OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

In the Matter of: T.S.D.	)	No. ED99499
	)	
	)	Appeal from the Circuit Court
	)	of Franklin County
	)	
	)	Honorable David B. Tobben
	)	
	)	FILED: January 28, 2014

Mother appeals from the trial court's judgment finalizing the adoption of her biological son, T.S.D., by J.D. and M.D. The trial court found that because Mother willfully abandoned and willfully, substantially, and continuously neglected T.S.D. under Section 453.040(7), Mother's consent was not required for the adoption. In her first point on appeal, Mother claims that the trial court committed reversible error in failing to comply with the requirements of Sections 453.070, 453.077, and 453.110. Specifically, Mother contends that the investigational reports required under these statutes were not received into evidence and that the pre-adoption assessment report was not ordered by the trial court as required by Section 453.070. In her second and third points on appeal, Mother argues that the trial court's finding that she abandoned and neglected T.S.D. was against the weight of the evidence and not supported by substantial and competent evidence, thereby requiring her consent to the adoption.

AFFIRMED.

Division III Holds: The trial court's judgment is supported by substantial, competent evidence apart from the assessment reports, such that any procedural defects as to the receipt of the reports into evidence does not warrant reversal of the trial court's judgment. Furthermore, because the pre-adoption assessment report was only one tool used by the trial court in determining the best interests of T.S.D., the trial court did not err in its application of the adoption code. Finally, there is substantial and competent evidence to support the trial court's determination that Mother abandoned and neglected T.S.D., and the trial court's judgment is not against the weight of the evidence. Accordingly, we affirm the judgment of the trial court.

Opinion by: Kurt S. Odenwald, J., Mary K. Hoff, P.J., and Angela T. Quigless, J., Concur.

Attorney for Appellant: Melvin G. Franke

Attorney for Respondents: Rachel J. White

Guardian Ad Litem: Samantha Wacker

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