

SECOND REGULAR SESSION

# SENATE BILL NO. 1507

## 103RD GENERAL ASSEMBLY

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INTRODUCED BY SENATOR MOSLEY.

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KRISTINA MARTIN, Secretary

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### AN ACT

To repeal sections 452.340, 452.375, 452.377, 452.780, 453.110, and 475.060, RSMo, and to enact in lieu thereof six new sections relating to child custody, with penalty provisions.

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

Section A. Sections 452.340, 452.375, 452.377, 452.780, 2 453.110, and 475.060, RSMo, are repealed and six new sections 3 enacted in lieu thereof, to be known as sections 452.340, 4 452.375, 452.377, 452.780, 453.110, and 475.060, to read as 5 follows:

452.340. 1. In a proceeding for dissolution of  
2 marriage, legal separation or child support, the court may  
3 order either or both parents owing a duty of support to a  
4 child of the marriage to pay an amount reasonable or  
5 necessary for the support of the child, including an award  
6 retroactive to the date of filing the petition, without  
7 regard to marital misconduct, after considering all relevant  
8 factors including:

- 9 (1) The financial needs and resources of the child;
- 10 (2) The financial resources and needs of the parents;
- 11 (3) The standard of living the child would have  
12 enjoyed had the marriage not been dissolved;
- 13 (4) The physical and emotional condition of the child,  
14 and the child's educational needs;

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

15 (5) The child's physical and legal custody  
16 arrangements, including the amount of time the child spends  
17 with each parent and the reasonable expenses associated with  
18 the custody or visitation arrangements; and

(6) The reasonable work-related child care expenses of each parent.

21           2. The obligation of the parent ordered to make  
22 support payments shall abate, in whole or in part, for such  
23 periods of time in excess of thirty consecutive days that  
24 the other parent **or third party custodian** has voluntarily  
25 relinquished physical custody of a child to the parent  
26 ordered to pay child support, notwithstanding any periods of  
27 visitation or temporary physical and legal or physical or  
28 legal custody pursuant to a judgment of dissolution or legal  
29 separation or any modification thereof, **or has permanently**  
30 **transferred custody of the child to a third party in**  
31 **violation of section 453.110.** In a IV-D case, the family  
32 support division may determine the amount of the abatement  
33 pursuant to this subsection for any child support order and  
34 shall record the amount of abatement in the automated child  
35 support system record established pursuant to chapter 454.  
36 If the case is not a IV-D case and upon court order, the  
37 circuit clerk shall record the amount of abatement in the  
38 automated child support system record established in chapter  
39 454.

40           3. Unless the circumstances of the child manifestly  
41 dictate otherwise and the court specifically so provides,  
42 the obligation of a parent to make child support payments  
43 shall terminate when the child:

44 (1) Dies;

45 (2) Marries;

46 (3) Enters active duty in the military;

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

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

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

56           4. If the child is physically or mentally  
57 incapacitated from supporting himself and insolvent and  
58 unmarried, the court may extend the parental support  
59 obligation past the child's eighteenth birthday.

5. If when a child reaches age eighteen, the child is enrolled in and attending a secondary school program of instruction, the parental support obligation shall continue, if the child continues to attend and progresses toward completion of said program, until the child completes such program or reaches age twenty-one, whichever first occurs. If the child is enrolled in an institution of vocational or higher education not later than October first following graduation from a secondary school or completion of a graduation equivalence degree program and so long as the child enrolls for and completes at least twelve hours of credit each semester, not including the summer semester, at an institution of vocational or higher education and achieves grades sufficient to reenroll at such institution, the parental support obligation shall continue until the child completes his or her education, or until the child reaches the age of twenty-one, whichever first occurs. To remain eligible for such continued parental support, at the beginning of each semester the child shall submit to each

79 parent a transcript or similar official document provided by  
80 the institution of vocational or higher education which  
81 includes the courses the child is enrolled in and has  
82 completed for each term, the grades and credits received for  
83 each such course, and an official document from the  
84 institution listing the courses which the child is enrolled  
85 in for the upcoming term and the number of credits for each  
86 such course. When enrolled in at least twelve credit hours,  
87 if the child receives failing grades in half or more of his  
88 or her courseload in any one semester, payment of child  
89 support may be terminated and shall not be eligible for  
90 reinstatement. Upon request for notification of the child's  
91 grades by the noncustodial parent, the child shall produce  
92 the required documents to the noncustodial parent within  
93 thirty days of receipt of grades from the education  
94 institution. If the child fails to produce the required  
95 documents, payment of child support may terminate without  
96 the accrual of any child support arrearage and shall not be  
97 eligible for reinstatement. If the circumstances of the  
98 child manifestly dictate, the court may waive the October  
99 first deadline for enrollment required by this subsection.  
100 If the child is enrolled in such an institution, the child  
101 or parent obligated to pay support may petition the court to  
102 amend the order to direct the obligated parent to make the  
103 payments directly to the child. As used in this section, an  
104 "institution of vocational education" means any  
105 postsecondary training or schooling for which the student is  
106 assessed a fee and attends classes regularly. "Higher  
107 education" means any community college, college, or  
108 university at which the child attends classes regularly. A  
109 child who has been diagnosed with a developmental  
110 disability, as defined in section 630.005, or whose physical

111 disability or diagnosed health problem limits the child's  
112 ability to carry the number of credit hours prescribed in  
113 this subsection, shall remain eligible for child support so  
114 long as such child is enrolled in and attending an  
115 institution of vocational or higher education, and the child  
116 continues to meet the other requirements of this  
117 subsection. A child who is employed at least fifteen hours  
118 per week during the semester may take as few as nine credit  
119 hours per semester and remain eligible for child support so  
120 long as all other requirements of this subsection are  
121 complied with.

