

**TWENTY - SECOND JUDICIAL CIRCUIT OF MISSOURI
FAMILY COURT - JUVENILE DIVISION**

**POLICIES REGARDING INFANT TERMINATION OF PARENTAL
RIGHTS AND ADOPTION**

I. JURISDICTION

This Court shall have the exclusive and original jurisdiction in all termination of parental rights and adoption cases concerning any child who is under the prior and continuing jurisdiction of this Court as a result of a proceeding pursuant to the provisions of Chapter 211 RSMo.

JURISDICTION FOR ADOPTION CASES

In instances where no prior jurisdiction exists with any Court pursuant to the provisions of Chapter 211 RSMo., this Court shall have jurisdiction in adoption cases in which any of the following exists:

1. the petitioner(s) reside(s) in the City of St. Louis at the time of the filing of the petition;
2. the child sought to be adopted was born in the City of St. Louis;
3. the child sought to be adopted physically lives in the City of St. Louis at the time of the filing of the petition;
4. the birth mother resides in the City of St. Louis at the time of the filing of the petition;
5. the birth father resides in the City of St. Louis at the time of the filing of the petition.

In instances where the child is under the prior and continuing jurisdiction of another Court pursuant to the provisions of Chapter 211 RSMo., this Court shall only have jurisdiction in adoption cases where the jurisdiction has been transferred to this Court by the Court having such prior jurisdiction with the consent of this Court. Such consent shall be requested in the form of a Motion to Accept Jurisdiction from Another Court and shall be considered on a case-by-case basis. Acceptance of jurisdiction from another Court in adoption cases will be granted only upon the demonstration of serious and adequate reasons.

Re: Policies Regarding Infant Termination of Parental Rights and Adoption

JURISDICTION FOR TERMINATION OF PARENTAL RIGHTS CASES

With respect to termination of parental rights cases, in the absence of prior jurisdiction over the subject child, this Court shall only have jurisdiction in cases in which the subject child is physically present in the City of St. Louis at the time of the filing of the petition. In addition, this Court requires that the subject child remain in the City of St. Louis on a continuous basis up through the time that the petition for termination of parental rights is heard. Any exception to this requirement will be considered on a case by case basis upon a written request from the agency seeking legal custody of the child.

The factual basis for the jurisdiction of this Court may be periodically and randomly verified by the assigned Deputy Juvenile Officer or other Officers of the Court.

II NEUTRAL FOSTER HOME PLACEMENT

In all termination of parental rights cases and in all non-relative adoption cases in which this or any Court does not have prior and continuing jurisdiction of the subject child pursuant to the provisions of Chapter 211 RSMo., the subject child shall be placed and remain in a neutral foster home until termination of parental rights or transfer of custody is granted by an order of this Court. For purposes of this policy, a neutral foster home is defined as a licensed foster home wherein the foster parents are not the prospective adoptive parents. Any exception to this policy will be considered on a case by case basis upon a written request from either the agency seeking legal custody of the child or the attorney for the prospective adoptive parents seeking a transfer of custody of the child. Requests for exceptions shall be submitted to the Adoption Specialist for recommendation to the Judge.

In addition, any and all contact which takes place between the subject child and the prospective adoptive parents or between the birth parents and the prospective adoptive parents prior to the termination of parental rights or the transfer of legal custody to the prospective adoptive parents shall be disclosed in writing as soon as possible to this Court. Any such contact must be supervised by personnel of the licensed child-placing agency with prior written disclosure to the Family Court - Juvenile Division. No overnight visitation shall be permitted unless specifically approved by the Judge. Any request for an exception shall be submitted to the Adoption Specialist for recommendation to the Judge.

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III LAWFUL AND ACTUAL CUSTODY

The adoption statute requires that the adoptive parent(s) have "lawful and actual custody" of the subject child for a period of at least six (6) months prior to the entry of the adoption decree. "Lawful and actual custody" is interpreted by this Court to mean the actual physical presence of the subject child in the home of the petitioner(s) for at least six (6) continuous and uninterrupted months immediately prior to the entry of the adoption decree pursuant to a Family Court - Juvenile Division Order.

Note: A Family Court - Juvenile Division Court Order for transfer of custody to the adoptive petitioner(s) shall not be required in a step-parent adoption, placement of a child in the home of the petitioner(s) pursuant to a court order granting care, custody and control to the child-placing agency, or as otherwise permitted by the Judge.

IV PUTATIVE FATHERS

In all termination of parental rights cases filed by the Juvenile Officer, service is required only on putative fathers who have asserted their paternity. However, in all termination of parental rights cases filed by the Juvenile Officer, it shall be the policy of this Court that service upon putative fathers who have not affirmatively asserted their paternity be obtained if the putative father can be located after reasonable efforts.

In adoption cases filed pursuant to Chapter 453 RSMo. in which service on a putative father is not required by statute and that putative father has failed to affirmatively assert his paternity, service shall be at the discretion of the petitioner(s) for adoption. However, it is advised that service be obtained in instances in which the putative father can be located.

In cases in which the petition for adoption alleges grounds such as abandonment and/or neglect with respect to a putative father, service is always required. Service is also required on any person adjudicated by a court to be the father of the child and any person who has timely filed a notice of intent to claim paternity of the child pursuant to Section 192.016 RSMo or an acknowledgement of paternity pursuant to section 193.087 RSMo.

