

IN THE CIRCUIT COURT OF GREENE COUNTY, MISSOURI  
JUVENILE DIVISION

FILED

IN THE MATTER OF THE  
ADOPTION OF [REDACTED]

FEB 20 2018

[REDACTED] AND  
[REDACTED]

CIRCUIT CLERK  
GREENE COUNTY

Petitioners,

Case No. [REDACTED]

[REDACTED]

Respondent.

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND  
JUDGMENT OF ADOPTION**

NOW ON THIS 24<sup>th</sup> day of January, 2018, come Petitioners, [REDACTED]  
[REDACTED] and [REDACTED], in person and by attorney, Verna L. Haun.  
Respondent, [REDACTED], appears in person and by attorney, Christine H.  
Hutson. The Guardian ad Litem, Kay Van Pelt, also appears. Evidence is adduced by  
both parties. The Guardian ad Litem makes her recommendation. Whereupon, the matter  
was taken under advisement by the Court.

The Court makes the following findings of fact:

Petitioners are husband and wife who resided in Greene County, Missouri at the  
time of the filing of their Petition for Adoption.

Petitioners were married in July of 2015.

Petitioner, [REDACTED] ([REDACTED]), and Respondent, [REDACTED] are the parents of [REDACTED]. [REDACTED] was born on [REDACTED] 2008, and has been in the actual, physical custody of [REDACTED] since the date of his birth. At the time of [REDACTED] birth, [REDACTED] and Respondent resided in Springfield, Missouri.

Respondent had frequent contact with [REDACTED] during the first three months of the child's life. When [REDACTED] was approximately three months old, Respondent went overseas to play basketball.

Respondent returned to the United States for six days around [REDACTED] first birthday and Respondent attended [REDACTED] first birthday party at the home of [REDACTED].

During this six day visit to the United States, Respondent was served with a Petition for Paternity filed by [REDACTED] in Greene County. On September 3, 2009, the Circuit Court of Greene County entered a Judgment of Paternity finding that Respondent was the father of [REDACTED] granting sole legal and sole physical custody to [REDACTED] and ordering Respondent to pay child support.

Respondent again left the United States and lived overseas until approximately 2012. During this three year period, Respondent did not have any contact with [REDACTED] or [REDACTED] and did not provide any financial support to [REDACTED] for [REDACTED] care.

In late 2012 or early 2013, Respondent returned to the United States and settled in Kansas City, Missouri. In March of 2013, Respondent moved from Kansas City to

Springfield. [REDACTED] and [REDACTED] were living in Springfield at the time that Respondent moved back to Springfield. Respondent lived in Springfield for approximately six months and saw [REDACTED] one to two days per week during this period of time.

In September of 2013, Respondent moved back to Kansas City, Missouri. From there he moved to different locations, eventually settling at his current residence in the state of Texas.

In August or September of 2014, Respondent secured a job with a car dealership in Austin, Texas and he has remained employed at that job. In 2015, Respondent made approximately \$39,000.00 in income from that job. In 2016, Respondent made approximately \$78,000.00 in income from that job. In 2017, Respondent made approximately \$68,000.00 in income from that job.

From approximately September of 2013 (when he left Springfield to return to Kansas City) until September 21, 2016 (the date the Petition for Adoption was filed), Respondent had no contact with [REDACTED], sent no cards or letters to [REDACTED], gave no birthday or Christmas gifts to [REDACTED], and provided no financial support for [REDACTED].

Respondent did not start paying child support for [REDACTED] until January of 2017 - approximately three months after the Petition for Adoption had been filed- and only after Petitioner initiated an income withholding for support. Respondent has continued to make these support payments since January of 2017.