122 6. The court shall consider ordering a parent to waive  
123 the right to claim the tax dependency exemption for a child  
124 enrolled in an institution of vocational or higher education  
125 in favor of the other parent if the application of state and  
126 federal tax laws and eligibility for financial aid will make  
127 an award of the exemption to the other parent appropriate.

128 7. The general assembly finds and declares that it is  
129 the public policy of this state that frequent, continuing  
130 and meaningful contact with both parents after the parents  
131 have separated or dissolved their marriage is in the best  
132 interest of the child except for cases where the court  
133 specifically finds that such contact is not in the best  
134 interest of the child. In order to effectuate this public  
135 policy, a court with jurisdiction shall enforce visitation,  
136 custody and child support orders in the same manner. A  
137 court with jurisdiction may abate, in whole or in part, any  
138 past or future obligation of support and may transfer the  
139 physical and legal or physical or legal custody of one or  
140 more children if it finds that a parent has, without good  
141 cause, failed to provide visitation or physical and legal or  
142 physical or legal custody to the other parent pursuant to

143 the terms of a judgment of dissolution, legal separation or  
144 modifications thereof. The court shall also award, if  
145 requested and for good cause shown, reasonable expenses,  
146 attorney's fees and court costs incurred by the prevailing  
147 party.

148 8. The Missouri supreme court shall have in effect a  
149 rule establishing guidelines by which any award of child  
150 support shall be made in any judicial or administrative  
151 proceeding. Said guidelines shall contain specific,  
152 descriptive and numeric criteria which will result in a  
153 computation of the support obligation. The guidelines shall  
154 address how the amount of child support shall be calculated  
155 when an award of joint physical custody results in the child  
156 or children spending equal or substantially equal time with  
157 both parents and the directions and comments and any tabular  
158 representations of the directions and comments for  
159 completion of the child support guidelines and a subsequent  
160 form developed to reflect the guidelines shall reflect the  
161 ability to obtain up to a fifty percent adjustment or credit  
162 below the basic child support amount for joint physical  
163 custody or visitation as described in subsection 11 of this  
164 section. The Missouri supreme court shall publish child  
165 support guidelines and specifically list and explain the  
166 relevant factors and assumptions that were used to calculate  
167 the child support guidelines. Any rule made pursuant to  
168 this subsection shall be reviewed by the promulgating body  
169 not less than once every four years to ensure that its  
170 application results in the determination of appropriate  
171 child support award amounts.

172 9. There shall be a rebuttable presumption, in any  
173 judicial or administrative proceeding for the award of child  
174 support, that the amount of the award which would result

175 from the application of the guidelines established pursuant  
176 to subsection 8 of this section is the correct amount of  
177 child support to be awarded. A written finding or specific  
178 finding on the record in a judicial or administrative  
179 proceeding that the application of the guidelines would be  
180 unjust or inappropriate in a particular case, after  
181 considering all relevant factors, including the factors set  
182 out in subsection 1 of this section, shall be required and  
183 shall be sufficient to rebut the presumption in the case.  
184 The written finding or specific finding on the record shall  
185 detail the specific relevant factors that required a  
186 deviation from the application of the guidelines.

187 10. Pursuant to this or any other chapter, when a  
188 court determines the amount owed by a parent for support  
189 provided to a child by another person, other than a parent,  
190 prior to the date of filing of a petition requesting  
191 support, or when the director of the family support division  
192 establishes the amount of state debt due pursuant to  
193 subdivision (2) of subsection 1 of section 454.465, the  
194 court or director shall use the guidelines established  
195 pursuant to subsection 8 of this section. The amount of  
196 child support resulting from the application of the  
197 guidelines shall be applied retroactively for a period prior  
198 to the establishment of a support order and the length of  
199 the period of retroactivity shall be left to the discretion  
200 of the court or director. There shall be a rebuttable  
201 presumption that the amount resulting from application of  
202 the guidelines under subsection 8 of this section  
203 constitutes the amount owed by the parent for the period  
204 prior to the date of the filing of the petition for support  
205 or the period for which state debt is being established. In  
206 applying the guidelines to determine a retroactive support

207 amount, when information as to average monthly income is  
208 available, the court or director may use the average monthly  
209 income of the noncustodial parent, as averaged over the  
210 period of retroactivity, in determining the amount of  
211 presumed child support owed for the period of  
212 retroactivity. The court or director may enter a different  
213 amount in a particular case upon finding, after  
214 consideration of all relevant factors, including the factors  
215 set out in subsection 1 of this section, that there is  
216 sufficient cause to rebut the presumed amount.

