

SENATE BILL NO. 495

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR KOSTER.

Read 1st time February 12, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

1862S.01I

AN ACT

To repeal sections 452.440, 452.445, 452.450, 452.455, 452.460, 452.465, 452.470, 452.475, 452.480, 452.485, 452.490, 452.495, 452.500, 452.505, 452.510, 452.515, 452.520, 452.525, 452.530, 452.535, 452.540, 452.545, and 452.550, RSMo, and to enact in lieu thereof fifty new sections relating to child custody jurisdiction and enforcement.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 452.440, 452.445, 452.450, 452.455, 452.460, 452.465, 452.470, 452.475, 452.480, 452.485, 452.490, 452.495, 452.500, 452.505, 452.510, 452.515, 452.520, 452.525, 452.530, 452.535, 452.540, 452.545, and 452.550, RSMo, are repealed and fifty new sections enacted in lieu thereof, to be known as sections 452.700, 452.705, 452.710, 452.715, 452.720, 452.725, 452.730, 452.735, 452.740, 452.745, 452.747, 452.750, 452.755, 452.760, 452.762, 452.765, 452.770, 452.775, 452.780, 452.782, 452.785, 452.790, 452.795, 452.800, 452.805, 452.810, 452.815, 452.820, 452.825, 452.830, 452.835, 452.840, 452.845, 452.850, 452.855, 452.860, 452.865, 452.870, 452.875, 452.880, 452.885, 452.890, 452.895, 452.900, 452.905, 452.910, 452.915, 452.920, 452.925, and 452.930, to read as follows:

ARTICLE I

GENERAL PROVISIONS

452.700. Sections 452.700 to 452.930 may be cited as the "Uniform Child Custody Jurisdiction and Enforcement Act".

452.705. As used in sections 452.700 to 452.930:

(1) "Abandoned" means left without provision for reasonable and necessary care or supervision;

(2) "Child" means an individual who has not attained eighteen years of age;

(3) "Child custody determination" means a judgment, decree, or other order of a court providing for the legal custody, physical custody,

8 or visitation with respect to a child. The term includes a permanent,
9 temporary, initial, or modification order. The term shall not include an
10 order relating to child support or other monetary obligation of an
11 individual;

12 (4) "Child custody proceeding" means a proceeding in which legal
13 custody, physical custody, or visitation with respect to a child is an
14 issue. The term includes a proceeding for divorce, separation, neglect,
15 abuse, dependency, guardianship, paternity, termination of parental
16 rights, and protection from domestic violence in which the issue may
17 appear. The term shall not include a proceeding involving juvenile
18 delinquency, contractual emancipation, or enforcement under sections
19 452.850 to 452.915;

20 (5) "Commencement" means the filing of the first pleading in a
21 proceeding;

22 (6) "Court" means an entity authorized under the law of a state
23 to establish, enforce, or modify a child custody determination;

24 (7) "Decree" or "custody decree" means a custody determination
25 contained in a judicial decree or order made in a custody proceeding,
26 and includes an initial decree and a modification decree;

27 (8) "Home state" means the state in which a child has lived with
28 a parent or a person acting as a parent for at least six consecutive
29 months immediately prior to the commencement of a child custody
30 proceeding. In the case of a child less than six months of age, the term
31 means the state in which the child has lived from birth with any of the
32 persons mentioned. A period of temporary absence of any of the
33 mentioned persons is part of such period;

34 (9) "Initial determination" means the first child custody
35 determination concerning a particular child;

36 (10) "Issuing court" means the court making a child custody
37 determination for which enforcement is sought under sections 452.700
38 to 452.930;

39 (11) "Issuing state" means the state in which a child custody
40 determination is made;

41 (12) "Litigant" means a person, including a parent, grandparent,
42 or stepparent, who claims a right to custody or visitation with respect
43 to a child;

44 **(13) "Modification" means a child custody determination that**
45 **changes, replaces, supersedes or is otherwise made after a previous**
46 **determination concerning the same child, whether or not it is made by**
47 **the court that made the previous determination;**

48 **(14) "Person" includes government, a governmental subdivision,**
49 **agency or instrumentality, or any other legal or commercial entity;**

50 **(15) "Person acting as a parent" means a person, other than a**
51 **parent, who:**

52 **(a) Has physical custody of the child or has had physical custody**
53 **for a period of six consecutive months, including any temporary**
54 **absence, within one year immediately prior to the commencement of a**
55 **child custody proceeding; and**

56 **(b) Has been awarded legal custody by a court or claims a right**
57 **to legal custody under the law of this state;**

58 **(16) "Physical custody" means the physical care and supervision**
59 **of a child;**

60 **(17) "State" means a state of the United States, the District of**
61 **Columbia, Puerto Rico, the United States Virgin Islands, or any**
62 **territory or insular possession subject to the jurisdiction of the United**
63 **States;**

64 **(18) "Warrant" means an order issued by a court authorizing law**
65 **enforcement officers to take physical custody of a child.**

452.710. Sections 452.700 to 452.930 shall not govern:

2 **(1) An adoption proceeding; or**

3 **(2) A proceeding pertaining to the authorization of emergency**
4 **medical care for a child.**

452.715. 1. A child custody proceeding that pertains to an Indian
2 **child, as defined in the Indian Child Welfare Act, 25 U.S.C. section 1901**
3 **et seq., is not subject to sections 452.700 to 452.930 to the extent that it**
4 **is governed by the Indian Child Welfare Act.**

5 **2. A court of this state shall treat a tribe as a state of the United**
6 **States for purposes of sections 452.700 to 452.930.**

7 **3. A child custody determination made by a tribe under factual**
8 **circumstances in substantial conformity with the jurisdictional**
9 **standards of sections 452.700 to 452.930 shall be recognized and**
10 **enforced under the provisions of sections 452.850 to 452.915.**

452.720. 1. A court of this state shall treat a foreign country as
2 a state of the United States for purposes of applying sections 452.700 to
3 452.785.

4 2. A child custody determination made in a foreign country
5 under factual circumstances in substantial conformity with the
6 jurisdictional standards of sections 452.700 to 452.930 shall be
7 recognized and enforced under sections 452.850 to 452.915.

8 3. The court need not apply the provisions of sections 452.700 to
9 452.930 when the child custody law of the other country violates
10 fundamental principles of human rights.

452.725. 1. A party to a child custody proceeding who is not
2 subject to personal jurisdiction in this state and is a responding party
3 under sections 452.740 to 452.785, a party in a proceeding to modify a
4 child custody determination under sections 452.740 to 452.785, or a
5 petitioner in a proceeding to enforce or register a child custody
6 determination under sections 452.850 to 452.915 may appear and
7 participate in such proceeding without submitting to personal
8 jurisdiction over the party for another proceeding or purpose.

9 2. A party is not subject to personal jurisdiction in this state
10 solely by being physically present for the purpose of participating in
11 a proceeding under sections 452.700 to 452.930. If a party is subject to
12 personal jurisdiction in this state on a basis other than physical
13 presence, the party may be served with process in this state. If a party
14 present in this state is subject to the jurisdiction of another state,
15 service of process permissible under the laws of the other state may be
16 accomplished in this state.

17 3. The immunity granted by this section shall not extend to civil
18 litigation based on acts unrelated to the participation in a proceeding
19 under sections 452.700 to 452.930 committed by an individual while
20 present in this state.

452.730. 1. A court of this state may communicate with a court
2 in another state concerning a proceeding arising under sections 452.700
3 to 452.930.

4 2. The court may allow the parties to participate in the
5 communication. If the parties are not able to participate in the
6 communication, the parties shall be given the opportunity to present

7 facts and legal arguments before a decision on jurisdiction is made.

8 3. A communication between courts on schedules, calendars,
9 court records, and similar matters may occur without informing the
10 parties. A record need not be made of such communication.

11 4. Except as provided in subsection 3 of this section, a record
12 shall be made of the communication. The parties shall be informed
13 promptly of the communication and granted access to the record.

14 5. For the purposes of this section, "record" means information
15 that is inscribed on a tangible medium, or that which is stored in an
16 electronic or other medium and is retrievable in perceivable form. A
17 record includes notes or transcripts of a court reporter who listened to
18 a conference call between the courts, an electronic recording of a
19 telephone call, a memorandum or an electronic record of the
20 communication between the courts, or a memorandum or an electronic
21 record made by a court after the communication.

