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**Rules of**  
**Department of Social Services**  
**Division 35—Children’s Division**  
**Chapter 31—Child Abuse**

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**Title 13—DEPARTMENT OF  
SOCIAL SERVICES  
Division 35—Children's Division  
Chapter 31—Child Abuse**

**13 CSR 35-31.010 Definitions**

*PURPOSE: This rule establishes definitions pertaining to investigations and assessments conducted pursuant to Chapter 210, RSMo.*

(1) The Children's Division shall use the definitions set forth below when conducting investigations and assessments pursuant to Chapter 210, RSMo.

(A) "Emotional abuse" is any injury to a child's psychological capacity or emotional stability demonstrated by an observable or substantial change or impairment in the child's behavior, emotional response, or cognition, which may include, but is not limited to: anxiety, depression, withdrawal, or aggressive behavior; and which may be established by either lay or expert witnesses.

(B) "Physical injury" includes any bruising, lacerations, hematomas, welts, permanent or temporary disfigurement; loss, or impairment of any bodily function or organ, which may be accompanied by physical pain, illness, or impairment of the child's physical condition.

(C) "Proper or necessary support" includes adequate food, clothing, shelter, medical care, or other care and control necessary to provide for the child's physical, mental, or emotional health or development.

(D) "Sexual abuse" is any sexual or sexualized interaction with a child, except as otherwise provided in paragraph 2. below.

1. Sexual abuse shall include, but is not limited to:

A. Any touching of the genitals, anus or buttocks of a child, or the breast of a female child, or any such touching through the clothing; any act involving the genitals of a child and the hand, mouth, tongue, or anus of another person; or any sexual act involving the penetration, however slight, of a child's mouth, penis, female genitalia, or anus by any body part of another person, or by any instrument or object;

B. Any conduct that would constitute a violation, regardless of arrest or conviction, of Chapter 566, RSMo if the victim is less than eighteen (18) years of age, section 567.050, RSMo if the victim is less than eighteen (18) years of age, sections 568.020, 568.060, 568.080, or 568.090, RSMo, sections 573.025, 573.035, 573.037, or 573.040, RSMo, or an attempt to commit any of the preceding crimes;

C. Sexual exploitation of the child, which shall include:

(I) Allowing, permitting, or encouraging a child to engage in prostitution, as defined by state law; or

(II) Allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child as those acts are defined by state law. This includes the storage or transmission of any data depicting said obscene or pornographic acts, images, or recordings.

2. Any reasonable interaction with a child, including touching a child's body for the purpose of providing the proper or necessary care or support of the child, shall not be considered sexual abuse. The touching of a child's body, including a child's genitals, buttocks, anus, or breasts for reasonable, medical, child rearing, or child care purposes shall not be considered sexual abuse.

3. The division shall not be required to prove that the alleged perpetrator received sexual gratification or that there was an exchange or promise of anything of value as a result of the act of sexual abuse to establish sexual abuse under Chapter 210 or 211, RSMo.

4. The use of force or coercion is not a necessary element for a finding of sexual abuse.

5. Sexual abuse may occur over or under the child's clothes.

6. The division shall not be required to prove that the child suffered trauma or harm as a result of the act of sexual abuse.

7. A child cannot consent to a sexual or sexualized act or interaction with a person responsible for that child's care, custody, and control.

*AUTHORITY: sections 207.020 and 210.145.20, RSMo Supp. 2014.\* Original rule filed May 26, 2015, effective Nov. 30, 2015.*

*\*Original authority: 207.020, RSMo 1945, amended 1961, 1965, 1977, 1981, 1982, 1986, 1993, 2014 and 210.145, RSMo 1975, amended 1980, 1982, 1986, 1990, 1993, 1994, 2000, 2002, 2003, 2004, 2007, 2011, 2012, 2014.*

**13 CSR 35-31.015 Investigations Involving a Conflict of Interest**

*PURPOSE: This rule defines the investigation procedure used when the relationship of the subject of a report of child abuse or neglect to the Children's Division is such that a conflict of interest may occur.*

(1) Definitions.

(A) Out-of-Home Investigation Unit-The unit of investigators responsible for investigating child abuse and neglect when the child is in an out-of-home setting.

(2) The following categories of persons, when reported as either the victim or alleged perpetrator of child abuse or neglect, may be considered to have such a relationship to the Children's Division that a thorough investigation might be hindered by a conflict of interest:

(A) An employee of the Children's Division, the Department of Social Services central office or other Department of Social Services employees located in a Children's Division office;

(B) The immediate family or household member of that employee; or

(C) Children placed in foster care and in the custody of the Children's Division when the alleged perpetrator is a licensed foster parent. These calls will be investigated by the Out-of-Home Investigation Unit.

(3) Reports of abuse or neglect involving those persons, either as victims or perpetrators, shall be made to the Child Abuse and Neglect Unit in the central office of the Children's Division. The Child Abuse and Neglect Unit will assign the report to the Children's Division county/circuit staff selected by the regional office to initiate and conduct the investigation.