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

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

226 (1) Provided that the state case registry or child  
227 support order contains the child's date of birth, the  
228 obligation shall be deemed terminated without further  
229 judicial or administrative process when the child reaches  
230 age twenty-one if the child support order does not  
231 specifically require payment of child support beyond age  
232 twenty-one for reasons provided by subsection 4 of this  
233 section;

234 (2) The obligation shall be deemed terminated without  
235 further judicial or administrative process when the parent  
236 receiving child support furnishes a sworn statement or  
237 affidavit notifying the obligor parent of the child's  
238 emancipation in accordance with the requirements of

239 subsection 4 of section 452.370, and a copy of such sworn  
240 statement or affidavit is filed with the court which entered  
241 the order establishing the child support obligation, or the  
242 family support division for an order entered under section  
243 454.470;

244 (3) The obligation shall be deemed terminated without  
245 further judicial or administrative process when the parent  
246 paying child support files a sworn statement or affidavit  
247 with the court which entered the order establishing the  
248 child support obligation, or the family support division for  
249 an order entered under section 454.470, stating that the  
250 child is emancipated and reciting the factual basis for such  
251 statement; which statement or affidavit is served by the  
252 court or division, as applicable, on the child support  
253 obligee; and which is either acknowledged and affirmed by  
254 the child support obligee in writing, or which is not  
255 responded to in writing within thirty days of receipt by the  
256 child support obligee;

257 (4) The obligation shall be terminated as provided by  
258 this subdivision by the court which entered the order  
259 establishing the child support obligation, or the family  
260 support division for an order entered under section 454.470,  
261 when the parent paying child support files a sworn statement  
262 or affidavit with the court which entered the order  
263 establishing the child support obligation, or the family  
264 support division, as applicable, stating that the child is  
265 emancipated and reciting the factual basis for such  
266 statement; and which statement or affidavit is served by the  
267 court or division, as applicable, on the child support  
268 obligee. If the obligee denies the statement or affidavit,  
269 the court or division shall thereupon treat the sworn  
270 statement or affidavit as a request for hearing and shall

271 proceed to hear and adjudicate such request for hearing as  
272 provided by law; provided that the court may require the  
273 payment of a deposit as security for court costs and any  
274 accrued court costs, as provided by law, in relation to such  
275 request for hearing. When the division receives a request  
276 for hearing, the hearing shall be held in the manner  
277 provided by section 454.475.

278 13. The court may enter a judgment terminating child  
279 support pursuant to subdivisions (1) to (3) of subsection 12  
280 of this section without necessity of a court appearance by  
281 either party. The clerk of the court shall mail a copy of a  
282 judgment terminating child support entered pursuant to  
283 subsection 12 of this section on both the obligor and  
284 obligee parents. The supreme court may promulgate uniform  
285 forms for sworn statements and affidavits to terminate  
286 orders of child support obligations for use pursuant to  
287 subsection 12 of this section and subsection 4 of section  
288 452.370.

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

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

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

12 (3) "Joint physical custody" means an order awarding  
13 each of the parents significant, but not necessarily equal,  
14 periods of time during which a child resides with or is

15 under the care and supervision of each of the parents.  
16 Joint physical custody shall be shared by the parents in  
17 such a way as to assure the child of frequent, continuing  
18 and meaningful contact with both parents;

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

22 2. The court shall determine custody in accordance  
23 with the best interests of the child. There shall be a  
24 rebuttable presumption that an award of equal or  
25 approximately equal parenting time to each parent is in the  
26 best interests of the child. Such presumption is rebuttable  
27 only by a preponderance of the evidence in accordance with  
28 all relevant factors, including, but not limited to, the  
29 factors contained in subdivisions (1) to (8) of this  
30 subsection. The presumption may be rebutted if the court  
31 finds that the parents have reached an agreement on all  
32 issues related to custody, or if the court finds that a  
33 pattern of domestic violence has occurred as set out in  
34 subdivision (6) of this subsection. When the parties have  
35 not reached an agreement on all issues related to custody,  
36 the court shall consider all relevant factors and enter  
37 written findings of fact and conclusions of law, including,  
38 but not limited to, the following:

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

41 (2) The needs of the child for a frequent, continuing  
42 and meaningful relationship with both parents and the  
43 ability and willingness of parents to actively perform their  
44 functions as mother and father for the needs of the child;

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

48 (4) Which parent is more likely to allow the child  
49 frequent, continuing and meaningful contact with the other  
50 parent;

51 (5) The child's adjustment to the child's home,  
52 school, and community. The fact that a parent sends his or  
53 her child or children to a home school or FPE school shall  
54 not be the sole factor that a court considers in determining  
55 custody of such child or children;

73           3. (1) In any court proceedings relating to custody  
74 of a child, the court shall not award custody or  
75 unsupervised visitation of a child to a parent if such  
76 parent or any person residing with such parent has been

77 found guilty of, or pled guilty to, any of the following  
78 offenses when a child was the victim:

79 (a) A felony violation of section 566.030, 566.031,  
80 566.032, 566.060, 566.061, 566.062, 566.064, 566.067,  
81 566.068, 566.083, 566.100, 566.101, 566.111, 566.151,  
82 566.203, 566.206, 566.209, 566.211, or 566.215;

83 (b) A violation of section 568.020;

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

86 (d) A violation of section 568.065;

87 (e) A violation of section 573.200;

88 (f) A violation of section 573.205; or

89 (g) A violation of section 568.175.

90 (2) For all other violations of offenses in chapters  
91 566 and 568 not specifically listed in subdivision (1) of  
92 this subsection or for a violation of an offense committed  
93 in another state when a child is the victim that would be a  
94 violation of chapter 566 or 568 if committed in Missouri,  
95 the court may exercise its discretion in awarding custody or  
96 visitation of a child to a parent if such parent or any  
97 person residing with such parent has been found guilty of,  
98 or pled guilty to, any such offense.