 452.735. 1. A court of this state may request the appropriate
2 court of another state to:

3 (1) Hold an evidentiary hearing;

4 (2) Order a person to produce or give evidence under procedures
5 of that state;

6 (3) Order that an evaluation be made with respect to the custody
7 of a child involved in a pending proceeding;

8 (4) Forward to the court of this state a certified copy of the
9 transcript of the record of the hearing, the evidence otherwise
10 presented and any evaluation prepared in compliance with the request;
11 and

12 (5) Order a party to a child custody proceeding or any person
13 having physical custody of the child to appear in the proceeding with
14 or without the child.

15 2. Upon request of a court of another state, a court of this state
16 may hold a hearing or enter an order described in subsection 1 of this
17 section.

18 3. Travel and other necessary and reasonable expenses incurred
19 under subsection 1 or 2 of this section may be assessed against the
20 parties according to the law of this state.

21 4. A court of this state shall preserve the pleadings, orders,

22 decrees, records of hearings, evaluations, and other pertinent records
23 with respect to a child custody proceeding until the child attains
24 eighteen years of age. Upon appropriate request by a court or law
25 enforcement official of another state, the court shall forward a certified
26 copy of such records.

27

ARTICLE II

28

JURISDICTION

452.740. 1. Except as otherwise provided in section 452.755, a
2 court of this state has jurisdiction to make an initial child custody
3 determination only if:

4 (1) This state is the home state of the child on the date of the
5 commencement of the proceeding, or was the home state of the child
6 within six months prior to the commencement of the proceeding and
7 the child is absent from this state but a parent or person acting as a
8 parent continues to live in this state;

9 (2) A court of another state does not have jurisdiction under
10 subdivision (1) of this subsection, or a court of the home state of the
11 child has declined to exercise jurisdiction on the ground that this state
12 is the more appropriate forum under section 452.770 or 452.775, and:

13 (a) The child and the child's parents, or the child and at least
14 one parent or person acting as a parent have a significant connection
15 with this state other than mere physical presence; and

16 (b) Substantial evidence is available in this state concerning the
17 child's care, protection, training and personal relationships;

18 (3) All courts having jurisdiction under subdivisions (1) and (2)
19 of this subsection have declined to exercise jurisdiction on the ground
20 that a court of this state is the more appropriate forum to determine
21 the custody of the child under section 452.770 or 452.775; or

22 (4) No state would have jurisdiction under subdivision (1), (2) or
23 (3) of this subsection.

24 2. Subsection 1 of this section is the exclusive jurisdictional basis
25 for making a child custody determination by a court of this state.

26 3. Physical presence of, or personal jurisdiction over, a party or
27 a child is not necessary or sufficient to make a child custody
28 determination.

452.745. 1. Except as otherwise provided in section 452.755, a

2 court of this state that has made a child custody determination
3 consistent with section 452.740 or 452.750 has exclusive continuing
4 jurisdiction over the determination until:

5 (1) A court of this state determines that neither the child, the
6 child and one parent, nor the child and a person acting as a parent
7 have a significant connection with this state, and that substantial
8 evidence is no longer available in this state concerning the child's care,
9 protection, training and personal relationships; or

10 (2) A court of this state or a court of another state determines
11 that neither the child, nor a parent, nor any person acting as a parent
12 presently resides in this state.

13 2. A court of this state that has exclusive continuing jurisdiction
14 under this section may decline to exercise its jurisdiction if the court
15 determines that it is an inconvenient forum under section 452.770.

16 3. A court of this state that has made a child custody
17 determination and does not have exclusive continuing jurisdiction
18 under this section may modify that determination only if it has
19 jurisdiction to make an initial determination under section 452.740.

452.747. 1. Any petition for modification of child custody decrees
2 filed under the provisions of section 452.410 or sections 452.700 to
3 452.930 shall be verified and, if the original proceeding originated in
4 the state of Missouri, shall be filed in that original case, but service
5 shall be obtained and responsive pleadings may be filed as in any
6 original proceeding.

7 2. Before making a decree under section 452.410 or sections
8 452.700 to 452.930, the litigants, any parent whose parental rights have
9 not been previously terminated, and any person who has physical
10 custody of the child shall be served in the manner provided by the
11 rules of civil procedure and applicable court rules and may within
12 thirty days after the date of service, forty-five days if service by
13 publication, file a verified answer. If any such persons are outside this
14 state, notice and opportunity to be heard shall be given under section
15 452.740.

16 3. In any case in which the paternity of a child has been
17 determined by a court of competent jurisdiction and where the
18 noncustodial parent is delinquent in the payment of child support in an

19 amount in excess of ten thousand dollars, the custodial parent shall
20 have the right to petition a court of competent jurisdiction for the
21 termination of the parental rights of the noncustodial parent.

22 4. When a person filing a petition for modification of a child
23 custody decree owes past due child support to a custodial parent in an
24 amount in excess of ten thousand dollars, such person shall post a bond
25 in the amount of past due child support owed as ascertained by the
26 division of child support enforcement or reasonable legal fees of the
27 custodial parent, whichever is greater, before the filing of the
28 petition. The court shall hold the bond in escrow until the modification
29 proceedings under this section have been concluded wherein such bond
30 shall be transmitted to the division of child support enforcement for
31 disbursement to the custodial parent.

452.750. Except as otherwise provided in section 452.755, a court
2 of this state shall not modify a child custody determination made by a
3 court of another state unless a court of this state has jurisdiction to
4 make an initial determination under subdivision (1) or (2) of subsection
5 1 of section 452.740 and:

6 (1) The court of the other state determines it no longer has
7 exclusive continuing jurisdiction under section 452.745 or that a court
8 of this state would be a more convenient forum under section 452.770;
9 or

10 (2) A court of this state or a court of the other state determines
11 that neither the child, nor a parent, nor any person acting as a parent
12 presently resides in the other state.

452.755. 1. A court of this state has temporary emergency
2 jurisdiction if the child is present in this state and the child has been
3 abandoned, or it is necessary in an emergency to protect the child
4 because the child, or a sibling or parent of the child, is subjected to or
5 threatened with mistreatment or abuse.

6 2. If there is no previous child custody determination that is
7 entitled to be enforced under sections 452.700 to 452.930, and if no child
8 custody proceeding has been commenced in a court of a state having
9 jurisdiction under sections 452.740 to 452.750, a child custody
10 determination made under this section remains in effect until an order
11 is obtained from a court of a state having jurisdiction under sections

12 452.740 to 452.750. If a child custody proceeding has not been or is not
13 commenced in a court of a state having jurisdiction under sections
14 452.740 to 452.750, a child custody determination made under this
15 section becomes a final determination if:

16 (1) It so provides; and

17 (2) This state becomes the home state of the child.

18 3. If there is a previous child custody determination that is
19 entitled to be enforced under sections 452.700 to 452.930, or a child
20 custody proceeding has been commenced in a court of a state having
21 jurisdiction under sections 452.740 to 452.750, any order issued by a
22 court of this state under this section shall specify in the order a period
23 of time which the court considers adequate to allow the person seeking
24 an order to obtain an order from the state having jurisdiction under
25 sections 452.740 to 452.750. The order issued in this state remains in
26 effect until an order is obtained from the other state within the period
27 specified or the period expires.

28 4. A court of this state that has been asked to make a child
29 custody determination under this section, upon being informed that a
30 child custody proceeding has been commenced, or a child custody
31 determination has been made, by a court of a state having jurisdiction
32 under sections 452.740 to 452.750, shall immediately communicate with
33 the other court. A court of this state that is exercising jurisdiction
34 under sections 452.740 to 452.750, upon being informed that a child
35 custody proceeding has been commenced, or a child custody
36 determination has been made by a court of another state under a
37 statute similar to this section shall immediately communicate with the
38 court of that state. The purpose of such communication is to resolve
39 the emergency, protect the safety of the parties and the child, and
40 determine a period for the duration of the temporary order.

452.760. 1. Before a child custody determination is made under
2 sections 452.700 to 452.930, notice and an opportunity to be heard in
3 accordance with the standards of section 452.762 shall be given to:

4 (1) All persons entitled to notice under the provisions of the law
5 of this state as in child custody proceedings between residents of this
6 state;

7 (2) Any parent whose parental rights have not been previously

8 terminated; and

9 (3) Any person having physical custody of the child.

