030, 453.040, and 453.070, RSMo, are repealed and sixteen new sections enacted in lieu thereof, to be known as sections 135.325, 135.326, 135.327, 135.335, 135.800, 143.1170, 191.975, 193.075, 210.150, 210.156, 211.447, 452.375, 453.014, 453.030, 453.040, and 453.070, to read as follows:

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

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

(1) "Business entity", person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state under the provisions of chapter

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

8 148, or an express company which pays an annual tax on its gross receipts in this state pursuant  
9 to chapter 153;

10 (2) "Child", any individual who:

11 (a) Has not attained an age of at least eighteen years; or

12 (b) Is eighteen years of age or older but is physically or mentally incapable of  
13 caring for himself or herself;

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

17 [~~(3)~~] (4) "Nonrecurring adoption expenses", reasonable and necessary adoption fees,  
18 court costs, attorney fees, and other expenses which are directly related to the legal adoption of  
19 a [special needs] child and which are not incurred in violation of federal, state, or local law;

20 [(4)] (5) "Special needs child", a child for whom it has been determined by the children's  
21 division, or by a child-placing agency licensed by the state, or by a court of competent  
22 jurisdiction to be a child:

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

24 (b) Who has a specific factor or condition such as [~~ethnic background,~~] age, membership  
25 in a [~~minority or~~] sibling group, medical condition or diagnosis, or [~~handicap~~] disability because  
26 of which it is reasonable to conclude that such child cannot be easily placed with adoptive  
27 parents;

28 [~~(5)~~] (6) "State tax liability", any liability incurred by a taxpayer under the provisions of  
29 chapter 143, chapter 147, chapter 148, and chapter 153, exclusive of the provisions relating to  
30 the withholding of tax as provided for in sections 143.191 to 143.265 and related provisions.

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

9 2. Any person residing in this state who proceeds in good faith with the adoption of a  
10 special needs child on or after January 1, 2000, **and before January 1, 2022**, shall be eligible  
11 to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each  
12 child that may be applied to taxes due under chapter 143; provided, however, that beginning on  
13 March 29, 2013, the tax credits shall only be allocated for the adoption of special needs children

14 who are residents or wards of residents of this state at the time the adoption is initiated. Any  
15 business entity providing funds to an employee to enable that employee to proceed in good faith  
16 with the adoption of a special needs child shall be eligible to receive a tax credit of up to ten  
17 thousand dollars for nonrecurring adoption expenses for each child that may be applied to taxes  
18 due under such business entity's state tax liability, except that only one ten thousand dollar credit  
19 is available for each special needs child that is adopted.

20 **3. Any person residing in this state who proceeds in good faith with the adoption**  
21 **of a child on or after January 1, 2022, regardless of whether such child is a special needs**  
22 **child, shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring**  
23 **adoption expenses for each child that may be applied to taxes due under chapter 143. The**  
24 **tax credit shall be allowed regardless of whether the child adopted is a resident or ward**  
25 **of a resident of this state at the time the adoption is initiated; however, priority shall be**  
26 **given to applications to claim the tax credit for special needs children who are residents or**  
27 **wards of residents of this state at the time the adoption is initiated. Any business entity**  
28 **providing funds to an employee to enable that employee to proceed in good faith with the**  
29 **adoption of a child shall be eligible to receive a tax credit of up to ten thousand dollars for**  
30 **nonrecurring adoption expenses for each child that may be applied to taxes due under such**  
31 **business entity's state tax liability; except that, only one credit, up to ten thousand dollars,**  
32 **shall be available for each child who is adopted.**

33 **4. Individuals and business entities may claim a tax credit for their total nonrecurring**  
34 **adoption expenses in each year that the expenses are incurred. A claim for fifty percent of the**  
35 **credit shall be allowed when the child is placed in the home. A claim for the remaining fifty**  
36 **percent shall be allowed when the adoption is final. The total of these tax credits shall not**  
37 **exceed the maximum limit of ten thousand dollars per child. The cumulative amount of tax**  
38 **credits which may be claimed by taxpayers claiming the credit for nonrecurring adoption**  
39 **expenses in any one fiscal year prior to July 1, 2004, shall not exceed two million dollars. The**  
40 **cumulative amount of tax credits that may be claimed by taxpayers claiming the credit for**  
41 **nonrecurring adoption expenses shall not be more than two million dollars but may be increased**  
42 **by appropriation in any fiscal year beginning on or after July 1, 2004, and ending on or before**  
43 **June 30, 2021. The cumulative amount of tax credits that may be claimed by taxpayers**  
44 **claiming the credit for nonrecurring adoption expenses shall not exceed six million dollars**  
45 **in any fiscal year beginning on or after July 1, 2021. For all fiscal years beginning on or after**  
46 **July 1, 2006, applications to claim the adoption tax credit [for special needs children who are**  
47 **residents or wards of residents of this state at the time the adoption is initiated] shall be filed**  
48 **between July first and April fifteenth of each fiscal year.**

49 [4-] 5. Notwithstanding any provision of law to the contrary, any individual or business  
50 entity may assign, transfer or sell tax credits allowed in this section. Any sale of tax credits  
51 claimed pursuant to this section shall be at a discount rate of seventy-five percent or greater of  
52 the amount sold.

