

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1550

AN ACT

To repeal sections 452.310, 452.340, 452.375, 452.400, and 452.556, RSMo, and to enact in lieu thereof five new sections relating to child custody orders, with existing penalty provisions.

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

1 Section A. Sections 452.310, 452.340, 452.375, 452.400, and
2 452.556, RSMo, are repealed and five new sections enacted in lieu
3 thereof, to be known as sections 452.310, 452.340, 452.375,
4 452.400, and 452.556, to read as follows:

5 452.310. 1. In any proceeding commenced pursuant to this
6 chapter, the petition, a motion to modify, a motion for a family
7 access order and a motion for contempt shall be verified. The
8 petition in a proceeding for dissolution of marriage shall allege
9 that the marriage is irretrievably broken and that therefore
10 there remains no reasonable likelihood that the marriage can be
11 preserved. The petition in a proceeding for legal separation
12 shall allege that the marriage is not irretrievably broken and
13 that therefore there remains a reasonable likelihood that the

1 marriage can be preserved.

2 2. The petition in a proceeding for dissolution of marriage
3 or legal separation shall set forth:

4 (1) The residence of each party, including the county, and
5 the length of residence of each party in this state and in the
6 county of residence;

7 (2) The date of the marriage and the place at which it is
8 registered;

9 (3) The date on which the parties separated;

10 (4) The name, age, and address of each child, and the
11 parent with whom each child has primarily resided for the sixty
12 days immediately preceding the filing of the petition for
13 dissolution of marriage or legal separation;

14 (5) Whether the wife is pregnant;

15 (6) The last four digits of the Social Security number of
16 the petitioner, respondent and each child;

17 (7) Any arrangements as to the custody and support of the
18 children and the maintenance of each party; and

19 (8) The relief sought.

20 3. Upon the filing of the petition in a proceeding for
21 dissolution of marriage or legal separation, each child shall
22 immediately be subject to the jurisdiction of the court in which
23 the proceeding is commenced, unless a proceeding involving
24 allegations of abuse or neglect of the child is pending in
25 juvenile court. Until permitted by order of the court, neither
26 parent shall remove any child from the jurisdiction of the court
27 or from any parent with whom the child has primarily resided for
28 the sixty days immediately preceding the filing of a petition for

1 dissolution of marriage or legal separation.

2 4. The mere fact that one parent has actual possession of
3 the child at the time of filing shall not create a preference in
4 favor of such parent in any judicial determination regarding
5 custody of the child.

6 5. The respondent shall be served in the manner provided by
7 the rules of the supreme court and applicable court rules and, to
8 avoid an interlocutory judgment of default, shall file a verified
9 answer within thirty days of the date of service which shall not
10 only admit or deny the allegations of the petition, but shall
11 also set forth:

12 (1) The last four digits of the Social Security number of
13 the petitioner, respondent and each child;

14 (2) Any arrangements as to the custody and support of the
15 child and the maintenance of each party; and

16 (3) The relief sought.

17 6. Previously existing defenses to divorce and legal
18 separation, including but not limited to condonation, connivance,
19 collusion, recrimination, insanity, and lapse of time, are
20 abolished.

21 7. The full Social Security number of each party and each
22 child and the date of birth of each child shall be provided in
23 the manner required under section 509.520.

24 8. The petitioner and respondent shall submit a proposed
25 parenting plan, either individually or jointly, within thirty
26 days after service of process or the filing of the entry of
27 appearance, whichever event first occurs of a motion to modify or
28 a petition involving custody or visitation issues. The proposed

1 parenting plan shall set forth the arrangements that the party
2 believes to be in the best interest of the minor children and
3 shall include but not be limited to:

4 (1) A specific written schedule detailing the custody,
5 visitation and residential time for each child with each party
6 including:

7 (a) Major holidays stating which holidays a party has each
8 year;

9 (b) School holidays for school-age children;

10 (c) The child's birthday, Mother's Day and Father's Day;

11 (d) Weekday and weekend schedules and for school-age
12 children how the winter, spring, summer and other vacations from
13 school will be spent;

14 (e) The times and places for transfer of the child between
15 the parties in connection with the residential schedule;

16 (f) A plan for sharing transportation duties associated
17 with the residential schedule;

18 (g) Appropriate times for telephone access;

19 (h) Suggested procedures for notifying the other party when
20 a party requests a temporary variation from the residential
21 schedule;

22 (i) Any suggested restrictions or limitations on access to
23 a party and the reasons such restrictions are requested;

24 (2) A specific written plan regarding legal custody which
25 details how the decision-making rights and responsibilities will
26 be shared between the parties including the following:

27 (a) Educational decisions and methods of communicating
28 information from the school to both parties;

1 (b) Medical, dental and health care decisions including how
2 health care providers will be selected and a method of
3 communicating medical conditions of the child and how emergency
4 care will be handled;

5 (c) Extracurricular activities, including a method for
6 determining which activities the child will participate in when
7 those activities involve time during which each party is the
8 custodian;

9 (d) Child care providers, including how such providers will
10 be selected;

11 (e) Communication procedures including access to telephone
12 numbers as appropriate;

13 (f) A dispute resolution procedure for those matters on
14 which the parties disagree or in interpreting the parenting plan;

15 (g) If a party suggests no shared decision-making, a
16 statement of the reasons for such a request;

17 (3) How the expenses of the child, including child care,
18 educational and extraordinary expenses as defined in the child
19 support guidelines established by the supreme court, will be paid
20 including:

21 (a) The suggested amount of child support to be paid by
22 each party;

23 (b) The party who will maintain or provide health insurance
24 for the child and how the medical, dental, vision, psychological
25 and other health care expenses of the child not paid by insurance
26 will be paid by the parties;

27 (c) The payment of educational expenses, if any;

28 (d) The payment of extraordinary expenses of the child, if

1 any;

2 (e) Child care expenses, if any;

3 (f) Transportation expenses, if any.