10 2. Sections 452.700 to 452.930 shall not govern the enforceability
11 of a child custody determination made without notice and an
12 opportunity to be heard.

13 3. The obligation to join a party and the right to intervene as a
14 party in a child custody proceeding under sections 452.700 to 452.930
15 are governed by the law of this state as in child custody proceedings
16 between residents of this state.

452.762. 1. Notice required for the exercise of jurisdiction when
2 a person is outside this state may be given in a manner prescribed by
3 the law of this state for the service of process or by the law of the state
4 in which the service is made. Notice must be given in a manner
5 reasonably calculated to give actual notice, but may be by publication
6 if other means are not effective.

7 2. Proof of service may be made in the manner prescribed by law
8 of this state or by the law of the state in which the service is made.

9 3. Notice is not required for the exercise of jurisdiction with
10 respect to a person who submits to the jurisdiction of the court.

452.765. 1. Except as otherwise provided in section 452.755, a
2 court of this state shall not exercise its jurisdiction under sections
3 452.740 to 452.785 if, at the time of the commencement of the
4 proceeding, a proceeding concerning the custody of the child had been
5 previously commenced in a court of another state having jurisdiction
6 substantially in conformity with sections 452.700 to 452.930, unless the
7 proceeding has been terminated or is stayed by the court of the other
8 state because a court of this state is a more convenient forum under
9 section 452.770.

10 2. Except as otherwise provided in section 452.755, a court of this
11 state, prior to hearing a child custody proceeding, shall examine the
12 court documents and other information supplied by the parties under
13 section 452.780. If the court determines that a child custody proceeding
14 was previously commenced in a court in another state having
15 jurisdiction substantially in accordance with sections 452.700 to
16 452.930, the court of this state shall stay its proceeding and
17 communicate with the court of the other state. If the court of the state

18 **having jurisdiction substantially in accordance with sections 452.700 to**
19 **452.930 does not determine that the court of this state is a more**
20 **appropriate forum, the court of this state shall dismiss the proceeding.**

21 **3. In a proceeding to modify a child custody determination, a**
22 **court of this state shall determine if a proceeding to enforce the**
23 **determination has been commenced in another state. If a proceeding**
24 **to enforce a child custody determination has been commenced in**
25 **another state, the court may:**

26 **(1) Stay the proceeding for modification pending the entry of an**
27 **order of a court of the other state enforcing, staying, denying or**
28 **dismissing the proceeding for enforcement;**

29 **(2) Enjoin the parties from continuing with the proceeding for**
30 **enforcement; or**

31 **(3) Proceed with the modification under conditions it considers**
32 **appropriate.**

452.770. 1. A court of this state that has jurisdiction under
2 **sections 452.700 to 452.930 to make a child custody determination may**
3 **decline to exercise its jurisdiction at any time if the court determines**
4 **that it is an inconvenient forum under the circumstances and that a**
5 **court of another state is a more appropriate forum. The issue of**
6 **inconvenient forum may be raised upon the court's own motion, at the**
7 **request of another court or upon motion of a party.**

8 **2. Before determining whether the court is an inconvenient**
9 **forum, a court of this state shall consider whether it is appropriate that**
10 **a court of another state exercise jurisdiction. For this purpose, the**
11 **court shall allow the parties to submit information and shall consider**
12 **all relevant factors, including:**

13 **(1) Whether domestic violence has occurred and is likely to**
14 **continue in the future and which state could best protect the parties**
15 **and the child;**

16 **(2) The length of time the child has resided outside this state;**

17 **(3) The distance between the court in this state and the court in**
18 **the state that would assume jurisdiction;**

19 **(4) The relative financial circumstances of the parties;**

20 **(5) Any agreement of the parties as to which state should assume**
21 **jurisdiction;**

22 (6) The nature and location of the evidence required to resolve
23 the pending litigation, including the testimony of the child;

24 (7) The ability of the court of each state to decide the issue
25 expeditiously and the procedures necessary to present the evidence;
26 and

27 (8) The familiarity of the court of each state with the facts and
28 issues of the pending litigation.

29 3. If a court of this state determines that it is an inconvenient
30 forum and that a court of another state is a more appropriate forum,
31 the court shall stay the proceedings on the condition that a child
32 custody proceeding be promptly commenced in another designated
33 state and may impose any other condition the court considers just and
34 proper.

35 4. A court of this state may decline to exercise its jurisdiction
36 under sections 452.700 to 452.930 if a child custody determination is
37 incidental to an action for divorce or another proceeding while still
38 retaining jurisdiction over the divorce or other proceeding.

 452.775. 1. Except as otherwise provided in section 452.755, if a
2 court of this state has jurisdiction under sections 452.700 to 452.930
3 because a person invoking the jurisdiction has engaged in unjustifiable
4 conduct, the court shall decline to exercise its jurisdiction unless:

5 (1) The parents and all persons acting as parents have
6 acquiesced in the exercise of jurisdiction;

7 (2) A court of the state otherwise having jurisdiction under
8 sections 452.740 to 452.750 determines that this state is a more
9 appropriate forum under section 452.770; or

10 (3) No other state would have jurisdiction under sections 452.740
11 to 452.750.

12 2. If a court of this state declines to exercise its jurisdiction
13 under subsection 1 of this section, the court may fashion an
14 appropriate remedy to ensure the safety of the child and prevent a
15 repetition of the wrongful conduct, including staying the proceeding
16 until a child custody proceeding is commenced in a court having
17 jurisdiction under sections 452.740 to 452.750.

18 3. If a court dismisses a petition or stays a proceeding because
19 it declines to exercise its jurisdiction under subsection 1 of this section,

20 the court shall charge the party invoking the jurisdiction of the court
21 with necessary and reasonable expenses including costs,
22 communication expenses, attorney's fees, investigative fees, expenses
23 for witnesses, travel expenses and child care during the course of the
24 proceedings, unless the party from whom fees are sought establishes
25 that the award would be clearly inappropriate. The court may not
26 assess fees, costs or expenses against this state except as otherwise
27 provided by law other than sections 452.700 to 452.930.

452.780. 1. Subject to local law providing for the confidentiality
2 of procedures, addresses, and other identifying information, in a child
3 custody proceeding, each party, in its first pleading or in an attached
4 affidavit, shall give information, if reasonably ascertainable, under
5 oath as to the child's present address, the places where the child has
6 lived during the last five years, and the names and present addresses
7 of the persons with whom the child has lived during such period. The
8 pleading or affidavit shall state whether the party:

9 (1) Has participated, as a party or witness or in any other
10 capacity, in any other proceeding concerning the custody of or
11 visitation with the child and, if so, identify the court, case number of
12 the proceeding and date of the child custody determination, if any;

13 (2) Knows of any proceeding that could affect the current
14 proceeding, including proceedings for enforcement and proceedings
15 relating to domestic violence, protective orders, termination of parental
16 rights, and adoptions and, if so, identify the court and case number and
17 nature of the proceeding; and

18 (3) Knows the names and addresses of any person not a party to
19 the proceeding who has physical custody of the child or claims rights
20 of legal custody or physical custody of, or visitation with, the child and,
21 if so, the names and addresses of such persons.

22 2. If the information required by subsection 1 of this section is
23 not furnished, the court, upon its own motion or that of a party, may
24 stay the proceeding until the information is furnished.

25 3. If the declaration as to any of the items described in
26 subdivisions (1) to (3) of subsection 1 of this section is in the
27 affirmative, the declarant shall give additional information under oath
28 as required by the court. The court may examine the parties under

29 oath as to details of the information furnished and other matters
30 pertinent to the court's jurisdiction and the disposition of the case.

31 4. Each party has a continuing duty to inform the court of any
32 proceeding in this or any other state that could affect the current
33 proceeding.

34 5. If a party alleges in an affidavit or a pleading under oath that
35 the health, safety, or liberty of a party or child would be put at risk by
36 the disclosure of identifying information, that information shall be
37 sealed and not disclosed to the other party or the public unless the
38 court orders the disclosure to be made after a hearing in which the
39 court takes into consideration the health, safety, or liberty of the party
40 or child and determines that the disclosure is in the interest of justice.

