

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
FAMILY COURT DIVISION

IN RE: Procedures in Adoption Actions

ADMINISTRATIVE ORDER: 14-03

ORDER

Now on this 17th day of JUNE, 2014, it is hereby ordered that the following procedures shall be observed in the filing and docketing of adoption actions:

I. GENERAL PROVISIONS

1. All adoption Petitions and proposed Certificates of Decree shall be eFiled using court location code Jackson County - Juvenile Office. Self-represented pro se parties shall file in Record Writers, Family Justice Center, 625 E. 26th, Kansas City, MO, 64108.
2. Petitioner(s) should provide proposed orders of temporary custody, proposed findings and recommendations for decrees of adoption and any other proposed orders on pending motions to the Court, with notice to all parties as required by Supreme Court Rules.
3. At the time of filing the Petition, temporary hearing, and final hearing, as applicable, Petitioner(s) shall submit a signed and verified full accounting of anything of value or other consideration paid, or transferred by or on behalf of, the Petitioner(s) in connection with the placement of adoption. The accounting shall describe all payments or transfers made, or to be made, and consideration given, or promised by or on behalf of, the Petitioner(s) in connection with the placement or adoption. No payments for rent, food, or other necessities shall be made to third parties (e.g. landlord, grocery store, etc.) for an amount in excess of Six Hundred Dollars (\$600.00) per month for a maximum of three months, without leave of Court. Any fees for social work in excess of One Thousand Five Hundred Dollars (\$1,500.00) shall be submitted by an affidavit from the social worker requesting such fee, and shall include an itemized invoice of all work done on the case.
4. A birthparent may choose to offer to the Court an aural or visual representation (in the format of a read-only CD-R or DVD-R) of such birthparent, or a written document, to be held by the Records Department in a safe location upon conditions set out by the Court, readily accessible to Court personnel. Upon such offer, the Court shall accept such written document or visual or aural recording, and identify it by date, name, and case number, and direct that same be sealed until opened by order of the Court or by operation of law.
5. The social worker or agency preparing the birthparent study shall not prepare Petitioner(s)' home study, unless there is prior approval of the Court and only under exceptional circumstances.

6. Within fifteen days of the filing of the Petition, Petitioner(s) shall submit a request for appointment of a suitable person to complete the home study. In cases where the adoption or custody involves a child under eighteen years of age that is the natural child of one of the petitioners and where all of the parents required by this chapter to give consent to the adoption or transfer of custody have given such consent, the home study may be waived but only upon order of the Court. In all cases involving a child under eighteen including stepparent adoption, a criminal background check must be completed and provided to the Court. A Petitioner who has been found to be indigent may move the Court to appoint a suitable person to conduct the home study at no or reduced expense to Petitioner(s). Petitioner(s) may recommend a named individual as suitable to conduct the home study. If the request for a suitable person to conduct the home study is not approved by the Court, the Court will appoint another person or agency to conduct such study at Petitioner(s)' expense unless Petitioner(s) are indigent. In all cases, the Court has the discretion to require a subsequent home study or partial home study prior to Petitioner(s) obtaining legal custody of a child by a person selected by the Court. In cases in which Petitioner(s) reside outside the State of Missouri, such subsequent home study or partial home study shall be scheduled and take place unless waived by the Court for good cause.

The written findings of such study or partial home study shall be made available to all parties as soon as feasible and prior to any legal custody or adoption hearing. The Court may determine the nature and form of any such subsequent home study or partial home study and shall set the fees and manner of payment for same.

7. Every child is entitled to a loving, nurturing home which respects the child's racial, cultural, and ethnic heritage, particularly when there are differences between the child and the family. Petitioner(s) may find information related to same on a website operated by the Children's Service Bureau, Administration for Children and Families, U.S. Department of Health and Human Services, at www.childwelfare.gov and related links.

In any cross-cultural, cross-ethnic, or cross-racial proposed placement, the agency or social worker shall conduct an assessment of the Petitioner(s)' ability to fulfill the needs of the child, including but not limited to the following factors:

1. The Petitioners' knowledge of the child's particular physical needs, including skin care, hair care, health needs, and dietary needs, if any.
2. The manner in which Petitioners plan to deal with discrimination or inappropriate conduct by third persons related to the child's heritage.

3. The manner in which Petitioners will educate the child about the child's heritage, history, and customs, and will expose the child to appropriate activities related thereto.

