

SENATE BILL NO. 946

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR WILLIAMS.

5390S.011

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 452.305 and 452.310, RSMo, and to enact in lieu thereof two new sections relating to a judgment of dissolution of marriage or legal separation.

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

Section A. Sections 452.305 and 452.310, RSMo, are
2 repealed and two new sections enacted in lieu thereof, to be
3 known as sections 452.305 and 452.310, to read as follows:

452.305. 1. The court shall enter a judgment of
2 dissolution of marriage if:

3 (1) The court finds that one of the parties has been a
4 resident of this state, or is a member of the armed services
5 who has been stationed in this state, for ninety days
6 immediately preceding the commencement of the proceeding and
7 that thirty days have elapsed since the filing of the
8 petition; and

9 (2) The court finds that there remains no reasonable
10 likelihood that the marriage can be preserved and that
11 therefore the marriage is irretrievably broken; and

12 (3) To the extent it has jurisdiction, the court has
13 considered and made provision for child custody, the support
14 of each child, the maintenance of either spouse and the
15 disposition of property.

16 2. The court shall enter a judgment of legal
17 separation if:

18 (1) The court finds that one of the parties has been a
19 resident of this state, or is a member of the armed services
20 who has been stationed in this state, for ninety days
21 immediately preceding the commencement of the proceeding and
22 that thirty days have elapsed since the filing of the
23 petition; and

24 (2) The court finds that there remains a reasonable
25 likelihood that the marriage can be preserved and that
26 therefore the marriage is not irretrievably broken; and

27 (3) To the extent it has jurisdiction, the court has
28 considered and made provision for the custody and the
29 support of each child, the maintenance of either spouse and
30 the disposition of property.

31 **3. Pregnancy status shall not prevent the court from**
32 **entering a judgment of dissolution of marriage or legal**
33 **separation.**

34 **4.** Any judgment of dissolution of marriage or legal
35 separation shall include the last four digits of the Social
36 Security numbers of the parties. The full Social Security
37 number of each party and each child shall be retained in the
38 manner required under section 509.520.

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

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

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

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

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

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

24 (5) Whether the wife is pregnant; **however, pregnancy**
25 **status shall not prevent the court from entering a judgment**
26 **of dissolution of marriage or legal separation;**

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

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

31 (8) The relief sought.

32 3. Upon the filing of the petition in a proceeding for
33 dissolution of marriage or legal separation, each child
34 shall immediately be subject to the jurisdiction of the
35 court in which the proceeding is commenced, unless a
36 proceeding involving allegations of abuse or neglect of the
37 child is pending in juvenile court. Until permitted by
38 order of the court, neither parent shall remove any child
39 from the jurisdiction of the court or from any parent with
40 whom the child has primarily resided for the sixty days
41 immediately preceding the filing of a petition for
42 dissolution of marriage or legal separation.

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

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

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

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

57 (3) The relief sought.

58 6. Previously existing defenses to divorce and legal
59 separation, including but not limited to condonation,
60 connivance, collusion, recrimination, insanity, and lapse of
61 time, are abolished.

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

65 8. The petitioner and respondent shall submit a
66 proposed parenting plan, either individually or jointly,
67 within thirty days after service of process or the filing of
68 the entry of appearance, whichever event first occurs of a
69 motion to modify or a petition involving custody or
70 visitation issues. The proposed parenting plan shall set
71 forth the arrangements that the party believes to be in the
72 best interest of the minor children and shall include but
73 not be limited to:

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

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

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

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

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

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

88 (f) A plan for sharing transportation duties
89 associated with the residential schedule;

90 (g) Appropriate times for telephone access;

91 (h) Suggested procedures for notifying the other party
92 when a party requests a temporary variation from the
93 residential schedule;

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

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

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

103 (b) Medical, dental and health care decisions
104 including how health care providers will be selected and a

method of communicating medical conditions of the child and how emergency care will be handled;

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

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

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

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

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

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

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

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

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

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

(e) Child care expenses, if any;

(f) Transportation expenses, if any.

9. If the proposed parenting plans of the parties differ and the parties cannot resolve the differences or if

any party fails to file a proposed parenting plan, upon motion of either party and an opportunity for the parties to be heard, the court shall enter a temporary order containing a parenting plan setting forth the arrangements specified in subsection 8 of this section which will remain in effect until further order of the court. The temporary order entered by the court shall not create a preference for the court in its adjudication of final custody, child support or visitation.

10. The Missouri supreme court shall have guidelines for a parenting plan which may be used by the parties pursuant to this section in any dissolution of marriage, legal separation or modification proceeding involving issues of custody and visitation relating to the child. Parenting plan guidelines shall be made available on the office of state courts administrator's website.

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

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