

CONFERENCE COMMITTEE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 106

AN ACT

To repeal sections 8.012 and 253.048, RSMo, and to enact in lieu thereof six new sections relating to current and former military personnel.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

1 Section A. Sections 8.012 and 253.048, RSMo, are repealed
2 and six new sections enacted in lieu thereof, to be known as
3 sections 8.012, 173.1158, 192.360, 253.048, 324.007, and 452.413,
4 to read as follows:

5 8.012. At all state buildings and upon the grounds thereof,
6 the board of public buildings may accompany the display of the
7 flag of the United States and the flag of this state with the
8 display of the POW/MIA flag, which is designed to commemorate the
9 service and sacrifice of the members of the Armed Forces of the
10 United States who were prisoners of war or missing in action and
11 with the display of the Honor and Remember flag as an official
12 recognition and in honor of fallen members of the armed forces of
13 the United States.

14 173.1158. 1. By no later than January 1, 2014, the
15 coordinating board for higher education shall adopt a policy
16 requiring every public institution of postsecondary education,

1 including but not limited to every public university, college,
2 vocational and technical school, in this state to award
3 educational credits to a student enrolled in a postsecondary
4 education institution, who is also a veteran, for courses that
5 are part of the student's military training or service, that meet
6 the standards of the American Council on Education or equivalent
7 standards for awarding academic credit, and that are determined
8 by the academic department or appropriate faculty of the awarding
9 institution to be equivalent in content or experience to courses
10 at that institution. All credit that is deemed acceptable must
11 meet the scope and mission of the awarding institution.

12 2. Beginning with the 2014-2015 academic year and for every
13 academic year thereafter, the department of higher education and
14 every governing body of a public institution of postsecondary
15 education in this state shall adopt necessary rules and
16 procedures to implement the provisions of this section. Any rule
17 or portion of a rule, as that term is defined in section 536.010,
18 that is created under the authority delegated in this section
19 shall become effective only if it complies with and is subject to
20 all of the provisions of chapter 536 and, if applicable, section
21 536.028. This section and chapter 536 are nonseverable and if
22 any of the powers vested with the general assembly pursuant to
23 chapter 536 to review, to delay the effective date, or to
24 disapprove and annul a rule are subsequently held
25 unconstitutional, then the grant of rulemaking authority and any
26 rule proposed or adopted after August 28, 2013, shall be invalid
27 and void.

28 192.360. 1. Notwithstanding any other provision of law to

1 the contrary, the department of health and senior services and
2 the department of insurance, financial institutions and
3 professional registration shall require every health-related
4 professional licensing board to establish a procedure to ensure
5 any member of the United States armed forces on active duty who,
6 at the time of activation, was a member in good standing with any
7 professional licensing body in this state and was licensed or
8 certified to engage in his or her profession or vocation in this
9 state shall be kept in good standing by the professional
10 licensing body with which he or she is licensed or certified.

11 2. While a licensee or certificate holder is an active duty
12 member of the United States armed forces, the license or
13 certificate referenced in subsection 1 of this section shall be
14 renewed without:

15 (1) The payment of dues or fees;

16 (2) Obtaining continuing education credits when:

17 (a) Circumstances associated with military duty prevent
18 obtaining such training and a waiver request has been submitted
19 to the appropriate licensing body; or

20 (b) The military member, while on active duty, performs the
21 licensed or certified occupation as part of his or her military
22 duties as annotated in Defense Department form 214 (DD 214); or

23 (c) Performing any other act typically required for the
24 renewal of the license or certificate.

25 3. The license or certificate issued under this section
26 shall be continued as long as the licensee or certificate holder
27 is a member of the United States armed forces on active duty and
28 for a period of at least six months after being released from

1 active duty.

2 253.048. Within the state parks, the department may
3 accompany the display of the flag of the United States and the
4 flag of this state with the display of the MIA/POW flag, which is
5 designed to commemorate the service and sacrifice of members of
6 the Armed Forces of the United States who were prisoners of war
7 or missing in action and with the display of the Honor and
8 Remember flag as an official recognition and in honor of fallen
9 members of the armed forces of the United States.

10 324.007. 1. By no later than January 1, 2014, every
11 professional licensing board or commission in this state shall,
12 upon presentation of satisfactory evidence by an applicant for
13 certification or licensure, accept education, training, or
14 service completed by an individual who is a member of the United
15 States armed forces or reserves, the national guard of any state,
16 the military reserves of any state, or the naval militia of any
17 state toward the qualifications to receive the license or
18 certification.

19 2. Every examination and professional licensing board in
20 this state shall adopt necessary procedures to implement the
21 provisions of this section.