*AUTHORITY: section 207.020, RSMo Supp. 2014.\* This rule originally filed as 13 CSR 40-31.011. Original rule filed March 7, 1984, effective June 11, 1984. Moved to 13 CSR 35-31.015 and amended: Filed July 29, 2015, effective Feb. 29, 2016.*

*\*Original authority: 207.020, RSMo 1945, amended 1961, 1965, 1977, 1981, 1982, 1986, 1993, 2014.*

**13 CSR 35-31.020 Screening and Classification of Child Abuse/Neglect Hotline Reports**

*PURPOSE: This rule establishes the use of the Structured Decision Making (SDM) process in the screening and classification of calls at the Child Abuse/Neglect Hotline Unit (CANHU).*

(1) The division shall utilize protocol based upon structured decision-making principles for classification purposes of all child abuse and neglect reports received by the Child Abuse/Neglect Hotline Unit ("Hotline"). The protocols developed by the division shall obtain and classify information, and shall give priority to ensuring the safety and well-being of the child.

(2) All child abuse and neglect reports received by the Hotline shall be initiated within twenty-four (24) hours of receipt and shall be classified based upon the reported safety risk and injury to the child, including,



but not limited to, the following factors:

- (A) If there is serious physical abuse alleged and siblings remaining in the home;
- (B) If there is a child fatality due to alleged abuse or neglect and siblings remain in the home;
- (C) If there is alleged physical abuse currently occurring;
- (D) If there are injuries or symptoms of injuries evident that require immediate medical care, or if the child is in need of immediate psychiatric care due to alleged abuse;
- (E) If there were severe or inhumane measures used;
- (F) Does the alleged perpetrator have access to the child in the next twenty-four (24) hours or is the child afraid to go home;
- (G) Did the alleged abuse occur within the last thirty (30) days;
- (H) If the child is currently in a protected environment;
- (I) If the current situation is immediately dangerous;
- (J) If there are prior non-harassment child abuse or neglect reports;
- (K) If the allegation is one of educational neglect only;
- (L) If the child is exhibiting severe emotional trauma or physical injury due to alleged sexual abuse;
- (M) If the child appears seriously ill or injured or in need of immediate care;
- (N) If the child has a chronic illness or injuries that require attention.

(3) In all cases, the division must have face-to-face contact with all children in the alleged victim’s household within seventy-two (72) hours.

(4) CA/N Screen-In Criteria—Criteria concerning whether a call is classified as a child abuse and neglect (CA/N) report or a documented call (DOC). If the call is screened-in, it will be accepted as a CA/N report and sent to the county office. If the call is screened out, the call will be documented and entered into the database, but no further action will be taken, unless the division, pursuant to policy decides to refer it for appropriate community service.

(5) Track Assignment Guidelines—Criteria designed to determine if the screened-in CA/N report will require the investigation response or family assessment response. After response assignment, the report is sent to the local division office for review. The local division office has the option to change the response assignment, given additional information or prior history with the family.

(6) Response Priority—Criteria to determine

the time frame in which the family should be contacted. Each investigation will be classified as a three (3) hour, twenty-four (24) hour, or seventy-two (72) hour call, based upon information received by the hotline. Face-to-face contact can be made by members of the multidisciplinary team (mandated reporters such as juvenile officer, or law enforcement personnel). Initial contacts can include phone calls or contact with appropriate persons in an attempt to make a home visit. Each level will require face-to-face contact based upon the following:

(A) Three (3) hour—Face-to-face contact with victim(s) listed on the report must be made within three (3) hours from the receipt of the report. A face-to-face contact with all other children living in the household must be made within seventy-two (72) hours. Available resources shall be utilized to locate the children, including law enforcement assistance;

(B) Twenty-four (24) hour—Face-to-face contact with victim(s) listed on the report must be made within twenty-four (24) hours from receipt of the report. A face-to-face contact with other children residing in the home must occur within seventy-two (72) hours;

(C) Seventy-two (72) hour—Face-to-face contact with all children (victims and home residents) must be made within seventy-two (72) hours from receipt of the report.

*AUTHORITY: section 210.145, RSMo Supp. 2014.\* This rule previously filed as 13 CSR 35-20.010. Original rule filed Nov. 2, 2004, effective June 30, 2005. Moved to 13 CSR 35-31.020, effective Nov. 30, 2016.*

*\*Original authority: 210.145, RSMo 1975, amended 1980, 1982, 1986, 1990, 1993, 1994, 2000, 2002, 2003, 2004, 2007, 2011, 2012, 2014.*

**13 CSR 35-31.025 Child Abuse and Neglect Review Process**

*PURPOSE: This rule establishes a child abuse and neglect review process to provide for a review of child abuse and neglect determinations when an alleged perpetrator disagrees with the division’s finding of preponderance of the evidence.*

(1) Upon written request, the Children’s Division will provide an opportunity for an administrative review to any alleged perpetrator who disagrees with the local division’s finding of preponderance of the evidence in a child abuse or neglect investigation.

(2) The alleged perpetrator will receive written notification of the preponderance of the

evidence finding by the local division office and of his or her right to an administrative review of the finding.

(A) The alleged perpetrator will have sixty (60) days from the receipt of the notification of the child abuse/neglect finding to request an administrative review in writing to the circuit manager.

(B) The circuit manager, or his or her designee, will review, within ten (10) working days of receipt of the request, the investigative report and all appropriate material presented by the alleged perpetrator and determine whether to uphold or reverse the finding.

