

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2 452.556, RSMo, are repealed and five new sections enacted in lieu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:

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

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

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

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

13 (1) Dies;

14 (2) Marries;

15 (3) Enters active duty in the military;

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

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

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

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

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

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

1 subsection are complied with.

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

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

26 8. The Missouri supreme court shall have in effect a rule
27 establishing guidelines by which any award of child support shall
28 be made in any judicial or administrative proceeding. Said

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

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

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

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

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

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

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

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

20 (2) The obligation shall be deemed terminated without
21 further judicial or administrative process when the parent
22 receiving child support furnishes a sworn statement or affidavit
23 notifying the obligor parent of the child's emancipation in
24 accordance with the requirements of subsection 4 of section
25 452.370, and a copy of such sworn statement or affidavit is filed
26 with the court which entered the order establishing the child
27 support obligation, or the family support division for an order
28 entered under section 454.470;

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

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

1 relation to such request for hearing. When the division receives
2 a request for hearing, the hearing shall be held in the manner
3 provided by section 454.475.

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

14 452.375. 1. As used in this chapter, unless the context
15 clearly indicates otherwise:

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

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

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

1 be shared by the parents in such a way as to assure the child of
2 frequent, continuing and meaningful contact with both parents;

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

6 2. The court shall determine custody in accordance with the
7 best interests of the child. [The court] When the parties have
8 not reached an agreement on all issues related to custody, the
9 court shall consider all relevant factors [including] and enter
10 written findings of fact and conclusions of law, including, but
11 not limited to, the following:

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

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

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

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

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

26 (6) The mental and physical health of all individuals
27 involved, including any history of abuse of any individuals
28 involved. If the court finds that a pattern of domestic violence

1 as defined in section 455.010 has occurred, and, if the court
2 also finds that awarding custody to the abusive parent is in the
3 best interest of the child, then the court shall enter written
4 findings of fact and conclusions of law. Custody and visitation
5 rights shall be ordered in a manner that best protects the child
6 and any other child or children for whom the parent has custodial
7 or visitation rights, and the parent or other family or household
8 member who is the victim of domestic violence from any further
9 harm;

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

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

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

23 (a) A felony violation of section 566.030, 566.032,
24 566.040, 566.060, 566.062, 566.064, 566.067, 566.068, 566.070,
25 566.083, 566.090, 566.100, 566.111, 566.151, 566.203, 566.206,
26 566.209, 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 (2) For all other violations of offenses in chapters 566
7 and 568 not specifically listed in subdivision (1) of this
8 subsection 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 court may
11 exercise its discretion in awarding custody or visitation of a
12 child to a parent if such parent or any person residing with such
13 parent has been found guilty of, or pled guilty to, any such
14 offense.

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

1 best interests of the child.

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

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

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

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

16 (4) Sole custody to either parent; or

17 (5) Third-party custody or visitation:

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

27 (b) Under the provisions of this subsection, any person may
28 petition the court to intervene as a party in interest at any

1 time as provided by supreme court rule.

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

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

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

28 9. Any judgment providing for custody shall include a

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

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

23 11. No court shall adopt any local rule, form, or practice
24 requiring a standardized or default parenting plan for interim,
25 temporary, or permanent orders or judgments. Notwithstanding any
26 other provision to the contrary, a court may enter an interim
27 order in a proceeding under this chapter, provided that the
28 interim order shall not contain any provisions about child

1 custody or a parenting schedule or plan without first providing
2 the parties with notice and a hearing, unless the parties
3 otherwise agree.

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

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

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

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

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

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

1 has occurred, the court may find that granting visitation to the
2 abusive party is in the best interests of the child.

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

7 a. A felony violation of section 566.030, 566.032, 566.040,
8 566.060, 566.062, 566.064, 566.067, 566.068, 566.070, 566.083,
9 566.090, 566.100, 566.111, 566.151, 566.203, 566.206, 566.209,
10 566.212, or 566.215;

11 b. A violation of section 568.020;

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

14 d. A violation of section 568.065;

15 e. A violation of section 568.080;

16 f. A violation of section 568.090; or

17 g. A violation of section 568.175.

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

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

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

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

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

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

24 a. A felony violation of section 566.030, 566.032, 566.040,
25 566.060, 566.062, 566.064, 566.067, 566.068, 566.070, 566.083,
26 566.090, 566.100, 566.111, 566.151, 566.203, 566.206, 566.209,
27 566.212, or 566.215;

28 b. A violation of section 568.020;

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

3 d. A violation of section 568.065;

4 e. A violation of section 568.080;

5 f. A violation of section 568.090; or

6 g. A violation of section 568.175.

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

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

24 3. The court shall mandate compliance with its order by all
25 parties to the action, including parents, children and third
26 parties. In the event of noncompliance, the aggrieved person may
27 file a verified motion for contempt. If custody, visitation or
28 third-party custody is denied or interfered with by a parent or

1 third party without good cause, the aggrieved person may file a
2 family access motion with the court stating the specific facts
3 which constitute a violation of the judgment of dissolution,
4 legal separation or judgment of paternity. The state courts
5 administrator shall develop a simple form for pro se motions to
6 the aggrieved person, which shall be provided to the person by
7 the circuit clerk. Clerks, under the supervision of a circuit
8 clerk, shall explain to aggrieved parties the procedures for
9 filing the form. Notice of the fact that clerks will provide
10 such assistance shall be conspicuously posted in the clerk's
11 offices. The location of the office where the family access
12 motion may be filed shall be conspicuously posted in the court
13 building. The performance of duties described in this section
14 shall not constitute the practice of law as defined in section
15 484.010. Such form for pro se motions shall not require the
16 assistance of legal counsel to prepare and file. The cost of
17 filing the motion shall be the standard court costs otherwise due
18 for instituting a civil action in the circuit court.

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

1 "PURSUANT TO SECTION 452.400, RSMO, YOU ARE REQUIRED TO RESPOND
2 TO THE CIRCUIT CLERK WITHIN TEN DAYS OF THE DATE OF SERVICE.
3 FAILURE TO RESPOND TO THE CIRCUIT CLERK MAY RESULT IN THE
4 FOLLOWING:

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

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

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

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

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

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

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

28 6. Upon a finding by the court pursuant to a motion for a

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

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

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

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

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

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

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

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

1 denies or interferes with visitation, custody or third-party
2 custody. In addition, the court may utilize any and all powers
3 relating to contempt conferred on it by law or rule of the
4 Missouri supreme court.

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

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

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

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

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

23 (3) The benefits of alternative dispute resolution;

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

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

28 (6) A party's duties and responsibilities pursuant to

1 section 452.377, including the possible consequences of not
2 complying with section 452.377.

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

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] In a dissolution or legal
15 separation action filed pursuant to section 452.310, or any
16 proceeding in modification thereof, where minor children are
17 involved, petitioner's counsel shall provide the petitioner with
18 a copy of the handbook developed pursuant to subsection 1 of this
19 section at the time the petition is filed and [direct that]
20 provide a copy of the handbook to be served along with the
21 petition and summons upon the respondent. If the petitioner is
22 unrepresented by counsel at the time the petition is filed, the
23 court shall provide the petitioner with a copy of the handbook
24 and direct that a copy of the handbook be served along with the
25 petition and summons upon the respondent.

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