452.782. If the court learns from information furnished by the
2 parties under section 452.800 or from other sources that a person not
3 a party to the custody proceeding has physical custody of the child or
4 claims to have custody or visitation rights with respect to the child, it
5 may order that person to be joined as a party and to be duly notified
6 of the pendency of the proceeding and of his or her joinder as a party.
7 If the person joined as a party is outside this state, such person shall
8 be served with process or otherwise notified in accordance with section
9 452.762.

452.785. 1. The court may order any party to the proceeding who
2 is in this state to appear before the court personally. If the court finds
3 the physical presence of the child to be in the best interest of the child,
4 the court may order that the party who has physical custody of the
5 child to appear physically with the child.

6 2. If a party to a child custody proceeding whose presence is
7 desired by the court is outside this state, with or without the child, the
8 court may order that a notice given under section 452.762 include a
9 statement directing the party to appear personally with or without the
10 child.

11 3. If a party to the proceeding who is outside this state is
12 directed to appear under subsection 1 of this section or desires to
13 appear personally before the court with or without the child, the court
14 may require another party to pay to the clerk of the court travel and
15 other necessary expenses of the party so appearing and of the child, if

16 **this is just and proper under the circumstances.**

17 **4. If the court finds it to be in the best interest of the child that**
18 **a guardian ad litem be appointed, the court may appoint a guardian ad**
19 **litem for the child. The guardian ad litem so appointed shall be an**
20 **attorney licensed to practice law in the state of**
21 **Missouri. Disqualification of a guardian ad litem shall be ordered in**
22 **any legal proceeding under this chapter upon the filing of a written**
23 **application by any party within ten days of appointment. Each party**
24 **shall be entitled to one disqualification of a guardian ad litem**
25 **appointed under this subsection in each proceeding, except a party may**
26 **be entitled to additional disqualifications of a guardian ad litem for**
27 **good cause shown. The guardian ad litem may, for the purpose of**
28 **determining custody of the child only, participate in the proceeding as**
29 **if such guardian ad litem were a party. The court shall enter judgment**
30 **allowing a reasonable fee to the guardian ad litem.**

31 **5. The court shall appoint a guardian ad litem in any proceeding**
32 **in which child abuse or neglect is alleged.**

33 **6. The court may enter any orders necessary to ensure the safety**
34 **of the child and of any person ordered to appear under this section.**

452.790. A child custody determination made by a court of this
2 **state that had jurisdiction under sections 452.700 to 452.930 binds all**
3 **persons who have been served in accordance with the laws of this state**
4 **or notified in accordance with section 452.762 or who have submitted**
5 **to the jurisdiction of the court, and who have been given an**
6 **opportunity to be heard. The determination is conclusive as to them as**
7 **to all decided issues of law and fact except to the extent the**
8 **determination is modified.**

452.795. A court of this state shall accord full faith and credit to
2 **an order made consistently with sections 452.700 to 452.930 which**
3 **enforces a child custody determination by a court of another state**
4 **unless the order has been vacated, stayed, or modified by a court**
5 **authorized to do so under sections 452.740 to 452.845.**

452.800. Except as otherwise provided in section 452.755, a court
2 **of this state may not modify a child custody determination made by a**
3 **court of another state unless a court of this state has jurisdiction to**
4 **make an initial determination under subdivision (1) or (2) of subsection**

5 1 of section 452.740 and:

6 (1) The court of the other state determines that it no longer has
7 exclusive, continuing jurisdiction under section 452.745 or that a court
8 of this state would be a more convenient forum under section 452.770;
9 or

10 (2) A court of this state or a court of the other state determines
11 that neither child, nor a parent, nor any person acting as a parent
12 presently resides in the other state.

452.805. 1. A certified copy of a custody decree of another state
2 may be filed in the office of the clerk of any circuit court of this
3 state. The clerk shall treat the decree in the same manner as a custody
4 decree of the circuit court of this state. A custody decree so filed has
5 the same effect and shall be enforced in like manner as a custody
6 decree rendered by a court of this state.

7 2. A person violating a custody decree of another state which
8 makes it necessary to enforce the decree in this state may be required
9 to pay necessary travel and other expenses, including attorneys' fees,
10 incurred by the party entitled to the custody or the party's witnesses.

11 3. A court of this state shall recognize and enforce a child
12 custody determination of a court of another state if the latter court
13 exercised jurisdiction that was in substantial conformity with sections
14 452.700 to 452.930 or the determination was made under factual
15 circumstances meeting the jurisdictional standards of sections 452.700
16 to 452.930 and the determination has not been modified in accordance
17 with sections 452.700 to 452.930.

18 4. A court may utilize any remedy available under other law of
19 this state to enforce a child custody determination made by a court of
20 another state. The procedure provided by sections 452.740 to 452.845
21 does not affect the availability of other remedies to enforce a child
22 custody determination.

452.810. 1. A child custody determination issued by a court of
2 another state may be registered in this state, with or without a
3 simultaneous request for enforcement, by sending to the appropriate
4 court in this state:

5 (1) A letter or other document requesting registration;

6 (2) Two copies, including one certified copy, of the determination

7 sought to be registered, and a statement under penalty of perjury that
8 to the best of the knowledge and belief of the person seeking
9 registration the order has not been modified; and

10 (3) Except as otherwise provided in section 452.780, the name
11 and address of the person seeking registration and any parent or
12 person acting as a parent who has been awarded custody or visitation
13 in the child custody determination sought to be registered.

14 2. On receipt of the documents required in subsection 1 of this
15 section, the registering court shall:

16 (1) Cause the determination to be filed as a foreign judgment,
17 together with one copy of any accompanying documents and
18 information, regardless of their form; and

19 (2) Serve notice upon the persons named under subdivision (3)
20 of subsection 1 of this section and provide them with an opportunity to
21 contest the registration in accordance with this section.

22 3. The notice required by subdivision (2) of subsection 2 of this
23 section must state:

24 (1) That a registered determination is enforceable as of the date
25 of the registration in the same manner as a determination issued by a
26 court of this state;

27 (2) That a hearing to contest the validity of the registered
28 determination must be requested within twenty days after service of
29 notice; and

30 (3) That failure to contest the registration will result in
31 confirmation of the child custody determination and preclude further
32 contest of that determination with respect to any matter that could
33 have been asserted.

34 4. A person seeking to contest the validity of a registered order
35 must request a hearing within twenty days after service of the notice.
36 At that hearing, the court shall confirm the registered order unless the
37 person contesting registration establishes that:

38 (1) The issuing court did not have jurisdiction under sections
39 452.740 to 452.845;

40 (2) The child custody determination sought to be registered has
41 been vacated, stayed, or modified by a court of a state having
42 jurisdiction to do so under sections 452.740 to 452.845; or

43 **(3) The person contesting registration was entitled to notice, but**
44 **notice was not given in accordance with the standards of section**
45 **452.740 in the proceedings before the court that issued the order for**
46 **which registration is sought.**

47 **5. If a timely request for a hearing to contest the validity of the**
48 **registration is not made, the registration is confirmed as a matter of**
49 **law and the person requesting registration and all persons served must**
50 **be notified of the confirmation.**

51 **6. Confirmation of a registered order, whether by operation of**
52 **law or after notice and hearing, precludes further contest of the order**
53 **with respect to any matter which could have been asserted at the time**
54 **of registration.**

452.815. The clerk of the circuit court of this state, at the request
2 **of the court of another state or at the request of any person who is**
3 **affected by or has a legitimate interest in a custody decree, may, upon**
4 **payment therefor, certify and forward a copy of the decree to that court**
5 **or person.**

452.820. 1. In addition to other procedures available to a party,
2 **a party to a child custody proceeding may offer testimony of witnesses**
3 **who are located in another state, including testimony of the parties and**
4 **the child, by deposition or other means allowable in this state for**
5 **testimony taken in another state. The court on its own motion may**
6 **order that the testimony of a person be taken in another state and may**
7 **prescribe the manner in which and the terms upon which the testimony**
8 **is taken.**

9 **2. A court of this state may permit an individual residing in**
10 **another state to be deposed or to testify by telephone, audiovisual**
11 **means, or other electronic means before a designated court or at**
12 **another location in that state. A court of this state shall cooperate with**
13 **courts of other states in designating an appropriate location for the**
14 **deposition or testimony.**

15 **3. Documentary evidence transmitted from another state to a**
16 **court of this state by technological means that do not produce an**
17 **original writing may not be excluded from evidence on an objection**
18 **based on the means of transmission.**

452.825. 1. A court of this state may request the appropriate

2 court of another state to hold a hearing to obtain evidence, to order
3 persons within that state to produce or give evidence under other
4 procedures of that state, or to have social studies made with respect to
5 the custody of a child involved in proceedings pending in the court of
6 this state; and to forward to the court of this state certified copies of
7 the transcript of the record of the hearing, the evidence otherwise
8 obtained, or any social studies prepared in compliance with the
9 request. The cost of the services may be assessed against the parties.