4 9. If the proposed parenting plans of the parties differ
5 and the parties cannot resolve the differences or if any party
6 fails to file a proposed parenting plan, upon motion of either
7 party and an opportunity for the parties to be heard, the court
8 shall enter a temporary order containing a parenting plan setting
9 forth the arrangements specified in subsection 8 of this section
10 which will remain in effect until further order of the court.
11 The temporary order entered by the court shall not create a
12 preference for the court in its adjudication of final custody,
13 child support or visitation.

14 10. [Within one hundred twenty days after August 28, 1998,]
15 The Missouri supreme court shall have [in effect] guidelines for
16 a parenting plan [form] which may be used by the parties pursuant
17 to this section in any dissolution of marriage, legal separation
18 or modification proceeding involving issues of custody and
19 visitation relating to the child. Parenting plan guidelines
20 shall be made available on the office of state courts
21 administrator's website.

22 11. The filing of a parenting plan for any child over the
23 age of eighteen for whom custody, visitation, or support is being
24 established or modified by a court of competent jurisdiction is
25 not required. Nothing in this section shall be construed as
26 precluding the filing of a parenting plan upon agreement of the
27 parties or if ordered to do so by the court for any child over
28 the age of eighteen for whom custody, visitation, or support is

1 being established or modified by a court of competent
2 jurisdiction.

3 452.340. 1. In a proceeding for dissolution of marriage,
4 legal separation or child support, the court may order either or
5 both parents owing a duty of support to a child of the marriage
6 to pay an amount reasonable or necessary for the support of the
7 child, including an award retroactive to the date of filing the
8 petition, without regard to marital misconduct, after considering
9 all relevant factors [including] and entering written findings of
10 fact and conclusions of law for each of the following:

- 11 (1) The financial needs and resources of the child;
- 12 (2) The financial resources and needs of the parents;
- 13 (3) The standard of living the child would have enjoyed had
14 the marriage not been dissolved;
- 15 (4) The physical and emotional condition of the child, and
16 the child's educational needs;
- 17 (5) The child's physical and legal custody arrangements,
18 including the amount of time the child spends with each parent
19 and the reasonable expenses associated with the custody or
20 visitation arrangements; and
- 21 (6) The reasonable work-related child care expenses of each
22 parent.

23 2. The obligation of the parent ordered to make support
24 payments shall abate, in whole or in part, for such periods of
25 time in excess of thirty consecutive days that the other parent
26 has voluntarily relinquished physical custody of a child to the
27 parent ordered to pay child support, notwithstanding any periods
28 of visitation or temporary physical and legal or physical or

1 legal custody pursuant to a judgment of dissolution or legal
2 separation or any modification thereof. In a IV-D case, the
3 family support division may determine the amount of the abatement
4 pursuant to this subsection for any child support order and shall
5 record the amount of abatement in the automated child support
6 system record established pursuant to chapter 454. If the case
7 is not a IV-D case and upon court order, the circuit clerk shall
8 record the amount of abatement in the automated child support
9 system record established in chapter 454.

10 3. Unless the circumstances of the child manifestly dictate
11 otherwise and the court specifically so provides, the obligation
12 of a parent to make child support payments shall terminate when
13 the child:

14 (1) Dies;

15 (2) Marries;

16 (3) Enters active duty in the military;

17 (4) Becomes self-supporting, provided that the custodial
18 parent has relinquished the child from parental control by
19 express or implied consent;

20 (5) Reaches age eighteen, unless the provisions of
21 subsection 4 or 5 of this section apply; or

22 (6) Reaches age twenty-one, unless the provisions of the
23 child support order specifically extend the parental support
24 order past the child's twenty-first birthday for reasons provided
25 by subsection 4 of this section.

26 4. If the child is physically or mentally incapacitated
27 from supporting himself and insolvent and unmarried, the court
28 may extend the parental support obligation past the child's

1 eighteenth birthday.

2 5. If when a child reaches age eighteen, the child is
3 enrolled in and attending a secondary school program of
4 instruction, the parental support obligation shall continue, if
5 the child continues to attend and progresses toward completion of
6 said program, until the child completes such program or reaches
7 age twenty-one, whichever first occurs. If the child is enrolled
8 in an institution of vocational or higher education not later
9 than October first following graduation from a secondary school
10 or completion of a graduation equivalence degree program and so
11 long as the child enrolls for and completes at least twelve hours
12 of credit each semester, not including the summer semester, at an
13 institution of vocational or higher education and achieves grades
14 sufficient to reenroll at such institution, the parental support
15 obligation shall continue until the child completes his or her
16 education, or until the child reaches the age of twenty-one,
17 whichever first occurs. To remain eligible for such continued
18 parental support, at the beginning of each semester the child
19 shall submit to each parent a transcript or similar official
20 document provided by the institution of vocational or higher
21 education which includes the courses the child is enrolled in and
22 has completed for each term, the grades and credits received for
23 each such course, and an official document from the institution
24 listing the courses which the child is enrolled in for the
25 upcoming term and the number of credits for each such course.
26 When enrolled in at least twelve credit hours, if the child
27 receives failing grades in half or more of his or her courseload
28 in any one semester, payment of child support may be terminated

