

IN THE CIRCUIT COURT OF GREENE COUNTY, MISSOURI
JUVENILE DIVISION

IN THE MATTER OF:)
[REDACTED])
(D.O.B. [REDACTED]) (F) and)
[REDACTED])
(D.O.B. [REDACTED] 5) (M))
[REDACTED] and)
[REDACTED])
Petitioners)
And)
Missouri Department of Social Services)
Children's Division)
Respondent)

Case No. [REDACTED]

FILED

APR 06 2018

CIRCUIT CLERK
GREENE COUNTY

JUDGMENT FOR TRANSFER OF LEGAL CUSTODY

On the 23rd day of March, 2018, Petitioners' Petition for Transfer of Custody and Adoption comes on for consideration. Petitioners [REDACTED] appear in person and by their attorney, Linda K. Thomas; the minor children [REDACTED] and [REDACTED] appear by and through their guardian ad litem, attorney Gary Collins; Partners, LLC, a contracted case manager for the Missouri Department of Social Services, Children's Division, appears by its duly authorized representative Michele Hutsell; and Michael Bang, Attorney at Law, appears on behalf of the Missouri Department of Social Services, Division of Legal Services. Hearing held as to Count I of Petitioners' Petition for Transfer of Custody and Adoption, evidence heard and the cause is submitted. After receiving and reviewing the evidence, and upon clear, cogent and convincing evidence adduced the Court makes the following findings as to granting Transfer of Legal Custody pursuant to Count I of the Petitioners' Petition for Transfer of Custody and Adoption:

1. This court has jurisdiction as required by Chapter 453, RSMo.
2. The allegations contained in Count I of the Petition for Transfer of Custody and Adoption are true.
3. The minor children who are the subject of this proceeding were born in Springfield, Greene County, Missouri.
4. That the minor children are under the prior and continuing jurisdiction of this Court pursuant to Chapter 211 RSMo.
5. That [REDACTED] is a female minor child who was born on [REDACTED] 2010 in Springfield, Greene County, Missouri and [REDACTED] is a male minor child who was born on [REDACTED], 2015 in Springfield, Greene County, Missouri.
6. A full investigation has been made and a written report has been submitted as required by Section 453.070 (1) RSMo. and reviewed by the court; a family assessment has been made as required by Section 453.070 R.S.Mo. and reviewed by the court; and a written report regarding the children who are the subjects of this petition has been submitted as required by Section 453.026 RSMo. and reviewed by the court.
7. That the minor children have been in the legal custody of the Missouri Department of Social Services, Children's Division, 149 Park Central Square, Springfield, Missouri 65806 since approximately March 15, 2015, pursuant to the orders of the Juvenile Division of the Circuit Court of Greene County, Missouri in Case No. [REDACTED] regarding [REDACTED] and Case No. [REDACTED] regarding [REDACTED].
8. That the petitioners are suitable as parents for the children and the children are suitable for adoption.

9. That petitioners have the ability properly to care for, maintain and educate the minor children.

10. The written consent of the natural mother and the natural father to the adoption of the minor child [REDACTED] by petitioners is not required because the provisions of Section 453.040 RSMo. have been satisfied. The Circuit Court of Greene County, Missouri, Juvenile Division, by its order of October 26, 2016, in Case No. [REDACTED] terminated the parental rights of the mother and father to the minor child [REDACTED] and, by that order, the court continued the legal custody of the minor child with the Greene County Office of the Missouri Department of Social Services, Children's Division.

11. The written consent of the natural mother and the natural father to the adoption of the minor child [REDACTED] by petitioners is not required because the provisions of Section 453.040 RSMo. have been satisfied. The Circuit Court of Greene County, Missouri, Juvenile Division, by its order of October 26, 2016, in Case No. [REDACTED] terminated the parental rights of the mother and father to the minor child [REDACTED] and, by that order, the court continued the legal custody of the minor child with the Greene County Office of the Missouri Department of Social Services, Children's Division.

12. That the transfer of legal custody of the minor children [REDACTED] and [REDACTED] to petitioners for the purpose of a subsequent adoption will promote the best interests and welfare of the minor children.