10 2. A court of this state may request the appropriate court of
11 another state to order a party to custody proceedings pending in the
12 court of this state to appear in the proceedings and, if that party has
13 physical custody of the child, to appear with the child. The request
14 may state that travel and other necessary expenses of the party and of
15 the child whose appearance is desired will be assessed against the
16 appropriate party.

452.830. 1. Upon request of the court of another state, the courts
2 of this state which are competent to hear custody matters may order a
3 person in this state to appear at a hearing to obtain evidence or to
4 produce or give evidence under other procedures available in this state
5 for use in a custody proceeding in another state. A certified copy of the
6 transcript of the record of the hearing or the evidence otherwise
7 obtained may, in the discretion of the court and upon payment therefor,
8 be forwarded to the requesting court.

9 2. A person within this state may voluntarily give his testimony
10 or statement in this state for use in a custody proceeding outside this
11 state.

12 3. Upon request of the court of another state, a competent court
13 of this state may order a person in this state to appear alone or with
14 the child in a custody proceeding in another state. The court may
15 condition compliance with the request upon assurance by the other
16 state that travel and other necessary expenses will be advanced or
17 reimbursed.

452.835. A court of this state shall preserve the pleadings, orders,
2 decrees, records of hearings, evaluations, and other pertinent records
3 with respect to a child custody proceeding until the child reaches
4 eighteen years of age. Upon appropriate request by the court or law

5 enforcement official of another state, the court shall forward certified
6 copies of these records.

452.840. If a custody decree has been rendered in another state
2 concerning a child involved in a custody proceeding pending in a court
3 of this state, the court of this state, upon taking jurisdiction of the case,
4 shall request of the court of the other state a certified copy of the
5 transcript of any court record and other documents mentioned in
6 section 452.835.

452.845. If a question of existence or exercise of jurisdiction
2 under sections 452.700 to 452.930 is raised in a child custody
3 proceeding, the question, upon request of a party, must be given
4 priority on the calendar and handled expeditiously.

ARTICLE III

ENFORCEMENT

452.850. As used in sections 452.850 to 452.915:

2 (1) "Petitioner" means a person who seeks enforcement of a child
3 custody determination or enforcement of an order for the return of the
4 child under the Hague Convention on the Civil Aspects of International
5 Child Abduction;

6 (2) "Respondent" means a person against whom a proceeding has
7 been commenced for enforcement of a child custody determination or
8 enforcement of an order for the return of the child under the Hague
9 Convention on the Civil Aspects of International Child Abduction.

452.855. 1. Sections 452.850 to 452.915 may be invoked to enforce:

2 (1) A child custody determination; and

3 (2) An order for the return of the child made under the Hague
4 Convention on the Civil Aspects of International Child Abduction.

5 2. A court of this state which does not have jurisdiction to
6 modify a child custody determination may issue a temporary order
7 enforcing:

8 (1) A visitation schedule made by a court of another state; or

9 (2) The visitation provisions of a child custody determination of
10 another state that does not provide for a specific visitation schedule.

11 3. If a court of this state makes an order under subdivision (2)
12 of subsection 2 of this section, the court shall specify in the order a
13 period of time which it considers adequate to allow the person seeking

14 the order to obtain an order from the state having jurisdiction under
15 sections 452.740 to 452.845. The order remains in effect until an order
16 is obtained from the other state or the period expires.

452.860. 1. A court of this state may grant any relief normally
2 available under the provisions of the laws of this state to enforce a
3 registered child custody determination made by a court of another
4 state.

5 2. A court of this state shall recognize and enforce, but shall not
6 modify, except in accordance with sections 452.740 to 452.845, a
7 registered child custody determination of another state.

452.865. If a proceeding for enforcement under sections 452.850
2 to 452.915 has been or is commenced in this state and a court of this
3 state determines that a proceeding to modify the determination has
4 been commenced in another state having jurisdiction to modify the
5 determination under sections 452.740 to 452.845, the enforcing court
6 shall immediately communicate with the modifying court. The
7 proceeding for enforcement continues unless the enforcing court, after
8 consultation with the modifying court, stays or dismisses the
9 proceeding.

452.870. 1. A petition under sections 452.850 to 452.915 shall be
2 verified. Certified copies of all orders sought to be enforced and of the
3 order confirming registration, if any, shall be attached to the petition.
4 A copy of a certified copy of an order may be attached instead of the
5 original.

6 2. A petition for enforcement of a child custody determination
7 shall state:

8 (1) Whether the court that issued the determination identified
9 the jurisdictional basis it relied upon in exercising jurisdiction and, if
10 so, what the basis was;

11 (2) Whether the determination for which enforcement is sought
12 has been vacated, stayed or modified by a court whose decision shall
13 be enforced under sections 452.700 to 452.930 or federal law and, if so,
14 identify the court, case number of the proceeding and action taken;

15 (3) Whether any proceeding has been commenced that could
16 affect the current proceeding, including proceedings relating to
17 domestic violence, protective orders, termination of parental rights and

18 adoptions, and, if so, identify the court, and the case number and
19 nature of the proceeding;

20 (4) The present physical address of the child and respondent, if
21 known; and

22 (5) Whether relief in addition to the immediate physical custody
23 of the child and attorney's fees is sought, including a request for
24 assistance from law enforcement officials and, if so, the relief sought.

25 3. If the child custody determination has been registered and
26 confirmed under section 452.810, the petition shall also state the date
27 and place of registration.

28 4. The court shall issue an order directing the respondent to
29 appear with or without the child at a hearing and may enter any orders
30 necessary to ensure the safety of the parties and the child.

31 5. The hearing shall be held on the next judicial day following
32 service of process unless such date is impossible. In such event, the
33 court shall hold the hearing on the first day possible. The court may
34 extend the date of hearing at the request of the petitioner.

35 6. The order shall state the time and place of the hearing, and
36 shall advise the respondent that at the hearing the court will order the
37 delivery of the child and payment of fees, costs and expenses under
38 section 452.890, and may set an additional hearing to determine if
39 further relief is appropriate, unless the respondent appears and
40 establishes that:

41 (1) The child custody determination is not registered and
42 confirmed under section 452.810, and:

43 (a) The issuing court did not have jurisdiction under sections
44 452.740 to 452.845;

45 (b) The child custody determination for which enforcement is
46 sought has been vacated, stayed or modified by a court of a state
47 having jurisdiction to do so under sections 452.740 to 452.845 or federal
48 law; or

49 (c) The respondent was entitled to notice, but notice was not
50 given in accordance with the standards of section 452.762 in the
51 proceedings before the court that issued the order for which
52 enforcement is sought; or

53 (2) The child custody determination for which enforcement is

54 sought was registered and confirmed under section 452.810, but has
55 been vacated, stayed or modified by a court of a state having
56 jurisdiction to do so under sections 452.740 to 452.845 or federal law.

452.875. Except as otherwise provided in section 452.885, the
2 petition and order shall be served by any method authorized by the
3 laws of this state upon the respondent and any person who has physical
4 custody of the child.

452.880. 1. Unless the court enters a temporary emergency order
2 under section 452.755, upon a finding that a petitioner is entitled to the
3 physical custody of the child immediately, the court shall order the
4 child delivered to the petitioner unless the respondent establishes that:

5 (1) The child custody determination has not been registered and
6 confirmed under section 452.810, and that:

7 (a) The issuing court did not have jurisdiction under sections
8 452.740 to 452.845;

9 (b) The child custody determination for which enforcement is
10 sought has been vacated, stayed or modified by a court of a state
11 having jurisdiction to do so under sections 452.740 to 452.845 or federal
12 law; or

13 (c) The respondent was entitled to notice, but notice was not
14 given in accordance with the standards of section 452.762 in the
15 proceedings before the court that issued the order for which
16 enforcement is sought; or

17 (2) The child custody determination for which enforcement is
18 sought was registered and confirmed under section 452.810, but has
19 been vacated, stayed or modified by a court of a state having
20 jurisdiction to do so under sections 452.740 to 452.845 or federal law.