1 and shall not be eligible for reinstatement. Upon request for
2 notification of the child's grades by the noncustodial parent,
3 the child shall produce the required documents to the
4 noncustodial parent within thirty days of receipt of grades from
5 the education institution. If the child fails to produce the
6 required documents, payment of child support may terminate
7 without the accrual of any child support arrearage and shall not
8 be eligible for reinstatement. If the circumstances of the child
9 manifestly dictate, the court may waive the October first
10 deadline for enrollment required by this subsection. If the
11 child is enrolled in such an institution, the child or parent
12 obligated to pay support may petition the court to amend the
13 order to direct the obligated parent to make the payments
14 directly to the child. As used in this section, an "institution
15 of vocational education" means any postsecondary training or
16 schooling for which the student is assessed a fee and attends
17 classes regularly. "Higher education" means any community
18 college, college, or university at which the child attends
19 classes regularly. A child who has been diagnosed with a
20 developmental disability, as defined in section 630.005, or whose
21 physical disability or diagnosed health problem limits the
22 child's ability to carry the number of credit hours prescribed in
23 this subsection, shall remain eligible for child support so long
24 as such child is enrolled in and attending an institution of
25 vocational or higher education, and the child continues to meet
26 the other requirements of this subsection. A child who is
27 employed at least fifteen hours per week during the semester may
28 take as few as nine credit hours per semester and remain eligible

1 for child support so long as all other requirements of this
2 subsection are complied with.

3 6. The court shall consider ordering a parent to waive the
4 right to claim the tax dependency exemption for a child enrolled
5 in an institution of vocational or higher education in favor of
6 the other parent if the application of state and federal tax laws
7 and eligibility for financial aid will make an award of the
8 exemption to the other parent appropriate.

9 7. The general assembly finds and declares that it is the
10 public policy of this state that frequent, continuing and
11 meaningful contact with both parents after the parents have
12 separated or dissolved their marriage is in the best interest of
13 the child except for cases where the court specifically finds
14 that such contact is not in the best interest of the child. In
15 order to effectuate this public policy, a court with jurisdiction
16 shall enforce visitation, custody and child support orders in the
17 same manner. A court with jurisdiction may abate, in whole or in
18 part, any past or future obligation of support and may transfer
19 the physical and legal or physical or legal custody of one or
20 more children if it finds that a parent has, without good cause,
21 failed to provide visitation or physical and legal or physical or
22 legal custody to the other parent pursuant to the terms of a
23 judgment of dissolution, legal separation or modifications
24 thereof. The court shall also award, if requested and for good
25 cause shown, reasonable expenses, attorney's fees and court costs
26 incurred by the prevailing party.

27 8. The Missouri supreme court shall have in effect a rule
28 establishing guidelines by which any award of child support shall

1 be made in any judicial or administrative proceeding. Said
2 guidelines shall contain specific, descriptive and numeric
3 criteria which will result in a computation of the support
4 obligation. The guidelines shall address how the amount of child
5 support shall be calculated when an award of joint physical
6 custody results in the child or children spending equal or
7 substantially equal time with both parents and the directions and
8 comments and any tabular representations of the directions and
9 comments for completion of the child support guidelines and a
10 subsequent form developed to reflect the guidelines shall reflect
11 the ability to obtain up to a fifty percent adjustment or credit
12 below the basic child support amount for joint physical custody
13 or visitation as described in subsection 11 of this section. The
14 Missouri supreme court shall publish child support guidelines and
15 specifically list and explain the relevant factors and
16 assumptions that were used to calculate the child support
17 guidelines. Any rule made pursuant to this subsection shall be
18 reviewed by the promulgating body not less than once every four
19 years to ensure that its application results in the determination
20 of appropriate child support award amounts.

21 9. There shall be a rebuttable presumption, in any judicial
22 or administrative proceeding for the award of child support, that
23 the amount of the award which would result from the application
24 of the guidelines established pursuant to subsection 8 of this
25 section is the correct amount of child support to be awarded. A
26 written finding or specific finding on the record in a judicial
27 or administrative proceeding that the application of the
28 guidelines would be unjust or inappropriate in a particular case,

1 after considering all relevant factors, including the factors set
2 out in subsection 1 of this section, is required if requested by
3 a party and shall be sufficient to rebut the presumption in the
4 case. The written finding or specific finding on the record
5 shall detail the specific relevant factors that required a
6 deviation from the application of the guidelines.

