



PA19-AD-05

Practice Alert

453 ADOPTIONS AND THE USE OF LITIGATION COSTS FOR TPR FEE AGREEMENTS

This is a reminder of when the option of a 453 adoption is appropriate and the paperwork that is required when the Missouri Department of Social Services enters into an agreement with the prospective adoptive parents(s) related to the payment of litigation costs in termination of parental rights cases.

If there are legally sufficient grounds for TPR, but the juvenile officer declines to file a petition for involuntary TPR and a DLS attorney is unavailable to file in a timely fashion, a 453 adoption may be considered. Cases should be reviewed through supervisory channels. If an adoptive staffing has occurred, a family has been identified for the child, and there are no other competing petitions anticipated or filed, consult the family regarding their willingness to proceed with a petition for adoption and termination of parental rights. If it is determined the adoptive family will, through their attorney, file the petition for TPR and adoption, an Agreement for payment of Litigation Costs to the adoptive family in Termination of Parental Rights Cases is appropriate. The worker will send a Litigation Costs for TPR Agreement Request (CD-193), available on e-forms, to the Adoption Subsidy Unit in central office to initiate and finalized with the Purchasing Unit the issuance of the agreement with the prospective adoptive parents before the prospective parents enter into any agreement with their attorney. Invoices incurred by the family shall be sent to the worker for payment.

Criteria to be utilized:

- A family was identified and selected through a completed adoption staffing
- All parties agree there are no other petitions anticipated or filed
- This is a non-contested adoption; there are no competing petitions
- This is an involuntary TPR
- The juvenile officer is not willing to file the petition for TPR
- A DLS attorney is unavailable to file the petition for TPR in a timely fashion.
- Reimbursement of costs will be made to the adoptive parents

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