(C) The circuit manager, or his or her designee, will notify the alleged perpetrator in writing of the decision to uphold or reverse the original finding. If the finding is upheld, the circuit manager, or his or her designee, will forward the request to the Child Abuse and Neglect Review Board (CANRB) for further administrative review.

(3) The division may establish more than one (1) Child Abuse and Neglect Review Board to assure timely review of child abuse and neglect determinations.

(4) Each Child Abuse and Neglect Review Board will be composed of nine (9) members from specified professions outlined in section 210.153, RSMo 2000. Members are appointed by the governor with the advice and consent of the senate.

(5) Initially, three (3) board members will be appointed to serve for a term of three (3) years, three (3) board members will be appointed to serve for a term of two (2) years, and three (3) board members will be appointed to serve for a period of one (1) year.

(A) Members may continue serving after their term expires and until either their reappointment or until their replacement is appointed and approved.

(B) The members of the board shall designate a chairperson.

(6) The governor may remove and/or replace a member of the board for the following reasons:

- (A) Death;
- (B) Resignation;
- (C) Mental or physical incapacitation which limits the member from effectively serving on the board; or
- (D) For good cause as determined by the governor.

(7) The members of the board will hold all information obtained in the course of a review in the strictest confidence and will not



discuss or disclose any information regarding any case, except as permitted under section 210.150, RSMo 2000.

(8) The members of the board will meet at a location within Missouri regularly, depending on the number of requests for review being filed, but a minimum of one (1) board will meet a minimum of one (1) time per month.

(9) The Child Abuse and Neglect Review Board will adhere to the following procedures for notification and scheduling of child abuse and neglect reviews:

(A) Within five (5) working days of receiving the request for review, the Children's Division CANRB liaison will notify the alleged perpetrator and the circuit manager of the date, time, and location of the review.

1. The Children's Division CANRB liaison or the board may grant a continuance to the alleged perpetrator for good cause. However, the number of continuances will be restricted to assure timely reviews.

2. If court adjudication occurs prior to the CANRB proceeding or prior to the CANRB's issuance of the board's determination, the Children's Division CANRB liaison or the board will notify the alleged perpetrator that the board is foreclosed from ruling on the division's finding by statute.

3. If requested, and not otherwise prohibited by statute, the circuit manager will provide a copy of the child abuse and neglect investigation to the alleged perpetrator, including all records provided to the board, with the exception of confidential information or other information that could jeopardize child safety.

4. The alleged perpetrator may submit written information for the board to review before the proceeding if it is received by the board not less than twenty-one (21) calendar days prior to the hearing date; and

(B) The Children's Division CANRB liaison or the board shall notify the child or the child's parent, guardian, or legal representative that a review has been scheduled and of their opportunity to attend and/or to provide information on behalf of the child. The child's parent, guardian, or legal representative may submit written information for the board to review before the proceeding if it is received by the board not less than twenty-one (21) calendar days prior to the hearing date.

(10) At the review, the division, the child's representative, and then the alleged perpetrator (in that order) will each have twenty (20) minutes to present information to the board.

(A) The board may approve extra time for

any presentation at the board's discretion.

(B) The alleged perpetrator's attendance is not mandatory for a review to be held.

(C) The board may approve participation by conference call for any participant.

(D) The alleged perpetrator may be represented by legal counsel.

(E) The division will be represented by appropriate staff, legal counsel, and/or the written record.

(F) The alleged perpetrator and the division may have witnesses provide testimony.

(G) Witnesses shall only be allowed to attend that portion of the review in which they are presenting information.

(H) The board will review and discuss all relevant materials and testimony, and all board members present at the hearing shall have the right to vote on whether to uphold or reverse the division's finding.

1. The board must have a quorum of not less than five (5) members to hold a hearing. If a quorum is not present, the hearing will be cancelled and rescheduled.

2. The board's decision must be based on a majority vote. In cases where there is no majority vote, the division's finding shall remain unchanged and considered affirmed.

3. The board's decision must be based on competent and substantial evidence on the whole record to support the preponderance of the evidence finding of abuse or neglect.

4. The board's decision must occur on the day of the review.

(11) The decision of the board will be the agency's final decision upholding or reversing the preponderance of the evidence finding of abuse or neglect.

(12) Within five (5) working days of the board's decision, the board shall notify the alleged perpetrator, the Children's Division, and the child's representative of the board's decision in writing. The decision shall be mailed to the last known address of such persons and their attorneys or legal representatives of record.

(13) The board shall expunge its administrative files at three (3) years with the exception of a log documenting the board's final decision.

(14) Annually, the department will evaluate the following factors related to the work of the Child Abuse and Neglect Review Board(s):

(A) Number of requests;

(B) Geographic area of requests;

(C) Results of reviews;

(D) Composition of the board(s); and

(E) Necessary amendments of the rules.

*AUTHORITY: section 210.153, RSMo Supp. 2007.\* Original rule filed Sept. 27, 2007, effective March 30, 2008.*

*\*Original authority: 210.153, RSMo 1994, amended 2004.*

### 13 CSR 35-31.027 Juveniles with Problem Sexual Behaviors

*PURPOSE: This rule addresses the procedures assessing juveniles with problem sexual behaviors as required by section 210.148, RSMo.*

(1) The Children's Division shall use the definitions set forth below when conducting juvenile reports pursuant to section 210.148, RSMo.

