

2. Leave was granted for the Petitioner to file her First Amended Petition for Adoption on September X, 20XX, the second day of trial. As the petition was not substantively different than the Petition for Adoption no prejudice was found to either respondent.
3. Respondent Janet Doe, the natural biological mother, was personally served on or about November 11, 2010. Janet Doe failed to file her Answer to the Petition for Adoption.
4. Respondent Janet Doe's current address is unknown. She failed to provide the worker with an address after she was deported to the country of Honduras.
5. Respondent John Doe the natural biological father, could not be located and service was published in the KC Daily Record from June 27, 2011 to July 18, 2011.
6. Respondent John Doe address is currently unknown.
7. On November 4, 2010, the Office of the Guardian ad Litem was appointed as the Guardian ad Litem for the minor child.
8. The Guardian Ad Litem has rendered a valuable service to the minor child and to the Court in her representation of the minor child, and has faithfully discharged her duties pursuant to Section 453.025 RSMo.
9. On April 6, 2011, the Juvenile Officer was added as a party to this matter pursuant to §211.447.
10. Mr. Doe was appointed as attorney for Respondent, Janet Doe, on December 13, 2010, and was allowed to withdraw as her attorney on or about July 11, 2011.
11. A home study of the adoptive parent was ordered and completed pursuant to §453.070 RSMo. The home study was received and considered by the Court.
12. On April 6, 2011, the Children's Division was ordered to complete an investigation and social study pursuant to §211.455, said investigation and social study was received, made available to the parties, admitted into evidence without objection, and considered by the Court.
13. The Court has received and considered post-placement assessments regarding ongoing contact with the petitioner and child.
14. This Court has jurisdiction pursuant to Chapters 453 and 211 RSMo.

15. The First Amended Petition for Adoption is in legal form and the allegations contained therein are true.
16. The Interstate Compact on Placement of Children is inapplicable.
17. The Indian Child Welfare Act is inapplicable.
18. No findings are made regarding compliance with §452.440 to §452.550, the Uniform Child Custody Jurisdiction Act has been repealed.
19. The child who is the subject of this action is a female minor child born December 10, 2006, in Kansas City, Jackson County, Missouri to Respondent Janet Doe and Respondent John Doe
20. The child has resided in the foster home of the Petitioner continuously since February 8, 2010.
21. That the minor child has been the subject of in re XXXXXXXX in Jackson County Circuit Court, and that except for these actions the parties have not participated in any capacity in any other litigation concerning the custody of this child in this or any other state; that the parties have no information of any custody proceeding concerning this child pending in this or any other state; that parties know of no other person not a party to these proceedings who has physical custody of the child or claims to have custody or visitation rights with respect to the child.
22. The Court took Judicial Notice of the pleadings and judgments of XXXXXXXX, XXXXXXXX, XXXXXXXX, XXXXXXXX, and XXXXXXXX; and considered the same herein.
23. That the Petitioner is a resident of Jackson County, Missouri and has had actual and lawful custody of the minor child for a period in excess of six months prior to the filing of the First Amended Petition for Adoption and prior to the filing of the original Petition for Adoption.
24. The child and the Petitioner have been investigated by suitable persons to evaluate Petitioner as to her suitability of becoming a parent of the child and the child as to her suitability for adoption. The report submitted pursuant to §453.070 RSMo, as well as the testimony of the social worker, recommend the adoption.
25. That the Petitioner has the ability to properly care for, maintain and educate the minor child.

26. That this Court has received and reviewed an updated financial affidavit of the Petitioner and the Court finds that the costs and fees incurred herein were necessary and reasonable and the Court approves the same.

27. Respondent Janet Doe resided with John Doe together with the child and her sibling at a time of physical and sexual abuse to the children. Janet Doe knew of the sexual abuse of the child Little Doe by John Doe and did nothing to stop it.

28. Between March 19, 2010 and August 26, 2011, Janet Doe failed to exercise visitation with the minor child, failed to provide financial support for the minor child, while physically and financially able to provide support, and failed to provide cards, letters or otherwise communicate with the minor child.

29. Janet Doe had 18 supervised visits with the minor child between the dates of September 2009 to present. The Court considers these as token. No visits occurred after March 19, 2010.

30. Janet Doe was convicted of Abuse of Child in Jackson County Circuit Court, Case No. XXXXXXXX, wherein the child's sibling, Daisy Lagos, was a victim.

31. John Doe failed to exercise any visitation with the minor child, failed to provide financial support for the minor child, while physically and financially able to provide support, and failed to provide cards, letters or otherwise communicate with the minor child.

32. John Doe failed to make any contact with the minor child, either in person or by phone since the child has been in state custody, despite having the phone number to the child's original foster parents and despite being given the phone number to the child's case worker.