135.335. In the year of adoption and in any year thereafter in which the credit is carried  
2 forward pursuant to section 135.333, the credit shall be reduced by an amount equal to the state's  
3 cost of providing care, treatment, maintenance and services when:

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

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

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

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

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

7 (2) "Agricultural tax credits", the agricultural product utilization contributor tax credit  
8 created pursuant to section 348.430, the new generation cooperative incentive tax credit created  
9 pursuant to section 348.432, the family farm breeding livestock loan tax credit created under  
10 section 348.505, the qualified beef tax credit created under section 135.679, and the wine and  
11 grape production tax credit created pursuant to section 135.700;

12 (3) "All tax credit programs", or "any tax credit program", the tax credit programs  
13 included in the definitions of agricultural tax credits, business recruitment tax credits, community  
14 development tax credits, domestic and social tax credits, entrepreneurial tax credits,  
15 environmental tax credits, financial and insurance tax credits, housing tax credits, redevelopment  
16 tax credits, and training and educational tax credits;

17 (4) "Business recruitment tax credits", the business facility tax credit created pursuant  
18 to sections 135.110 to 135.150 and section 135.258, the enterprise zone tax benefits created  
19 pursuant to sections 135.200 to 135.270, the business use incentives for large-scale development  
20 programs created pursuant to sections 100.700 to 100.850, the development tax credits created  
21 pursuant to sections 32.100 to 32.125, the rebuilding communities tax credit created pursuant  
22 to section 135.535, the film production tax credit created pursuant to section 135.750, the  
23 enhanced enterprise zone created pursuant to sections 135.950 to 135.970, and the Missouri  
24 quality jobs program created pursuant to sections 620.1875 to 620.1900;

25 (5) "Community development tax credits", the neighborhood assistance tax credit created  
26 pursuant to sections 32.100 to 32.125, the family development account tax credit created  
27 pursuant to sections 208.750 to 208.775, the dry fire hydrant tax credit created pursuant to  
28 section 320.093, and the transportation development tax credit created pursuant to section  
29 135.545;

30 (6) "Domestic and social tax credits", the youth opportunities tax credit created pursuant  
31 to section 135.460 and sections 620.1100 to 620.1103, the shelter for victims of domestic  
32 violence created pursuant to section 135.550, the senior citizen or disabled person property tax  
33 credit created pursuant to sections 135.010 to 135.035, the ~~[special needs]~~ adoption tax credit  
34 created pursuant to sections 135.325 to 135.339, the champion for children tax credit created  
35 pursuant to section 135.341, the maternity home tax credit created pursuant to section 135.600,  
36 the surviving spouse tax credit created pursuant to section 135.090, the residential treatment  
37 agency tax credit created pursuant to section 135.1150, the pregnancy resource center tax credit  
38 created pursuant to section 135.630, the food pantry tax credit created pursuant to section  
39 135.647, the health care access fund tax credit created pursuant to section 135.575, the  
40 residential dwelling access tax credit created pursuant to section 135.562, the developmental  
41 disability care provider tax credit created under section 135.1180, the shared care tax credit  
42 created pursuant to section 192.2015, and the diaper bank tax credit created pursuant to section  
43 135.621;

44 (7) "Entrepreneurial tax credits", the capital tax credit created pursuant to sections  
45 135.400 to 135.429, the certified capital company tax credit created pursuant to sections 135.500  
46 to 135.529, the seed capital tax credit created pursuant to sections 348.300 to 348.318, the new  
47 enterprise creation tax credit created pursuant to sections 620.635 to 620.653, the research tax  
48 credit created pursuant to section 620.1039, the small business incubator tax credit created  
49 pursuant to section 620.495, the guarantee fee tax credit created pursuant to section 135.766, and  
50 the new generation cooperative tax credit created pursuant to sections 32.105 to 32.125;

51 (8) "Environmental tax credits", the charcoal producer tax credit created pursuant to  
52 section 135.313, the wood energy tax credit created pursuant to sections 135.300 to 135.311, and  
53 the alternative fuel stations tax credit created pursuant to section 135.710;

54 (9) "Financial and insurance tax credits", the bank franchise tax credit created pursuant  
55 to section 148.030, the bank tax credit for S corporations created pursuant to section 143.471,  
56 the exam fee tax credit created pursuant to section 148.400, the health insurance pool tax credit  
57 created pursuant to section 376.975, the life and health insurance guaranty tax credit created  
58 pursuant to section 376.745, the property and casualty guaranty tax credit created pursuant to  
59 section 375.774, and the self-employed health insurance tax credit created pursuant to section  
60 143.119;

61 (10) "Housing tax credits", the neighborhood preservation tax credit created pursuant to  
62 sections 135.475 to 135.487, the low-income housing tax credit created pursuant to sections  
63 135.350 to 135.363, and the affordable housing tax credit created pursuant to sections 32.105 to  
64 32.125;

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

68 (12) "Redevelopment tax credits", the historic preservation tax credit created pursuant  
69 to sections 253.545 to 253.559, the brownfield redevelopment program tax credit created  
70 pursuant to sections 447.700 to 447.718, the community development corporations tax credit  
71 created pursuant to sections 135.400 to 135.430, the infrastructure tax credit created pursuant to  
72 subsection 6 of section 100.286, the bond guarantee tax credit created pursuant to section  
73 100.297, the disabled access tax credit created pursuant to section 135.490, the new markets tax  
74 credit created pursuant to section 135.680, and the distressed areas land assemblage tax credit  
75 created pursuant to section 99.1205;

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

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

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

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

5 (3) "Taxpayer", any individual who is a resident of this state and subject to the  
6 income tax imposed under this chapter, excluding withholding tax imposed under sections  
7 143.191 to 143.265.