(A) "Family assessment and services approach" shall mean an approach by the Children's Division which provides for a prompt assessment of a child who has been alleged to have engaged in problem sexual behavior and of the child's family, including risk of abuse and neglect and, if necessary, the provision of community-based services to reduce the risk and support the family.

(B) "Juvenile with Problem Sexual Behavior" and "Juvenile" shall mean any person under fourteen (14) years of age who has allegedly committed sexual abuse against another child.

(C) "Juvenile Report" means a report of a child with problem sexual behaviors handled under section 210.148, RSMo, and this regulation.

(D) "Juvenile Sexual abuse" by children under fourteen (14) years of age under section 210.148, RSMo, and for purposes of this regulation, shall mean any sexual or sexualized interaction with a child including, but not limited to, acts that are age or developmentally inappropriate and—

1. Involve force or threats of the use of force;

2. Are intrusive;

3. Are unwelcome;

4. Result in physical injury or cause emotional trauma to the victim child; or

5. Are coercive or manipulative.

(2) Juvenile Report Screen-In Criteria.

(A) Calls received by the Child Abuse/Neglect Hotline Unit (Hotline) involving concerns of a juvenile with problem sexual behavior will be accepted as a juvenile report when—

1. The reporter identifies concerns that a child has committed sexual abuse involving



another child; and

2. The reporter identifies the juvenile as being under the age of fourteen (14) at the time of the call to the hotline.

(B) Reporters to the hotline must disclose the identity of the juvenile and victim child(ren) if known.

(C) Calls received by the Child Abuse/Neglect Hotline Unit (Hotline) will be not be accepted as a juvenile report when—

1. The allegations concern physical abuse or other non-sexual reports; or

2. The juvenile with alleged problem sexual behavior resides in another state.

(D) If the Children’s Division determines the juvenile had care, custody, or control of the victim child, the Children’s Division shall conduct both an investigation and a juvenile report.

(3) Family Assessment and Services Approach.

(A) In addition to conducting a family assessment and services approach of the juvenile with alleged problem sexual behaviors and of the child’s family, the Children’s Division shall also assess the needs of the victim and the victim’s family.

(B) The Children’s Division may provide services to the families of the juvenile with alleged problem sexual behaviors and of the victim as appropriate.

(C) Participation in services is voluntary.

(4) Referral to Juvenile Office.

(A) The Children’s Division may refer the juvenile with alleged problem sexual behaviors to the juvenile office under one (1) or more of the following circumstances:

1. Reports in which the child has committed an act of sexual abuse and caused serious physical injury and/or used a weapon;

2. When the parent/caregiver of the juvenile with alleged problem sexual behaviors does not engage in the assessment process or there is no evidence that the parent/caregiver is taking steps to prevent future problem sexual behavior;

3. When the juvenile does not engage in the assessment process;

4. When there is a repeated incident of problem sexual behavior by the child;

5. When the Children’s Division’s assessment reveals the child’s behaviors are of such severity that the child cannot be safely maintained in the home and/or community; or

6. Other situations as deemed appropriate by the Children’s Division on a case-by-case basis.

(5) Parental notification and consent to inter-

view.

(A) The Children’s Division shall notify a parent and obtain his or her consent prior to interviewing the juvenile with alleged problem sexual behaviors.

(B) The Children’s Division shall notify a parent of the victim child prior to interviewing the child, but does not have to obtain the parent’s consent.

(C) The Children’s Division shall notify any known guardian *ad litem* of the juvenile with alleged problem sexual behaviors or victim children prior to interviewing the child, but does not need to obtain the guardian *ad litem*’s consent.

(D) Notification may be made either verbally or in writing.

(6) Retention of juvenile reports. Juvenile reports shall be retained on the same schedule as family assessments completed in response to a child abuse/neglect report as defined in section 210.152, RSMo.

*AUTHORITY: section 207.020, RSMo Supp. 2014, and section 210.148, RSMo Supp. 2015. \* Original rule filed Feb. 8, 2016, effective Aug. 30, 2016.*

*\*Original authority: 207.020, RSMo 1945, amended 1961, 1965, 1977, 1981, 1982, 1986, 1993, 2014 and 210.148, RSMo 2015.*

**13 CSR 35-31.050 Consent to Termination of Parental Rights and/or Adoption**

*PURPOSE: This rule establishes two (2) consent forms for use by parents in termination of parental rights cases and/or in adoption cases, as required by section 453.030.7, RSMo.*

(1) The “General Consent to Termination of Parental Rights and Adoption” form, included herein as MO 886-4591, for use in cases filed pursuant to sections 211.444 or 453.030, RSMo, when adoptive parents are not specified shall be used in accordance with the instructions contained in this rule. Parents consenting to the termination of their parental rights shall provide written consent utilizing this form.