7 10. Pursuant to this or any other chapter, when a court
8 determines the amount owed by a parent for support provided to a
9 child by another person, other than a parent, prior to the date
10 of filing of a petition requesting support, or when the director
11 of the family support division establishes the amount of state
12 debt due pursuant to subdivision (2) of subsection 1 of section
13 454.465, the court or director shall use the guidelines
14 established pursuant to subsection 8 of this section. The amount
15 of child support resulting from the application of the guidelines
16 shall be applied retroactively for a period prior to the
17 establishment of a support order and the length of the period of
18 retroactivity shall be left to the discretion of the court or
19 director. There shall be a rebuttable presumption that the
20 amount resulting from application of the guidelines under
21 subsection 8 of this section constitutes the amount owed by the
22 parent for the period prior to the date of the filing of the
23 petition for support or the period for which state debt is being
24 established. In applying the guidelines to determine a
25 retroactive support amount, when information as to average
26 monthly income is available, the court or director may use the
27 average monthly income of the noncustodial parent, as averaged
28 over the period of retroactivity, in determining the amount of

1 presumed child support owed for the period of retroactivity. The
2 court or director may enter a different amount in a particular
3 case upon finding, after consideration of all relevant factors,
4 including the factors set out in subsection 1 of this section,
5 that there is sufficient cause to rebut the presumed amount.

6 11. The court may award child support in an amount that
7 provides up to a fifty percent adjustment below the basic child
8 support amount authorized by the child support guidelines
9 described under subsection 8 of this section for custody awards
10 of joint physical custody where the child or children spend equal
11 or substantially equal time with both parents.

12 12. The obligation of a parent to make child support
13 payments may be terminated as follows:

14 (1) Provided that the state case registry or child support
15 order contains the child's date of birth, the obligation shall be
16 deemed terminated without further judicial or administrative
17 process when the child reaches age twenty-one if the child
18 support order does not specifically require payment of child
19 support beyond age twenty-one for reasons provided by subsection
20 4 of this section;

21 (2) The obligation shall be deemed terminated without
22 further judicial or administrative process when the parent
23 receiving child support furnishes a sworn statement or affidavit
24 notifying the obligor parent of the child's emancipation in
25 accordance with the requirements of subsection 4 of section
26 452.370, and a copy of such sworn statement or affidavit is filed
27 with the court which entered the order establishing the child
28 support obligation, or the family support division for an order

1 entered under section 454.470;

2 (3) The obligation shall be deemed terminated without
3 further judicial or administrative process when the parent paying
4 child support files a sworn statement or affidavit with the court
5 which entered the order establishing the child support
6 obligation, or the family support division for an order entered
7 under section 454.470, stating that the child is emancipated and
8 reciting the factual basis for such statement; which statement or
9 affidavit is served by the court or division, as applicable, on
10 the child support obligee; and which is either acknowledged and
11 affirmed by the child support obligee in writing, or which is not
12 responded to in writing within thirty days of receipt by the
13 child support obligee;

14 (4) The obligation shall be terminated as provided by this
15 subdivision by the court which entered the order establishing the
16 child support obligation, or the family support division for an
17 order entered under section 454.470, when the parent paying child
18 support files a sworn statement or affidavit with the court which
19 entered the order establishing the child support obligation, or
20 the family support division, as applicable, stating that the
21 child is emancipated and reciting the factual basis for such
22 statement; and which statement or affidavit is served by the
23 court or division, as applicable, on the child support obligee.
24 If the obligee denies the statement or affidavit, the court or
25 division shall thereupon treat the sworn statement or affidavit
26 as a request for hearing and shall proceed to hear and adjudicate
27 such request for hearing as provided by law; provided that the
28 court may require the payment of a deposit as security for court

1 costs and any accrued court costs, as provided by law, in
2 relation to such request for hearing. When the division receives
3 a request for hearing, the hearing shall be held in the manner
4 provided by section 454.475.

5 13. The court may enter a judgment terminating child
6 support pursuant to subdivisions (1) to (3) of subsection 12 of
7 this section without necessity of a court appearance by either
8 party. The clerk of the court shall mail a copy of a judgment
9 terminating child support entered pursuant to subsection 12 of
10 this section on both the obligor and obligee parents. The
11 supreme court may promulgate uniform forms for sworn statements
12 and affidavits to terminate orders of child support obligations
13 for use pursuant to subsection 12 of this section and subsection
14 4 of section 452.370.

15 452.375. 1. As used in this chapter, unless the context
16 clearly indicates otherwise:

17 (1) "Custody" means joint legal custody, sole legal
18 custody, joint physical custody or sole physical custody or any
19 combination thereof;

20 (2) "Joint legal custody" means that the parents share the
21 decision-making rights, responsibilities, and authority relating
22 to the health, education and welfare of the child, and, unless
23 allocated, apportioned, or decreed, the parents shall confer with
24 one another in the exercise of decision-making rights,
25 responsibilities, and authority;

26 (3) "Joint physical custody" means an order awarding each
27 of the parents significant, but not necessarily equal, periods of
28 time during which a child resides with or is under the care and

1 supervision of each of the parents. Joint physical custody shall
2 be shared by the parents in such a way as to assure the child of
3 frequent, continuing and meaningful contact with both parents;

4 (4) "Third-party custody" means a third party designated as
5 a legal and physical custodian pursuant to subdivision (5) of
6 subsection 5 of this section.

