

SECOND REGULAR SESSION

# SENATE BILL NO. 851

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WALLINGFORD.

Read 1st time January 3, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5443S.01I

## AN ACT

To repeal section 211.093, RSMo, and to enact in lieu thereof one new section relating to juvenile court orders.

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

Section A. Section 211.093, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 211.093, to read as follows:

211.093. 1. Any order or judgment entered by the court under authority  
2 of this chapter or chapter 210 shall, so long as [such order or judgment remains  
3 in effect] **the juvenile court exercises continuing jurisdiction**, take  
4 precedence over any order or judgment concerning the status or custody of a child  
5 under [age] twenty-one **years of age** entered by a court under authority of  
6 [chapter] **chapters 452, 453, 454, or 455, or orders of guardianship under**  
7 **chapter 475**, but only to the extent inconsistent therewith.

8       **2. In addition to all other powers conveyed upon the court by**  
9 **this chapter and chapter 210, any court exercising jurisdiction over a**  
10 **child under subdivision (1) of subsection 1 of section 211.031 shall have**  
11 **authority to enter an order regarding custody of the child under**  
12 **chapter 452, enter a child support order, and establish rights of**  
13 **visitation for the parents of the child. In every case in which the**  
14 **juvenile or family court exercises authority over a child under**  
15 **subdivision (1) or (2) of subsection 1 of section 211.031, the court shall**  
16 **have concurrent authority and jurisdiction with the circuit court to**  
17 **enter a final order and judgment establishing the paternity of the**  
18 **child's biological father under the uniform parentage act under**  
19 **sections 210.817 to 210.852.**

20       **3. Any custody, support, or visitation order entered by the court**  
21 **under subsection 2 of this section shall remain in full force and effect**  
22 **after the termination of juvenile court proceedings unless the court's**

23 order specifically states otherwise. Any such custody, child support, or  
24 visitation order shall take precedence over and shall automatically stay  
25 any prior orders concerning custody, child support, guardianship, or  
26 visitation. Such orders shall remain in full force and effect until a  
27 subsequent order with respect to custody, child support, guardianship,  
28 or visitation of the child is entered by a court under authority of  
29 chapters 210, 211, 452, 453, 454, or 455, or orders of guardianship under  
30 chapter 475. Any final judgment and order establishing paternity  
31 under this section shall be a final and binding judgment of the circuit  
32 court as in other civil judgments entered under sections 210.817 to  
33 210.852, and the court may enter the final paternity judgment and order  
34 under a different, nonjuvenile case number.

35 4. If the juvenile court terminates jurisdiction without entering  
36 a continuing custody, support, or visitation order under subsections 2  
37 and 3 of this section, then legal and physical custody of the child shall  
38 be returned to a parent, custodian, or legal guardian who exercised  
39 custody prior to the juvenile court assuming jurisdiction under  
40 subdivision (1) of subsection 1 of section 211.031, and any custody or  
41 visitation orders in effect at the time the juvenile court assumed  
42 jurisdiction shall be restored.

43 5. The juvenile court shall not have the authority to hear  
44 modification motions or other actions to rehear any order entered  
45 under this section after the juvenile court terminates jurisdiction on  
46 the underlying case. Any future actions shall be conducted under  
47 sections 210.817 to 210.852, and chapters 211, 452, 453, 454, 455, or 475,  
48 as appropriate.

49 6. Any child support order entered under this section shall be  
50 established and enforced under the procedures set forth in chapter  
51 454. On entry of a child support order, the circuit clerk shall send a  
52 certified copy to the family support division for enforcement in the  
53 manner provided by law.

54 7. In all cases filed under subdivisions (1) and (2) of subsection  
55 1 of section 211.031, the children's division shall make all reasonable  
56 efforts, as such term is defined in section 211.183, to establish paternity  
57 within sixty days of the juvenile court assuming jurisdiction over the  
child.

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