(2) The “Specific Consent to Termination of Parental Rights and Adoption” form, included herein as MO 866-4592, for use in cases filed pursuant to sections 211.444 or 453.030, RSMo when the adoptive parents are specified shall be used in accordance with the instructions contained in this rule. Parents consenting to adoption by named individuals shall provide written consent utilizing this form.



MISSOURI DEPARTMENT OF SOCIAL SERVICES  
CHILDREN'S DIVISION

**GENERAL CONSENT TO TERMINATION OF PARENTAL RIGHTS AND ADOPTION  
(FOR USE IN CASES FILED PURSUANT TO SECTIONS 211.444 AND 453.030, RSMO)**

IN THE \_\_\_\_\_ DIVISION  
OF THE CIRCUIT COURT OF THE CITY/COUNTY OF \_\_\_\_\_  
STATE OF MISSOURI

In re the Matter of \_\_\_\_\_ )  
\_\_\_\_\_ ) Case No \_\_\_\_\_  
( CHILD )

**GENERAL CONSENT TO TERMINATION OF PARENTAL RIGHTS AND ADOPTION**

My name is \_\_\_\_\_  
(FULL LEGAL NAME)

I reside at \_\_\_\_\_  
(ADDRESS)

I am a (  male  female ) person and my date of birth is \_\_\_\_\_. I acknowledge the following statements are completed by me and each statement is true, complete, and correct to the best of my knowledge:

1.  The Child, \_\_\_\_\_ was born on \_\_\_\_\_  
(FULL LEGAL NAME)  
in \_\_\_\_\_  
(CITY/COUNTY/STATE)

2. My relationship to the Child is:
- (A) I am the (  mother  father ) of the Child. I OR
  - (B) I have been named as a possible birth father for the Child. I deny I am the birth father of the Child; however, in order to facilitate the location of a stable and secure home for the Child, I am willing to execute this Consent and do so with the full understanding that its terms will apply to me if it turns out I am in fact the birth father of the Child. I understand if I deny paternity, but consent to adoption, I waive any future interest in the child.
3.  Because I believe it is in the best interest of the Child and his or her future welfare, I voluntarily and of my own free will forever consent to the termination of parental rights and obligations and consent to the lawful adoption of the child.

**I UNDERSTAND AND INTEND THAT THIS CONSENT TO TERMINATION OF MY PARENTAL RIGHTS AND CONSENT TO ADOPTION IS FINAL AND IRREVOCABLE ONCE IT IS EXECUTED BY ME UNLESS, PRIOR TO A FINAL DECREE OF ADOPTION, I ALLEGE AND PROVE BY CLEAR AND CONVINCING EVIDENCE THIS CONSENT WAS NOT FREELY AND VOLUNTARILY GIVEN.**

4.  I understand as the parent of the Child, I may have the primary right to custody of the Child if I so choose, even if I am a minor, and by signing this Consent I am giving up any such right along with all my other parental rights and obligations.

5. I have completed \_\_\_\_\_ years of education.

6.  I read and understand the English language; or  
 I understand English and this Consent form was read to me by:  
\_\_\_\_\_  
(FULL LEGAL NAME) (TITLE) ; or

this Consent form was read to me in my native language of \_\_\_\_\_  
by \_\_\_\_\_  
(NAME OF INTERPRETER)



**NOTARY**

STATE OF MISSOURI )

)

COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year \_\_\_\_\_, before me personally  
(MONTH)

appeared \_\_\_\_\_ known to me to be the person who executed this  
(FULL LEGAL NAME OF PARENT)

Consent to Termination of Parental Rights and Adoption and acknowledged to me that she/he executed the same for the purposes herein stated.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

**WITNESSES**

THE UNDERSIGNED WITNESSES CERTIFY BY THEIR SIGNATURES THAT \_\_\_\_\_  
(FULL LEGAL NAME OF PARENT)

SIGNED THE CONSENT AND THE CONSENT WAS KNOWINGLY AND FREELY GIVEN. WE FURTHER CERTIFY WE ARE NOT THE PROSPECTIVE ADOPTIVE PARENTS OF THE ABOVE NAMED CHILD.

PRINTED NAME AND DATE OF BIRTH OF WITNESS ONE	DATE	TIME
SIGNATURE OF WITNESS ONE	FULL ADDRESS OF WITNESS ONE	
PRINTED NAME AND DATE OF BIRTH OF WITNESS TWO	DATE	TIME
SIGNATURE OF WITNESS TWO	FULL ADDRESS OF WITNESS TWO	



## GENERAL CONSENT TO TERMINATION OF PARENTAL RIGHTS AND CONSENT TO ADOPTION, FORM INSTRUCTIONS

### **PURPOSE:**

The purpose of this form is to provide written consent when a parent is consenting to termination of parental rights and allowing the child to be placed for adoption. The form must be fully completed by the parent in the presence of and signed by all appropriate persons.

### **INSTRUCTIONS FOR COMPLETION:**

Parents shall never be required to sign an undated or incomplete consent form.

Those sections of the form which do not ask for written information should be read by the parent, and the attorney or intermediary assisting the parent shall ask questions of the parent to ensure their understanding and have the parent initial where indicated.

The attorney or intermediary assisting the parent shall document that the information was read by or read to the parent and that the birth parent was asked whether they understood the information provided to them and have parent initial where indicated.