13. That the guardian ad litem has recommended that the custody of the minor children be transferred to the petitioners for the purpose of a subsequent adoption. The court notes that the guardian ad litem has represented the minor children since they came into

alternative care, in the proceeding to terminate the parental rights of the natural parents and through proceedings to adopt the minor children. The guardian ad litem filed a written recommendation stating his reasons why the adoption of the minor children by the Petitioners [REDACTED] and [REDACTED] would be in the best interest of the children. The court has reviewed and carefully considered the recommendation of the guardian ad litem.

14. That through its contracted case manager Partners, LLC., the court has received and reviewed the recommendation of the Missouri Department of Social Services, Children's Division that this adoption should be granted. The court has reviewed and carefully considered the agency recommendation that it would be in the best interests of the minor children to be adopted by the Petitioners.

15. That petitioners [REDACTED] and [REDACTED] have filed with the Court their affidavit concerning payments and transfers made or consideration given or promised in connection with the placement or the adoption of said children, all as required by Section 453.075, RSMo.

16. To the extent that it is applicable, there has been compliance with the Uniform Custody Jurisdiction and Enforcement Act.

17. That the minor children are not Indian Children within the meaning of the Indian Child Welfare Act and the Indian Child Welfare Act is not applicable in this matter.

18. That the children's placement in the home of the petitioners is currently subject to the provisions of the Interstate Compact for Placement of Children and the Petitioners will comply with the provisions of said act to the extent that it is applicable.

19. That the petitioners have been approved for placement of the minor children

through the provisions of the Interstate Compact for Placement of Children.

20. The court has been advised that the petitioners intend to return to the State of Missouri in the near future. That the placement of the minor children in the home of the petitioners will be supervised through the services of Southwest Human Development, 2850 North 24th Street, Phoenix, Arizona 85008 or the continued supervision of the Missouri Department of Social Services, Children's Division, through its contracted case manager Springfield Partners, 1111 South Glenstone Avenue, Springfield, Missouri 65804.

21. In making this order, the court finds that the petitioners have a close relationship with the minor children and that the petitioners have spent substantial periods of time with the minor children.

22. The minor children are familiar with the home of the petitioners, who are the paternal grandmother and step-grandfather of the minor children.

23. That the minor child [REDACTED] lived in the home of the petitioners for approximately two years prior to coming into alternative care and the Petitioners have made approximately twenty trips from the State of Arizona to the State of Missouri to maintain a relationship with the minor children since the children have come into alternative care.

24. The court has taken judicial notice of the following cases from the Circuit Court of Greene County, Missouri, to wit: Case Numbers [REDACTED] regarding [REDACTED] [REDACTED], Case No. [REDACTED] regarding [REDACTED] Case No. [REDACTED] [REDACTED] regarding [REDACTED] and Case No. [REDACTED] regarding [REDACTED] [REDACTED]


Accordingly, it is the opinion of this Court that it is fit and proper that the transfer of legal custody to the petitioners for the purpose of a subsequent adoption be approved since the welfare and best interests of said minor persons so demands.

IT IS ORDERED, ADJUDGED AND DECREED that legal custody of said minor children [REDACTED] and [REDACTED] is hereby transferred to petitioners [REDACTED] and [REDACTED] for the purposes of subsequent adoption under the continuing supervision of Southwest Human Development, 2850 North 24th Street, Phoenix, Arizona 85008 and the continued supervision of the Missouri Department of Social Services, Children's Division, through its contracted case manager Springfield Partners, 1111 South Glenstone, Springfield, Missouri 65804; the court approves the expenses set forth in petitioners' financial affidavit; that the adoption of the minor children will be finalized in the State of Missouri; and that petitioners shall finalize the adoption of the minor children in the State of Missouri.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that petitioners are authorized to provide medical, dental and educational care for the minor children.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Gary Collins, the guardian ad litem for the minor children is allowed a fee in the amount of \$500.00 to be taxed as costs. Costs are assessed against petitioners [REDACTED] and [REDACTED].

Dated: April 6, 2018



Hon. Andy Hosmer, Associate Circuit Judge
Circuit Court of Greene County, Missouri