4. The life experience of Petitioners that demonstrates sensitivity to the needs of the child as described herein.

5. The manner in which Petitioners have investigated the likelihood of acceptance of the child by the family's community, school, religious and other institutions.

6. The level of understanding that Petitioners have with regard to the child's experiences regarding the role of heritage in the child's prior care, other than in the case of adoption of infants.

7. The willingness of the family's extended family to accept this particular child as a member of the family.

8. The identification of a support system to assist Petitioners in meeting the child's needs as described herein.

The Petitioners' failure to present sufficient, credible evidence regarding these factors may result in denial of the Petition or other remedies as allowed by law.

8. Appointment of a guardian ad litem in a non-§ 211 case shall be made from the list of approved guardians ad litem. The guardian ad litem who has been serving in the § 211 action shall be appointed as the guardian ad litem in the adoption action, unless for good cause shown, the guardian ad litem is granted leave to withdraw. Petitioners' attorney shall immediately notify the guardian ad litem of any substantial changes in the child's placement. The appointed guardian ad litem shall perform the following duties in addition to any other responsibilities the GAL sees fit to perform:

1) prior to hearing, speak to any child capable of expressing an opinion about the adoption;

2) review all available reports;

3) contact the guardian ad litem in the § 211 action, if applicable, at least two weeks prior to the hearing (or, if docketed less than two weeks in advance, at the earliest time possible prior to hearing) and confer with the guardian concerning any issues touching upon the appropriateness of the proposed placement;

4) in contested adoption actions, fulfill all the duties of a guardian as required by law, including those set out in § 453.025 RSMo. and In the Interest of J.L.H., 647 S.W. 2nd 852 (Mo. App.1983); and

- 5) in adoptions in which the Petitioners are from outside the State of Missouri, the guardian ad litem shall speak with the social worker who conducted the out of state home study by telephone, and the Petitioners in person, prior to the hearing.

Failure to comply with these provisions may result in removal of the guardian ad litem and appointment of another guardian ad litem.

The guardian ad litem shall submit an invoice for payment for fees up to \$110.00 for regular adoptions and \$65.00 for stepparent adoptions to the Deputy Court Administrator, Family Court Services, no later than sixty (60) days after appointment or entry of appearance, in writing, clearly indicating the date of appointment or entry, the style of the case and the guardian's name, address and other contact information. Fees shall be paid out of the deposit for guardian ad litem fees submitted by Petitioner(s). Request for fees in excess of the deposit must be made by application to the Court with notice to all parties. Any deposits not paid out within 60 days of final judgment shall be returned to the petitioner or counsel for the petitioner as appropriate.

9. No person or agency, including but not limited to, the Children's Division of the Missouri Department of Social Services, shall place a child for adoption without prior judicial approval pursuant to § 453.110 RSMo.
10. The Court may deny any request for temporary custody or final adoption for failure to comply with Section 453.005.2 RSMo. At all hearings involving a private agency or child placing person, the agency or person shall be prepared to present evidence that it has complied with this provision by demonstrating specific activities of recruitment and other efforts on an on-going basis to ensure the diversity of persons presented to the Court.
11. All agencies and social workers shall be prepared to testify as to the home studies which were presented to a birthparent. Further, all agencies and social workers working with birthparents shall be prepared to demonstrate that they informed the birthparent that he or she is not obligated to select any profile shown for any reason, and that the birthparent was informed that other petitioners, including Petitioners who more closely resemble the birthparent's own heritage, can be sought. Further, any attorney representing a birthparent shall advise the birthparent of these issues and follow the client's directions thereon. Profiles presented to birthparents shall not contain information concerning the willingness of Petitioners to fund birthparent expenses.
12. With the exception of adult adoptions, the Adoption Clerk shall appoint a guardian ad litem at the time of filing the Petition.
13. In all adoptions preceded by a grant of custody in or from a foreign nation, Petitioners shall, inter alia, present a full translation of all foreign legal documents and proof of the child's lawful entry into

the United States, the home study relied upon to obtain such adoption and any updates available, and shall submit an accounting of all expenses as set out in Paragraph Three (3) herein.

