

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 964

98TH GENERAL ASSEMBLY

Reported from the Committee on Seniors, Families and Children, February 25, 2016, with recommendation that the Senate Committee Substitute do pass.

6001S.03C

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal sections 452.310, 452.375, 452.400, 452.410, 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:

Section A. Sections 452.310, 452.375, 452.400, 452.410, and 452.556, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 452.310, 452.375, 452.400, 452.410, and 452.556, to read as follows:

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

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

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

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

(3) The date on which the parties separated;

(4) The name, age, and address of each child, and the parent with whom each child has primarily resided for the sixty days immediately preceding the

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

17 filing of the petition for dissolution of marriage or legal separation;

18 (5) Whether the wife is pregnant;

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

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

23 (8) The relief sought.

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

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

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

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

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

44 (3) The relief sought.

45 6. Previously existing defenses to divorce and legal separation, including
46 but not limited to condonation, connivance, collusion, recrimination, insanity, and
47 lapse of time, are abolished.

48 7. The full Social Security number of each party and each child and the
49 date of birth of each child shall be provided in the manner required under section
50 509.520.

51 8. The petitioner and respondent shall submit a proposed parenting plan
52 **on the parenting plan form developed under section 452.556**, either

53 individually or jointly, within thirty days after service of process or the filing of
54 the entry of appearance, whichever event first occurs of a motion to modify or a
55 petition involving custody or visitation issues. The proposed parenting plan shall
56 set forth the arrangements that the party believes to be in the best interest of the
57 minor children and shall include but not be limited to:

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

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

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

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

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

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

67 (f) A plan for sharing transportation duties associated with the residential
68 schedule;

69 (g) Appropriate times for telephone access;

70 (h) Suggested procedures for notifying the other party when a party
71 requests a temporary variation from the residential schedule;

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

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

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

79 (b) Medical, dental and health care decisions including how health care
80 providers will be selected and a method of communicating medical conditions of
81 the child and how emergency care will be handled;

82 (c) Extracurricular activities, including a method for determining which
83 activities the child will participate in when those activities involve time during
84 which each party is the custodian;

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

86 (e) Communication procedures including access to telephone numbers as
87 appropriate;

88 (f) A dispute resolution procedure for those matters on which the parties

89 disagree or in interpreting the parenting plan;

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

92 (3) How the expenses of the child, including child care, educational and
93 extraordinary expenses as defined in the child support guidelines established by
94 the supreme court, will be paid including:

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

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

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

100 (d) The payment of extraordinary expenses of the child, if any;

101 (e) Child care expenses, if any;

102 (f) Transportation expenses, if any.

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

111 10. [Within one hundred twenty days after August 28, 1998,] The
112 Missouri supreme court shall have [in effect guidelines for] a parenting plan form
113 which [may] **shall** be used by the parties pursuant to this section in any
114 dissolution of marriage, legal separation or modification proceeding involving
115 issues of custody and visitation relating to the child.

116 11. The filing of a parenting plan for any child over the age of eighteen
117 for whom custody, visitation, or support is being established or modified by a
118 court of competent jurisdiction is not required. Nothing in this section shall be
119 construed as precluding the filing of a parenting plan upon agreement of the
120 parties or if ordered to do so by the court for any child over the age of eighteen
121 for whom custody, visitation, or support is being established or modified by a
122 court of competent jurisdiction.

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

3 (1) "Custody" means joint legal custody, sole legal custody, joint physical
4 custody or sole physical custody or any combination thereof;

5 (2) "Joint legal custody" means that the parents share the
6 decision-making rights, responsibilities, and authority relating to the health,
7 education and welfare of the child, and, unless allocated, apportioned, or decreed,
8 the parents shall confer with one another in the exercise of decision-making
9 rights, responsibilities, and authority;

10 (3) "Joint physical custody" means an order awarding each of the parents
11 [significant, but not necessarily equal,] **approximate and reasonably equal**
12 periods of time during which a child resides with or is under the care and
13 supervision of each of the parents. Joint physical custody shall be shared by the
14 parents in such a way as to assure the child of **substantial**, frequent, continuing,
15 and meaningful contact with both parents;

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

18 2. The court shall determine custody in accordance with the best interests
19 of the child. The court shall consider all relevant factors including:

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

22 (2) The needs of the child for a **substantial**, frequent, continuing, and
23 meaningful relationship with both parents and the ability and willingness of
24 parents to actively perform their functions as mother and father for the needs of
25 the child;