7 2. The court shall determine custody in accordance with the
8 best interests of the child. The court shall consider all
9 relevant factors [including] and enter written findings of fact
10 and conclusions of law for each of the following:

11 (1) The wishes of the child's parents as to custody and the
12 proposed parenting plan submitted by both parties;

13 (2) The needs of the child for a frequent, continuing and
14 meaningful relationship with both parents and the ability and
15 willingness of parents to actively perform their functions as
16 mother and father for the needs of the child;

17 (3) The interaction and interrelationship of the child with
18 parents, siblings, and any other person who may significantly
19 affect the child's best interests;

20 (4) Which parent is more likely to allow the child
21 frequent, continuing and meaningful contact with the other
22 parent;

23 (5) The child's adjustment to the child's home, school, and
24 community;

25 (6) The mental and physical health of all individuals
26 involved, including any history of abuse of any individuals
27 involved. If the court finds that a pattern of domestic violence
28 as defined in section 455.010 has occurred, and, if the court

1 also finds that awarding custody to the abusive parent is in the
2 best interest of the child, then the court shall enter written
3 findings of fact and conclusions of law. Custody and visitation
4 rights shall be ordered in a manner that best protects the child
5 and any other child or children for whom the parent has custodial
6 or visitation rights, and the parent or other family or household
7 member who is the victim of domestic violence from any further
8 harm;

9 (7) The intention of either parent to relocate the
10 principal residence of the child; and

11 (8) The wishes of a child as to the child's custodian. The
12 fact that a parent sends his or her child or children to a home
13 school, as defined in section 167.031, shall not be the sole
14 factor that a court considers in determining custody of such
15 child or children.

16 3. (1) In any court proceedings relating to custody of a
17 child, the court shall not award custody or unsupervised
18 visitation of a child to a parent if such parent or any person
19 residing with such parent has been found guilty of, or pled
20 guilty to, any of the following offenses when a child was the
21 victim:

22 (a) A felony violation of section 566.030, 566.032,
23 566.040, 566.060, 566.062, 566.064, 566.067, 566.068, 566.070,
24 566.083, 566.090, 566.100, 566.111, 566.151, 566.203, 566.206,
25 566.209, 566.212, or 566.215;

26 (b) A violation of section 568.020;

27 (c) A violation of subdivision (2) of subsection 1 of
28 section 568.060;

- 1 (d) A violation of section 568.065;
- 2 (e) A violation of section 568.080;
- 3 (f) A violation of section 568.090; or
- 4 (g) A violation of section 568.175.

5 (2) For all other violations of offenses in chapters 566
6 and 568 not specifically listed in subdivision (1) of this
7 subsection or for a violation of an offense committed in another
8 state when a child is the victim that would be a violation of
9 chapter 566 or 568 if committed in Missouri, the court may
10 exercise its discretion in awarding custody or visitation of a
11 child to a parent if such parent or any person residing with such
12 parent has been found guilty of, or pled guilty to, any such
13 offense.

14 4. The general assembly finds and declares that it is the
15 public policy of this state that frequent, continuing and
16 meaningful contact with both parents after the parents have
17 separated or dissolved their marriage is in the best interest of
18 the child, except for cases where the court specifically finds
19 that such contact is not in the best interest of the child, and
20 that it is the public policy of this state to encourage parents
21 to participate in decisions affecting the health, education and
22 welfare of their children, and to resolve disputes involving
23 their children amicably through alternative dispute resolution.
24 In order to effectuate these policies, the court shall determine
25 the custody arrangement which will best assure both parents
26 participate in such decisions and have frequent, continuing and
27 meaningful contact with their children so long as it is in the
28 best interests of the child.

1 5. Prior to awarding the appropriate custody arrangement in
2 the best interest of the child, the court shall consider each of
3 the following as follows:

4 (1) Joint physical and joint legal custody to both parents,
5 which shall not be denied solely for the reason that one parent
6 opposes a joint physical and joint legal custody award. The
7 residence of one of the parents shall be designated as the
8 address of the child for mailing and educational purposes;

9 (2) Joint physical custody with one party granted sole
10 legal custody. The residence of one of the parents shall be
11 designated as the address of the child for mailing and
12 educational purposes;

13 (3) Joint legal custody with one party granted sole
14 physical custody;

15 (4) Sole custody to either parent; or

16 (5) Third-party custody or visitation:

17 (a) When the court finds that each parent is unfit,
18 unsuitable, or unable to be a custodian, or the welfare of the
19 child requires, and it is in the best interests of the child,
20 then custody, temporary custody or visitation may be awarded to
21 any other person or persons deemed by the court to be suitable
22 and able to provide an adequate and stable environment for the
23 child. Before the court awards custody, temporary custody or
24 visitation to a third person under this subdivision, the court
25 shall make that person a party to the action;

26 (b) Under the provisions of this subsection, any person may
27 petition the court to intervene as a party in interest at any
28 time as provided by supreme court rule.

1 6. If the parties have not agreed to a custodial
2 arrangement, or the court determines such arrangement is not in
3 the best interest of the child, the court shall include a written
4 finding in the judgment or order based on the public policy in
5 subsection 4 of this section and each of the factors listed in
6 subdivisions (1) to (8) of subsection 2 of this section detailing
7 the specific relevant factors that made a particular arrangement
8 in the best interest of the child. If a proposed custodial
9 arrangement is rejected by the court, the court shall include a
10 written finding in the judgment or order detailing the specific
11 relevant factors resulting in the rejection of such arrangement.

12 7. Upon a finding by the court that either parent has
13 refused to exchange information with the other parent, which
14 shall include but not be limited to information concerning the
15 health, education and welfare of the child, the court shall order
16 the parent to comply immediately and to pay the prevailing party
17 a sum equal to the prevailing party's cost associated with
18 obtaining the requested information, which shall include but not
19 be limited to reasonable attorney's fees and court costs.