Complete the indicated city/county information and child's name as well as the name, date of birth, age, sex and address of the parent executing the consent.

Complete Number 1 by entering the child's birth date and place of birth, and have parent initial.

Complete Number 2 (A) or (B) by indicating whether the parent is the mother, father, or possible birth father of the child, and have the parent initial.

Read and review Number 3 with the parent, and the language in the section directly below Number 3, ensuring that they understand all that has been read, and have the parent initial.

Review Number 4 with the parent, ensuring that the parent understands, and have the parent initial.

Complete Number 5 with the parent by obtaining the number of years they attended education.

Complete Number 6 by choosing one or more of the listed options and have the parent initial. If choosing the last option, fill in the native language and name of interpreter.

Complete Number 7 with the parent by choosing one of the four options, completing the appropriate blanks, and have the parent initial the appropriate box.

Complete Number 8 by having the parent initial the appropriate box pertaining to the Indian Child Welfare Act. If the parent indicates he or she is a member of an American Indian Tribe or Native Village, the child must be at least 10 days old and consent must be executed in the presence of judge. If the parent indicates he or she is not a member of an American Indian Tribe or Native Village, the child must be at least 48 hours old.

Complete Number 9 by reading and reviewing the two options, and indicate whether the parent has legal representation OR has waived that right to an attorney, then have the parent initial the appropriate box. Write in the name of the attorney, if the parent is represented.

Complete Number 10 by reading and filling in the name of the county, state and case number. Review and have the parent initial it.

Review Number 11, fill in the County name, ensuring the parent understands all seven statements and have the parent initial the box.

Read and review Number 12, allowing the parent to choose from one of the two options.





Read and review Number 13, adding names to any possible fathers of the child if applicable, and have the parent initial.

Review Number 14, ensuring the parent understands all four statements, and have the parent initial the box.

Fill in the parent's full legal name. Obtain the parent's signature, certifying that they have read, considered and understood all the above statements. Also, obtain the signature of the parent's attorney, and if applicable, the signature of the parent's guardian ad litem.

After the parent executes the form, have a notary public complete the Acknowledgment section and certification;

**OR**

Have two adult witnesses complete the witness section and provide their full address and signatures;

**OR**

If the consent is executed before a judge, have the judge sign to verify the identity of the consenting parent and to verify that he or she has advised the consenting parent of the consequences of the consent.

**NUMBER OF COPIES, DISTRIBUTION AND RETENTION:**

The completed, signed and notarized or witnessed consent shall be provided to the court to become part of the judicial record according to local protocol. A copy of the notarized or witnessed consent shall also be provided to the parent. Copies may be made for the attorney/intermediary, guardian ad litem, juvenile officer, and Children's Division worker.

*AUTHORITY: Sections 211.444 and 453.030, RSMo*



MISSOURI DEPARTMENT OF SOCIAL SERVICES  
CHILDREN'S DIVISION

**SPECIFIC CONSENT TO TERMINATION OF PARENTAL RIGHTS AND ADOPTION  
(FOR USE IN CASES FILED PURSUANT TO SECTIONS 211.444 AND 453.030, RSMO)**

IN THE \_\_\_\_\_ DIVISION  
OF THE CIRCUIT COURT OF THE CITY/COUNTY OF \_\_\_\_\_  
STATE OF MISSOURI

In re the Matter of \_\_\_\_\_ )  
\_\_\_\_\_ ) Case No \_\_\_\_\_  
(“CHILD”)

**SPECIFIC CONSENT TO TERMINATION OF PARENTAL RIGHTS AND ADOPTION**

My name is \_\_\_\_\_  
(FULL LEGAL NAME)

I reside at \_\_\_\_\_  
(ADDRESS)

I am a (  male  female ) person and my date of birth is \_\_\_\_\_. I acknowledge the following statements are completed by me and each statement is true, complete, and correct to the best of my knowledge:

1.  The Child, \_\_\_\_\_ was born on \_\_\_\_\_  
(FULL LEGAL NAME)  
in \_\_\_\_\_  
(CITY/COUNTY/STATE)

2. My relationship to the Child is:  
 (A) I am the (  mother  father ) of the Child. I  OR  
 (B) I have been named as a possible birth father for the Child. I deny I am the birth father of the Child; however, in order to facilitate the location of a stable and secure home for the Child, I am willing to execute this Consent and do so with the full understanding that its terms will apply to me if it turns out I am in fact the birth father of the Child. **I understand if I deny paternity, but consent to adoption, I waive any future interest in the child.**

3.  Because I believe it is in the best interest of the Child and his or her future welfare, **I voluntarily and of my own free will forever consent to the termination of parental rights and obligations and consent to the lawful adoption of the child by \_\_\_\_\_.**

**I UNDERSTAND AND INTEND THAT THIS CONSENT TO TERMINATION OF MY PARENTAL RIGHTS AND CONSENT TO ADOPTION IS FINAL AND IRREVOCABLE ONCE IT IS EXECUTED BY ME UNLESS, PRIOR TO A FINAL DECREE OF ADOPTION, I ALLEGE AND PROVE BY CLEAR AND CONVINCING EVIDENCE THIS CONSENT WAS NOT FREELY AND VOLUNTARILY GIVEN.**

4.  I understand as the parent of the Child, I may have the primary right to custody of the Child if I so choose, even if I am a minor, and by signing this Consent I am giving up any such right along with all my other parental rights and obligations.

