

HB 371 -- Judicial Procedure

Sponsor: Cox

This bill allows a written consent to adoption to be executed in front of a judge and requires the judge to advise the consenting birth parent of the consequences of the consent. A written consent to adoption by the mother of the child must not be executed anytime before the child is 24-hours old, instead of the current 48-hours requirement; and if executed before a judge, the judge must advise the mother of the consequences of the consent.

A consent to adoption is final when executed unless the consenting party, prior to a final decree of adoption, alleges and proves by clear and convincing evidence that the consent was not freely and voluntarily given. The consenting party bears the burden of proving the consent was not freely and voluntarily given. A consent to an adoption must have been executed not more than six months prior to the date the petition for adoption is filed.

The bill allows a juvenile court, upon application and once the child is at least 24-hours old, instead of the current two days' requirement, to permit a parent to waive the necessity of his or her consent to a future adoption of the child. This waiver of consent must be executed in front of a judge, acknowledged before a notary public, or the signature of the person giving consent must be witnessed by the signatures of at least two adults. If executed in front of a judge, the judge is required to advise the consenting party of the consequences of the waiver of consent.