8 2. (1) For all tax years beginning on or after January 1, 2022, a taxpayer shall be  
9 allowed a deduction for expenses incurred directly by the taxpayer in providing care as a  
10 foster parent to one or more children in this state.

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

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

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

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

24           **4. Each taxpayer claiming the deduction authorized under this section shall file an**  
25 **affidavit with such taxpayer's income tax return. The affidavit shall affirm that the**  
26 **taxpayer is a foster parent and that the taxpayer is entitled to the deduction in the amount**  
27 **claimed on his or her tax return.**

28           **5. The department of revenue may promulgate all necessary rules and regulations**  
29 **for the administration of this section. Any rule or portion of a rule, as that term is defined**  
30 **in section 536.010, that is created under the authority delegated in this section shall become**  
31 **effective only if it complies with and is subject to all of the provisions of chapter 536 and,**  
32 **if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any**  
33 **of the powers vested with the general assembly pursuant to chapter 536 to review, to delay**  
34 **the effective date, or to disapprove and annul a rule are subsequently held**  
35 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**  
36 **after August 28, 2021, shall be invalid and void.**

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

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

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

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

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

12           (b) Adoption and foster care procedures;

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

15           (d) Options for birth parents in choosing adoptive parents;

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

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

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

22 (h) Referrals to appropriate counseling services, including but not be limited to  
23 counseling services for parents who are considering retaining custody of their children, placing  
24 their children for adoption, or becoming foster or adoptive parents; but excluding any referrals  
25 for abortion or to abortion facilities;

26 (3) Making such educational materials available through state and local public health  
27 clinics, public hospitals, family planning clinics, abortion facilities as defined in section 188.015,  
28 maternity homes as defined in section 135.600, child-placing agencies licensed pursuant to  
29 sections 210.481 to 210.536, attorneys whose practice involves private adoptions, in vitro  
30 fertilization clinics and private physicians for distribution to their patients who request such  
31 educational materials. Such materials shall also be available to the public through the  
32 department of social services' internet website;

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

35 3. In addition, the department may establish and implement an ongoing advertising  
36 campaign for the recruitment of adoptive and foster care families, with a special emphasis on the  
37 recruitment of qualified adoptive and foster care families for special needs children. Such  
38 advertising campaign may utilize, but shall not be limited to, the following media: television,  
39 radio, outdoor advertising, newspaper, magazines and other print media, websites, and the  
40 internet. The department may contract with professional advertising agencies or other  
41 professional entities to conduct such advertising campaign on behalf of the department.

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

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

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

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

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

7 4. Information required in certificates or reports authorized by sections 193.005 to  
8 193.325 may be filed and registered by photographic, electronic, or other means as prescribed  
9 by the state registrar.

10           5. In addition to other personal data required by the registrar to be entered on a birth  
11 certificate, each parent shall furnish to the registrar the Social Security account number, or  
12 numbers if applicable, issued to the parent unless the registrar finds good cause for not requiring  
13 the furnishing of such number or numbers. Good cause shall be determined in accordance with  
14 regulations established by the Secretary of the United States Department of Health and Human  
15 Services. The registrar shall make numbers furnished under this section available to the family  
16 support division **and the children's division** of the department of social services. Such numbers  
17 shall not be recorded on the birth certificate. The family support division shall not use any Social  
18 Security number furnished under the section for any purpose other than for the establishment and  
19 enforcement of child support obligations, and the confidentiality provisions and penalties  
20 contained in section 454.440 shall apply. **The children's division shall not use any Social**  
21 **Security number furnished under this section for any purpose other than verifying the**  
22 **identity of a parent of a child whose birth record information is provided under section**  
23 **210.156 and the confidentiality provisions of section 210.156 shall apply.** Nothing in this  
24 section shall be construed to prohibit the department of health and senior services from using  
25 Social Security numbers for statistical purposes.

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

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

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

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

21 (3) Appropriate staff of the division and of its local offices, including interdisciplinary  
22 teams which are formed to assist the division in investigation, evaluation and treatment of child  
23 abuse and neglect cases or a multidisciplinary provider of professional treatment services for a  
24 child referred to the provider;

25 (4) Any child named in the report as a victim, or a legal representative, or the parent, if  
26 not the alleged perpetrator, or guardian of such person when such person is a minor, or is  
27 mentally ill or otherwise incompetent, but the names of reporters shall not be furnished to  
28 persons in this category. Prior to the release of any identifying information, the division shall  
29 determine if the release of such identifying information may place a person's life or safety in  
30 danger. If the division makes the determination that a person's life or safety may be in danger,  
31 the identifying information shall not be released. The division shall provide a method for  
32 confirming or certifying that a designee is acting on behalf of a subject;

33 (5) Any alleged perpetrator named in the report, but the names of reporters shall not be  
34 furnished to persons in this category. Prior to the release of any identifying information, the  
35 division shall determine if the release of such identifying information may place a person's life  
36 or safety in danger. If the division makes the determination that a person's life or safety may be  
37 in danger, the identifying information shall not be released. However, the investigation reports  
38 will not be released to any alleged perpetrator with pending criminal charges arising out of the  
39 facts and circumstances named in the investigation records until an indictment is returned or an  
40 information filed;

41 (6) A grand jury, juvenile officer, prosecuting attorney, law enforcement officer involved  
42 in the investigation of child abuse or neglect, juvenile court or other court conducting abuse or  
43 neglect or child protective proceedings or child custody proceedings, and other federal, state and  
44 local government entities, or any agent of such entity, with a need for such information in order  
45 to carry out its responsibilities under the law to protect children from abuse or neglect;