21 2. The court shall award the fees, costs and expenses authorized
22 under section 452.890 and may grant additional relief, including a
23 request for the assistance of law enforcement officials, and set a further
24 hearing to determine if additional relief is appropriate.

25 3. If a party called to testify refuses to answer on the grounds
26 that the testimony may be self-incriminating, the court may draw an
27 adverse inference from such refusal.

28 4. A privilege against disclosure of communications between
29 spouses and a defense of immunity based on the relationship of

30 husband and wife, or parent and child shall not be invoked in a
31 proceeding under sections 452.850 to 452.915.

452.885. 1. Upon the filing of a petition seeking enforcement of
2 a child custody determination, the petitioner may file a verified
3 application for the issuance of a warrant to take physical custody of the
4 child if the child is likely to suffer serious imminent physical harm or
5 removal from this state.

6 2. If the court, upon the testimony of the petitioner or other
7 witnesses, finds that the child is likely to suffer serious imminent
8 physical harm or be imminently removed from this state, the court may
9 issue a warrant to take physical custody of the child. The petition shall
10 be heard on the next judicial day after the warrant is executed. The
11 warrant shall include the statements required under subsection 2 of
12 section 452.870.

13 3. A warrant to take physical custody of a child shall:

14 (1) Recite the facts which a conclusion of serious imminent
15 physical harm or removal from the jurisdiction is based;

16 (2) Direct law enforcement officers to take physical custody of
17 the child immediately; and

18 (3) Provide for the placement of the child pending final relief.

19 4. The respondent shall be served with the petition, warrant and
20 order immediately after the child is taken into physical custody.

21 5. A warrant to take physical custody of a child is enforceable
22 throughout this state. If the court finds on the basis of the testimony
23 of the petitioner or other witness that a less intrusive remedy is not
24 effective, the court may authorize law enforcement officers to enter
25 private property to take physical custody of the child. If required by
26 the exigency of the case, the court may authorize law enforcement
27 officers to make a forcible entry at any hour.

28 6. The court may impose conditions on the placement of a child
29 to ensure the appearance of the child and the child's custodian.

452.890. 1. The court shall award the prevailing party, including
2 a state, necessary and reasonable expenses incurred by or on behalf of
3 the party, including costs, communication expenses, attorney's fees,
4 investigative fees, expenses for witnesses, travel expenses and child
5 care during the course of the proceedings, unless the party from whom

6 fees or expenses are sought establishes that the award would be clearly
7 inappropriate.

8 2. The court shall not assess fees, costs or expenses against a
9 state except as otherwise provided by law other than sections 452.700
10 to 452.930.

452.895. A court of this state shall accord full faith and credit to
2 an order made consistently with sections 452.700 to 452.930 which
3 enforces a child custody determination by a court of another state
4 unless the order has been vacated, stayed or modified by a court
5 authorized to do so under sections 452.740 to 452.845.

452.900. An appeal may be taken from a final order in a
2 proceeding under sections 452.850 to 452.915 in accordance with
3 appellate procedures in other civil cases. Unless the court enters a
4 temporary emergency order under section 452.755, the enforcing court
5 shall not stay an order enforcing a child custody determination pending
6 appeal.

452.905. 1. In a case arising under sections 452.700 to 452.930 or
2 involving the Hague Convention on the Civil Aspects of International
3 Child Abduction, the appropriate public official may take any lawful
4 action, including resort to a proceeding under sections 452.850 to
5 452.915 or any other available civil proceeding to locate a child, obtain
6 the return of a child or enforce a child custody determination if there
7 is:

- 8 (1) An existing child custody determination;
9 (2) A request from a court in a pending child custody case;
10 (3) A reasonable belief that a criminal statute has been violated;
11 or
12 (4) A reasonable belief that the child has been wrongfully
13 removed or retained in violation of the Hague Convention on the Civil
14 Aspects of International Child Abduction.

15 2. A prosecutor or an appropriate public official shall act on
16 behalf of the court and shall not represent any party to a child custody
17 determination.

452.910. At the request of a prosecutor or other appropriate
2 public official acting under section 452.905, a law enforcement officer
3 may take any lawful action reasonably necessary to locate a child or a

4 party and assist such prosecutor or public official with responsibilities
5 under section 452.905.

452.915. If the respondent is not the prevailing party, the court
2 may assess against the respondent all direct expenses and costs
3 incurred by the prosecutor or other appropriate public official and law
4 enforcement officers under sections 452.905 and 452.910.

ARTICLE IV

MISCELLANEOUS PROVISIONS

452.920. In applying and construing sections 452.700 to 452.930,
2 consideration must be given to the need to promote uniformity of the
3 law with respect to its subject matter among states that enact it.

452.925. If any provision of sections 452.700 to 452.930 or its
2 application to any person or circumstance is held invalid, the invalidity
3 shall not affect other provisions or applications of sections 452.700 to
4 452.930 which can be given effect without the invalid provision or
5 application, and to this end the provisions of sections 452.700 to 452.930
6 are severable.

452.930. A motion or other request for relief made in a child
2 custody or enforcement proceeding which was commenced before
3 August 28, 2007, is governed by the law in effect at the time the motion
4 or other request was made.

[452.440. Sections 452.440 to 452.550 may be cited as the
2 "Uniform Child Custody Jurisdiction Act".]

[452.445. As used in sections 452.440 to 452.550:

2 (1) "Custody determination" means a court decision and
3 court orders and instructions providing for the custody of a child,
4 including visitation rights. This term does not include a decision
5 relating to child support or any other monetary obligation of any
6 person; but the court shall have the right in any custody
7 determination where jurisdiction is had pursuant to section
8 452.460 and where it is in the best interest of the child to
9 adjudicate the issue of child support;

10 (2) "Custody proceeding" includes proceedings in which a
11 custody determination is one of several issues, such as an action for
12 dissolution of marriage, legal separation, separate maintenance,
13 appointment of a guardian of the person, child neglect or

14 abandonment, but excluding actions for violation of a state law or
15 municipal ordinance;

16 (3) "Decree" or "custody decree" means a custody
17 determination contained in a judicial decree or order made in a
18 custody proceeding, and includes an initial decree and a
19 modification decree;

20 (4) "Home state" means the state in which, immediately
21 preceding the filing of custody proceeding, the child lived with his
22 parents, a parent, an institution; or a person acting as parent, for
23 at least six consecutive months; or, in the case of a child less than
24 six months old, the state in which the child lived from birth with
25 any of the persons mentioned. Periods of temporary absence of any
26 of the named persons are counted as part of the six-month or other
27 period;

28 (5) "Initial decree" means the first custody decree
29 concerning a particular child;

30 (6) "Litigant" means a person, including a parent,
31 grandparent, or step-parent, who claims a right to custody or
32 visitation with respect to a child.]

[452.450. 1. A court of this state which is competent to
2 decide child custody matters has jurisdiction to make a child
3 custody determination by initial or modification decree if:

4 (1) This state:

5 (a) Is the home state of the child at the time of
6 commencement of the proceeding; or

7 (b) Had been the child's home state within six months
8 before commencement of the proceeding and the child is absent
9 from this state for any reason, and a parent or person acting as
10 parent continues to live in this state; or

11 (2) It is in the best interest of the child that a court of this
12 state assume jurisdiction because:

13 (a) The child and his parents, or the child and at least one
14 litigant, have a significant connection with this state; and

15 (b) There is available in this state substantial evidence
16 concerning the child's present or future care, protection, training,
17 and personal relationships; or

- 18 (3) The child is physically present in this state and:
19 (a) The child has been abandoned; or
20 (b) It is necessary in an emergency to protect the child
21 because he has been subjected to or threatened with mistreatment
22 or abuse, or is otherwise being neglected; or
23 (4) It appears that no other state would have jurisdiction
24 under prerequisites substantially in accordance with subdivision
25 (1), (2), or (3), or another state has declined to exercise jurisdiction
26 on the ground that this state is the more appropriate forum to
27 determine the custody of the child, and it is in the best interest of
28 the child that this court assume jurisdiction.

