

**IN THE MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

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**COMPLETE TITLE OF CASE**

IN RE THE MATTER OF THE ADOPTION OF: H.D.J.K.

L.M.,

Respondent,

v.

K.K. (Natural Mother),

Appellant.

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**DOCKET NUMBER WD72885**

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**DATE:** March 29, 2011

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**APPEAL FROM**

The Circuit Court of Macon County, Missouri  
The Honorable Gary G. Wallace, Judge

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**JUDGES**

Division I: Pfeiffer, P.J., and Newton and Ahuja, JJ.

CONCURRING.

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**ATTORNEYS**

Mary J. Browning  
Jefferson City, MO

Attorney for Respondent,

Deanne Hackman  
Macon, MO

Attorney for Appellant,

Joshua W. Meisner  
Macon, MO

Guardian *ad litem*.

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**MISSOURI APPELLATE COURT OPINION SUMMARY**  
**MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

IN RE THE MATTER OF THE )  
ADOPTION OF: H.D.J.K. )  
 )  
L.M., )  
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Respondent, )  
v. )  
 )  
K.K. (Natural Mother), )  
 )  
Appellant. )

**OPINION FILED:**  
**March 29, 2011**

**WD72885**

**Macon County**

**Before Division I Judges:**

Mark D. Pfeiffer, Presiding Judge, and  
Thomas H. Newton and Alok Ahuja, Judges

K.K. appeals the judgment terminating her parental rights to her child, H.D.J.K. K.K. argues that the trial court erred in ruling that she willfully abandoned H.D.J.K. because the trial court lacked clear, cogent, and convincing evidence that she had not maintained consistent and repeated contact with H.D.J.K. and had not provided financial support for H.D.J.K. within the six months immediately prior to the filing of the petition. K.K. further alleges that the trial court erred when ruling that termination of her parental rights was in the best interest of H.D.J.K. without making specific statutory findings to support this ruling.

**AFFIRMED.**

**DIVISION I HOLDS:**

We conclude that the trial court terminated K.K.’s parental rights and granted H.D.J.K.’s adoption on the basis of section 453.040(7) rather than section 211.447. The findings requirements of section 211.447 do not apply to section 453.040(7) adoptions when section 211.447 is not pleaded. A court may grant an adoption without parental consent simply based upon a finding either of “willful abandonment” or “willful, substantial and continuous neglect” by the natural parent, as provided in section 453.040(7). Even if this court were to

assume that K.K.'s allegations were correct and that the trial court in fact lacked clear, cogent, and convincing evidence to find willful abandonment, K.K. does not assert error in the trial court's finding of neglect.

**OPINION BY:** Mark D. Pfeiffer, Presiding Judge

March 29, 2011

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