46 (7) Any person engaged in a bona fide research purpose, with the permission of the  
47 director; provided, however, that no information identifying the child named in the report as a  
48 victim or the reporters shall be made available to the researcher, unless the identifying  
49 information is essential to the research or evaluation and the child named in the report as a victim  
50 or, if the child is less than eighteen years of age, through the child's parent, or guardian provides  
51 written permission;

52 (8) Any child-care facility; child-placing agency; residential-care facility, including  
53 group homes; juvenile courts; public or private elementary schools; public or private secondary  
54 schools; or any other public or private agency exercising temporary supervision over a child or  
55 providing or having care or custody of a child who may request an examination of the central  
56 registry from the division for all employees and volunteers or prospective employees and

57 volunteers, who do or will provide services or care to children. Any agency or business  
58 recognized by the division or business which provides training and places or recommends people  
59 for employment or for volunteers in positions where they will provide services or care to children  
60 may request the division to provide an examination of the central registry. Such agency or  
61 business shall provide verification of its status as a recognized agency. Requests for  
62 examinations shall be made to the division director or the director's designee in writing by the  
63 chief administrative officer of the above homes, centers, public and private elementary schools,  
64 public and private secondary schools, agencies, or courts. The division shall respond in writing  
65 to that officer. The response shall include information pertaining to the nature and disposition  
66 of any report or reports of abuse or neglect revealed by the examination of the central registry.  
67 This response shall not include any identifying information regarding any person other than the  
68 alleged perpetrator of the abuse or neglect;

69 (9) Any parent or legal guardian who inquires about a child abuse or neglect report  
70 involving a specific person or child-care facility who does or may provide services or care to a  
71 child of the person requesting the information. Request for examinations shall be made to the  
72 division director or the director's designee, in writing, by the parent or legal guardian of the child  
73 and shall be accompanied with a signed and notarized release form from the person who does  
74 or may provide care or services to the child. The notarized release form shall include the full  
75 name, date of birth and Social Security number of the person who does or may provide care or  
76 services to a child. The response shall include information pertaining to the nature and  
77 disposition of any report or reports of abuse or neglect revealed by the examination of the central  
78 registry. This response shall not include any identifying information regarding any person other  
79 than the alleged perpetrator of the abuse or neglect. The response shall be given within ten  
80 working days of the time it was received by the division;

81 (10) Any person who inquires about a child abuse or neglect report involving a specific  
82 child-care facility, child-placing agency, residential-care facility, public and private elementary  
83 schools, public and private secondary schools, juvenile court or other state agency. The  
84 information available to these persons is limited to the nature and disposition of any report  
85 contained in the central registry and shall not include any identifying information pertaining to  
86 any person mentioned in the report;

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

89 (12) Any child fatality review panel established pursuant to section 210.192 or any state  
90 child fatality review panel established pursuant to section 210.195;

91 (13) Any person who is a tenure-track or full-time research faculty member at an  
92 accredited institution of higher education engaged in scholarly research, with the permission of

93 the director. Prior to the release of any identifying information, the director shall require the  
94 researcher to present a plan for maintaining the confidentiality of the identifying information.  
95 The researcher shall be prohibited from releasing the identifying information of individual cases;  
96 [~~and~~]

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

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

106 3. Only the following persons shall have access to records maintained by the division  
107 pursuant to section 210.152 for which the division has received a report of child abuse and  
108 neglect and which the division has determined that there is insufficient evidence or in which the  
109 division proceeded with the family assessment and services approach:

110 (1) Appropriate staff of the division;

111 (2) Any child named in the report as a victim, or a legal representative, or the parent or  
112 guardian of such person when such person is a minor, or is mentally ill or otherwise incompetent.  
113 The names or other identifying information of reporters shall not be furnished to persons in this  
114 category. Prior to the release of any identifying information, the division shall determine if the  
115 release of such identifying information may place a person's life or safety in danger. If the  
116 division makes the determination that a person's life or safety may be in danger, the identifying  
117 information shall not be released. The division shall provide for a method for confirming or  
118 certifying that a designee is acting on behalf of a subject;

119 (3) Any alleged perpetrator named in the report, but the names of reporters shall not be  
120 furnished to persons in this category. Prior to the release of any identifying information, the  
121 division shall determine if the release of such identifying information may place a person's life  
122 or safety in danger. If the division makes the determination that a person's life or safety may be  
123 in danger, the identifying information shall not be released. However, the investigation reports  
124 will not be released to any alleged perpetrator with pending criminal charges arising out of the  
125 facts and circumstances named in the investigation records until an indictment is returned or an  
126 information filed;

127 (4) Any child fatality review panel established pursuant to section 210.192 or any state  
128 child fatality review panel established pursuant to section 210.195;