99 4. The general assembly finds and declares that it is  
100 the public policy of this state that frequent, continuing  
101 and meaningful contact with both parents after the parents  
102 have separated or dissolved their marriage is in the best  
103 interest of the child, except for cases where the court  
104 specifically finds that such contact is not in the best  
105 interest of the child, and that it is the public policy of  
106 this state to encourage parents to participate in decisions  
107 affecting the health, education and welfare of their  
108 children, and to resolve disputes involving their children

109 amicably through alternative dispute resolution. In order  
110 to effectuate these policies, the general assembly  
111 encourages the court to enter a temporary parenting plan as  
112 early as practicable in a proceeding under this chapter,  
113 consistent with the provisions of subsection 2 of this  
114 section, and, in so doing, the court shall determine the  
115 custody arrangement which will best assure both parents  
116 participate in such decisions and have frequent, continuing  
117 and meaningful contact with their children so long as it is  
118 in the best interests of the child.

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

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

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

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

134       (4) Sole custody to either parent; or

135       (5) Third-party custody or visitation:

136       (a) When the court finds that each parent is unfit,  
137 unsuitable, or unable to be a custodian, or the welfare of  
138 the child requires, and it is in the best interests of the  
139 child, then custody, temporary custody or visitation may be  
140 awarded to a person related by consanguinity or affinity to

141 the child. If no person related to the child by  
142 consanguinity or affinity is willing to accept custody, then  
143 the court may award custody to any other person or persons  
144 deemed by the court to be suitable and able to provide an  
145 adequate and stable environment for the child. Before the  
146 court awards custody, temporary custody or visitation to a  
147 third person under this subdivision, the court shall [make  
148 that person] **notify the child's relatives, as identified in  
149 subdivisions (1), (2), and (3) of subsection 3 of section  
150 210.565, if their identities are known and their addresses  
151 may reasonably be ascertained, and any persons with whom the  
152 child has resided, within five years, as identified under  
153 section 452.780, prior to the institution of the action for  
154 child custody, that they may intervene and seek third party  
155 custody, temporary custody, or visitation. No person shall  
156 be granted third party custody, temporary custody, or  
157 visitation who has not first been made a party to the action;**

158 (b) Under the provisions of this subsection, any  
159 person may petition the court to intervene as a party in  
160 interest at any time, **and the court shall allow such  
161 intervention as a matter of right**, as provided by supreme  
162 court rule;

163 (c) **As provided under subsection 4 of section 210.565,  
164 priority and preference in the award of third party custody  
165 shall be given to an intervening party in the order of  
166 preference set forth in subsection 3 of section 210.565;**

167 (d) **No order denying third party contact with a child  
168 shall be entered by the court against a third party who has  
169 not been made a party to the action unless the court finds  
170 that such third party may not be found and joined as a party.**

171 6. If the parties have not agreed to a custodial  
172 arrangement, or the court determines such arrangement is not

173 in the best interest of the child, the court shall include a  
174 written finding in the judgment or order based on the public  
175 policy in subsection 4 of this section and each of the  
176 factors listed in subdivisions (1) to (8) of subsection 2 of  
177 this section detailing the specific relevant factors that  
178 made a particular arrangement in the best interest of the  
179 child. If a proposed custodial arrangement is rejected by  
180 the court, the court shall include a written finding in the  
181 judgment or order detailing the specific relevant factors  
182 resulting in the rejection of such arrangement.

183 7. Upon a finding by the court that either parent has  
184 refused to exchange information with the other parent, which  
185 shall include but not be limited to information concerning  
186 the health, education and welfare of the child, the court  
187 shall order the parent to comply immediately and to pay the  
188 prevailing party a sum equal to the prevailing party's cost  
189 associated with obtaining the requested information, which  
190 shall include but not be limited to reasonable attorney's  
191 fees and court costs.

192 8. As between the parents of a child, no preference  
193 may be given to either parent in the awarding of custody  
194 because of that parent's age, sex, or financial status, nor  
195 because of the age or sex of the child. The court shall not  
196 presume that a parent, solely because of his or her sex, is  
197 more qualified than the other parent to act as a joint or  
198 sole legal or physical custodian for the child.

199 9. Any judgment providing for custody shall include a  
200 specific written parenting plan setting forth the terms of  
201 such parenting plan arrangements specified in subsection 8  
202 of section 452.310. Such plan may be a parenting plan  
203 submitted by the parties pursuant to section 452.310 or, in  
204 the absence thereof, a plan determined by the court, but in

205 all cases, the custody plan approved and ordered by the  
206 court shall be in the court's discretion and shall be in the  
207 best interest of the child.

208 10. After August 28, 2016, every court order  
209 establishing or modifying custody or visitation shall  
210 include the following language: "In the event of  
211 noncompliance with this order, the aggrieved party may file  
212 a verified motion for contempt. If custody, visitation, or  
213 third-party custody is denied or interfered with by a parent  
214 or third party without good cause, the aggrieved person may  
215 file a family access motion with the court stating the  
216 specific facts that constitute a violation of the custody  
217 provisions of the judgment of dissolution, legal separation,  
218 or judgment of paternity. The circuit clerk will provide  
219 the aggrieved party with an explanation of the procedures  
220 for filing a family access motion and a simple form for use  
221 in filing the family access motion. A family access motion  
222 does not require the assistance of legal counsel to prepare  
223 and file.".

