

FIRST REGULAR SESSION

HOUSE BILL NO. 187

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES FLOOK (Sponsor), JONES (89), NIEVES, NANCE, SCHAD,
NOLTE, BIVINS, GRISAMORE, COLONA, SCHARNHORST, GRILL AND BURNETT (Co-sponsors).

0705L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 452.440, 452.445, 452.450, 452.455, 452.460, 452.465, 452.470, 452.475,
452.480, 452.485, 452.490, 452.495, 452.500, 452.505, 452.510, 452.515, 452.520,
452.525, 452.530, 452.535, 452.540, 452.545, and 452.550, RSMo, and to enact in lieu
thereof fifty new sections relating to child custody jurisdiction and enforcement.

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

Section A. Sections 452.440, 452.445, 452.450, 452.455, 452.460, 452.465, 452.470,
2 452.475, 452.480, 452.485, 452.490, 452.495, 452.500, 452.505, 452.510, 452.515, 452.520,
3 452.525, 452.530, 452.535, 452.540, 452.545, and 452.550, RSMo, are repealed and fifty new
4 sections enacted in lieu thereof, to be known as sections 452.700, 452.705, 452.710, 452.715,
5 452.720, 452.725, 452.730, 452.735, 452.740, 452.745, 452.747, 452.750, 452.755, 452.760,
6 452.762, 452.765, 452.770, 452.775, 452.780, 452.782, 452.785, 452.790, 452.795, 452.800,
7 452.805, 452.810, 452.815, 452.820, 452.825, 452.830, 452.835, 452.840, 452.845, 452.850,
8 452.855, 452.860, 452.865, 452.870, 452.875, 452.880, 452.885, 452.890, 452.895, 452.900,
9 452.905, 452.910, 452.915, 452.920, 452.925, and 452.930, to read as follows:

ARTICLE I

GENERAL PROVISIONS

452.700. Sections 452.700 to 452.930 may be cited as the "Uniform Child Custody
2 **Jurisdiction and Enforcement Act".**

452.705. As used in sections 452.700 to 452.930:

2 **(1) "Abandoned" means left without provision for reasonable and necessary care**
3 **or supervision;**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended
to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

4 (2) "Child" means an individual who has not attained eighteen years of age;

5 (3) "Child custody determination" means a judgment, decree, or other order of a
6 court providing for the legal custody, physical custody, or visitation with respect to a child.
7 The term includes a permanent, temporary, initial, or modification order. The term shall
8 not include an order relating to child support or other monetary obligation of an
9 individual;

10 (4) "Child custody proceeding" means a proceeding in which legal custody,
11 physical custody, or visitation with respect to a child is an issue. The term includes a
12 proceeding for divorce, separation, neglect, abuse, dependency, guardianship, paternity,
13 termination of parental rights, and protection from domestic violence in which the issue
14 may appear. The term shall not include a proceeding involving juvenile delinquency,
15 contractual emancipation, or enforcement under sections 452.850 to 452.915;

16 (5) "Commencement" means the filing of the first pleading in a proceeding;

17 (6) "Court" means an entity authorized under the law of a state to establish,
18 enforce, or modify a child custody determination;

19 (7) "Decree" or "custody decree" means a custody determination contained in a
20 judicial decree or order made in a custody proceeding, and includes an initial decree and
21 a modification decree;

22 (8) "Home state" means the state in which a child has lived with a parent or a
23 person acting as a parent for at least six consecutive months immediately prior to the
24 commencement of a child custody proceeding. In the case of a child less than six months
25 of age, the term means the state in which the child has lived from birth with any of the
26 persons mentioned. A period of temporary absence of any of the mentioned persons is part
27 of such period;

28 (9) "Initial determination" means the first child custody determination concerning
29 a particular child;

30 (10) "Issuing court" means the court making a child custody determination for
31 which enforcement is sought under sections 452.700 to 452.930;

32 (11) "Issuing state" means the state in which a child custody determination is
33 made;

34 (12) "Litigant" means a person, including a parent, grandparent, or stepparent,
35 who claims a right to custody or visitation with respect to a child;

36 (13) "Modification" means a child custody determination that changes, replaces,
37 supersedes or is otherwise made after a previous determination concerning the same child,
38 whether or not it is made by the court that made the previous determination;

39 (14) "Person" includes government, a governmental subdivision, agency or
40 instrumentality, or any other legal or commercial entity;

41 (15) "Person acting as a parent" means a person, other than a parent, who:

42 (a) Has physical custody of the child or has had physical custody for a period of six
43 consecutive months, including any temporary absence, within one year immediately prior
44 to the commencement of a child custody proceeding; and

45 (b) Has been awarded legal custody by a court or claims a right to legal custody
46 under the law of this state;

47 (16) "Physical custody" means the physical care and supervision of a child;

48 (17) "State" means a state of the United States, the District of Columbia, Puerto
49 Rico, the United States Virgin Islands, or any territory or insular possession subject to the
50 jurisdiction of the United States;

51 (18) "Warrant" means an order issued by a court authorizing law enforcement
52 officers to take physical custody of a child.