- 129 (5) Appropriate criminal justice agency personnel or juvenile officer;
- 130 (6) Multidisciplinary agency or individual including a physician or physician's designee  
131 who is providing services to the child or family, with the consent of the parent or guardian of the  
132 child or legal representative of the child;
- 133 (7) Any person engaged in bona fide research purpose, with the permission of the  
134 director; provided, however, that no information identifying the subjects of the reports or the  
135 reporters shall be made available to the researcher, unless the identifying information is essential  
136 to the research or evaluation and the subject, or if a child, through the child's parent or guardian,  
137 provides written permission; and
- 138 (8) Appropriate staff of the United States Department of Defense including, but not  
139 limited to, authorized family advocacy program staff or any other staff authorized to receive and  
140 respond to reports requested under 10 U.S.C. Section 1787, in cases where a report has been  
141 made and the suspected perpetrator or any person responsible for the care, custody, and control  
142 of the subject child is a member of any branch of the military or is a member of the Armed  
143 Forces, as defined in section 41.030.
- 144 4. Any person who knowingly violates the provisions of this section, or who permits or  
145 encourages the unauthorized dissemination of information contained in the information system  
146 or the central registry and in reports and records made pursuant to sections 210.109 to 210.183,  
147 shall be guilty of a class A misdemeanor.
- 148 5. Nothing in this section shall preclude the release of findings or information about  
149 cases which resulted in a child fatality or near fatality. Such release is at the sole discretion of  
150 the director of the department of social services, based upon a review of the potential harm to  
151 other children within the immediate family.
- 152 6. Notwithstanding any provisions of this section or chapter to the contrary, if the  
153 division receives a report and ascertains that a suspected perpetrator or any person responsible  
154 for the care, custody, and control of the subject child is a member of any branch of the military  
155 or is a member of the Armed Forces, as defined in section 41.030, the division shall report its  
156 findings to the most relevant family advocacy program authorized by the United States  
157 Department of Defense or any other relevant person authorized by the United States Department  
158 of Defense to receive reports under 10 U.S.C. Section 1787.

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

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

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

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

23           **3. The children's division and the state registrar shall ensure the confidentiality of**  
24 **all identifying information and birth records provided under this section and shall not**  
25 **disclose such information and records except as needed to effectuate the provisions of this**  
26 **section. Such information and records shall be considered closed records under chapter**  
27 **610.**

28           **4. The division may promulgate rules and regulations to implement the provisions**  
29 **of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that**  
30 **is created under the authority delegated in this section shall become effective only if it**  
31 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**  
32 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**  
33 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**  
34 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**  
35 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2021,**  
36 **shall be invalid and void.**

211.447. 1. Any information that could justify the filing of a petition to terminate  
2 parental rights may be referred to the juvenile officer by any person. The juvenile officer shall  
3 make a preliminary inquiry and if it appears that the information could justify the filing of a  
4 petition, the juvenile officer may take further action, including filing a petition. If it does not  
5 appear to the juvenile officer that a petition should be filed, such officer shall so notify the

6 informant in writing within thirty days of the referral. Such notification shall include the reasons  
7 that the petition will not be filed.

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

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

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

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

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

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

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

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

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

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

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

34         (4) The parent has been found guilty of or pled guilty to a felony violation of chapter  
35 566, **567, 568**, or 573 when the child or any child ~~[in the family]~~ was a victim~~;~~ ~~or a violation of~~  
36 ~~section 568.020 or 568.065 when the child or any child in the family was a victim].~~ As used in  
37 this subdivision, a "child" means any person who was under eighteen years of age at the time of  
38 the ~~[crime and who resided with such parent or was related within the third degree of~~  
39 ~~consanguinity or affinity to such parent]~~ **offense.**

40         3. A termination of parental rights petition shall be filed by the juvenile officer or the  
41 division, or if such a petition has been filed by another party, the juvenile officer or the division

42 shall seek to be joined as a party to the petition, within sixty days of the judicial determinations  
43 required in subsection 2 of this section, except as provided in subsection 4 of this section.  
44 Failure to comply with this requirement shall not deprive the court of jurisdiction to adjudicate  
45 a petition for termination of parental rights which is filed outside of sixty days.

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

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

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

53 (3) The family of the child has not been provided such services as provided for in section  
54 211.183.

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

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

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

64 (b) The parent has, ~~[without good cause, left the child without any provision for parental~~  
65 ~~support and without making arrangements to visit or communicate with the child, although able~~  
66 ~~to do so]~~ **for a period of six months immediately prior to the filing of the petition for**  
67 **termination of parental rights, willfully, substantially, and continuously neglected to**  
68 **provide the child with necessary care and protection;**

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

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

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

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

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

85

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

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

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

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

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

104 (d) Chemical dependency which prevents the parent from consistently providing the  
105 necessary care, custody and control over the child and which cannot be treated so as to enable  
106 the parent to consistently provide such care, custody and control; or

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

111 (5) (a) The parent is unfit to be a party to the parent and child relationship because of  
112 a consistent pattern of committing a specific abuse including, but not limited to, specific  
113 conditions directly relating to the parent and child relationship which are determined by the court

114 to be of a duration or nature that renders the parent unable for the reasonably foreseeable future  
115 to care appropriately for the ongoing physical, mental, or emotional needs of the child.