II. ADOPTIONS IN WHICH JURISDICTION IS NOT PURSUANT TO §211 R.S.Mo.

14. Cases shall be assigned alternatively to Divisions 40, 41, and 44 consistent with the assignment of an accompanying birthparent consent, if any. Petitioners shall request the Division to set a case management conference no later than 120 days after filing, unless before the expiration of such time a hearing has been scheduled and heard on the record. All other requests for settings shall be made to the Commissioner's administrative assistant. Reports shall be faxed or otherwise delivered to the guardian ad litem by Petitioners' attorney. Petitioners' attorney is responsible for notifying all necessary witnesses of the hearing date and time.
15. Applications for Petitions to consent to adoption and termination of parental rights shall be assigned alternatively to Divisions 40, 41, and 44. The Petitioner's attorney shall submit the birth parent study, unless waived for good cause, and the Application for Permission to Consent to Adoption and Termination of Parental Rights. The request for setting shall be made to the Commissioner's administrative assistant.
16. For final adoption hearings, all service must be completed, the lawful period of custody completed, and the final social study documents, including all records checks and reference letters, shall be submitted for filing and to the appointed guardian ad litem no later than ten business days prior to the hearing date.
17. In stepchild adoptions in which the social investigation has been waived by the Court, Petitioners' Attorney shall submit: a certified copy of the child's birth certificate, a certified copy of any petitioner's decree of dissolution, a certified copy of a deceased parent's certificate of death, a certified copy of petitioners' marriage certificate, two letters of reference, and the petitioners' criminal background check as provided in § 453.070.5 RSMo.

III. ADOPTIONS IN WHICH JURISDICTION IS PURSUANT TO § 211. R.S.Mo.

18. Cases shall be assigned to the Judge or Commissioner before whom the matter has regularly been docketed in the Chapter 211 action. All settings in Divisions 40, 41, and 44 shall be consistent with paragraphs 14 and 15 herein.
19. If a petition for termination of parental rights has been filed, Record Writers shall assign the matter to a Judge or Commissioner, but no final adoption may be entered, and no findings and recommendations for an

adoption may be made without prior written notification to the Court before whom the independent termination action pends and to all parties of record in the pending independent termination action.

20. If a petition for termination of parental rights is filed after the adoption petition, the adoption matter shall remain as assigned by Record Writers, but until a judgment on the petition for termination of parental rights has been entered, and any subsequent appellate proceedings have been concluded, no final adoption may be scheduled. Petitioners' attorney is responsible for providing the Court with documents from the Court of Appeals to confirm final disposition.

During the termination of parental rights proceedings, any urgent matters in the adoption case may be taken up by the Judge or Commissioner before the adoption is pending, provided that prior written notice has been provided to the Court before whom the termination action pends and to all parties to the termination action.


21. In all adoption cases involving relative or kinship placements wherein the jurisdiction of the Family Court has attached based upon findings made pursuant to Chapter 211 RSMo., a review of the order of disposition, with or without a hearing, at the Court's discretion, shall be held before a hearing is set in the adoption matter. Petitioners' attorney in the adoption matter shall make a written request for the review hearing, and shall notify the Attorney for the Juvenile Officer, the child's guardian ad litem in the Chapter 211 proceeding, and the Children's Division of the hearing date. This request shall be made no more than thirty days before the hearing on temporary custody, if applicable, or final adoption.

22. Upon the filing of a Petition for Adoption involving a child under the jurisdiction of the court pursuant to § 211.031 RSMo., Petitioners' attorney shall, within ten days of service on a parent or legal custodian, notify by ordinary mail the parent or legal custodian's attorney of record in the chapter 211 action, and provide written proof of same to the Court prior to final hearing. Failure to do so may result in dismissal of the Petition.

THIS ORDER SHALL REMAIN IN FULL FORCE AND EFFECT UNTIL AND UNLESS AMENDED OR WITHDRAWN BY THE JUDGE OF THE FAMILY COURT DIVISION.

It is ordered that Administrative Order 14-01 is hereby set aside and held for naught.

IT IS SO ORDERED.



JOHN TORRENCE
ADMINISTRATIVE JUDGE
FAMILY COURT DIVISION

Copies to:
Court Administrator
Family Court Judges & Commissioners
Deputy Court Administrator/Family Court
Juvenile Officer
Family Court Directors
Assistant Legal Counsel/Family Court
CASA Project
Office of the Guardian ad Litem
Children's Division, Jackson County offices
Division of Legal Services, Jackson County Office
Adoption Guardians ad litem
Chairs, Juvenile and Family Law Committees, KCMBA