

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND Senate Committee Substitute for Senate Bill No. 47, Page 1, Line 3 in the Title, by deleting  
2 all of said line and inserting in lieu thereof the word "to children."; and

3  
4 Further amend said bill, Page 1, Section A, Line 2, by inserting after all of said section and line the  
5 following:

6  
7 "453.030. 1. In all cases the approval of the court of the adoption shall be required and such  
8 approval shall be given or withheld as the welfare of the person sought to be adopted may, in the  
9 opinion of the court, demand.

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

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

20 (1) The mother of the child; and

21 (2) Only the man who:

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

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

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

31 (3) The child's current adoptive parents or other legally recognized mother and father. Upon  
32 request by the petitioner and within one business day of such request, the clerk of the local court

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1 shall verify whether such written consents have been filed with the court.

2 4. The written consent required in subdivisions (2) and (3) of subsection 3 of this section  
3 may be executed before or after the commencement of the adoption proceedings, and shall be  
4 acknowledged before a notary public. In lieu of such acknowledgment, the signature of the person  
5 giving such written consent shall be witnessed by the signatures of at least two adult persons whose  
6 signatures and addresses shall be plainly written thereon. The two adult witnesses shall not be the  
7 prospective adoptive parents or any attorney representing a party to the adoption proceeding. The  
8 notary public or witnesses shall verify the identity of the party signing the consent.

9 5. The written consent required in subdivision (1) of subsection 3 of this section by the birth  
10 parent shall not be executed anytime before the child is forty-eight hours old. Such written consent  
11 shall be executed in front of a judge or a notary public. In lieu of such acknowledgment, the  
12 signature of the person giving such written consent shall be witnessed by the signatures of at least  
13 two adult persons who are present at the execution whose signatures and addresses shall be plainly  
14 written thereon and who determine and certify that the consent is knowingly and freely given. The  
15 two adult witnesses shall not be the prospective adoptive parents or any attorney representing a party  
16 to the adoption proceeding. The notary public or witnesses shall verify the identity of the party  
17 signing the consent.

18 6. The written consents shall be reviewed and, if found to be in compliance with this section,  
19 approved by the court within three business days of such consents being presented to the court.  
20 Upon review, in lieu of approving the consent within three business days, the court may set a date for  
21 a prompt evidentiary hearing upon notice to the parties. Failure to review and approve the written  
22 consent within three business days shall not void the consent, but a party may seek a writ of  
23 mandamus from the appropriate court, unless an evidentiary hearing has been set by the court  
24 pursuant to this subsection.

25 7. The written consent required in subsection 3 of this section may be withdrawn anytime  
26 until it has been reviewed and accepted by a judge.

27 8. A consent form shall be developed through rules and regulations promulgated by the  
28 department of social services. No rule or portion of a rule promulgated under the authority of this  
29 section shall become effective unless it has been promulgated pursuant to the provisions of chapter  
30 536. If a written consent is obtained after August 28, 1997, but prior to the development of a consent  
31 form by the department and the written consent complies with the provisions of subsection 9 of this  
32 section, such written consent shall be deemed valid.

33 9. However, the consent form must specify that:

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

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

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

1           11. Where the person sought to be adopted is eighteen years of age or older, his written  
2 consent alone to his adoption shall be sufficient.

3           12. A birth parent, including a birth parent less than eighteen years of age, shall have the  
4 right to legal representation and payment of any reasonable legal fees incurred throughout the  
5 adoption process. In addition, the court may appoint an attorney to represent a birth parent if:

6           (1) A birth parent requests representation;

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

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

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

14  
15 Further amend said bill by amending the title, enacting clause, and intersectional references  
16 accordingly.