224 11. No court shall adopt any local rule, form, or  
225 practice requiring a standardized or default parenting plan  
226 for interim, temporary, or permanent orders or judgments.  
227 Notwithstanding any other provision of law to the contrary,  
228 a court may enter an interim order in a proceeding under  
229 this chapter, provided that the interim order shall not  
230 contain any provisions about child custody or a parenting  
231 schedule or plan without first providing the parties with  
232 notice and a hearing, unless the parties otherwise agree.

233 12. Unless a parent has been denied custody rights  
234 pursuant to this section or visitation rights under section  
235 452.400, both parents shall have access to records and  
236 information pertaining to a minor child including, but not

237 limited to, medical, dental, and school records. If the  
238 parent without custody has been granted restricted or  
239 supervised visitation because the court has found that the  
240 parent with custody or any child has been the victim of  
241 domestic violence, as defined in section 455.010, by the  
242 parent without custody, the court may order that the reports  
243 and records made available pursuant to this subsection not  
244 include the address of the parent with custody or the  
245 child. A court shall order that the reports and records  
246 made available under this subsection not include the address  
247 of the parent with custody if the parent with custody is a  
248 participant in the address confidentiality program under  
249 section 589.663. Unless a parent has been denied custody  
250 rights pursuant to this section or visitation rights under  
251 section 452.400, any judgment of dissolution or other  
252 applicable court order shall specifically allow both parents  
253 access to such records and reports.

254 13. Except as otherwise precluded by state or federal  
255 law, if any individual, professional, public or private  
256 institution or organization denies access or fails to  
257 provide or disclose any and all records and information,  
258 including, but not limited to, past and present dental,  
259 medical and school records pertaining to a minor child, to  
260 either parent upon the written request of such parent, the  
261 court shall, upon its finding that the individual,  
262 professional, public or private institution or organization  
263 denied such request without good cause, order that party to  
264 comply immediately with such request and to pay to the  
265 prevailing party all costs incurred, including, but not  
266 limited to, attorney's fees and court costs associated with  
267 obtaining the requested information.

268       14. An award of joint custody does not preclude an  
269 award of child support pursuant to section 452.340 and  
270 applicable supreme court rules. The court shall consider  
271 the factors contained in section 452.340 and applicable  
272 supreme court rules in determining an amount reasonable or  
273 necessary for the support of the child.

274       15. If the court finds that domestic violence or abuse  
275 as defined in section 455.010 has occurred, the court shall  
276 make specific findings of fact to show that the custody or  
277 visitation arrangement ordered by the court best protects  
278 the child and the parent or other family or household member  
279 who is the victim of domestic violence, as defined in  
280 section 455.010, and any other children for whom such parent  
281 has custodial or visitation rights from any further harm.

452.377. 1. For purposes of this section and section  
2 452.375, "relocate" or "relocation" means a change in the  
3 principal residence of a child for a period of ninety days  
4 or more, but does not include a temporary absence from the  
5 principal residence, **and shall include the permanent**  
6 **transfer of custody of a child as provided in section**  
7 **453.110.**

8       2. Notice of a proposed relocation of the residence of  
9 the child, or any party entitled to custody or visitation of  
10 the child, shall be given in writing by certified mail,  
11 return receipt requested, to any party with custody or  
12 visitation rights. Absent exigent circumstances as  
13 determined by a court with jurisdiction, written notice  
14 shall be provided at least sixty days in advance of the  
15 proposed relocation. **A copy of the notice and a certificate**  
16 **of service shall be filed with the court.** The notice of the  
17 proposed relocation shall include the following information:

21 (2) The home telephone number of the new residence, if  
22 known;

23 (3) The date of the intended move or proposed  
24 relocation;

25 (4) A brief statement of the specific reasons for the  
26 proposed relocation of a child, if applicable;

27 (5) A proposal for a revised schedule of custody or  
28 visitation with the child, if applicable; and

35           3. (1) In cases involving a proposed permanent  
36 transfer of custody of a child to a third party under  
37 section 453.110, the legal custodian shall give notice of  
38 the proposed change in residence or location of the child to  
39 any noncustodial parent whose last known address is on  
40 record with the court. Such notice shall be in writing and  
41 shall be provided at least sixty days in advance of the  
42 proposed transfer, absent exigent circumstances as  
43 determined by the court. The notice shall not include the  
44 actual address to which the child will be relocated, but  
45 shall include information on the noncustodial parent's  
46 right, under section 453.110, to intervene and seek custody  
47 of the child. A copy of the notice and certificate of  
48 service shall be filed with the court. A noncustodial  
49 parent shall provide written notice of a change in his or

50 her address to the custodial parent and shall file such  
51 notice with the court, along with a certificate of service.

52 (2) After August 28, 2026, every court order  
53 establishing or modifying custody shall include the  
54 addresses of the legal custodians and noncustodial parents  
55 for notification purposes and shall advise the noncustodial  
56 parent to file a notice of address change as described in  
57 this subsection. If a party is a participant in the address  
58 confidentiality program under section 589.663, such party  
59 shall not be required to provide his or her actual address  
60 to the other parties, but shall submit such information  
61 under seal to the court for in camera review. Prior to  
62 disclosure of this information, a court shall comply with  
63 the provisions of section 589.664.

64 4. If a party seeking to relocate a child is a  
65 participant in the address confidentiality program under  
66 section 589.663, such party shall not be required to provide  
67 the information in subdivision (1) of subsection 2 of this  
68 section, but may be required to submit such information  
69 under seal to the court for in camera review. Prior to  
70 disclosure of this information, a court shall comply with  
71 the provisions of section 589.664.