CONCLUSIONS OF LAW

The Court finds by clear, cogent and convincing evidence that:

33. Janet Doe, biological mother, has willfully abandoned and willfully, substantially and continuously neglected to provide for the child the necessary care and protection for a period of at least six months prior to the filing of the Petition for Adoption and prior to the filing of the First Amended Petition for Adoption in this matter. Therefore, Janet Doe's consent to the adoption of the child is not required.

34. Janet Doe's parental rights may also be terminated for grounds set forth in §211.447 RSMo., therefore her consent is not required.

35. Pursuant to Section 211.447.5(1) RSMo., the Court finds by clear, cogent and convincing evidence that Janet Doe has abandoned the child, Little Doe, in that the child was over 1 year of age at the time of the initial filing of this action, and that for the six months preceding the filing, and subsequent to the filing, Janet Doe has, without good cause, left the child without any provision for parental support and without making arrangements to visit or communicate with the child, although able to do so. Janet Doe has had no contact with the child since March 20XX and has failed to communicate with the social worker or the child after March 20XX.

36. Pursuant to Section 211.447.5(2) RSMo., the Court finds by clear, cogent and convincing evidence that the child has been abused or neglected as previously determined in case number *0916-JU001345*.

37. After having considered all the statutory factors specified in subsections (a) through (d) of 211.447.5(2) RSMo., the Court, by clear, cogent and convincing evidence, makes the following findings:

- a. No evidence was presented that the Respondent, Janet Doe, suffered from a mental condition of any kind that rendered her unable to knowingly provide the child the necessary care, custody and control.
- b. No evidence was presented that the Respondent, Janet Doe, suffered from a chemical dependency which prevented her from consistently providing the necessary care, custody and control of the child.
- c. The child and the child's sibling suffered severe and recurrent acts of physical, emotional or sexual abuse while living in the home which were committed by Janet Doe and by John Doe under circumstances that indicate the natural biological mother, Janet Doe, knew or should have known that such acts were being committed toward the children, including: 1). Janet Doe pled guilty to two Counts of Abuse of a Child (a sibling of Little Doe) in Jackson County Circuit Court, case number XXXXXXXX, wherein she was sentenced to five years in the Missouri Department of Corrections, 2). Little Doe suffered severe sexual abuse

committed by John Doe , the paramour of Janet Doe, 3) as a result of the severe sexual abuse committed by John Doe, Little Doe , she is severely traumatized.

d. The Court finds that Janet Doe has repeatedly or continuously failed, although physically or financially able, to provide the child with adequate food, clothing, shelter or education or other care and control necessary for the child's physical, mental or emotional health and development.

38. Pursuant to Section 211.447.5(6) RSMo., the Court finds by clear, cogent and convincing evidence that Janet Doe is unfit to be a party to the parent and child relationship because of a consistent pattern of committing abuse to the child and her sibling and the duration or nature of the abuse renders Janet Doe unable, for the reasonably foreseeable future, to care appropriately for the ongoing physical, mental or emotional needs of the child and lastly, the child is at risk of abuse in the future. The minor child and her sibling, Little Doe , suffered severe and recurrent acts of physical, emotional or sexual abuse toward the children living in the home and Respondent, Janet Doe, knew or should have known that such acts were being committed toward the children, including: 1). Janet Doe pled guilty to two Counts of Abuse of a Child (a sibling of Little Doe) in Jackson County Circuit Court, case number XXXXXXXX, wherein she was sentenced to five years in the Missouri Department of Corrections, 2). Little Doe suffered severe sexual abuse committed by John Doe, the paramour of Janet Doe, 3) as a result of the severe sexual abuse committed by John Doe, Little Doe, she is severely traumatized. This Court further finds that the Janet Doe's failure to address the abuse in educational and therapeutic settings places the minor child at risk of abuse in the future. In addition, Janet Doe is presumed to be unfit in that her parental rights were terminated to her daughter, Little Doe, on August X 20XX in case number XXXXXXXX.

39. Between September 26, 2009 and August 26, 2011, John Doe failed to exercise consistent visitation with the minor child, failed to provide financial support for the minor child while physically and financially able to provide support, and failed to provide cards, letters or otherwise communicate with the minor child.

40. John Doe, biological father, has willfully abandoned and willfully, substantially and continuously neglected to provide for the child the necessary care and protection for

a period of at least six months prior to the filing of the Petition for Adoption and prior to the filing of this First Amended Petition for Adoption in this matter. Therefore John Doe's consent to the adoption of the child is not required.

41. John Doe's parental rights may also be terminated for grounds set forth in §211.447 RSMo therefore his consent is not required.

