

HCS SB 800 -- JUVENILE COURT PROCEEDINGS

SPONSOR: Libla (Corlew)

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Judiciary by a vote of 8 to 1. Voted "Do Pass" by the Standing Committee on Rules- Legislative Oversight by a vote of 11 to 1.

Currently, any order or judgment entered by the juvenile court takes precedence over any order or judgment concerning status or custody of a child under 21 years of age, as long as the order or judgment remains in effect. This bill specifies that the order or judgment by the juvenile court shall take precedence over other orders concerning status or custody of a child under 21 years of age, or orders of guardianship, so long as the juvenile court exercises continuing jurisdiction. The bill specifies additional powers a court exercising jurisdiction over a child under 21 shall have. This bill provides provisions regarding custody, support, or visitation orders entered by a court having jurisdiction over a child under 21 (Section 211.093, RSMo).

The bill permits a private attorney filing a petition for adoption to petition the juvenile court to terminate the rights of a parent or to receive specific consent to adopt or waiver of consent to adopt. This bill repeals existing provisions relating to the form and manner of the consent to adopt or waiver of consent to adopt (Section 211.444).

This bill allows a court to terminate the parental rights of a biological father if he is an alleged perpetrator of forcible rape or rape in the first degree that resulted in the conception and birth of the child if the court finds that by:

- (1) Clear, cogent, and convincing evidence that the biological father committed the act against the biological mother;
- (2) Clear, cogent, and convincing evidence that the child was conceived as a result of that act; and
- (3) The preponderance of the evidence that the termination of parental rights is in the best interests of the child.

In any action to terminate the parental rights of a father under these provisions, the court may order, with the mother's consent, that the mother and child are entitled to obtain from the father payment for the reasonable expenses of pregnancy, childbirth or early child care; child support; inheritance rights under the probate code; the designation of the child as beneficiary of the

father's life insurance; or any other reasonable payments. The father shall not be entitled to any custody, guardianship, visitation, or other parent-child relationship. No state agency shall require the mother to seek child support if the mother declines to do so and such refusal shall not render the mother or child ineligible to receive public assistance benefits (Section 211.447).

This bill is similar to HB 1728 and SCS SB 795 (2018).

PROPONENTS: Supporters say that this would allow a guardian ad litem or a private attorney filing a petition for adoption to petition the juvenile court to terminate the rights of a parent or to receive specific consent to adopt or waiver of consent to adopt. Currently, juvenile officers have the ability to terminate parental rights, as can the court in certain situations.

Testifying for the bill were Senator Libla; Campaign Life Missouri; Missouri Coalition Against Domestic & Sexual Violence; and Amy Martin, Missouri Children's Division.

OPPONENTS: There was no opposition voiced to the committee.