29 2. Except as provided in subdivisions (3) and (4) of
30 subsection 1 of this section, physical presence of the child, or of the
31 child and one of the litigants, in this state is not sufficient alone to
32 confer jurisdiction on a court of this state to make a child custody
33 determination.

34 3. Physical presence of the child, while desirable, is not a
35 prerequisite for jurisdiction to determine his custody.]

[452.455. 1. Any petition for modification of child custody
2 decrees filed under the provisions of section 452.410, or sections
3 452.440 to 452.450, shall be verified and, if the original proceeding
4 originated in the state of Missouri, shall be filed in that original
5 case, but service shall be obtained and responsive pleadings may
6 be filed as in any original proceeding.

7 2. Before making a decree under the provisions of section
8 452.410, or sections 452.440 to 452.450, the litigants, any parent
9 whose parental rights have not been previously terminated, and
10 any person who has physical custody of the child must be served in
11 the manner provided by the rules of civil procedure and applicable
12 court rules and may within thirty days after the date of service
13 (forty-five days if service by publication) file a verified answer. If
14 any of these persons is outside this state, notice and opportunity
15 to be heard shall be given pursuant to section 452.460.

16 3. In any case in which the paternity of a child has been
17 determined by a court of competent jurisdiction and where the
18 noncustodial parent is delinquent in the payment of child support

19 in an amount in excess of ten thousand dollars, the custodial
20 parent shall have the right to petition a court of competent
21 jurisdiction for the termination of the parental rights of the
22 noncustodial parent.

23 4. When a person filing a petition for modification of a child
24 custody decree owes past due child support to a custodial parent in
25 an amount in excess of ten thousand dollars, such person shall post
26 a bond in the amount of past due child support owed as ascertained
27 by the division of child support enforcement or reasonable legal
28 fees of the custodial parent, whichever is greater, before the filing
29 of the petition. The court shall hold the bond in escrow until the
30 modification proceedings pursuant to this section have been
31 concluded wherein such bond shall be transmitted to the division
32 of child support enforcement for disbursement to the custodial
33 parent.]

[452.460. 1. The notice required for the exercise of
2 jurisdiction over a person outside this state shall be given in a
3 manner reasonably calculated to give actual notice, and may be
4 given in any of the following ways:

5 (1) By personal delivery outside this state in the manner
6 prescribed for service of process within this state;

7 (2) In the manner prescribed by the law of the place in
8 which the service is made for service of process in that place in an
9 action in any of its courts of general jurisdiction;

10 (3) By certified or registered mail; or

11 (4) As directed by the court, including publication, if any
12 other means of notification are ineffective.

13 2. Proof of service outside this state may be made by
14 affidavit of the individual who made the service, or in the manner
15 prescribed by the law of this state, the order pursuant to which the
16 service is made, or the law of the place in which the service is
17 made. If service is made by mail, proof of service may be a receipt
18 signed by the addressee or other evidence of delivery to the
19 addressee.

20 3. The notice provided for in this section is not required for
21 a person who submits to the jurisdiction of the court.]

1 [452.465. 1. A court of this state shall not exercise its
2 jurisdiction under sections 452.440 to 452.550 if, at the time of
3 filing the petition, a proceeding concerning the custody of the child
4 was pending in a court of another state exercising jurisdiction
5 substantially in conformity with sections 452.440 to 452.550, unless
6 the proceeding is stayed by the court of that other state for any
7 reason.

8 2. Before hearing the petition in a custody proceeding, the
9 court shall examine the pleadings and other information supplied
10 by the parties under section 452.480 and shall consult the child
11 custody registry established under section 452.515 concerning the
12 pendency of proceedings with respect to the child in other states. If
13 the court has reason to believe that proceedings may be pending in
14 another state, it shall direct an inquiry to the state court
15 administrator or other appropriate official of that state.

16 3. If the court is informed during the course of the
17 proceeding that a proceeding concerning the custody of the child
18 was pending in another state before the court assumed jurisdiction,
19 it shall stay the proceeding and communicate with the court in
20 which the other proceeding is pending in order that the issue may
21 be litigated in the more appropriate forum and that information
22 may be exchanged in accordance with sections 452.530 to 452.550.
23 If a court of this state has made a custody decree before being
24 informed of a pending proceeding in a court of another state, it
25 shall immediately inform that court of the fact. If the court is
26 informed that a proceeding was commenced in another state after
27 it assumed jurisdiction, it shall likewise inform the other court in
28 order that the issues may be litigated in the more appropriate
29 forum.]

[452.470. 1. A court which has jurisdiction under this act
2 to make an initial or modification decree may decline to exercise its
3 jurisdiction any time before making a decree if it finds that it is an
4 inconvenient forum to make a custody determination under the
5 circumstances of the case and that a court of another state is a
6 more appropriate forum.

7 2. A finding that a court is an inconvenient forum under

8 subsection 1 above may be made upon the court's own motion or
9 upon the motion of a party or a guardian ad litem or other
10 representative of the child. In determining if it is an inconvenient
11 forum, the court shall consider if it is in the interest of the child
12 that another state assume jurisdiction.

13 3. Before determining whether to decline or retain
14 jurisdiction the court may communicate with a court of another
15 state and exchange information pertinent to the assumption of
16 jurisdiction by either court, with a view to assuring that
17 jurisdiction will be exercised by the more appropriate court and
18 that a forum will be available to the parties.

19 4. If the court finds that it is an inconvenient forum and
20 that a court of another state is a more appropriate forum, it may
21 dismiss the proceedings, or it may stay the proceedings upon
22 condition that a custody proceeding be promptly commenced in
23 another named state or upon any other conditions which may be
24 just and proper, including the condition that a moving party
25 stipulate his consent and submission to the jurisdiction of the other
26 forum.

27 5. The court may decline to exercise its jurisdiction under
28 this act if a custody determination is incidental to an action for
29 dissolution of marriage or another proceeding while retaining
30 jurisdiction over the dissolution of marriage or other proceeding.

31 6. If it appears to the court that it is clearly an
32 inappropriate forum, it may require the party who commenced the
33 proceedings to pay, in addition to the costs of the proceedings in
34 this state, necessary travel and other expenses, including attorneys'
35 fees, incurred by other parties or their witnesses. Payment is to be
36 made to the clerk of the court for remittance to the proper party.

37 7. Upon dismissal or stay of proceedings under this section,
38 the court shall inform the court found to be the more appropriate
39 forum of this fact or, if the court which would have jurisdiction in
40 the other state is not certainly known, shall transmit the
41 information to the court administrator or other appropriate official
42 for forwarding to the appropriate court.

43 8. Any communication received from another state

44 informing this state of a finding that a court of this state is the
45 more appropriate forum shall be filed in the custody registry of the
46 appropriate court. Upon assuming jurisdiction the court of this
47 state shall inform the original court of this fact.]

2 [452.475. 1. If the petitioner for an initial decree has
3 wrongfully taken the child from another state or has engaged in
4 similar reprehensible conduct, the court may decline to exercise
5 jurisdiction if this is just and proper under the circumstances.

6 2. Unless required in the interest of the child, the court
7 shall not exercise its jurisdiction to modify a custody decree of
8 another state if the petitioner, without consent of the person
9 entitled to custody, has improperly removed the child from the
10 physical custody of the person entitled to custody or has improperly
11 retained the child after a visit or other temporary relinquishment
12 of physical custody. If the petitioner has violated any other
13 provision of a custody decree of another state, the court may
14 decline to exercise its jurisdiction if this is just and proper under
15 the circumstances.

16 3. In appropriate cases a court dismissing a petition under
17 this section may charge the petitioner with necessary travel and
18 other expenses, including attorneys' fees, incurred by other parties
or their witnesses.]

2 [452.480. 1. In his first pleading, or in an affidavit
3 attached to that pleading, every party in a custody proceeding shall
4 give information under oath as to the child's present address, with
5 whom the child is presently living and with whom and where the
6 child lived, other than on a temporary basis, within the past six
7 months. In this pleading or affidavit every party shall further
8 declare under oath whether:

9 (1) He has participated in any capacity in any other
10 litigation concerning the custody of the same child in this or any
11 other state;

12 (2) He has information of any custody proceeding
13 concerning the child pending in a court of this or any other state;
14 and

(3) He knows of any person not a party to the proceedings

15 who has physical custody of the child or claims to have custody or
16 visitation rights with respect to the child.