20 8. As between the parents of a child, no preference may be
21 given to either parent in the awarding of custody because of that
22 parent's age, sex, or financial status, nor because of the age or
23 sex of the child. The court shall not presume that a parent,
24 solely because of his or her sex, is more qualified than the
25 other parent to act as a joint or sole legal or physical
26 custodian for the child.

27 9. Any judgment providing for custody shall include a
28 specific written parenting plan setting forth the terms of such

1 parenting plan arrangements specified in subsection [7] 8 of
2 section 452.310. Such plan may be a parenting plan submitted by
3 the parties pursuant to section 452.310 or, in the absence
4 thereof, a plan determined by the court, but in all cases, the
5 custody plan approved and ordered by the court shall be in the
6 court's discretion and shall be in the best interest of the
7 child.

8 10. After August 28, 2016, every court order establishing
9 or modifying custody or visitation shall include the following
10 language: "In the event of noncompliance with this order, the
11 aggrieved party may file a verified motion for contempt. If
12 custody, visitation, or third-party custody is denied or
13 interfered with by a parent or third party without good cause,
14 the aggrieved person may file a family access motion with the
15 court stating the specific facts that constitute a violation of
16 the custody provisions of the judgment of dissolution, legal
17 separation, or judgment of paternity. The circuit clerk will
18 provide the aggrieved party with an explanation of the procedures
19 for filing a family access motion and a simple form for use in
20 filing the family access motion. A family access motion does not
21 require the assistance of legal counsel to prepare and file."

22 11. No court shall adopt any local rule, form, or practice
23 requiring a standardized or default parenting plan for interim,
24 temporary, or permanent orders or judgments. Notwithstanding any
25 other provision to the contrary, a court may enter an interim
26 order in a proceeding under this chapter, provided that the
27 interim order shall not contain any provisions about child
28 custody or a parenting schedule or plan without first providing

1 the parties with notice and a hearing, unless the parties
2 otherwise agree.

3 [10.] 12. Unless a parent has been denied custody rights
4 pursuant to this section or visitation rights under section
5 452.400, both parents shall have access to records and
6 information pertaining to a minor child, including, but not
7 limited to, medical, dental, and school records. If the parent
8 without custody has been granted restricted or supervised
9 visitation because the court has found that the parent with
10 custody or any child has been the victim of domestic violence, as
11 defined in section 455.010, by the parent without custody, the
12 court may order that the reports and records made available
13 pursuant to this subsection not include the address of the parent
14 with custody or the child. Unless a parent has been denied
15 custody rights pursuant to this section or visitation rights
16 under section 452.400, any judgment of dissolution or other
17 applicable court order shall specifically allow both parents
18 access to such records and reports.

19 [11.] 13. Except as otherwise precluded by state or federal
20 law, if any individual, professional, public or private
21 institution or organization denies access or fails to provide or
22 disclose any and all records and information, including, but not
23 limited to, past and present dental, medical and school records
24 pertaining to a minor child, to either parent upon the written
25 request of such parent, the court shall, upon its finding that
26 the individual, professional, public or private institution or
27 organization denied such request without good cause, order that
28 party to comply immediately with such request and to pay to the

1 prevailing party all costs incurred, including, but not limited
2 to, attorney's fees and court costs associated with obtaining the
3 requested information.

4 [12.] 14. An award of joint custody does not preclude an
5 award of child support pursuant to section 452.340 and applicable
6 supreme court rules. The court shall consider the factors
7 contained in section 452.340 and applicable supreme court rules
8 in determining an amount reasonable or necessary for the support
9 of the child.

10 [13.] 15. If the court finds that domestic violence or
11 abuse, as defined in section 455.010 has occurred, the court
12 shall make specific findings of fact to show that the custody or
13 visitation arrangement ordered by the court best protects the
14 child and the parent or other family or household member who is
15 the victim of domestic violence, as defined in section 455.010,
16 and any other children for whom such parent has custodial or
17 visitation rights from any further harm.

18 452.400. 1. (1) A parent not granted custody of the child
19 is entitled to reasonable visitation rights unless the court
20 finds, after a hearing, that visitation would endanger the
21 child's physical health or impair his or her emotional
22 development. The court shall enter an order specifically
23 detailing the visitation rights of the parent without physical
24 custody rights to the child and any other children for whom such
25 parent has custodial or visitation rights. In determining the
26 granting of visitation rights, the court shall consider evidence
27 of domestic violence. If the court finds that domestic violence
28 has occurred, the court may find that granting visitation to the

1 abusive party is in the best interests of the child.

2 (2) (a) The court shall not grant visitation to the parent
3 not granted custody if such parent or any person residing with
4 such parent has been found guilty of or pled guilty to any of the
5 following offenses when a child was the victim:

6 a. A felony violation of section 566.030, 566.032, 566.040,
7 566.060, 566.062, 566.064, 566.067, 566.068, 566.070, 566.083,
8 566.090, 566.100, 566.111, 566.151, 566.203, 566.206, 566.209,
9 566.212, or 566.215;

10 b. A violation of section 568.020;

11 c. A violation of subdivision (2) of subsection 1 of
12 section 568.060;

13 d. A violation of section 568.065;

14 e. A violation of section 568.080;

15 f. A violation of section 568.090; or

16 g. A violation of section 568.175.