42. Pursuant to Section 211.447.5(2) RSMo., the Court finds by clear, cogent and convincing evidence that the child has been abused or neglected as previously determined in case number XXXXXXXX

43. After having considered all the statutory factors specified in subsections (a) through (d) of 211.447.5(2) RSMo., the Court, by clear, cogent and convincing evidence, makes the following findings:

- a. No evidence was presented that the Respondent, John Doe, suffered from a mental condition of any kind that rendered him unable to knowingly provide the child the necessary care, custody and control.
- b. No evidence was presented that the Respondent, John Doe, suffered from a chemical dependency which prevented him from consistently providing the necessary care, custody and control of the child.
- c. The Court finds that the child and her sibling suffered severe acts of physical, emotional or sexual abuse while living in the home, which were committed by John Doe and Janet Doe under circumstances that indicate John Doe knew or should have known that such acts were being committed toward the children, including: 1). Janet Doe pled guilty to two Counts of Abuse of a Child (a sibling of Little Doe) in Jackson County Circuit Court, case number 1016CR01362-01, wherein she was sentenced to five years in the Missouri Department of Corrections, 2) Little Doe suffered severe sexual abuse committed by John Doe, the paramour of Janet Doe, 3) as a result of the severe sexual abuse committed by John Doe, Little Doe, she is severely traumatized. Evidence was presented that the Respondent, John Doe, repeatedly or continuously failed, although physically or financially able, to provide the child with adequate food, clothing, shelter, or education as defined by law, or other care and control

necessary for the child's physical, mental, or emotional health and development.

BEST INTERESTS FINDINGS

After having considered all the statutory factors specified in Section 211.447.7 RSMo., the Court further finds by a preponderance of the evidence the following factors:

- a. That the child has few, if any, emotional ties with the natural biological mother, Janet Doe or natural biological father John Doe. She refers to Petitioner as Mum or Mummy;
- b. That the natural biological mother, Janet Doe, nor natural biological father, John Doe, have maintained regular visitation or contact with the child. Janet Doe failed to contact the worker after she was deported to Honduras. John Doe has had no contact with the child for the majority of the time that the child has been under the jurisdiction of the Court;
- c. That the natural biological mother, Janet Doe, and natural biological father, John Doe, although financially able to do so, have repeatedly or continuously failed to provide financial or other support for the cost of care and maintenance of the child;
- d. That additional services would not be likely to bring about lasting parental adjustment enabling a return of the child to the natural biological mother Janet Doe, or the natural biological father, John Doe, within an ascertainable period of time;
- e. That the natural biological mother, Janet Doe, and natural biological father, John Doe, by their failure to participate in services, their failure to remain in contact with the social worker, their failure to supply an address where they were living and their failure to participate in this proceeding have demonstrated a disinterest in or lack of commitment to the child;
- f. That the mother's conviction for Abuse of a Child in case number XXXXXXXX is not of such nature as to deprive the child of a stable home for a period of years in that she was not incarcerated for the conviction at the time of the trial. No evidence was presented regarding

any criminal convictions of the natural biological father, John Doe
Deliberate acts of physical and sexual abuse by the natural biological
mother, Janet Doe, and John Doe are such that the natural biological
mother, Janet Doe, and the natural biological father, John Doe, should
have known that the acts subjected the child to a substantial risk of
physical or mental harm. The failure of Janet Doe to address the abuse in
educational and therapeutic settings places the minor child at risk of abuse
in the future;

44. The Court finds by a preponderance of the evidence that it is in the best interests of the child, Little Doe, that all parental rights of Janet Doe, in, to and over the child, Little Doe, be terminated. The child is in need of and deserves a stable and permanent home.

45. The Court finds by a preponderance of the evidence that it is in the best interests of the child, Little Doe, that all parental rights of John Doe, in, to and over the child, Little Doe, be terminated. The child is in need of and deserves a stable and permanent home.

ADOPTION

The Court finds by clear, cogent and convincing evidence that:

46. The adoption of the child by Jane Doe is in the best interest of the minor child.

47. It is fit and proper that the adoption occur.

48. The consents of the natural biological mother, Janet Doe and the natural biological father, John Doe, are not required pursuant to §453.040.7 and §453.040.8.

49. It is in the best interest of the minor child that her name be changed to Little Doe

WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that all parental rights of Janet Doe and John Doe in, to and over the minor child, Little Doe, are hereby terminated, and from this date forward the minor child, Little Doe, shall be the child of Jane Doe for all legal intents and purposes.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the child's name shall be changed to Little Doe. The Missouri Bureau of Vital Statistics shall amend the birth

certificate of the minor child to reflect Michelle Comtois as her mother and the new name of Little Doe.

IT IS SO ORDERED.

4 OCTOBER 2011
DATE

JUDGE MARCO A. ROLDAN