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

29 (4) Which parent is more likely to allow the child **substantial**, frequent,
30 continuing, and meaningful contact with the other parent;

31 (5) **Which parenting plan, if a parenting plan is submitted,**
32 **equalizes to the highest degree possible the amount of time the child**
33 **may spend with each parent who is fit and willing. There shall be a**
34 **rebuttable presumption that such parenting plan is in the best interests**
35 **of the child;**

36 (6) The child's adjustment to the child's home, school, and community;

37 [(6)] (7) The mental and physical health of all individuals involved,
38 including any history of abuse of any individuals involved. If the court finds that

39 a pattern of domestic violence as defined in section 455.010 has occurred, and, if
40 the court also finds that awarding custody to the abusive parent is in the best
41 interest of the child, then the court shall enter written findings of fact and
42 conclusions of law. Custody and visitation rights shall be ordered in a manner
43 that best protects the child and any other child or children for whom the parent
44 has custodial or visitation rights, and the parent or other family or household
45 member who is the victim of domestic violence from any further harm;

46 [(7)] (8) The intention of either parent to relocate the principal residence
47 of the child; and

48 [(8)] (9) The wishes of a child as to the child's custodian. The fact that
49 a parent sends his or her child or children to a home school, as defined in section
50 167.031, shall not be the sole factor that a court considers in determining custody
51 of such child or children.

52 3. (1) In any court proceedings relating to custody of a child, the court
53 shall not award custody or unsupervised visitation of a child to a parent if such
54 parent or any person residing with such parent has been found guilty of, or pled
55 guilty to, any of the following offenses when a child was the victim:

56 (a) A felony violation of section 566.030, 566.032, 566.040, 566.060,
57 566.062, 566.064, 566.067, 566.068, 566.070, 566.083, 566.090, 566.100, 566.111,
58 566.151, 566.203, 566.206, 566.209, 566.212, or 566.215;

59 (b) A violation of section 568.020;

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

61 (d) A violation of section 568.065;

62 (e) A violation of section 568.080;

63 (f) A violation of section 568.090; or

64 (g) A violation of section 568.175.

65 (2) For all other violations of offenses in chapters 566 and 568 not
66 specifically listed in subdivision (1) of this subsection or for a violation of an
67 offense committed in another state when a child is the victim that would be a
68 violation of chapter 566 or 568 if committed in Missouri, the court may exercise
69 its discretion in awarding custody or visitation of a child to a parent if such
70 parent or any person residing with such parent has been found guilty of, or pled
71 guilty to, any such offense.

72 4. The general assembly finds and declares that it is the public policy of
73 this state that **substantial**, frequent, continuing, and meaningful contact with
74 both parents after the parents have separated or dissolved their marriage is in

75 the best interest of the child, except for cases where the court specifically finds
76 that such contact is not in the best interest of the child, and that it is the public
77 policy of this state to encourage parents to participate in decisions affecting the
78 health, education and welfare of their children, and to resolve disputes involving
79 their children amicably through alternative dispute resolution. In order to
80 effectuate these policies, the court shall determine the custody arrangement
81 which will best assure both parents participate in such decisions and have
82 **substantial**, frequent, continuing, and meaningful contact with their children so
83 long as it is in the best interests of the child.

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

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

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

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

94 (4) Sole custody to either parent; or

95 (5) Third-party custody or visitation:

96 (a) When the court finds that each parent is unfit, unsuitable, or unable
97 to be a custodian, or the welfare of the child requires, and it is in the best
98 interests of the child, then custody, temporary custody or visitation may be
99 awarded to any other person or persons deemed by the court to be suitable and
100 able to provide an adequate and stable environment for the child. Before the
101 court awards custody, temporary custody or visitation to a third person under this
102 subdivision, the court shall make that person a party to the action;

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

106 6. If the parties have not agreed to a custodial arrangement, or the court
107 determines such arrangement is not in the best interest of the child, the court
108 shall include a written finding in the judgment or order based on the public policy
109 in subsection 4 of this section and each of the factors listed in subdivisions (1) to
110 [(8)] (9) of subsection 2 of this section detailing the specific relevant factors that

111 made a particular arrangement in the best interest of the child. If a proposed
112 custodial arrangement is rejected by the court, the court shall include a written
113 finding in the judgment or order detailing the specific relevant factors resulting
114 in the rejection of such arrangement.

