

FIRST REGULAR SESSION

# SENATE BILL NO. 343

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR LIBLA.

Read 1st time January 25, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1365S.011

## AN ACT

To repeal section 453.070, RSMo, and to enact in lieu thereof one new section relating to foster parent adoptions.

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

Section A. Section 453.070, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 453.070, to read as follows:

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

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

19 3. The children's division shall develop rules and regulations regarding

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

20 the content of the assessment of the petitioner or petitioners. The content of the  
21 assessment shall include but not be limited to a report on the condition of the  
22 petitioner's home and information on the petitioner's education, financial,  
23 marital, medical and psychological status and criminal background check. If an  
24 assessment is conducted after August 28, 1997, but prior to the promulgation of  
25 rules and regulations by the department concerning the contents of such  
26 assessment, any discrepancy between the contents of the actual assessment and  
27 the contents of the assessment required by department rule shall not be used as  
28 the sole basis for invalidating an adoption. No rule or portion of a rule  
29 promulgated pursuant to the authority of this section shall become effective  
30 unless it has been promulgated pursuant to the provisions of chapter 536.

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

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

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

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

51 8. (1) Nothing in this section shall be construed to permit discrimination  
52 on the basis of disability or disease of a prospective adoptive parent.

53 (2) The disability or disease of a prospective adoptive parent shall not  
54 constitute a basis for a determination that the petitioner is unfit or not suitable  
55 to be an adoptive parent without a specific showing that there is a causal

56 relationship between the disability or disease and a substantial and significant  
57 risk of harm to a child.

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