

FIRST REGULAR SESSION

HOUSE BILL NO. 290

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES LICHTENEGGER (Sponsor), TORPEY, ZERR, BURLISON,
SWAN, MORRIS, SOLON, ALLEN, SCHARNHORST, CONWAY (104), BRATTIN, KORMAN,
JONES (110), KELLY (45), HAEFNER AND JOHNSON (Co-sponsors).

1088H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 453.070, RSMo, and to enact in lieu thereof one new section relating to adoption investigations.

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Section A. Section 453.070, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 453.070, to read as follows: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 for the adoption of a child under eighteen years of age shall be entered for the petitioner or petitioners in such adoption as ordered by the juvenile court having jurisdiction, until a full investigation, which includes an assessment of the adoptive parents, an appropriate postplacement assessment and a summary of written reports as provided for in section 453.026, and any other pertinent information relevant to whether the child is suitable for adoption by the petitioner and whether the petitioner is suitable as a parent for the child, has been made. The report shall also include a statement to the effect that the child has been considered as a potential subsidy recipient.

2. Such investigation shall be made, as directed by the court having jurisdiction, either by the division of family services of the state department of social services, a juvenile court officer, a licensed child-placement agency, a social worker licensed pursuant to chapter 337, **licensed professional counselor, psychologist**, or other suitable person appointed by the court. The results of such investigation shall be embodied in a written report that shall be submitted to the court within ninety days of the request for the investigation.

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.

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

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

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

33 6. In the case of an investigation and report made by the division of family services by
34 order of the court, the court may order the payment of a reasonable fee by the petitioner to cover
35 the costs of the investigation and report.

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

44 8. (1) Nothing in this section shall be construed to permit discrimination on the basis
45 of disability or disease of a prospective adoptive parent.

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

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