5. I have completed \_\_\_\_\_ years of education.

6.  I read and understand the English language; or

I understand English and this Consent form was read to me by: \_\_\_\_\_ or  
(FULL LEGAL NAME) (TITLE)

this Consent form was read to me in my native language of \_\_\_\_\_  
by \_\_\_\_\_  
(NAME OF INTERPRETER)



7. Check and complete all that apply:

- At the time of the Child's birth, I was married to \_\_\_\_\_ (FULL LEGAL NAME)
- I was married to \_\_\_\_\_ (FULL LEGAL NAME) within the last 300 days prior to the child's birth.
- I am not married.
- My marriage to \_\_\_\_\_ (FULL LEGAL NAME) was legally dissolved on \_\_\_\_\_ (DATE)

8. Indian Child Welfare Act:

- As far as I know, neither I, nor any member of my family, including the Child, is a member of or eligible for membership in a federally recognized American Indian Tribe or Alaskan Native Village.
- OR**
- Either I, or a member of my family, including the Child, is a member of or eligible for membership in a federally recognized American Indian Tribe or Alaskan Native Village.

9. I understand I have the right to be represented by my own attorney. I understand the court may appoint an attorney to represent me if I request counsel, and if hiring my own attorney would cause a financial hardship. I also understand I may review this document and seek the advice of an attorney before signing this Consent.

- I have talked to and am represented by \_\_\_\_\_ (NAME OF ATTORNEY) regarding this Consent.

**OR**

- I HEREBY WAIVE MY RIGHT TO AN ATTORNEY.

10.  The Child is currently under the jurisdiction of the juvenile court/family court in \_\_\_\_\_ County, \_\_\_\_\_ (STATE), in case number \_\_\_\_\_

11. By completing and signing this Consent, I certify to the Court that I am of sound mind and:

- i. Hereby submit to the jurisdiction of the Court of the State of Missouri.
- ii. Understand this Consent will be filed with the juvenile court/family court in \_\_\_\_\_ County, Missouri and any other court in which proceedings concerning the Child may be pending.
- iii. Have had enough time to carefully consider whether or not consent to termination of parental rights and adoption is in my own best interest and the best interest of the Child.
- iv. Have given careful thought to my decision to proceed with this Consent.
- v. Am not under the influence of any drug, medication, or other substance which might affect my reasoning or judgment.
- vi. Have signed this Consent to termination of parental rights and adoption of my own free will and without any duress or undue influence from anyone.
- vii. Have not been given any money or gifts, and no one has promised to provide me any money or gifts in exchange for my consent other than payment of expenses allowed by law.

12. I choose to:

- waive service of summons and a copy of any petition seeking the termination of my parental rights and/or adoption of the child that may be filed in any court of competent jurisdiction. I hereby waive my right to appear in any such proceedings and consent to a hearing thereof, at any time, without further notice to me;

**OR**

- reserve the right to receive service of summons and a copy of any petition seeking the termination of my parental rights and/or adoption of the child as may hereafter be filed in any court of competent jurisdiction.

13.  I understand the importance of identifying all possible fathers of the child and may provide the names of all such persons:

\_\_\_\_\_



14.  I am the birth mother, and I have not misrepresented to any man who could be the father of this child that:
- i. I was not pregnant;
  - ii. the pregnancy was terminated;
  - iii. the child has died; or
  - iv. the child is not his.

**I CERTIFY BY MY SIGNATURE BELOW THAT I HAVE READ, CONSIDERED, AND UNDERSTAND ALL THE ABOVE STATEMENTS.**  
**I, \_\_\_\_\_, hereby acknowledge that the statements provided above**  
(FULL LEGAL NAME)  
**are true, complete and correct.**

SIGNATURE OF PARENT	DATE	TIME
SIGNATURE OF PARENT'S ATTORNEY OR INTERMEDIARY	DATE	TIME
SIGNATURE OF PARENT'S GUARDIAN AD LITEM (IF REQUIRED BY § 453.030.9 RSMO OR OTHER APPLICABLE LAW)	DATE	TIME

**ACKNOWLEDGMENT OR WITNESSES TO PARENT'S CONSENT THIS CONSENT MUST BE:**  
**A) EXECUTED IN FRONT OF A JUDGE, OR**  
**B) ACKNOWLEDGED BEFORE A NOTARY PUBLIC OR TWO ADULT WITNESSES**

**JUDGE**

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year \_\_\_\_\_, before me personally  
(MONTH)  
 appeared \_\_\_\_\_ known to me to be the person who executed this  
(FULL LEGAL NAME OF PARENT)  
 Consent to Termination of Parental Rights and Adoption and acknowledged to me that she/he executed the same for the purposes herein stated, and I have advised the consenting parent of the consequences of the consent.

\_\_\_\_\_  
 Judge

**NOTARY**

STATE OF MISSOURI )  
 )  
 COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year \_\_\_\_\_, before me personally  
(MONTH)  
 appeared \_\_\_\_\_ known to me to be the person who executed this  
(FULL LEGAL NAME OF PARENT)  
 Consent to Termination of Parental Rights and Adoption and acknowledged to me that she/he executed the same for the purposes herein stated.