115 **7. If one or both of the parties requests joint legal custody, joint**
116 **physical custody, or some combination thereof and the court**
117 **determines such arrangement is not in the best interests of the child,**
118 **the court shall include a written finding in the judgment or order based**
119 **on the public policy in subsection 4 of this section and each of the**
120 **factors listed in subdivisions (1) to (9) of subsection 2 of this section**
121 **detailing the specific relevant factors that made a particular**
122 **arrangement in the best interests of the child.**

123 **8.** Upon a finding by the court that either parent has refused to exchange
124 information with the other parent, which shall include but not be limited to
125 information concerning the health, education and welfare of the child, the court
126 shall order the parent to comply immediately and to pay the prevailing party a
127 sum equal to the prevailing party's cost associated with obtaining the requested
128 information, which shall include but not be limited to reasonable attorney's fees
129 and court costs.

130 **[8.] 9.** As between the parents of a child, no preference **[may] shall** be
131 given to either parent in the awarding of custody because of that parent's age,
132 sex, or financial status, nor because of the age or sex of the child. **The court**
133 **shall not presume that a parent, solely because of his or her sex, is**
134 **more qualified than the other parent to act as a joint or sole legal or**
135 **physical custodian for the child.**

136 **[9.] 10.** Any judgment providing for custody shall include a specific
137 written parenting plan setting forth the terms of such parenting plan
138 arrangements specified in subsection **[7] 8** of section 452.310. Such plan may be
139 a parenting plan submitted by the parties pursuant to section 452.310 or, in the
140 absence thereof, a plan determined by the court, but in all cases, the custody plan
141 approved and ordered by the court shall be in the court's discretion and shall be
142 in the best interest of the child.

143 **[10.] 11.** Unless a parent has been denied custody rights pursuant to this
144 section or visitation rights under section 452.400, both parents shall have access
145 to records and information pertaining to a minor child, including, but not limited
146 to, medical, dental, and school records. If the parent without custody has been

147 granted restricted or supervised visitation because the court has found that the
148 parent with custody or any child has been the victim of domestic violence, as
149 defined in section 455.010, by the parent without custody, the court may order
150 that the reports and records made available pursuant to this subsection not
151 include the address of the parent with custody or the child. Unless a parent has
152 been denied custody rights pursuant to this section or visitation rights under
153 section 452.400, any judgment of dissolution or other applicable court order shall
154 specifically allow both parents access to such records and reports.

155 [11.] 12. Except as otherwise precluded by state or federal law, if any
156 individual, professional, public or private institution or organization denies access
157 or fails to provide or disclose any and all records and information, including, but
158 not limited to, past and present dental, medical and school records pertaining to
159 a minor child, to either parent upon the written request of such parent, the court
160 shall, upon its finding that the individual, professional, public or private
161 institution or organization denied such request without good cause, order that
162 party to comply immediately with such request and to pay to the prevailing party
163 all costs incurred, including, but not limited to, attorney's fees and court costs
164 associated with obtaining the requested information.

165 [12.] 13. An award of joint custody does not preclude an award of child
166 support pursuant to section 452.340 and applicable supreme court rules. The
167 court shall consider the factors contained in section 452.340 and applicable
168 supreme court rules in determining an amount reasonable or necessary for the
169 support of the child.

170 [13.] 14. If the court finds that domestic violence or abuse, as defined in
171 section 455.010 has occurred, the court shall make specific findings of fact to
172 show that the custody or visitation arrangement ordered by the court best
173 protects the child and the parent or other family or household member who is the
174 victim of domestic violence, as defined in section 455.010, and any other children
175 for whom such parent has custodial or visitation rights from any further harm.

452.400. 1. (1) A parent not granted custody of the child is entitled to
2 reasonable visitation rights unless the court finds, after a hearing, that visitation
3 would endanger the child's physical health or impair his or her emotional
4 development. The court shall enter an order specifically detailing the visitation
5 rights of the parent without physical custody rights to the child and any other
6 children for whom such parent has custodial or visitation rights. In determining
7 the granting of visitation rights, the court shall consider evidence of domestic

8 violence. If the court finds that domestic violence has occurred, the court may
9 find that granting visitation to the abusive party is in the best interests of the
10 child.