22 3. The division of professional registration within the
23 department of insurance, financial institutions and professional
24 registration shall promulgate rules to implement this section.
25 Any rule or portion of a rule, as that term is defined in section
26 536.010, that is created under the authority delegated in this
27 section shall become effective only if it complies with and is
28 subject to all of the provisions of chapter 536 and, if

1 applicable, section 536.028. This section and chapter 536 are
2 nonseverable and if any of the powers vested with the general
3 assembly pursuant to chapter 536 to review, to delay the
4 effective date, or to disapprove and annul a rule are
5 subsequently held unconstitutional, then the grant of rulemaking
6 authority and any rule proposed or adopted after August 28, 2013,
7 shall be invalid and void.

8 452.413. 1. As used in this section, the following terms
9 shall mean:

10 (1) "Deploying parent", a parent of a child less than
11 eighteen years of age whose parental rights have not been
12 terminated by a court of competent jurisdiction or a guardian of
13 a child less than eighteen years of age who is deployed or who
14 has received written orders to deploy with the United States
15 Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard,
16 or any other reserve component thereof;

17 (2) "Deployment", military service in compliance with
18 military orders received by a member of the United States Army,
19 Navy, Air Force, Marine Corps, Coast Guard, National Guard, or
20 any other reserve component thereof to report for combat
21 operations, contingency operations, peacekeeping operations,
22 temporary duty (TDY), a remote tour of duty, or other service for
23 which the deploying parent is required to report unaccompanied by
24 any family member. Military service includes a period during
25 which a military parent remains subject to deployment orders and
26 remains deployed on account of sickness, wounds, leave, or other
27 lawful cause;

28 (3) "Military parent", a parent of a child less than

eighteen years of age whose parental rights have not been terminated by a court of competent jurisdiction or a guardian of a child less than eighteen years of age who is a service member of the United States Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard, or any other reserve component thereof;

(4) "Nondeploying parent", a parent or guardian not subject to deployment.

2. If a military parent is required to be separated from a child due to deployment, a court shall not enter a final order modifying the terms establishing custody or visitation contained in an existing order until ninety days after the deployment ends unless there is a written agreement by both parties.

3. In accordance with section 452.412, deployment or the potential for future deployment shall not be the sole factor supporting a change in circumstances or grounds sufficient to support a permanent modification of the custody or visitation terms established in an existing order.

4. (1) An existing order establishing the terms of custody or visitation in place at the time a military parent is deployed may be temporarily modified to make reasonable accommodation for the parties due to the deployment.

(2) A temporary modification order issued under this section shall provide that the deploying parent shall have custody of the child or reasonable visitation, whichever is applicable under the original order, during a period of leave granted to the deploying parent, unless it is not in the best interest of the child.

(3) Any court order modifying a previously ordered custody

1 or visitation due to deployment shall specify that the deployment
2 is the basis for the order and shall be entered by the court as a
3 temporary order.

4 (4) Any such temporary custody or visitation order shall
5 require the nondeploying parent to provide the court and the
6 deploying parent with written notice of the nondeploying parent's
7 address and telephone number, and update such information within
8 seven days of any change. However, if a valid order of
9 protection under chapter 455 from this or another jurisdiction is
10 in effect that requires that the address or contact information
11 of the parent who is not deployed be kept confidential, the
12 notification shall be made to the court only, and a copy of the
13 order shall be included in the notification. Nothing in this
14 subdivision shall be construed to eliminate the requirements
15 under section 452.377.

16 (5) Upon motion of a deploying parent, with reasonable
17 advance notice and for good cause shown, the court shall hold an
18 expedited hearing in any custody or visitation matters instituted
19 under this section when the military duties of the deploying
20 parent have a material effect on his or her ability or
21 anticipated ability to appear in person at a regularly scheduled
22 hearing.

23 5. (1) A temporary modification of such an order
24 automatically ends no later than thirty days after the return of
25 the deploying parent and the original terms of the custody or
26 visitation order in place at the time of deployment are
27 automatically reinstated.

28 (2) Nothing in this section shall limit the power of the

1 court to conduct an expedited or emergency hearing regarding
2 custody or visitation upon return of the deploying parent, and
3 the court shall do so within ten days of the filing of a motion
4 alleging an immediate danger or irreparable harm to the child.

5 (3) The nondeploying parent shall bear the burden of
6 showing that reentry of the custody or visitation order in effect
7 before the deployment is no longer in the child's best interests.
8 The court shall set any nonemergency motion by the nondeploying
9 parent for hearing within thirty days of the filing of the
10 motion.

11 6. (1) Upon motion of the deploying parent or upon motion
12 of a family member of the deploying parent with his or her
13 consent, the court may delegate his or her visitation rights, or
14 a portion of such rights, to a family member with a close and
15 substantial relationship to the minor child or children for the
16 duration of the deployment if it is in the best interest of the
17 child.