17 2. If the declaration as to any of the items listed in
18 subdivisions (1) through (3) of subsection 1 above is in the
19 affirmative, the declarant shall give additional information under
20 oath as required by the court. The court may examine the parties
21 under oath as to details of the information furnished and as to
22 other matters pertinent to the court's jurisdiction and the
23 disposition of the case.

24 3. Each party has a continuing duty to inform the court of
25 any change in information required by subsection 1 of this section.]

[452.485. If the court learns from information furnished by
2 the parties pursuant to section 452.480 or from other sources that
3 a person not a party to the custody proceeding has physical custody
4 of the child or claims to have custody or visitation rights with
5 respect to the child, it may order that person to be joined as a
6 party and to be duly notified of the pendency of the proceeding and
7 of his joinder as a party. If the person joined as a party is outside
8 this state he shall be served with process or otherwise notified in
9 accordance with section 452.460.]

[452.490. 1. The court may order any party to the
2 proceeding who is in this state to appear personally before the
3 court. If the court finds the physical presence of the child in court
4 to be in the best interests of the child, the court may order that the
5 party who has physical custody of the child appear personally with
6 the child.

7 2. If a party to the proceeding whose presence is desired by
8 the court is outside this state, with or without the child, the court
9 may order that the notice given under section 452.460 include a
10 statement directing that party to appear personally with or without
11 the child.

12 3. If a party to the proceeding who is outside this state is
13 directed to appear under subsection 1 of this section or desires to
14 appear personally before the court with or without the child, the
15 court may require another party to pay to the clerk of the court
16 travel and other necessary expenses of the party so appearing and

17 of the child, if this is just and proper under the circumstances.

18 4. If the court finds it to be in the best interest of the child
19 that a guardian ad litem be appointed, the court may appoint a
20 guardian ad litem for the child. The guardian ad litem so
21 appointed shall be an attorney licensed to practice law in the state
22 of Missouri. Disqualification of a guardian ad litem shall be
23 ordered in any legal proceeding pursuant to this chapter, upon the
24 filing of a written application by any party within ten days of
25 appointment. Each party shall be entitled to one disqualification
26 of a guardian ad litem appointed under this subsection in each
27 proceeding, except a party may be entitled to additional
28 disqualifications of a guardian ad litem for good cause shown. The
29 guardian ad litem may, for the purpose of determining custody of
30 the child only, participate in the proceedings as if such guardian ad
31 litem were a party. The court shall enter judgment allowing a
32 reasonable fee to the guardian ad litem.

33 5. The court shall appoint a guardian ad litem in any
34 proceeding in which child abuse or neglect is alleged.]

[452.495. A custody decree rendered by a court of this state
2 which had jurisdiction under section 452.450 binds all parties who
3 have been served in this state or notified in accordance with section
4 452.460, or who have submitted to the jurisdiction of the court, and
5 who have been given an opportunity to be heard. As to these
6 parties the custody decree is conclusive as to all issues of law and
7 fact decided and as to the custody determination made, unless and
8 until that determination is modified pursuant to law, including the
9 provisions of section 452.410 and sections 452.440 to 452.550.]

[452.500. The courts of this state shall recognize and
2 enforce an initial or modification decree of a court of another state
3 which had assumed jurisdiction under statutory provisions
4 substantially in accordance with sections 452.440 to 452.550, or
5 which was made under factual circumstances meeting the
6 jurisdictional standards of sections 452.440 to 452.550, so long as
7 this decree has not been modified in accordance with jurisdictional
8 standards substantially similar to those of sections 452.440 to
9 452.550.]

1 [452.505. If a court of another state has made a custody
2 decree, a court of this state shall not modify that decree unless it
3 appears to the court of this state that the court which rendered the
4 decree does not now have jurisdiction under jurisdictional
5 prerequisites substantially in accordance with sections 452.440 to
6 452.550 or has declined to assume jurisdiction to modify the decree
7 and the court of this state has jurisdiction.]

1 [452.510. 1. A certified copy of a custody decree of another
2 state may be filed in the office of the clerk of any circuit court of
3 this state. The clerk shall treat the decree in the same manner as
4 a custody decree of the circuit court of this state. A custody decree
5 so filed has the same effect and shall be enforced in like manner as
6 a custody decree rendered by a court of this state.

7 2. A person violating a custody decree of another state
8 which makes it necessary to enforce the decree in this state may be
9 required to pay necessary travel and other expenses, including
10 attorneys' fees, incurred by the party entitled to the custody or his
11 witnesses.]

1 [452.515. The clerk of each circuit court shall maintain a
2 registry in which he shall enter the following:

3 (1) Certified copies of custody decrees of other states
4 received for filing;

5 (2) Communications as to the pendency of custody
6 proceedings in other states;

7 (3) Communications concerning findings of inconvenient
8 forum under section 452.470 by a court of another state; and

9 (4) Other communications or documents concerning custody
10 proceedings in another state which in the opinion of the circuit
11 judge may affect the jurisdiction of a court of this state or the
12 disposition to be made by it in a custody proceeding.]

1 [452.520. The clerk of the circuit court of this state, at the
2 request of the court of another state or at the request of any person
3 who is affected by or has a legitimate interest in a custody decree,
4 may, upon payment therefor, certify and forward a copy of the
5 decree to that court or person.]

[452.525. In addition to other procedural devices available

2 to a party, any party to the proceeding or a guardian ad litem or
3 other representative of the child may obtain the testimony of
4 witnesses, including parties and the child, by deposition or
5 otherwise, in another state. The court on its own motion may
6 direct that the testimony of a person be taken in another state and
7 may prescribe the manner in which and the terms upon which the
8 testimony shall be taken.]

[452.530. 1. A court of this state may request the
2 appropriate court of another state to hold a hearing to obtain
3 evidence, to order persons within that state to produce or give
4 evidence under other procedures of that state, or to have social
5 studies made with respect to the custody of a child involved in
6 proceedings pending in the court of this state; and to forward to the
7 court of this state certified copies of the transcript of the record of
8 the hearing, the evidence otherwise obtained, or any social studies
9 prepared in compliance with the request. The cost of the services
10 may be assessed against the parties.

11 2. A court of this state may request the appropriate court
12 of another state to order a party to custody proceedings pending in
13 the court of this state to appear in the proceedings and, if that
14 party has physical custody of the child, to appear with the
15 child. The request may state that travel and other necessary
16 expenses of the party and of the child whose appearance is desired
17 will be assessed against the appropriate party.]

[452.535. 1. Upon request of the court of another state, the
2 courts of this state which are competent to hear custody matters
3 may order a person in this state to appear at a hearing to obtain
4 evidence or to produce or give evidence under other procedures
5 available in this state for use in a custody proceeding in another
6 state. A certified copy of the transcript of the record of the hearing
7 or the evidence otherwise obtained may, in the discretion of the
8 court and upon payment therefor, be forwarded to the requesting
9 court.

10 2. A person within this state may voluntarily give his
11 testimony or statement in this state for use in a custody proceeding
12 outside this state.

13 3. Upon request of the court of another state, a competent
14 court of this state may order a person in this state to appear alone
15 or with the child in a custody proceeding in another state. The
16 court may condition compliance with the request upon assurance
17 by the other state that travel and other necessary expenses will be
18 advanced or reimbursed.]

 [452.540. In any custody proceeding in this state the court
2 shall preserve the pleadings, orders and decrees, any record that
3 has been made of its hearings, social studies, and other pertinent
4 documents until the child reaches eighteen years of age. When
5 requested by the court of another state the court may, upon
6 payment therefor, forward to the other court certified copies of any
7 or all of such documents.]

 [452.545. If a custody decree has been rendered in another
2 state concerning a child involved in a custody proceeding pending
3 in a court of this state, the court of this state, upon taking
4 jurisdiction of the case, shall request of the court of the other state
5 a certified copy of the transcript of any court record and other
6 documents mentioned in section 452.540.]

 [452.550. Upon the request of a party to a custody
2 proceeding which raises a question of existence or exercise of
3 jurisdiction under sections 452.440 to 452.550, determination of
4 jurisdiction shall be given calendar priority and handled
expeditiously.]

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