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

15 a. A felony violation of section 566.030, 566.032, 566.040, 566.060,
16 566.062, 566.064, 566.067, 566.068, 566.070, 566.083, 566.090, 566.100, 566.111,
17 566.151, 566.203, 566.206, 566.209, 566.212, or 566.215;

18 b. A violation of section 568.020;

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

20 d. A violation of section 568.065;

21 e. A violation of section 568.080;

22 f. A violation of section 568.090; or

23 g. A violation of section 568.175.

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

31 (3) The court shall consider the parent's history of inflicting, or tendency
32 to inflict, physical harm, bodily injury, assault, or the fear of physical harm,
33 bodily injury, or assault on other persons and shall grant visitation in a manner
34 that best protects the child and the parent or other family or household member
35 who is the victim of domestic violence, and any other children for whom the
36 parent has custodial or visitation rights from any further harm.

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

42 2. (1) The court may modify an order granting or denying visitation rights
43 whenever modification would serve the best interests of the child, but the court

44 shall not restrict a parent's visitation rights unless it finds that the visitation
45 would endanger the child's physical health or impair his or her emotional
46 development.

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

51 a. A felony violation of section 566.030, 566.032, 566.040, 566.060,
52 566.062, 566.064, 566.067, 566.068, 566.070, 566.083, 566.090, 566.100, 566.111,
53 566.151, 566.203, 566.206, 566.209, 566.212, or 566.215;

54 b. A violation of section 568.020;

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

56 d. A violation of section 568.065;

57 e. A violation of section 568.080;

58 f. A violation of section 568.090; or

59 g. A violation of section 568.175.

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

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

73 3. The court shall mandate compliance with its order by all parties to the
74 action, including parents, children and third parties. In the event of
75 noncompliance, the aggrieved person may file a verified motion for contempt. If
76 custody, visitation or third-party custody is denied or interfered with by a parent
77 or third party without good cause, the aggrieved person may file a family access
78 motion with the court stating the specific facts which constitute a violation of the
79 judgment of dissolution, legal separation or judgment of paternity. The state

80 courts administrator shall develop a simple form for pro se motions to the
81 aggrieved person, which shall be provided to the person by the circuit
82 clerk. Clerks, under the supervision of a circuit clerk, shall explain to aggrieved
83 parties the procedures for filing the form. Notice of the fact that clerks will
84 provide such assistance shall be conspicuously posted in the clerk's offices. The
85 location of the office where the family access motion may be filed shall be
86 conspicuously posted in the court building. The performance of duties described
87 in this section shall not constitute the practice of law as defined in section
88 484.010. Such form for pro se motions shall not require the assistance of legal
89 counsel to prepare and file. The cost of filing the motion shall be the standard
90 court costs otherwise due for instituting a civil action in the circuit court.

91 4. Within five court days after the filing of the family access motion
92 pursuant to subsection 3 of this section, the clerk of the court shall issue a
93 summons pursuant to applicable state law, and applicable local or supreme court
94 rules. A copy of the motion shall be personally served upon the respondent by
95 personal process server as provided by law or by any sheriff. Such service shall
96 be served at the earliest time and shall take priority over service in other civil
97 actions, except those of an emergency nature or those filed pursuant to chapter
98 455. The motion shall contain the following statement in boldface type:
99 "PURSUANT TO SECTION 452.400, RSMO, YOU ARE REQUIRED TO
100 RESPOND TO THE CIRCUIT CLERK WITHIN TEN DAYS OF THE DATE OF
101 SERVICE. FAILURE TO RESPOND TO THE CIRCUIT CLERK MAY RESULT
102 IN THE FOLLOWING:

- 103 (1) AN ORDER FOR A COMPENSATORY PERIOD OF CUSTODY,
104 VISITATION OR THIRD-PARTY CUSTODY AT A TIME CONVENIENT
105 FOR THE AGGRIEVED PARTY NOT LESS THAN THE PERIOD OF
106 TIME DENIED;
- 107 (2) PARTICIPATION BY THE VIOLATOR IN COUNSELING TO
108 EDUCATE THE VIOLATOR ABOUT THE IMPORTANCE OF
109 PROVIDING THE CHILD WITH A CONTINUING AND MEANINGFUL
110 RELATIONSHIP WITH BOTH PARENTS;
- 111 (3) ASSESSMENT OF A FINE OF UP TO FIVE HUNDRED DOLLARS
112 AGAINST THE VIOLATOR;
- 113 (4) REQUIRING THE VIOLATOR TO POST BOND OR SECURITY TO
114 ENSURE FUTURE COMPLIANCE WITH THE COURT'S ORDERS;
- 115 (5) ORDERING THE VIOLATOR TO PAY THE COST OF COUNSELING

