

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for House Bill Nos. 1123 & 1221, Page 7, Section 211.447,
2 Line 226, by inserting after said section and line the following:

3
4 "453.014. 1. The following persons may place a minor for adoption:

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

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

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

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

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

15 3. The children's division of the department of social services and the department of health
16 and senior services shall promulgate rules and regulations regarding the placement of a minor for
17 adoption.

18 4. No rule or portion of a rule promulgated under the authority of this section shall become
19 effective unless it has been promulgated pursuant to the provisions of section 536.024."; and

20
21 Further amend said bill, Page 11, Section 453.040, Line 27, by inserting after said section and line
22 the following:

23
24 "453.070. 1. Except as provided in subsection 5 of this section, no decree for the adoption
25 of a child under eighteen years of age shall be entered for the petitioner or petitioners in such
26 adoption as ordered by the juvenile court having jurisdiction, until a full investigation, which
27 includes an assessment of the adoptive parents, an appropriate postplacement assessment and a
28 summary of written reports as provided for in section 453.026, and any other pertinent information
29 relevant to whether the child is suitable for adoption by the petitioner and whether the petitioner is
30 suitable as a parent for the child, has been made. The report shall also include a statement to the
31 effect that the child has been considered as a potential subsidy recipient.

32 2. Such investigation shall be made, as directed by the court having jurisdiction, either by
33 the children's division of the department of social services, a juvenile court officer, a licensed child-
34 placement agency, a social worker, a professional counselor, or a psychologist licensed under
35 chapter 337 and associated with a licensed child-placement agency, or other suitable person
36 appointed by the court. The results of such investigation shall be embodied in a written report that

Action Taken _____ Date _____

1 shall be submitted to the court within ninety days of the request for the investigation.

2 3. The children's division shall develop rules and regulations regarding the content of the
3 assessment of the petitioner or petitioners. The content of the assessment shall include but not be
4 limited to a report on the condition of the petitioner's home and information on the petitioner's
5 education, financial, marital, medical and psychological status and criminal background check. If
6 an assessment is conducted after August 28, 1997, but prior to the promulgation of rules and
7 regulations by the ~~[department]~~ children's division concerning the contents of such assessment, any
8 discrepancy between the contents of the actual assessment and the contents of the assessment
9 required by ~~[department]~~ children's division rule shall not be used as the sole basis for invalidating
10 an adoption. No rule or portion of a rule promulgated pursuant to the authority of this section shall
11 become effective unless it has been promulgated pursuant to the provisions of chapter 536.

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

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

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

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

29 8. (1) Nothing in this section shall be construed to permit discrimination on the basis of
30 disability or disease of a prospective adoptive parent.

31 (2) The disability or disease of a prospective adoptive parent shall not constitute a basis for
32 a determination that the petitioner is unfit or not suitable to be an adoptive parent without a specific
33 showing that there is a causal relationship between the disability or disease and a substantial and
34 significant risk of harm to a child."; and
35

36 Further amend said bill by amending the title, enacting clause, and intersectional references
37 accordingly.