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

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

122 b. If the parent is the birth mother and within eight hours after the child's birth, the child's  
123 birth mother tested positive and over eight-hundredths of one percent blood alcohol content  
124 pursuant to testing under section 577.020 for alcohol, or tested positive for cocaine, heroin,  
125 methamphetamine, a controlled substance as defined in section 195.010, or a prescription drug  
126 as defined in section 196.973, excepting those controlled substances or prescription drugs present  
127 in the mother's body as a result of medical treatment administered to the mother, and the birth  
128 mother is the biological mother of at least one other child who was adjudicated an abused or  
129 neglected minor by the mother or the mother has previously failed to complete recommended  
130 treatment services by the children's division through a family-centered services case;

131 c. If the parent is the birth mother and at the time of the child's birth or within eight hours  
132 after a child's birth the child tested positive for alcohol, cocaine, heroin, methamphetamine, a  
133 controlled substance as defined in section 195.010, or a prescription drug as defined in section  
134 196.973, excepting those controlled substances or prescription drugs present in the mother's body  
135 as a result of medical treatment administered to the mother, and the birth mother is the biological  
136 mother of at least one other child who was adjudicated an abused or neglected minor by the  
137 mother or the mother has previously failed to complete recommended treatment services by the  
138 children's division through a family-centered services case; ~~[or]~~

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

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

147 6. The juvenile court may terminate the rights of a parent to a child upon a petition filed  
148 by the juvenile officer or the division, or in adoption cases, by a prospective parent, if the court  
149 finds that the termination is in the best interest of the child and when it appears by clear, cogent

150 and convincing evidence that grounds exist for termination pursuant to subsection 2, 4 or 5 of  
151 this section.

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

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

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

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

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

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

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

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

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

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

176 10. The disability or disease of a parent shall not constitute a basis for a determination  
177 that a child is a child in need of care, for the removal of custody of a child from the parent, or for  
178 the termination of parental rights without a specific showing that there is a causal relation  
179 between the disability or disease and harm to the child.

180 11. A court of competent jurisdiction may terminate the parental rights of a biological  
181 father of a child if he is an alleged perpetrator of forcible rape under section 566.030 as it existed  
182 prior to August 28, 2013, or rape in the first degree under section 566.030 that resulted in the  
183 conception and birth of the child. The biological mother who is the victim of the forcible rape  
184 or rape in the first degree or, if she is a minor, someone on her behalf may file a petition to

185 terminate the parental rights of the biological father. The court may terminate the parental rights  
186 of the biological father if the court finds that by:

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

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

191 (3) The preponderance of the evidence the termination of the parental rights of the  
192 biological father is in the best interests of the child.

193 12. In any action to terminate the parental rights of the biological father under subsection  
194 11 of this section or subdivision (5) of subsection 5 of this section, a court of competent  
195 jurisdiction may order that the mother and the child conceived and born as a result of forcible  
196 rape or rape in the first degree are entitled to obtain from the biological father certain payments,  
197 support, beneficiary designations, or other financial benefits. The court shall issue such order  
198 only if the mother gives her consent; provided, that the court shall first inform the mother that  
199 such order may require or obligate the mother to have continuous or future communication and  
200 contact with the biological father. Such order shall be issued without the biological father being  
201 entitled to or granted any custody, guardianship, visitation privileges, or other parent-child  
202 relationship, and may include any or all of the following:

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

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

206 (3) All rights of the child to inherit under the probate code, as defined in section  
207 472.010; provided that, for purposes of intestate succession, the biological father or his kindred  
208 shall have no right to inherit from or through the child;

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

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

213

214 If the mother declines to seek a court order for child support under this subsection, no state  
215 agency shall require the mother to do so in order to receive public assistance benefits for herself  
216 or the child, including, but not limited to, benefits for temporary assistance for needy families,  
217 supplemental nutrition assistance program, or MO HealthNet. The court order terminating the  
218 parental rights of the biological father under subdivision (5) of subsection 5 of this section or  
219 subsection 11 of this section shall serve as a sufficient basis for a good cause or other exemptions  
220 under 42 U.S.C. Section 654(29) and the state agency shall not require the mother or the child

221 to otherwise provide the identity, location, income, or assets of the biological father or have  
222 contact or communicate with the biological father. However, nothing in this subsection shall  
223 prohibit a state agency from requesting that the mother assign any child support rights she  
224 receives under this subsection to the state as a condition of receipt of public assistance benefits  
225 under applicable federal and state law.

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

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

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

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

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

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

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

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

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

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

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

28 (6) The mental and physical health of all individuals involved, including any history of  
29 abuse of any individuals involved. If the court finds that a pattern of domestic violence as  
30 defined in section 455.010 has occurred, and, if the court also finds that awarding custody to the  
31 abusive parent is in the best interest of the child, then the court shall enter written findings of fact

32 and conclusions of law. Custody and visitation rights shall be ordered in a manner that best  
33 protects the child and any other child or children for whom the parent has custodial or visitation  
34 rights, and the parent or other family or household member who is the victim of domestic  
35 violence from any further harm;

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

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

40 3. (1) In any court proceedings relating to custody of a child, the court shall not award  
41 custody or unsupervised visitation of a child to a parent if such parent or any person residing with  
42 such parent has been found guilty of, or pled guilty to, any of the following offenses when a child  
43 was the victim:

44 (a) A felony violation of section 566.030, 566.031, 566.032, 566.060, 566.061, 566.062,  
45 566.064, 566.067, 566.068, 566.083, 566.100, 566.101, 566.111, 566.151, 566.203, 566.206,  
46 566.209, 566.211, or 566.215;

47 (b) A violation of section 568.020;

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

49 (d) A violation of section 568.065;

50 (e) A violation of section 573.200;

51 (f) A violation of section 573.205; or

52 (g) A violation of section 568.175.

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

59 4. The general assembly finds and declares that it is the public policy of this state that  
60 frequent, continuing and meaningful contact with both parents after the parents have separated  
61 or dissolved their marriage is in the best interest of the child, except for cases where the court  
62 specifically finds that such contact is not in the best interest of the child, and that it is the public  
63 policy of this state to encourage parents to participate in decisions affecting the health, education  
64 and welfare of their children, and to resolve disputes involving their children amicably through  
65 alternative dispute resolution. In order to effectuate these policies, the court shall determine the  
66 custody arrangement which will best assure both parents participate in such decisions and have

67 frequent, continuing and meaningful contact with their children so long as it is in the best  
68 interests of the child.

