

Frequently Asked Questions about Adoption in Missouri

(Good Practice Standards)

WARNING: Adoption is a serious legal proceeding that involves the termination of the legal parental rights of birth parents and the assumption of legal parental responsibilities by the adoptive parents. Individuals who are contemplating an adoption should consult legal and child welfare professionals before proceeding. The information contained in this document is only a general summary of Missouri adoption policies and procedures. It is not intended to substitute for legal advice about any particular individual or situation.

BIRTH MOTHER RELATED

- 1. When can the mother of the baby start the adoption process?**
 - She can begin talking to a social worker or attorney any time after she is pregnant. She cannot officially sign Termination of Parental Rights papers to make her child available for adoption until the child is at least 48 hours old.

- 2. Can the birth mother choose the adoptive parents?**
 - Yes. Typically, the Court requires that a licensed child-placing agency complete a study of the prospective adoptive parent(s) and report its findings to the Court, before the Court will allow actual placement with the prospective adoptive parent(s).

- 3. Can the birth mother see and hold the baby after the birth?**
 - Yes, the birth mother can choose whether or not she wants to see and/or hold the baby. She can spend as much time as she wishes with the baby until her parental rights are terminated. There is no specific law addressing this.

- 4. What expenses can the adoptive parents pay to or on behalf of the birth mother and child?**
 - The law allows reasonable expenses to be paid. These may include living expenses such as housing, medical, counseling, legal and court costs, and travel expenses related to the pregnancy and adoption. Expenses covered or to be covered by the adoptive family must be fully disclosed to the Court.
 - These expenses are not repaid to the adoptive family if the birth family decides to parent their child.

- 5. Can a minor mother independently sign legal documents placing the child for adoption (consent to the adoption)?**
 - Yes, a minor may independently sign a legal document; however, she must have a court-appointed guardian ad litem.

6. **When does the birth mother actually sign the legal documents required for the adoption?**
 - Any time after the child is at least 48 hours old.
7. **Can the birth mother change her mind before signing the legal consents to the adoption?**
 - The birth parent may change her mind after consenting to the adoption up until the time the consents have been reviewed, accepted and approved by the Court.
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9. **Can the birth mother communicate with the adoptive parents and child after the adoption?**
 - The birth mother can communicate only if the adoptive parents are willing. There are no legally binding contact requirements, and the adoptive parents and/or birth parents can change their mind about having contact at any time.
10. **Can a birth mother anonymously surrender a newborn child?**
 - Yes, under Missouri's Safe Place for Newborns Act of 2002 (Section 210.950 of the Missouri Revised Statutes), a parent is immune from prosecution on child abandonment and endangering the welfare of a child charges for a child who is less than 5 days old and has an affirmative defense for child abandonment and endangerment of the welfare to a child who is between 6-30 days old, as long as the child is left with on duty hospital staff, firefighters, emergency medical technicians, or law enforcement officers.
11. **What happens if the birth parents do not agree that adoption should be the plan?**
 - The birth mother and the birth father generally must both consent to terminate their parents rights and to the adoption in order for the child to be placed for adoption in a timely fashion. Termination for cause is also a possibility but that generally would proceed at a much slower pace.

BIRTH FATHER RELATED

1. **Should the father of the baby have to be notified of the birth and the mother's adoption plan?**
 - Yes, any and all possible attempts should be made to notify him of the adoption plan.