\_\_\_\_\_  
 Notary Public

My Commission Expires: \_\_\_\_\_



**WITNESSES**

THE UNDERSIGNED WITNESSES CERTIFY BY THEIR SIGNATURES THAT \_\_\_\_\_  
(FULL LEGAL NAME OF PARENT)  
SIGNED THE CONSENT AND THE CONSENT WAS KNOWINGLY AND FREELY GIVEN. WE FURTHER CERTIFY WE ARE NOT THE  
PROSPECTIVE ADOPTIVE PARENTS OF THE ABOVE NAMED CHILD.

PRINTED NAME AND DATE OF BIRTH OF WITNESS ONE	DATE	TIME
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SIGNATURE OF WITNESS ONE	FULL ADDRESS OF WITNESS ONE
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PRINTED NAME AND DATE OF BIRTH OF WITNESS TWO	DATE	TIME
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SIGNATURE OF WITNESS TWO	FULL ADDRESS OF WITNESS TWO
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Large empty rectangular area for additional notes or signatures.



## SPECIFIC CONSENT TO TERMINATION OF PARENTAL RIGHTS AND CONSENT TO ADOPTION, FORM INSTRUCTIONS

### **PURPOSE:**

The purpose of this form is to provide written consent when a parent is consenting to termination of parental rights and allowing the child to be placed for adoption. The form must be fully completed by the parent in the presence of and signed by all appropriate persons.

### **INSTRUCTIONS FOR COMPLETION:**

Parents shall never be required to sign an undated or incomplete consent form.

Those sections of the form which do not ask for written information should be read by the parent, and the attorney or intermediary assisting the parent shall ask questions of the parent to ensure their understanding and have the parent initial where indicated.

The attorney or intermediary assisting the parent shall document that the information was read by or read to the parent and that the birth parent was asked whether they understood the information provided to them and have parent initial where indicated.

Complete the indicated city/county information and child's name as well as the name, date of birth, age, sex and address of the parent executing the consent.

Complete Number 1 by entering the child's birth date and place of birth, and have parent initial.

Complete Number 2 (A) or (B) by indicating whether the parent is the mother, father, or possible birth father of the child, and have the parent initial.

Read and review Number 3 with the parent including the name of the adoptive parent to whom the parent is consenting for adoption, and the language in the section directly below Number 3, ensuring that they understand all that has been read, and have the parent initial.

Review Number 4 with the parent, ensuring that the parent understands, and have the parent initial.

Complete Number 5 with the parent by obtaining the number of years they attended education.

Complete Number 6 by choosing one or more of the listed options and have the parent initial. If choosing the last option, fill in the native language and name of interpreter.

Complete Number 7 with the parent by choosing one of the four options, completing the appropriate blanks, and have the parent initial the appropriate box.

Complete Number 8 by having the parent initial the appropriate box pertaining to the Indian

Child Welfare Act. If the parent indicates he or she is a member of an American Indian Tribe or Native Village, the child must be at least 10 days old and consent must be executed in the presence of judge. If the parent indicates he or she is not a member of an American Indian Tribe or Native Village, the child must be at least 48 hours old.

Complete Number 9 by reading and reviewing the two options, and indicate whether the parent has legal representation OR has waived that right to an attorney, then have the parent initial the appropriate box. Write in the name of the attorney, if the parent is represented.

Complete Number 10 by reading and filling in the name of the county, state and case number. Review and have the parent initial it.

Review Number 11, fill in the County name, ensuring the parent understands all seven statements and have the parent initial the boxes.



Read and review Number 12, allowing the parent to choose from one of the two options.

Read and review Number 13, adding names to any possible fathers of the child if applicable, and have the parent initial.

Review Number 14, ensuring the parent understands all four statements, and have the parent initial the box and each statement.

Fill in the parent's full legal name. Obtain the parent's signature, certifying that they have read, considered and understood all the above statements. Also, obtain the signature of the parent's attorney, and if applicable, the signature of the parent's guardian ad litem.

After the parent executes the form, have a notary public complete the Acknowledgment section and certification;

**OR**

Have two adult witnesses complete the witness section and provide their full address and signatures;

**OR**

If the consent is executed before a judge, have the judge sign to verify the identity of the consenting parent and to verify that he or she has advised the consenting parent of the consequences of the consent.

**NUMBER OF COPIES, DISTRIBUTION AND RETENTION:**

The completed, signed and notarized or witnessed consent shall be provided to the court to become part of the judicial record according to local protocol. A copy of the notarized or witnessed consent shall also be provided to the parent. Copies may be made for the attorney/intermediary, guardian ad litem, juvenile officer, and Children's Division worker.

*AUTHORITY: Sections 211.444 and 453.030, RSMo.*



*AUTHORITY: sections 207.020 and 210.148, RSMo 2016.\* Original rule filed Aug. 19, 2016, effective March 30, 2017.*

*\*Original authority: 207.020, RSMo 1945, amended 1961, 1965, 1977, 1981, 1982, 1986, 1993, 2014 and 210.148, RSMo 2015.*