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

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

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

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

79 (4) Sole custody to either parent; or

80 (5) Third-party custody or visitation:

81 (a) When the court finds that each parent is unfit, unsuitable, or unable to be a custodian,  
82 or the welfare of the child requires, and it is in the best interests of the child, then custody,  
83 temporary custody or visitation may be awarded **a person related by consanguinity or affinity**  
84 **to the child. If no person related to the child by consanguinity or affinity is willing to**  
85 **accept custody, then the court may award custody** to any other person or persons deemed by  
86 the court to be suitable and able to provide an adequate and stable environment for the child.  
87 Before the court awards custody, temporary custody or visitation to a third person under this  
88 subdivision, the court shall make that person a party to the action;

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

91 6. If the parties have not agreed to a custodial arrangement, or the court determines such  
92 arrangement is not in the best interest of the child, the court shall include a written finding in the  
93 judgment or order based on the public policy in subsection 4 of this section and each of the  
94 factors listed in subdivisions (1) to (8) of subsection 2 of this section detailing the specific  
95 relevant factors that made a particular arrangement in the best interest of the child. If a proposed  
96 custodial arrangement is rejected by the court, the court shall include a written finding in the  
97 judgment or order detailing the specific relevant factors resulting in the rejection of such  
98 arrangement.

99 7. Upon a finding by the court that either parent has refused to exchange information  
100 with the other parent, which shall include but not be limited to information concerning the  
101 health, education and welfare of the child, the court shall order the parent to comply immediately  
102 and to pay the prevailing party a sum equal to the prevailing party's cost associated with

103 obtaining the requested information, which shall include but not be limited to reasonable  
104 attorney's fees and court costs.

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

110         9. Any judgment providing for custody shall include a specific written parenting plan  
111 setting forth the terms of such parenting plan arrangements specified in subsection 8 of section  
112 452.310. Such plan may be a parenting plan submitted by the parties pursuant to section 452.310  
113 or, in the absence thereof, a plan determined by the court, but in all cases, the custody plan  
114 approved and ordered by the court shall be in the court's discretion and shall be in the best  
115 interest of the child.

116         10. After August 28, 2016, every court order establishing or modifying custody or  
117 visitation shall include the following language: "In the event of noncompliance with this order,  
118 the aggrieved party may file a verified motion for contempt. If custody, visitation, or third-party  
119 custody is denied or interfered with by a parent or third party without good cause, the aggrieved  
120 person may file a family access motion with the court stating the specific facts that constitute a  
121 violation of the custody provisions of the judgment of dissolution, legal separation, or judgment  
122 of paternity. The circuit clerk will provide the aggrieved party with an explanation of the  
123 procedures for filing a family access motion and a simple form for use in filing the family access  
124 motion. A family access motion does not require the assistance of legal counsel to prepare and  
125 file."

126         11. No court shall adopt any local rule, form, or practice requiring a standardized or  
127 default parenting plan for interim, temporary, or permanent orders or judgments.  
128 Notwithstanding any other provision to the contrary, a court may enter an interim order in a  
129 proceeding under this chapter, provided that the interim order shall not contain any provisions  
130 about child custody or a parenting schedule or plan without first providing the parties with notice  
131 and a hearing, unless the parties otherwise agree.

132         12. Unless a parent has been denied custody rights pursuant to this section or visitation  
133 rights under section 452.400, both parents shall have access to records and information  
134 pertaining to a minor child including, but not limited to, medical, dental, and school records. If  
135 the parent without custody has been granted restricted or supervised visitation because the court  
136 has found that the parent with custody or any child has been the victim of domestic violence, as  
137 defined in section 455.010, by the parent without custody, the court may order that the reports  
138 and records made available pursuant to this subsection not include the address of the parent with

139 custody or the child. A court shall order that the reports and records made available under this  
140 subsection not include the address of the parent with custody if the parent with custody is a  
141 participant in the address confidentiality program under section 589.663. Unless a parent has  
142 been denied custody rights pursuant to this section or visitation rights under section 452.400, any  
143 judgment of dissolution or other applicable court order shall specifically allow both parents  
144 access to such records and reports.

145         13. Except as otherwise precluded by state or federal law, if any individual, professional,  
146 public or private institution or organization denies access or fails to provide or disclose any and  
147 all records and information, including, but not limited to, past and present dental, medical and  
148 school records pertaining to a minor child, to either parent upon the written request of such  
149 parent, the court shall, upon its finding that the individual, professional, public or private  
150 institution or organization denied such request without good cause, order that party to comply  
151 immediately with such request and to pay to the prevailing party all costs incurred, including, but  
152 not limited to, attorney's fees and court costs associated with obtaining the requested information.

153         14. An award of joint custody does not preclude an award of child support pursuant to  
154 section 452.340 and applicable supreme court rules. The court shall consider the factors  
155 contained in section 452.340 and applicable supreme court rules in determining an amount  
156 reasonable or necessary for the support of the child.

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

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

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

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

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

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

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

12           3. The children's division of the department of social services [~~and the department of~~  
13 ~~health and senior services~~] shall promulgate rules and regulations regarding the placement of a  
14 minor for adoption.

