

HB 1221 -- TERMINATION OF PARENTAL RIGHTS

SPONSOR: Coleman (97)

This bill modifies provisions relating to the protection of children.

TERMINATION OF PARENTAL RIGHTS (Section 211.447)

Currently, the definition of an "infant" is any child one year old or younger and the definition of a "child" is any child over one year old, in these provisions. This bill changes the definition of an "infant" to any child three years of age or younger and the definition of a "child" to any child over three years of age in cases of termination of parental rights.

The bill modifies the grounds for determining the abandonment of an infant or child. Currently, an infant or child is considered abandoned when the parent leaves the infant or child without any provisions for parental support or arrangement for communication although able to do so. This bill specifies that an infant is considered abandoned if, after 60 days immediately prior to filing a petition for termination of parental rights for an infant and if after six months immediately prior to filing a petition for termination of parental rights for a child, the parent has willfully, substantially, and continuously neglected to provide the child with necessary care and protection.

Currently, a termination of parental rights may be filed if the parent has been found guilty of certain felony offenses when the child or any child in the family was a victim. This bill adds additional felony offenses to the list and removes the requirement that the child must be in the family and instead specifies that when any child is a victim of the specified felonies.

This bill modifies provisions relating to the circumstances under which the juvenile officer or Children's Division may file a petition to terminate parental rights to include when an infant or child has been in foster care under the jurisdiction of the juvenile court for at least 15 of the 22 months prior to the filing of the petition. Currently, this only applies to an infant or child that has been abandoned.

ADOPTION REGULATIONS (Sections 453.014, 453.030, and 453.070)

This bill modifies provisions granting the Department of Social Services and the Department of Health and Senior Services regulatory authority for placing a child for adoption to instead grant such authority to the Children's Division and to repeal such

authority from the Department of Health and Senior Services.

The bill repeals language regarding the payment of legal fees incurred by the birth parent for the adoption and allowing the court to appoint an attorney for the birth parent. A birth parent, including a birth parent under 18 years of age, does have the right to legal representation.

ADOPTION PROCEEDINGS (Sections 453.030 and 453.040)

Finally, this bill modifies the circumstances in which a parent's consent to adoption is not required to reflect the changes made to identifying "abandoned" children.

This bill is similar to SB 888 (2020).