2. **How is the father of the baby notified of the mother's adoption plan?**
 - A father who is known to the mother and/or who has affirmatively asserted his paternity will be notified through personal service, mail, or publishing the impending adoption plan in an appropriate newspaper. If the birth father has registered with the Putative Father Registry, he may be notified when that Registry is checked as part of the adoption process.
3. **Can the father of the baby choose the adoptive parents?**
 - Yes, he can be as involved in the adoption process as he chooses, similar to the birth mother's rights. The court requires that a licensed child-placing agency conduct a home study of the prospective adoptive family and file its report with the Court, before the Court will allow actual placement with the prospective adoptive parent(s).
4. **What happens if the biological father of the baby is not the baby's legal father?**
 - The birth mother's husband is considered the child's legal father. If the biological father is someone besides the mother's husband, all legal and possible biological fathers should be notified of the adoption plan.
5. **What happens if the husband (legal father) is not the biological father?**
 - The birth mother's husband is considered the child's legal father. If the biological father is someone besides the mother's husband, all legal and possible biological fathers should be notified of the adoption plan. However, the legal father still has rights to the child, and his rights must be terminated in order for an adoption plan to be made.
6. **What happens if the mother does not know who the biological father is?**
 - Most courts strongly prefer the birth mother provide as much information as she has about the identity of the father. Notice should be given to any and all possible and legal fathers, either through personal service, if he is known and able to be located; or through publication in an appropriate newspaper if his name and/or location is unknown.
7. **What happens if the mother refuses to give the name of the biological father?**
 - The birth mother should be made to understand the importance of identifying all possible fathers of the child. Most courts strongly prefer that she provide as much information as she has about the identity of the father. Notice should be given to any and all putative and legal fathers. In addition, Missouri has a Putative Father Registry. A man must file his name with the Putative Father Registry if he believes he is or may be the father of a child, if he wants the State to recognize him as the child's father, or if he wants to receive notification if this child is placed for adoption. The Putative Father Registry is checked prior to placing a child for adoption.

- 8. Can the birth father change his mind before signing the legal consents to the adoption?**
The birth parent may change his mind after consenting to the adoption up until the time the consents have been reviewed, accepted and approved by the Court.
- 9. Can a minor father independently sign legal documents placing the child for adoption (consent to the adoption)?**
➤ Yes, a minor may independently sign a legal document; however, he must have a court-appointed guardian ad litem.
- 10. Can the birth father change his mind after signing the legal consents to the adoption?**
▪ The birth parent may change his mind after consenting to the adoption up until the time the consents have been reviewed, accepted and approved by the Court.
- 11. What happens if the birth parents do not agree that adoption should be the plan?**
➤ The birth mother and the birth father generally must both consent to terminate their parents rights and to the adoption in order for the child to be placed for adoption in a timely fashion. Termination for cause is also a possibility but that generally would proceed at a much slower pace.
- 12. Can a birth father anonymously surrender a newborn child?**
➤ Yes, under Missouri's Safe Place for Newborns Act of 2002 (Section 210.950 of the Missouri Revised Statutes), a parent is immune from prosecution on child abandonment and endangering the welfare of a child charges for a child who is less than 5 days old and has an affirmative defense for child abandonment and endangerment of the welfare to a child who is between 6-30 days old, as long as the child is left with on duty hospital staff, firefighters, emergency medical technicians, or law enforcement officers.

ADOPTIVE PARENT RELATED

- 1. Who can be an adoptive parent and who selects them?**
➤ Any person, either single or married, who has been assessed as suitable by a licensed child-placing agency can adopt. The birth parents or the agency can select the adoptive placement.
- 2. What information about the birth parents and the child must be provided to the adoptive parents?**
➤ Before placing a child for adoption, the Children's Division, an agency or the Court must provide the prospective adoptive parents with a written document

containing all non-identifying information that is not confidential under state or Federal law and that is reasonably attainable.

- 3. What procedures are followed to ensure that adoptive parents are fit to adopt a child?**
 - A Home Study, also referred to as an Assessment, is completed by a licensed child-placing agency or other individual appointed by the Court. A Home Study includes various information on the family, such as their social, familial, medical and financial information. The Missouri statute requires the content of the assessment to be very specific. This report is then shared with the Court.

- 4. Can the potential adoptive parents have the child placed with them prior to the actual court procedures?**
 - Generally, the Court must enter a temporary custody order on behalf of the prospective adoptive parent(s) before the child can be placed with them. Some jurisdictions allow the adoptive parents to assume care of the child through a Power of Attorney signed by the birth parents.

- 5. Can the adoptive parents prevent the birth parents from communicating with the child after the adoption?**
 - Yes, once the adoption is finalized, the adoptive parents have full rights in decision making for that child, regardless of what may have been discussed or agreed upon prior to the adoption.