116 TO REESTABLISH THE PARENT-CHILD RELATIONSHIP BETWEEN
117 THE AGGRIEVED PARTY AND THE CHILD; AND
118 (6) A JUDGMENT IN AN AMOUNT NOT LESS THAN THE
119 REASONABLE EXPENSES, INCLUDING ATTORNEY'S FEES AND
120 COURT COSTS ACTUALLY INCURRED BY THE AGGRIEVED PARTY
121 AS A RESULT OF THE DENIAL OF CUSTODY, VISITATION OR
122 THIRD-PARTY CUSTODY."

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

127 6. Upon a finding by the court pursuant to a motion for a family access
128 order or a motion for contempt that its order for custody, visitation or third-party
129 custody has not been complied with, without good cause, the court shall order a
130 remedy, which may include, but not be limited to:

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

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

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

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

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

142 **7. If the court finds that a parent has violated an order for**
143 **custody, visitation, or third-party custody without good cause for a**
144 **second or subsequent time, the court may deem such behavior as a**
145 **material change of circumstances and may order a modification to the**
146 **custody order to award sole custody of the child to the aggrieved party.**

147 8. The reasonable expenses incurred as a result of denial or interference
148 with custody or visitation, including attorney's fees and costs of a proceeding to
149 enforce visitation rights, custody or third-party custody, shall be assessed, if
150 requested and for good cause, against the parent or party who unreasonably
151 denies or interferes with visitation, custody or third-party custody. In addition,

152 the court may utilize any and all powers relating to contempt conferred on it by
153 law or rule of the Missouri supreme court.

154 [8.] **9.** Final disposition of a motion for a family access order filed
155 pursuant to this section shall take place not more than sixty days after the
156 service of such motion, unless waived by the parties or determined to be in the
157 best interest of the child. Final disposition shall not include appellate review.

158 [9.] **10.** Motions filed pursuant to this section shall not be deemed an
159 independent civil action from the original action pursuant to which the judgment
160 or order sought to be enforced was entered.

452.410. 1. Except as provided in subsection 2 of this section, the court
2 shall not modify a prior custody decree unless it has jurisdiction under the
3 provisions of section 452.450 and it finds, upon the basis of facts that have arisen
4 since the prior decree or that were unknown to the court at the time of the prior
5 decree, that a change has occurred in the circumstances of the child or his
6 custodian and that the modification is necessary to serve the best interests of the
7 child. Notwithstanding any other provision of this section or sections 452.375 and
8 452.400, any custody order entered by any court in this state or any other state
9 prior to August 13, 1984, may, subject to jurisdictional requirements, be modified
10 to allow for joint custody in accordance with section 452.375, without any further
11 showing.

12 2. If either parent files a motion to modify an award of joint legal custody
13 or joint physical custody, each party shall be entitled to a change of judge as
14 provided by supreme court rule.

15 **3. Upon the motion of a parent to modify a prior custody order**
16 **and for good cause shown, the court shall hold an expedited hearing on**
17 **the modification.**

452.556. 1. The state courts administrator shall create a handbook or be
2 responsible for the approval of a handbook [outlining] **containing** the following:

3 (1) [What is included in] A parenting plan **form that permits parents**
4 **to create a plan that equalizes to the highest degree the amount of time**
5 **the child may spend with each parent;**

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

8 (3) The benefits of alternative dispute resolution;

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

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

13 (6) A party's duties and responsibilities pursuant to section 452.377,
14 including the possible consequences of not complying with section 452.377.

15 The handbooks shall be distributed to each court and shall be available in an
16 alternative format, including Braille, large print, or electronic or audio format
17 upon request by a person with a disability, as defined by the federal Americans
18 with Disabilities Act. **The parenting plan form shall be made readily
19 available and easily accessible online and upon request by interested
20 persons.**

21 2. Each court shall provide a copy of the handbook developed pursuant to
22 subsection 1 of this section to each party in a dissolution or legal separation
23 action filed pursuant to section 452.310, or any proceeding in modification
24 thereof, where minor children are involved, or may provide the petitioner with a
25 copy of the handbook at the time the petition is filed and direct that a copy of the
26 handbook be served along with the petition and summons upon the respondent.

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

Unofficial
Bill
Copy