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

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

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

11           3. With the exceptions specifically enumerated in section 453.040, when the person  
12 sought to be adopted is under the age of eighteen years, the written consent of the following  
13 persons shall be required and filed in and made a part of the files and record of the proceeding:

14           (1) The mother of the child;

15           (2) Any man who:

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

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

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

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

26

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

29           4. The written consent required in subdivisions (2) and (3) of subsection 3 of this section  
30 may be executed before or after the birth of the child or before or after the commencement of the  
31 adoption proceedings, and shall be executed in front of a judge or acknowledged before a notary

32 public. If consent is executed in front of a judge, it shall be the duty of the judge to advise the  
33 consenting birth parent of the consequences of the consent. In lieu of such acknowledgment, the  
34 signature of the person giving such written consent shall be witnessed by the signatures of at  
35 least two adult persons whose signatures and addresses shall be plainly written thereon. The two  
36 adult witnesses shall not be the prospective adoptive parents or any attorney representing a party  
37 to the adoption proceeding other than the attorney representing the party signing the consent.  
38 The notary public or witnesses shall verify the identity of the party signing the consent.  
39 Notwithstanding any other provision of law to the contrary, a properly executed written consent  
40 under this subsection shall be considered irrevocable.

41 5. The written consent required in subdivision (1) of subsection 3 of this section by the  
42 birth mother shall not be executed anytime before the child is forty-eight hours old. Such written  
43 consent shall be executed in front of a judge or acknowledged before a notary public. If consent  
44 is executed in front of a judge, it shall be the duty of the judge to advise the consenting party of  
45 the consequences of the consent. In lieu of acknowledgment before a notary public, the signature  
46 of the person giving such written consent shall be witnessed by the signatures of at least two  
47 adult persons who are present at the execution whose signatures and addresses shall be plainly  
48 written thereon and who determine and certify that the consent is knowingly and freely given.  
49 The two adult witnesses shall not be the prospective adoptive parents or any attorney  
50 representing a party to the adoption proceeding other than the attorney representing the party  
51 signing the consent. The notary public or witnesses shall verify the identity of the party signing  
52 the consent.

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

58 7. A consent form shall be developed through rules and regulations promulgated by the  
59 **children's division of the** department of social services. No rule or portion of a rule  
60 promulgated under the authority of this section shall become effective unless it has been  
61 promulgated pursuant to the provisions of chapter 536. If a written consent is obtained after  
62 August 28, 1997, but prior to the development of a consent form by the department and the  
63 written consent complies with the provisions of subsection 8 of this section, such written consent  
64 shall be deemed valid.

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

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

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

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

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

76 11. A birth parent, including a birth parent less than eighteen years of age, shall have the  
77 right to legal representation ~~[and payment of any reasonable legal fees incurred throughout the~~  
78 ~~adoption process]~~. In addition, the court may appoint an attorney to represent a birth parent **less**  
79 **than eighteen years of age** if:

80 (1) A birth parent requests representation;

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

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

84 12. ~~[Except in cases where the court determines that the adoptive parents are unable to~~  
85 ~~pay reasonable attorney fees and appoints pro bono counsel for the birth parents, the court shall~~  
86 ~~order the costs of the attorney fees incurred pursuant to subsection 11 of this section to be paid~~  
87 ~~by the prospective adoptive parents or the child-placing agency.~~

88 ~~—————13.]~~ The court shall receive and acknowledge a written consent to adoption properly  
89 executed by a birth parent under this section when such consent is in the best interests of the  
90 child.

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

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

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

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

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

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

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

18 (7) A parent who has ~~[for a period of at least six months, for a child one year of age or~~  
19 ~~older, or at least sixty days, for a child under one year of age, immediately prior to the filing of~~  
20 ~~the petition for adoption, willfully abandoned the child or, for a period of at least six months~~  
21 ~~immediately prior to the filing of the petition for adoption, willfully, substantially and~~  
22 ~~continuously neglected to provide him with necessary care and protection]~~ **abandoned a child**  
23 **as described in paragraph (b) of subdivision (2) of subsection 2 of section 211.447 or**  
24 **paragraph (b) of subdivision (1) of subsection 5 of section 211.447;**

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

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

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

15 3. The children's division shall develop rules and regulations regarding the content of  
16 the assessment of the petitioner or petitioners. The content of the assessment shall include but  
17 not be limited to a report on the condition of the petitioner's home and information on the  
18 petitioner's education, financial, marital, medical and psychological status and criminal  
19 background check. If an assessment is conducted after August 28, 1997, but prior to the  
20 promulgation of rules and regulations by the ~~[department]~~ **children's division** concerning the  
21 contents of such assessment, any discrepancy between the contents of the actual assessment and

22 the contents of the assessment required by [~~department~~] **children's division** rule shall not be  
23 used as the sole basis for invalidating an adoption. No rule or portion of a rule promulgated  
24 pursuant to the authority of this section shall become effective unless it has been promulgated  
25 pursuant to the provisions of chapter 536.

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

28 5. In cases where the adoption or custody involves a child under eighteen years of age  
29 that is the natural child of one of the petitioners and where all of the parents required by this  
30 chapter to give consent to the adoption or transfer of custody have given such consent, the  
31 juvenile court may waive the investigation and report, except the criminal background check, and  
32 enter the decree for the adoption or order the transfer of custody without such investigation and  
33 report.

34 6. In the case of an investigation and report made by the children's division by order of  
35 the court, the court may order the payment of a reasonable fee by the petitioner to cover the costs  
36 of the investigation and report.

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

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

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

✓