72 [4.] 5. A party required to give notice of a proposed  
73 relocation pursuant to subsection 2 of this section has a  
74 continuing duty to provide a change in or addition to the  
75 information required by this section as soon as such  
76 information becomes known.

77 [5.] 6. In exceptional circumstances where the court  
78 makes a finding that the health or safety of any adult or  
79 child would be unreasonably placed at risk by the disclosure  
80 of the required identifying information concerning a  
81 proposed relocation of the child, the court may order that:

90 (3) Any other remedial action the court considers  
91 necessary to facilitate the legitimate needs of the parties  
92 and the best interest of the child.

[6.] 7. The court shall consider a failure to provide notice of a proposed relocation of a child as:

95 (1) A factor in determining whether custody and  
96 visitation should be modified;

97 (2) A basis for ordering the return of the child if  
98 the relocation occurs without notice; and

99 (3) Sufficient cause to order the party seeking to  
100 relocate the child to pay reasonable expenses and attorneys  
101 fees incurred by the party objecting to the relocation.

102 [7.] 8. If the parties agree to a revised schedule of  
103 custody and visitation for the child, which includes a  
104 parenting plan, they may submit the terms of such agreement  
105 to the court with a written affidavit signed by all parties  
106 with custody or visitation assenting to the terms of the  
107 agreement, and the court may order the revised parenting  
108 plan and applicable visitation schedule without a hearing.

109 [8.] 9. The residence of the child may be relocated  
110 sixty days after providing notice, as required by this  
111 section, unless a parent files a motion seeking an order to  
112 prevent the relocation within thirty days after receipt of  
113 such notice. Such motion shall be accompanied by an

114 affidavit setting forth the specific good-faith factual  
115 basis supporting a prohibition of the relocation. The  
116 person seeking relocation shall file a response to the  
117 motion within fourteen days, unless extended by the court  
118 for good cause, and include a counter-affidavit setting  
119 forth the facts in support of the relocation as well as a  
120 proposed revised parenting plan for the child.

121 [9.] **10.** If relocation of the child is proposed, a  
122 third party entitled by court order to legal custody of or  
123 visitation with a child and who is not a parent may file a  
124 cause of action to obtain a revised schedule of legal  
125 custody or visitation, but shall not prevent a relocation,  
126 **except as otherwise provided under this section and section**  
127 **453.110.**

128 [10.] **11.** The party seeking to relocate shall have the  
129 burden of proving that the proposed relocation is made in  
130 good faith and is in the best interest of the child.

131 [11.] **12.** If relocation is permitted:

132 (1) The court shall order contact with the  
133 nonrelocating party including custody or visitation and  
134 telephone access sufficient to assure that the child has  
135 frequent, continuing and meaningful contact with the  
136 nonrelocating party unless the child's best interest  
137 warrants otherwise; and

138 (2) The court shall specify how the transportation  
139 costs will be allocated between the parties and adjust the  
140 child support, as appropriate, considering the costs of  
141 transportation.

142 [12.] **13.** After August 28, 1998, every court order  
143 establishing or modifying custody or visitation shall  
144 include the following language:

145 "Absent exigent circumstances as determined by a  
146 court with jurisdiction, you, as a party to this  
147 action, are ordered to notify, in writing by  
148 certified mail, return receipt requested, and at  
149 least sixty days prior to the proposed relocation,  
150 each party to this action of any proposed  
151 relocation of the principal residence of the  
152 child, including the following information:

- 153 (1) The intended new residence, including the  
154 specific address and mailing address, if  
155 known, and if not known, the city;
- 156 (2) The home telephone number of the new  
157 residence, if known;
- 158 (3) The date of the intended move or proposed  
159 relocation;
- 160 (4) A brief statement of the specific reasons for  
161 the proposed relocation of the child;
- 162 (5) A proposal for a revised schedule of custody  
163 or visitation with the child; and
- 164 (6) The other party's right, if that party is a  
165 parent, to file a motion, pursuant to Section  
166 452.377, RSMo, seeking an order to prevent the  
167 relocation and an accompanying affidavit  
168 setting forth the specific good-faith factual  
169 basis for opposing the relocation within  
170 thirty days of receipt of the notice.

171 Your obligation to provide this information to  
172 each party continues as long as you or any other  
173 party by virtue of this order is entitled to  
174 custody of a child covered by this order. Your  
175 failure to obey the order of this court regarding  
176 the proposed relocation may result in further  
177 litigation to enforce such order, including  
178 contempt of court. In addition, your failure to  
179 notify a party of a relocation of the child may be

180       considered in a proceeding to modify custody or  
181       visitation with the child. Reasonable costs and  
182       attorney fees may be assessed against you if you  
      fail to give the required notice.".

183       **[13.] 14.** A participant in the address confidentiality  
184       program under section 589.663 shall not be required to  
185       provide a requesting party with the specific physical or  
186       mailing address of the child's proposed relocation  
187       destination, but in the event of an objection by a  
188       requesting party, a participant may be required to submit  
189       such information under seal to the court for in camera  
190       review. Prior to disclosure of this information, a court  
191       shall comply with the provisions of section 589.664.

192       **[14.] 15.** Violation of the provisions of this section  
193       or a court order under this section may be deemed a change  
194       of circumstance under section 452.410, allowing the court to  
195       modify the prior custody decree. In addition, the court may  
196       utilize any and all powers relating to contempt conferred on  
197       it by law or rule of the Missouri supreme court.

