

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

IN RE: Procedures in Adoption Actions

ADMINISTRATIVE ORDER: 07-02

ORDER

Now on this 12th day of Feb, 2007, 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 shall be filed in Judicial Records, 3rd Floor, Jackson County courthouse, 415 E. 12th, Kansas City, MO. Petitioners' attorney shall file the Certificate of Decree with the adoption petition.
2. All pleadings, reports, and documentation shall have the petition number prominently displayed on the upper right hand side of the first page. Any such documents without the petition number clearly visible will be returned to the sender.
3. Petitioners' attorney is responsible for providing proposed orders of temporary custody, proposed findings and recommendations for decrees of adoption and any other proposed orders to the Court, and shall include thereon an appropriate certificate of mailing.
4. All subsequent pleadings, reports and documentation shall be submitted directly to:

Adoption Clerk
Judicial Records
625 E. 26th
Kansas City, MO 64108.
5. Petitioners' attorney shall, at the time of filing the petition, temporary hearing and final hearing, submit a signed and verified full accounting of anything of value or other consideration paid or transferred by or on behalf of the Petitioners in connection with the placement of adoption. The accounting shall show all payments or transfers made or to be made and consideration given or promised by or on behalf of the Petitioners in connection with the placement or adoption.
6. In every action in which a home study is required by law and not waived by the Court on proper motion with supporting suggestions, petitioners' attorney shall, within fifteen days of the filing of the Petition, submit a request for appointment of a suitable person to complete the home study. If petitioners assert that they are indigent, petitioners' counsel may request in writing that the court appoint a

suitable person to conduct the home study at no or reduced expense to petitioners. A notarized statement of all sources of income and a statement of assets shall accompany such request. 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 Petitioners' expense unless Petitioners are indigent. In all cases the Court may require Petitioners, prior to obtaining legal custody of a child, to submit to a subsequent home study or partial home study by a person selected by the Court. In cases in which Petitioners 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 hearing. The Court shall 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. The guardian ad litem scheduled for a given docket shall file an entry of appearance for all non-211 cases scheduled on such docket. The guardian who has been serving in the 211 action shall be appointed as the guardian ad litem in the adoption action unless there appears good cause otherwise. The guardian shall remain the guardian ad litem on the cause until the cause is concluded or an order allowing withdrawal of the guardian is issued by the Court and another guardian is appointed. Petitioners' attorney shall immediately notify the guardian ad litem of any substantial changes in the child's placement. The appointed guardian ad litem shall, at a minimum:
 - 1) prior to hearing, speak to any child capable of expressing an opinion about the adoption;
 - 2) review all available reports sufficiently before the hearing to make meaningful cross-examination possible;
 - 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 Section 453.025 RSMo. and In the Interest of J.L.H., 647 S.W. 2nd 852 (Mo. App.1983).

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 who first appears of record for the child (other than a guardian not entitled to payment) shall submit an invoice for payment to the Deputy Director of 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 Missouri Bar Enrollment number.

8. 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 Section 453.110 RSMo.
9. The Court may deny any request for temporary custody or final adoption for failure to comply with Section 453.005.2 RSMo.
10. Every adoption filed shall be docketed by Petitioners' counsel no later than 120 days after filing, unless prior to such time counsel has advised the Court in writing explaining the delay and setting out a proposed schedule for docketing the matter. Failure to do so will result in dismissal of the cause by the Court. In every cause not docketed within thirty days of filing, Petitioners' counsel shall, prior to the end of such thirty day period, request the appointment of a guardian who shall be appointed at random from the list of guardians.
11. 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.
12. Actions for Recognition of Foreign Adoption shall be assigned on an alternating basis to Divisions 40 and 41. Petitioners' attorney shall present to the Court 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 Five (5) herein.