18 (2) Such delegated visitation time or access does not
19 create an entitlement or standing to assert separate rights to
20 parent time or access for any person other than a parent, and
21 shall terminate by operation of law upon the end of the
22 deployment, as set forth in this section.

23 (3) Such delegated visitation time shall not exceed the
24 visitation time granted to the deploying parent under the
25 existing order; except that, the court may take into
26 consideration the travel time necessary to transport the child
27 for such delegated visitation time.

28 (4) In addition, there is a rebuttable presumption that a

1 deployed parent's visitation rights shall not be delegated to a
2 family member who has a history of perpetrating domestic violence
3 as defined under section 455.010 against another family or
4 household member, or delegated to a family member with an
5 individual in the family member's household who has a history of
6 perpetrating domestic violence against another family or
7 household member.

8 (5) The person or persons to whom delegated visitation time
9 has been granted shall have full legal standing to enforce such
10 rights.

11 7. Upon motion of a deploying parent and upon reasonable
12 advance notice and for good cause shown, the court shall permit
13 such parent to present testimony and evidence by affidavit or
14 electronic means in support, custody, and visitation matters
15 instituted under this section when the military duties of such
16 parent have a material effect on his or her ability to appear in
17 person at a regularly scheduled hearing. Electronic means
18 includes communication by telephone, video conference, or the
19 internet.

20 8. Any order entered under this section shall require that
21 the nondeploying parent:

22 (1) Make the child or children reasonably available to the
23 deploying parent when the deploying parent has leave;

24 (2) Facilitate opportunities for telephonic and electronic
25 mail contact between the deploying parent and the child or
26 children during deployment; and

27 (3) Receive timely information regarding the deploying
28 parent's leave schedule.

1 9. (1) If there is no existing order establishing the
2 terms of custody and visitation and it appears that deployment is
3 imminent, upon the filing of initial pleadings and motion by
4 either parent, the court shall expedite a hearing to establish
5 temporary custody or visitation to ensure the deploying parent
6 has access to the child, to ensure disclosure of information, to
7 grant other rights and duties set forth in this section, and to
8 provide other appropriate relief.

9 (2) Any initial pleading filed to establish custody or
10 visitation for a child of a deploying parent shall be so
11 identified at the time of filing by stating in the text of the
12 pleading the specific facts related to deployment.

13 10. (1) Since military necessity may preclude court
14 adjudication before deployment, the parties shall cooperate with
15 each other in an effort to reach a mutually agreeable resolution
16 of custody, visitation, and child support.

17 (2) A deploying parent shall provide a copy of his or her
18 orders to the nondeploying parent promptly and without delay
19 prior to deployment. Notification shall be made within ten days
20 of receipt of deployment orders. If less than ten days notice is
21 received by the deploying parent, notice shall be given
22 immediately upon receipt of military orders. If all or part of
23 the orders are classified or restricted as to release, the
24 deploying parent shall provide, under the terms of this
25 subdivision, all such nonclassified or nonrestricted information
26 to the nondeploying parent.

27 11. In an action brought under this chapter, whenever the
28 court declines to grant or extend a stay of proceedings under the

1 Servicemembers Civil Relief Act, 50 U.S.C. Appendix Sections 521-
2 522, and decides to proceed in the absence of the deployed
3 parent, the court shall appoint a guardian ad litem to represent
4 the minor child's interests.

5 12. Service of process on a nondeploying parent whose
6 whereabouts are unknown may be accomplished in accordance with
7 the provisions of section 506.160.

8 13. In determining whether a parent has failed to exercise
9 visitation rights, the court shall not count any time periods
10 during which the parent did not exercise visitation due to the
11 material effect of such parent's military duties on visitation
12 time.

13 14. Once an order for custody has been entered in Missouri,
14 any absence of a child from this state during deployment shall be
15 denominated a temporary absence for the purposes of application
16 of the Uniform Child Custody Jurisdiction and Enforcement Act
17 (UCCJEA). For the duration of the deployment, Missouri shall
18 retain exclusive jurisdiction under the UCCJEA and deployment
19 shall not be used as a basis to assert inconvenience of the forum
20 under the UCCJEA.

21 15. In making determinations under this section, the court
22 may award attorney's fees and costs based on the court's
23 consideration of:

24 (1) The failure of either party to reasonably accommodate
25 the other party in custody or visitation matters related to a
26 military parent's service;

27 (2) Unreasonable delay caused by either party in resolving
28 custody or visitation related to a military parent's service;

(3) Failure of either party to timely provide military orders, income, earnings, or payment information, housing or education information, or physical location of the child to the other party; and

(4) Other factors as the court may consider appropriate and as may be required by law.

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