198       **[15.] 16.** Any party who objects in good faith to the  
199       relocation of a child's principal residence shall not be  
200       ordered to pay the costs and attorney's fees of the party  
201       seeking to relocate.

452.780. 1. Subject to local law providing for the  
2       confidentiality of procedures, addresses, and other  
3       identifying information, in a child custody proceeding each  
4       party, in its first pleading or in an attached affidavit,  
5       shall give information, if reasonably ascertainable, under  
6       oath as to the child's present address, the places where the  
7       child has lived during the last five years, and the names  
8       and present addresses of the persons with whom the child has

9       lived during such period. The pleading or affidavit shall  
10      state whether the party:

11           (1) Has participated, as a party or witness or in any  
12      other capacity, in any other proceeding concerning the  
13      custody of or visitation with the child and, if so, identify  
14      the court, case number of the proceeding and date of the  
15      child custody determination, if any;

16           (2) Knows of any proceeding that could affect the  
17      current proceeding, including proceedings for enforcement  
18      and proceedings relating to domestic violence, protective  
19      orders, termination of parental rights, and adoptions and,  
20      if so, identify the court and case number and nature of the  
21      proceeding; and

22           (3) Knows the names and addresses of any person not a  
23      party to the proceeding who has physical custody of the  
24      child or claims rights of legal custody or physical custody  
25      of, or visitation with, the child and, if so, the names and  
26      addresses of such persons.

27           2. If the information required by subsection 1 of this  
28      section is not furnished, the court, upon its own motion or  
29      that of a party, may stay the proceeding until the  
30      information is furnished.

31           3. If the declaration as to any of the items described  
32      in subdivisions (1) to (3) of subsection 1 of this section  
33      is in the affirmative, the declarant shall give additional  
34      information under oath as required by the court. The court  
35      may examine the parties under oath as to details of the  
36      information furnished and other matters pertinent to the  
37      court's jurisdiction and the disposition of the case.

38           4. Each party has a continuing duty to inform the  
39      court of any proceeding in this or any other state that  
40      could affect the current proceeding.

41       5. If a party alleges in an affidavit or a pleading  
42 under oath that the health, safety, or liberty of a party or  
43 child would be put at risk by the disclosure of identifying  
44 information, that information shall be sealed and not  
45 disclosed to the other party or the public unless the court  
46 orders the disclosure to be made after a hearing in which  
47 the court takes into consideration the health, safety, or  
48 liberty of the party or child and determines that the  
49 disclosure is in the interest of justice.

50       **6. Any person who knowingly, purposefully, or**  
51 **intentionally fails to give accurate, full, and complete**  
52 **information as required under this section is guilty of a**  
53 **class A misdemeanor; and, upon discovery of said violation,**  
54 **any public employee, officer, or agent having knowledge of**  
55 **such violation shall transmit notice of the violation to the**  
56 **prosecuting or circuit attorney of the county or city in**  
57 **which the child resided at the time of transfer.**

453.110. 1. No person, agency, organization or  
2 institution shall surrender custody of a minor child, or  
3 transfer the custody of such a child to another, and no  
4 person, agency, organization or institution shall take  
5 possession or charge of a minor child so transferred,  
6 without first having filed a petition before the circuit  
7 court sitting as a juvenile court of the county where the  
8 child may be, praying that such surrender or transfer may be  
9 made, and having obtained such an order from such court  
10 approving or ordering transfer of custody.

11       2. If any such surrender or transfer is made without  
12 first obtaining such an order, such court shall, on petition  
13 of any public official or interested person, agency,  
14 organization or institution, order an investigation and  
15 report as described in section 453.070 to be completed by

16 the children's division and shall make such order as to the  
17 custody of such child in the best interest of such child.

18 **3. A noncustodial parent or third party interested in**  
19 **securing custody of the child shall be granted the right to**  
20 **intervene and to seek custody of the child, as provided**  
21 **under section 453.375; provided, however, if the child is**  
22 **the subject of a prior custody or guardianship order,**  
23 **subject to modification, the court shall transfer the matter**  
24 **to the court having jurisdiction over the custody of the**  
25 **child.**

26 **4. Any person who violates the terms of this section**  
27 **is guilty of a class E felony; and, upon discovery of such**  
28 **violation, any public employee, officer, or agent having**  
29 **knowledge of such violation shall transmit notice of the**  
30 **violation to the prosecuting or circuit attorney of the**  
31 **county or city in which the child resided at the time of**  
32 **transfer.**

33 **[4.] 5. The investigation required by subsection 2 of**  
34 **this section shall be initiated by the children's division**  
35 **within forty-eight hours of the filing of the court order**  
36 **requesting the investigation and report and shall be**  
37 **completed within thirty days. The court shall order the**  
38 **person having custody in violation of the provisions of this**  
39 **section to pay the costs of the investigation and report.**

40 **[5.] 6. This section shall not be construed to**  
41 **prohibit any parent, agency, organization or institution**  
42 **from placing a child with another individual for care if the**  
43 **right to supervise the care of the child and to resume**  
44 **custody thereof is retained, or from placing a child with a**  
45 **licensed foster home within the state through a child-**  
46 **placing agency licensed by this state as part of a**  
47 **preadoption placement.**

48        [6.] 7. After the filing of a petition for the  
49 transfer of custody for the purpose of adoption, the court  
50 may enter an order of transfer of custody if the court finds  
51 all of the following:

52            (1) A family assessment has been made as required in  
53 section 453.070 and has been reviewed by the court;

54            (2) A recommendation has been made by the guardian ad  
55 litem;

56            (3) A petition for transfer of custody for adoption  
57 has been properly filed or an order terminating parental  
58 rights has been properly filed;

59            (4) The financial affidavit has been filed as required  
60 under section 453.075;

61            (5) The written report regarding the child who is the  
62 subject of the petition containing the information has been  
63 submitted as required by section 453.026;

64            (6) Compliance with the Indian Child Welfare Act, if  
65 applicable; and

66            (7) Compliance with the Interstate Compact on the  
67 Placement of Children pursuant to section 210.620.