17 (b) For all other violations of offenses in chapters 566
18 and 568 not specifically listed in paragraph (a) of this
19 subdivision or for a violation of an offense committed in another
20 state when a child is the victim that would be a violation of
21 chapter 566 or 568 if committed in Missouri, the court may
22 exercise its discretion in granting visitation to a parent not
23 granted custody if such parent or any person residing with such
24 parent has been found guilty of, or pled guilty to, any such
25 offense.

26 (3) The court shall consider the parent's history of
27 inflicting, or tendency to inflict, physical harm, bodily injury,
28 assault, or the fear of physical harm, bodily injury, or assault

1 on other persons and shall grant visitation in a manner that best
2 protects the child and the parent or other family or household
3 member who is the victim of domestic violence, and any other
4 children for whom the parent has custodial or visitation rights
5 from any further harm.

6 (4) The court, if requested by a party, shall make specific
7 findings of fact to show that the visitation arrangements made by
8 the court best protect the child or the parent or other family or
9 household member who is the victim of domestic violence, or any
10 other child for whom the parent has custodial or visitation
11 rights from any further harm.

12 2. (1) The court may modify an order granting or denying
13 visitation rights whenever modification would serve the best
14 interests of the child, but the court shall not restrict a
15 parent's visitation rights unless it finds that the visitation
16 would endanger the child's physical health or impair his or her
17 emotional development.

18 (2) (a) In any proceeding modifying visitation rights, the
19 court shall not grant unsupervised visitation to a parent if the
20 parent or any person residing with such parent has been found
21 guilty of or pled guilty to any of the following offenses when a
22 child was the victim:

23 a. A felony violation of section 566.030, 566.032, 566.040,
24 566.060, 566.062, 566.064, 566.067, 566.068, 566.070, 566.083,
25 566.090, 566.100, 566.111, 566.151, 566.203, 566.206, 566.209,
26 566.212, or 566.215;

27 b. A violation of section 568.020;

28 c. A violation of subdivision (2) of subsection 1 of

1 section 568.060;

2 d. A violation of section 568.065;

3 e. A violation of section 568.080;

4 f. A violation of section 568.090; or

5 g. A violation of section 568.175.

6 (b) For all other violations of offenses in chapters 566
7 and 568 not specifically listed in paragraph (a) of this
8 subdivision or for a violation of an offense committed in another
9 state when a child is the victim that would be a violation of
10 chapter 566 or 568 if committed in Missouri, the division may
11 exercise its discretion regarding the placement of a child taken
12 into the custody of the state in which a parent or any person
13 residing in the home has been found guilty of, or pled guilty to,
14 any such offense.

15 (3) When a court restricts a parent's visitation rights or
16 when a court orders supervised visitation because of allegations
17 of abuse or domestic violence, a showing of proof of treatment
18 and rehabilitation shall be made to the court before unsupervised
19 visitation may be ordered. "Supervised visitation", as used in
20 this section, is visitation which takes place in the presence of
21 a responsible adult appointed by the court for the protection of
22 the child.

23 3. The court shall mandate compliance with its order by all
24 parties to the action, including parents, children and third
25 parties. In the event of noncompliance, the aggrieved person may
26 file a verified motion for contempt. If custody, visitation or
27 third-party custody is denied or interfered with by a parent or
28 third party without good cause, the aggrieved person may file a

1 family access motion with the court stating the specific facts
2 which constitute a violation of the judgment of dissolution,
3 legal separation or judgment of paternity. The state courts
4 administrator shall develop a simple form for pro se motions to
5 the aggrieved person, which shall be provided to the person by
6 the circuit clerk. Clerks, under the supervision of a circuit
7 clerk, shall explain to aggrieved parties the procedures for
8 filing the form. Notice of the fact that clerks will provide
9 such assistance shall be conspicuously posted in the clerk's
10 offices. The location of the office where the family access
11 motion may be filed shall be conspicuously posted in the court
12 building. The performance of duties described in this section
13 shall not constitute the practice of law as defined in section
14 484.010. Such form for pro se motions shall not require the
15 assistance of legal counsel to prepare and file. The cost of
16 filing the motion shall be the standard court costs otherwise due
17 for instituting a civil action in the circuit court.

18 4. Within five court days after the filing of the family
19 access motion pursuant to subsection 3 of this section, the clerk
20 of the court shall issue a summons pursuant to applicable state
21 law, and applicable local or supreme court rules. A copy of the
22 motion shall be personally served upon the respondent by personal
23 process server as provided by law or by any sheriff. Such
24 service shall be served at the earliest time and shall take
25 priority over service in other civil actions, except those of an
26 emergency nature or those filed pursuant to chapter 455. The
27 motion shall contain the following statement in boldface type:
28 "PURSUANT TO SECTION 452.400, RSMO, YOU ARE REQUIRED TO RESPOND

1 TO THE CIRCUIT CLERK WITHIN TEN DAYS OF THE DATE OF SERVICE.
2 FAILURE TO RESPOND TO THE CIRCUIT CLERK MAY RESULT IN THE
3 FOLLOWING:

4 (1) AN ORDER FOR A COMPENSATORY PERIOD OF CUSTODY,
5 VISITATION OR THIRD-PARTY CUSTODY AT A TIME CONVENIENT FOR
6 THE AGGRIEVED PARTY NOT LESS THAN THE PERIOD OF TIME DENIED;

7 (2) PARTICIPATION BY THE VIOLATOR IN COUNSELING TO EDUCATE
8 THE VIOLATOR ABOUT THE IMPORTANCE OF PROVIDING THE CHILD
9 WITH A CONTINUING AND MEANINGFUL RELATIONSHIP WITH BOTH
10 PARENTS;

11 (3) ASSESSMENT OF A FINE OF UP TO FIVE HUNDRED DOLLARS
12 AGAINST THE VIOLATOR;

13 (4) REQUIRING THE VIOLATOR TO POST BOND OR SECURITY TO
14 ENSURE FUTURE COMPLIANCE WITH THE COURT'S ORDERS;

15 (5) ORDERING THE VIOLATOR TO PAY THE COST OF COUNSELING TO
16 REESTABLISH THE PARENT-CHILD RELATIONSHIP BETWEEN THE
17 AGGRIEVED PARTY AND THE CHILD; AND

18 (6) A JUDGMENT IN AN AMOUNT NOT LESS THAN THE REASONABLE
19 EXPENSES, INCLUDING ATTORNEY'S FEES AND COURT COSTS ACTUALLY
20 INCURRED BY THE AGGRIEVED PARTY AS A RESULT OF THE DENIAL OF
21 CUSTODY, VISITATION OR THIRD-PARTY CUSTODY."

22 5. If an alternative dispute resolution program is
23 available pursuant to section 452.372, the clerk shall also
24 provide information to all parties on the availability of any
25 such services, and within fourteen days of the date of service,
26 the court may schedule alternative dispute resolution.

27 6. Upon a finding by the court pursuant to a motion for a
28 family access order or a motion for contempt that its order for

1 custody, visitation or third-party custody has not been complied
2 with, without good cause, the court shall order a remedy, which
3 may include, but not be limited to:

4 (1) A compensatory period of visitation, custody or
5 third-party custody at a time convenient for the aggrieved party
6 not less than the period of time denied;

7 (2) Participation by the violator in counseling to educate
8 the violator about the importance of providing the child with a
9 continuing and meaningful relationship with both parents;

10 (3) Assessment of a fine of up to five hundred dollars
11 against the violator payable to the aggrieved party;

12 (4) Requiring the violator to post bond or security to
13 ensure future compliance with the court's access orders; and

14 (5) Ordering the violator to pay the cost of counseling to
15 reestablish the parent-child relationship between the aggrieved
16 party and the child.

17 7. The court shall consider, in a proceeding to enforce or
18 modify a permanent custody or visitation order or judgment, a
19 party's violation, without good cause, of a provision of the
20 parenting plan, for the purpose of determining that party's
21 ability and willingness to allow the child frequent and
22 meaningful contact with the other party.

23 8. The reasonable expenses incurred as a result of denial
24 or interference with custody or visitation, including attorney's
25 fees and costs of a proceeding to enforce visitation rights,
26 custody or third-party custody, shall be assessed, if requested
27 and for good cause, against the parent or party who unreasonably
28 denies or interferes with visitation, custody or third-party

1 custody. In addition, the court may utilize any and all powers
2 relating to contempt conferred on it by law or rule of the
3 Missouri supreme court.

4 [8.] 9. Final disposition of a motion for a family access
5 order filed pursuant to this section shall take place not more
6 than sixty days after the service of such motion, unless waived
7 by the parties or determined to be in the best interest of the
8 child. Final disposition shall not include appellate review.

9 [9.] 10. Motions filed pursuant to this section shall not
10 be deemed an independent civil action from the original action
11 pursuant to which the judgment or order sought to be enforced was
12 entered.

13 452.556. 1. The state courts administrator shall create a
14 handbook or be responsible for the approval of a handbook
15 outlining the following:

16 (1) Guidelines as to what is included in a parenting plan
17 in order to maximize to the highest degree the amount of time the
18 child may spend with each parent;

19 (2) The benefits of the parties agreeing to a parenting
20 plan which outlines education, custody and cooperation between
21 parents;

22 (3) The benefits of alternative dispute resolution;

23 (4) The pro se family access motion for enforcement of
24 custody or temporary physical custody;

25 (5) The underlying assumptions for supreme court rules
26 relating to child support; and

27 (6) A party's duties and responsibilities pursuant to
28 section 452.377, including the possible consequences of not

1 complying with section 452.377.

2

3 The handbooks shall be distributed to each court and shall be
4 available in an alternative format, including Braille, large
5 print, or electronic or audio format upon request by a person
6 with a disability, as defined by the federal Americans with
7 Disabilities Act. The handbook shall be made readily available
8 and easily accessible online and upon request by interested
9 persons.

10 2. Each court shall provide a copy of the handbook
11 developed pursuant to subsection 1 of this section to each party
12 in a dissolution or legal separation action filed pursuant to
13 section 452.310, or any proceeding in modification thereof, where
14 minor children are involved, **[or may]** and shall provide the
15 petitioner with a copy of the handbook at the time the petition
16 is filed and direct that a copy of the handbook be served along
17 with the petition and summons upon the respondent.

18 3. The court shall make the handbook available to
19 interested state agencies and members of the public.