From September 21, 2016 (when the Petition for Adoption was filed) until January 24, 2018 (the date of trial in this matter), Respondent had no contact with

██████████, sent no cards or letters to ██████████; and gave no birthday or Christmas gifts to

██████████  
██████████ was working in the emergency room at Mercy Hospital at the time that Respondent lived in Springfield, Missouri and Respondent was aware of where ██████████ worked. ██████████ has worked in the emergency room at Mercy Hospital since Respondent left Springfield, Missouri.

Respondent knew the address and phone numbers of ██████████ parents when he lived in Springfield. The phone number for ██████████ parents has remained the same ever since Respondent left Springfield. The address of ██████████ parents remained the same up until the time that the Petition for Adoption was filed.

Respondent made no attempt to contact ██████████ in the past four years, and from September of 2013 through the date the Petition for Adoption was filed, Respondent made no attempt to contact ██████████ through her parents.

Respondent testified that ██████████ blocked him from calling her. ██████████ confirmed that she did block Respondent for a period of approximately eight months after Respondent moved to Kansas City in 2013 but that when she purchased a new smart phone Respondent's number was no longer blocked. She also testified that she received a text and phone call from Respondent in 2015. The Court finds the testimony of ██████████ more credible on this point.

In any event, the Court finds that Respondent had multiple avenues available to him to contact ██████████ and/or to make contact with ██████████. Respondent failed to take advantage of any of those opportunities.

A home study was completed which recommended that the adoption be granted.

Petitioners have had a criminal background check which revealed that neither  
Petitioner has a criminal history.

Petitioners have complied with the Uniform Child Custody Jurisdiction and  
Enforcement Act.

The Indian Child Welfare Act does not apply in this case.

The Interstate Compact on the Placement of Children does not apply.

Petitioners have had a child abuse and neglect background check which revealed  
that neither Petitioner has been investigated for abuse or neglect.

Respondent raised no concerns with Petitioners' care for [REDACTED].

Petitioners have filed an affidavit of expenses that contained no improprieties.

Petitioners have the ability to properly care for, maintain and educate said minor  
child.

[REDACTED] has a good relationship with Petitioner, [REDACTED].

[REDACTED] wants to be adopted by [REDACTED].

Petitioners desire to change the name of [REDACTED] to [REDACTED].

[REDACTED]

The Guardian ad Litem recommended that the adoption be granted and the name  
be changed.

The adoption by Petitioners would promote the best interest and welfare of the  
minor child and, therefore, it is fit and proper that the adoption should be made.

The Court makes the following conclusions of law:

The consent to the adoption of a child is not required of a parent who has for a period of at least six months, for a child one year of age or older, immediately prior to the filing of the petition for adoption, willfully abandoned the child or, for a period of at least six months immediately prior to the filing of the petition for adoption, willfully, substantially and continuously neglected to provide him with necessary care and protection. RSMo. § 453.040(7). The Petition for Adoption for this case was filed on September 21, 2016 and so the relevant time period would run from March 21, 2016, to September 21, 2016.

Respondent willfully abandoned [REDACTED], for the six months prior to the filing of the Petition by intentionally withholding from [REDACTED] Respondent's care, love, protection and presence without just cause or excuse.

During the six months preceding the filing of the Petition, Respondent willfully, substantially and continuously neglected to provide [REDACTED] with necessary care and protection by intentionally failing to support [REDACTED] without just cause or excuse.

**WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED** that Respondent's parental rights to [REDACTED] are terminated and that for all intents and purposes [REDACTED] shall be the child of Petitioners, [REDACTED] and [REDACTED], as fully as if born to them in lawful wedlock.

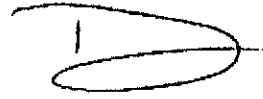
**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the name of [REDACTED] is hereby changed to [REDACTED]

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the Guardian ad Litem, Kay Van Pelt, is allowed a fee of \$2,088.66 for her services as Guardian ad Litem to be paid equally by Petitioners and Respondent.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that all other costs of the action are taxed against the Petitioners.

**2/20/2018**

Dated: \_\_\_\_\_



\_\_\_\_\_  
Judge