68        [7.] 8. A hearing on the transfer of custody for the  
69 purpose of adoption is not required if:

70            (1) The conditions set forth in subsection [6] 7 of  
71 this section are met;

72            (2) The parties agree and the court grants leave; and

73            (3) Parental rights have been terminated pursuant to  
74 section 211.444 or 211.447.

475.060. 1. Any person may file a petition for the  
2 appointment of himself or herself or some other qualified  
3 person as guardian of a minor **who is not currently subject**  
4 **to a prior custody order in a court of competent**

5 **jurisdiction.** Such petition **shall include the information**  
6 **required under section 452.780 and** shall state:

7 (1) The name, age, domicile, actual place of residence  
8 and post office address of the minor if known and if any of  
9 these facts is unknown, the efforts made to ascertain that  
10 fact;

11 (2) The estimated value of the minor's real and  
12 personal property, and the location and value of any real  
13 property owned by the minor outside of this state;

14 (3) If the minor has no domicile or place of residence  
15 in this state, the county in which the property or major  
16 part thereof of the minor is located;

17 (4) The name and address of the parents of the minor  
18 and whether they are living or dead;

19 (5) The name and address of the spouse, and the names,  
20 ages and addresses of all living children of the minor;

21 (6) The name and address of the person having custody  
22 of the person of the minor or who claims to have custody of  
23 the person of the minor;

24 (7) The name and address of any guardian of the person  
25 or conservator of the estate of the minor appointed in this  
26 or any other state;

27 (8) If appointment is sought for a natural person,  
28 other than the public administrator, the names and addresses  
29 of wards and disabled persons for whom such person is  
30 already guardian or conservator;

31 (9) The name and address of the trustees and the  
32 purpose of any trust of which the minor is a qualified  
33 beneficiary;

34 (10) The reasons why the appointment of a guardian is  
35 sought;

41 (12) If the petitioner requests the appointment of co-  
42 guardians, a statement of the reasons why such appointment  
43 is sought and whether the petitioner requests that the co-  
44 guardians, if appointed, may act independently or whether  
45 they may act only together or only together with regard to  
46 specified matters;

47 (13) That written consent has been obtained from any  
48 person, including a public administrator, who is to be  
49 appointed as a co-guardian; and

50 (14) Whether the petitioner knows of any other court  
51 having jurisdiction over the minor and the name of the  
52 court, if known.

53           2. Any person may file a petition for the appointment  
54 of himself or herself or some other qualified person as  
55 guardian or limited guardian of an incapacitated person.  
56 Such petition shall state:

76 (4) The name and address of the parents of the alleged  
77 incapacitated person and whether they are living or dead;

93 (6) The name and address of the person having custody  
94 of the person of the alleged incapacitated person;

98 (8) If appointment is sought for a natural person,  
99 other than the public administrator, the names and addresses

100 of wards and protectees for whom such person is already  
101 guardian or conservator;

102 (9) The factual basis for the petitioner's conclusion  
103 that the person for whom guardianship is sought is unable or  
104 partially unable by reason of some specified physical,  
105 mental, or cognitive condition to receive and evaluate  
106 information or to communicate decisions to such an extent  
107 that the person lacks capacity to meet essential  
108 requirements for food, clothing, shelter, safety, or other  
109 care such that serious physical injury, illness, or disease  
110 is likely to occur;

111 (10) The reasons, incidents, and specific behaviors  
112 demonstrating why the appointment of a guardian or limited  
113 guardian is sought;

114 (11) If the petitioner suggests the appointment of co-  
115 guardians, a statement of the reasons why such appointment  
116 is sought and whether the petitioner suggests that the co-  
117 guardians, if appointed, may act independently or whether  
118 they may act only together or only together with regard to  
119 specified matters; and

120 (12) Written consent has been obtained from any  
121 person, including a public administrator, who is to be  
122 appointed as a co-guardian.

123 3. If the person filing the petition seeks the  
124 appointment of an emergency guardian, the petition shall  
125 include the same requirements as provided in subsection 1 of  
126 this section and shall request the appointment per the  
127 requirements provided in subsection 15 of section 475.075.

128 **4. Notice of the application for guardianship shall be**  
129 **given to the persons identified under section 452.780, each**  
130 **of whom shall have the right to intervene and to seek**  
131 **guardianship as provided herein. Failure to give notice to**

132 such persons identified under section 452.780 shall be  
133 grounds to set aside the appointment of the guardian.

134 5. As provided under subsection 4 of section 210.565,  
135 priority and preference in the award of guardianship to a  
136 third party other than a parent of a child shall be given to  
137 a party in the order of preference set forth in subsection 3  
138 of section 210.565.

✓