II. ADOPTIONS IN WHICH JURISDICTION IS NOT PURSUANT TO §211 RSMo.

13. With the exception of adoption in which jurisdiction is pursuant to §211.RSMo., uncontested hearings for temporary custody shall be heard Friday at 9:30, 10:00, 10:30 AND 11:00 AM in Division 40 by request to the Adoption Clerk at 435-4736. Such case shall not be docketed unless the appropriate pleadings and home study have been filed with the Court no later than 4:00 PM seven business days prior to the hearing, unless such hearing is requested less than seven days before the hearing, in which case the reports, including record checks and letters of reference, shall be filed no later than the same day the request for setting is made. Such reports shall be made available to the appointed guardian ad litem on the same basis. Petitioners' attorney is responsible for notifying all necessary witnesses of the hearing date and time.

14. With the exception of consents to adoption and termination of parental rights in which jurisdiction is pursuant to §211. RSMo., hearings on applications to consent to adoption and termination of parental rights shall be heard at 9:00 a.m. in Division 40 each Friday. The birth parent study, unless waived for good cause, and the Application For Permission to Consent to Adoption and Termination of Parental Rights, shall be submitted for inclusion in the file no later than 4:00 p.m. the preceding Wednesday. The request for setting shall be made to the Commissioner's administrative assistant.
15. With the exception of adoptions in which jurisdiction is pursuant to §211. RSMo., hearings for final adoption shall be set with the Adoption Clerk for hearing at 9:30, 10:00, 10:30 and 11:00 a.m. each Thursday in Division 41. 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.
16. With the exception of adoption actions in which jurisdiction is pursuant to §211. RSMo., the Adoption Clerk shall alternately assign contested matters to the Commissioners in Divisions 40 and 41, except that every fifth case shall be assigned to Division 44. Petitioners' attorney shall be responsible for notifying the Adoption Clerk that the matter is contested upon filing or as the contested nature becomes evident, but if no notice is given the Court's administrative assistant, the Court, or any party may notify the Adoption Clerk. However, failure of Petitioners' attorney to do so may result in removal from the docket or dismissal by the Court. After an adoption action has been designated as contested, the Adoption Clerk shall notify counsel, the Guardian ad litem, all unrepresented parties and the Court of the Commissioner's assignment. Thereafter, all subsequent matters shall be presented to the assigned Commissioner and the administrative assistant of that division shall docket all hearings.
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. All stepchild adoptions shall initially be docketed in Division 41 unless authorized by the Court for good cause otherwise, notwithstanding other provisions of this order. Stepchild adoptions shall be docketed in Division 41 regardless of whether temporary, final or other relief is requested unless the Court orders otherwise.

III. ADOPTIONS IN WHICH JURISDICTION IS PURSUANT TO § 211. RSMo.

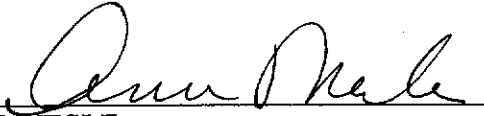
18. In all adoption actions, including consents to adoption and termination of parental rights, temporary custody and final hearings in which the child is under the jurisdiction of the Court pursuant to the provisions of Chapter 211 RSMo., all hearings shall be docketed before the Judge or Commissioner before whom the matter has regularly been docketed in the Chapter 211 action; settings in Division 44 shall be made by contacting the Commissioner's administrative assistant at 435-8003. All settings in Divisions 40 and 41 shall be as set out in paragraphs Fourteen (14), Fifteen (15) and Sixteen (16) 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 to whom the adoption is assigned, 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 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 Section 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 05-03 is hereby set aside and held for naught.

IT IS SO ORDERED.



ANNE MESLE
ADMINISTRATIVE JUDGE
FAMILY COURT DIVISION

Copies to:

Family Court Judges & Commissioners
Juvenile Officer
Deputy Court Administrator, Family Court
Family Court Directors
CASA Project
Office of the Guardian ad Litem
Public Defender
Adoption Guardians ad litem
Record Writers

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