- 6. Under what circumstances can an adopted child communicate with the birth parents?**
 - If the adoptee is a minor, the decision is made by the adoptive parents. As an adult adoptee, the individual may seek out his or her birth parents via the Central Adoption Registry and the birth parents have provided releases to provide identifying information. However, the adoptive parents must still provide their consent to the Court for disclosure of this information if the adoption was completed before August 13, 1986.

- 7. What information must the birth parents provide to the adoptive parents?**
 - The attorney/agency worker must make reasonable efforts to obtain non-identifying information that includes: health and genetic family history and any medical, psychological or psychiatric evaluations available at the time of the adoption.

- 8. Who supervises the adoptive placement and for how long?**
 - A licensed adoption agency representative or individual appointed by the Court supervises the placement for at least six months after the child has been

placed in the adoptive family's home, and until the Court enters a final judgment of adoption.

9. When is the adoption final?

- When the Court grants the adoption petition and enters a final judgment of adoption.

COURT SPECIFIC PROCEDURES

1. Who initiates the adoption process?

- Either the birth parents or the prospective adoptive parents can initiate adoption proceedings through an adoption agency or an attorney.

2. When are the legal adoption papers filed with the court?

- The petition for adoption is typically filed after the child is born and the status of the birth parents' consents has been determined.

3. When do the birth parents actually sign the legal documents for adoption?

- The birth parents can sign their Consents to Terminate Parental Rights and Consent to the Adoption anytime after the child is at least 48 hours old. The agency worker or attorney would then file those consents with the Court.

4. What happens if the birth parents do not agree on the adoption plan?

- An adoption cannot be finalized without the consent of the parents, unless their rights have been terminated by the Court for cause or abuse or neglect

5. Can the baby be placed for adoption without the consent of the birth mother and/or birth father?

- Yes, there is legal cause to terminate rights of the parents, in which case their consents are not required. However, in the majority of agency and/or independent adoptions, the birth mother's consent is obtained as is typically the birth father's consent.

MISCELLANEOUS QUESTIONS

1. What is the process for accessing adoption files, including identifying information?

- Before placing a child for adoption, the department, agency or court must provide the prospective adoptive parents with a written document containing all non-identifying information that is not confidential under state or Federal law and that is reasonably obtainable.

- Once the adoption is finalized, the adoptive parents have full rights in decision making for that child, regardless of what may have been discussed or agreed upon prior to the adoption.
- If the adoptee is a minor, the decision would be made by the adoptive parents. As an adult adoptee, the individual may seek out their birth parents via the Central Adoption Registry and the birth parents have provided releases to provide identifying information.
- The attorney/agency worker must make reasonable efforts to obtain non-identifying information which includes: health and genetic family history, any medical, psychological or psychiatric evaluations available at the time of the adoption.

2. What is considered a kinship adoption? How is kinship adoption handled? Are home studies necessary? Who can conduct them? Is there a fee?

- In Missouri, relative means an individual related to the child within the third degree by marriage, blood, or adoption.
- Kinship or relative adoptions are a permanent and legal arrangement that is intended to last forever, like all other adoptions.
 - Relative or Kinship through Court
 - Birth parents choose adoptive family
 - Children’s Division, a licensed child-placing agency, or another individual appointed by the Court conducts a relative home study

3. Are contracts or binding agreements between birth and adoptive families regarding openness allowed?

- In Missouri, any ancillary agreements, such as an openness plan or an openness agreement are **NOT** legally binding.
- Most agencies will prepare a written agreement and the parties will sign the agreement, but that is to use a guide should there be disagreements in later years about the level of openness.
- Birth parents are advised by the attorney or agencies, and also are told by the Court, that any agreements are not legally binding. Many judges expound upon this further in the hearings, to clearly tell the birth parents that any agreements they may have signed with the adoptive family are not legally enforceable.

- Adoptive parents are also told by the agencies that the agreements are not legally binding, but are "good faith" agreements.
- Upon release of parental rights or upon consent to adoption by the birth parents, the parental rights of the birth parents are terminated, which then ends any legal rights of the birth parents to the child, including the right to visitation. The legal rights are then vested with the adoptive parents, including the right to determine who has access to their child.