In all adoption cases in which the child is conceived and/or born out of wedlock or in which the child's legal father is not his/her biological father, the attorney for the petitioner(s) shall request a search of the putative father registry in the state in which the subject child was born. Such request shall be made regardless of any prior termination of parental rights action.

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It shall be the duty and responsibility of the agency and/or attorneys for petitioners to obtain any and all information concerning any putative father, including, identity, whereabouts and assertion of paternity. All efforts to obtain such information shall be documented in writing and provided to the Adoption Specialist.

V TRANSFER OF PHYSICAL CUSTODY WITHOUT AGENCY INVOLVEMENT

No person shall surrender or transfer physical custody of a child for the purposes of adoption to another or take possession or charge of a child without first having obtained an order of the Court. This Court shall only issue such an order after a full investigation as described in Section 453.070 RSMo. has been completed by an authorized agency and submitted in writing to this Court.

In any adoption case in which it is determined that the Petitioners have obtained the physical custody of the subject child without an order of a court of competent jurisdiction, a full written description of the circumstances under which the petitioner(s) obtained the physical custody of the child shall be submitted in writing to this Court by the attorney for the petitioner(s). The Juvenile Officer shall conduct a preliminary investigation and this Court may order an investigation and report as described in Section 453.070 RSMo. and pursuant to Section 453.110 RSMo.

VI RECEIPT OF HOME STUDY FOR PRE-ADOPTIVE PLACEMENT

This Court requires that an adoptive home study be submitted at the time of the termination of parental rights hearing if any appropriate pre-adoptive placement is selected prior to the termination of parental rights. If an appropriate pre-adoptive placement is not identified prior to the termination of parental rights hearing, the agency will submit a copy of the adoptive home study at the earliest possible date after the hearing.

VII ATTORNEY REPRESENTATION FOR PETITIONER(S) FOR ADOPTION

Petitioners are required to be represented by an attorney from the time of the filing of the petition in all adoption matters unless waived by the Judge for serious and adequate reasons.

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VIII WAIVER OF ADOPTION HOME STUDY BY COURT ORDER

An adoption home study is required in all cases unless such requirement is waived pursuant to court order.

Pursuant to Section 453.070.5 RSMo., home studies will only be waived in adoptions where all the parties have consented and the minor is the natural child of one of the petitioners. In these cases the attorney for the petitioner(s) is to submit a Motion to Waive Adoptive Home Study for the consideration of the Judge. In all cases in which such a Motion is filed, the Adoption Specialist will be notified and consulted for a recommendation prior to judicial consideration.

IX FEES AND EXPENSES

AFFIDAVIT OF EXPENSES - PETITIONER(S)

A completed Affidavit of Account form must be submitted by the petitioner(s) at the time of filing the petition for adoption. The petitioner(s) are also required to file an updated and comprehensive Affidavit of Account form immediately prior to the hearing date. The updated form will be provided by the clerk along with the Proposed Decree of Adoption which the attorney is to complete when the case is set on the docket. These Affidavits of Account are to be submitted on the form entitled Affidavit of Account which has been approved by the Judge and is available from the Clerk or the Adoption Specialist.

The attorney will be requested to supply the Court with further itemization, documentation or specific explanation for any and all assessed costs viewed as ambiguous, vague or unreasonable. Costs will be reviewed by the Adoption Specialist and the Judge on a case by case basis. Legal fees are subject to further explanation or itemization at the discretion of the Judge.

Any request for an unusual expense is to be submitted at the earliest possible date to the Adoption Specialist for review and submission to the Judge.

The petitioner(s) (through their attorney and in person) may be required to appear for a pre-trial conference with the Judge regarding the Affidavit of Account prior to docketing the adoption matter for hearing.

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AFFIDAVIT OF EXPENSES - AGENCY

Prior to the docketing of any transfer of custody or adoption matter, the child-placing agency (with the exception of the Missouri Children's Division) is required to submit to this Court an affidavit containing itemization of all agency fees and expenses and a full written description of any and all services provided to the petitioners, the subject child and the birth parents at the time of the submission of the Adoptive Home Study. No transfer of custody or adoption matter will be docketed without receipt of said affidavit by this Court.

Any request for an unusual expense is to be submitted at the earliest possible date to the Adoption Specialist for review and submission to the Judge.

In addition, this Court may at any time require any agency to submit the following items for inclusion in its affidavit of expenses:

- A. Dates of each service given to each petitioner and the subject child.
- B. The number of hours of each service provided to each petitioner and the subject child on each date.
- C. The name of each service provider utilized on each date.
- D. The specific cost of each specific service provided to the petitioner(s) and the subject child on each date.
- E. The specific cost of each specific service provided to the birth parent(s) on each date.

The agency may be required to appear for a pre-trial conference with the Judge regarding the affidavit of expenses prior to docketing the transfer of custody or adoption matter for hearing.

X APPEARANCE OF CHILD FOR HEARINGS

The subject children of any adoption matter are required to appear in person for all transfer of custody and adoption finalization hearings at this Court unless excused by Court Order in advance of a hearing due to unusual circumstances.

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**THESE PROCEDURES SHALL BE EFFECTIVE FOR ALL INFANT TERMINATION
OF PARENTAL RIGHTS CASES AND ADOPTION CASES
FILED ON OR AFTER APPROVAL BY THE CIRCUIT JUDGE**

APPROVED:

**The Honorable Jimmie M. Edwards
Circuit Judge, Family Court**

DATE: _____ (REVISED)