

FIRST REGULAR SESSION

SENATE BILL NO. 440

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHAEFER.

Read 1st time February 24, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

1981S.011

AN ACT

To repeal section 452.412, RSMo, and to enact in lieu thereof one new section relating to temporary domestic relations orders for military families.

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

Section A. Section 452.412, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 452.412, to read as follows:

452.412. 1. A party's absence, relocation, or failure to comply with
2 custody and visitation orders shall not, by itself, be sufficient to justify a
3 modification of a custody or visitation order if the reason for the absence,
4 relocation, or failure to comply is the party's activation to military service and
5 deployment out-of-state.

6 2. For a party in active military service and deployed out-of-
7 state, any court order:

8 (1) Issued or modified regarding child custody or visitation
9 during the time of such out-of-state military deployment of the party,
10 including as part of an entry of decree of dissolution of marriage or
11 legal separation, shall be temporary in nature and shall not exceed the
12 length of time of such deployment;

13 (2) Issued regarding ex parte adult or child orders of protection
14 under sections 455.010 to 455.085, RSMo or sections 455.500 to 455.538,
15 RSMo, during the time of such out-of-state military deployment of the
16 party, may be extended beyond the initial fifteen days required under
17 sections 455.040 and 455.516, RSMo. Such orders issued under this
18 subdivision shall be temporary in nature and shall not exceed the
19 length of time of such deployment.

20 Upon such party's return from out-of-state military deployment, the

21 party shall be given an opportunity to be heard on the child custody
22 and visitation order or ex parte order of protection prior to a
23 permanent order being entered by the court as to such issues. If the
24 party in active military service knowingly and voluntarily signs a
25 written waiver to the right to have such a hearing upon the party's
26 return from out-of-state military deployment, the court may issue a
27 permanent order on the issues under this section.

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