 452.710. Sections 452.700 to 452.930 shall not govern:

2 (1) An adoption proceeding; or

3 (2) A proceeding pertaining to the authorization of emergency medical care for a
4 child.

 452.715. 1. A child custody proceeding that pertains to an Indian child, as defined
2 in the Indian Child Welfare Act, 25 U.S.C. section 1901 et seq., is not subject to sections
3 452.700 to 452.930 to the extent that it is governed by the Indian Child Welfare Act.

4 2. A court of this state shall treat a tribe as a state of the United States for purposes
5 of sections 452.700 to 452.930.

6 3. A child custody determination made by a tribe under factual circumstances in
7 substantial conformity with the jurisdictional standards of sections 452.700 to 452.930 shall
8 be recognized and enforced under the provisions of sections 452.850 to 452.915.

 452.720. 1. A court of this state shall treat a foreign country as a state of the United
2 States for purposes of applying sections 452.700 to 452.785.

3 2. A child custody determination made in a foreign country under factual
4 circumstances in substantial conformity with the jurisdictional standards of sections
5 452.700 to 452.930 shall be recognized and enforced under sections 452.850 to 452.915.

6 3. The court need not apply the provisions of sections 452.700 to 452.930 when the
7 child custody law of the other country violates fundamental principles of human rights.

 452.725. 1. A party to a child custody proceeding who is not subject to personal
2 jurisdiction in this state and is a responding party under sections 452.740 to 452.785, a
3 party in a proceeding to modify a child custody determination under sections 452.740 to

4 **452.785, or a petitioner in a proceeding to enforce or register a child custody determination**
5 **under sections 452.850 to 452.915 may appear and participate in such proceeding without**
6 **submitting to personal jurisdiction over the party for another proceeding or purpose.**

7 **2. A party is not subject to personal jurisdiction in this state solely by being**
8 **physically present for the purpose of participating in a proceeding under sections 452.700**
9 **to 452.930. If a party is subject to personal jurisdiction in this state on a basis other than**
10 **physical presence, the party may be served with process in this state. If a party present in**
11 **this state is subject to the jurisdiction of another state, service of process permissible under**
12 **the laws of the other state may be accomplished in this state.**

13 **3. The immunity granted by this section shall not extend to civil litigation based on**
14 **acts unrelated to the participation in a proceeding under sections 452.700 to 452.930**
15 **committed by an individual while present in this state.**

452.730. 1. A court of this state may communicate with a court in another state
2 **concerning a proceeding arising under sections 452.700 to 452.930.**

3 **2. The court may allow the parties to participate in the communication. If the**
4 **parties are not able to participate in the communication, the parties shall be given the**
5 **opportunity to present facts and legal arguments before a decision on jurisdiction is made.**

6 **3. A communication between courts on schedules, calendars, court records, and**
7 **similar matters may occur without informing the parties. A record need not be made of**
8 **such communication.**

9 **4. Except as provided in subsection 3 of this section, a record shall be made of the**
10 **communication. The parties shall be informed promptly of the communication and**
11 **granted access to the record.**

12 **5. For the purposes of this section, "record" means information that is inscribed**
13 **on a tangible medium, or that which is stored in an electronic or other medium and is**
14 **retrievable in perceivable form. A record includes notes or transcripts of a court reporter**
15 **who listened to a conference call between the courts, an electronic recording of a telephone**
16 **call, a memorandum or an electronic record of the communication between the courts, or**
17 **a memorandum or an electronic record made by a court after the communication.**

452.735. 1. A court of this state may request the appropriate court of another state
2 **to:**

3 **(1) Hold an evidentiary hearing;**

4 **(2) Order a person to produce or give evidence under procedures of that state;**

5 **(3) Order that an evaluation be made with respect to the custody of a child involved**
6 **in a pending proceeding;**

7 (4) Forward to the court of this state a certified copy of the transcript of the record
8 of the hearing, the evidence otherwise presented and any evaluation prepared in
9 compliance with the request; and

10 (5) Order a party to a child custody proceeding or any person having physical
11 custody of the child to appear in the proceeding with or without the child.

12 2. Upon request of a court of another state, a court of this state may hold a hearing
13 or enter an order described in subsection 1 of this section.

14 3. Travel and other necessary and reasonable expenses incurred under subsection
15 1 or 2 of this section may be assessed against the parties according to the law of this state.

16 4. A court of this state shall preserve the pleadings, orders, decrees, records of
17 hearings, evaluations, and other pertinent records with respect to a child custody
18 proceeding until the child attains eighteen years of age. Upon appropriate request by a
19 court or law enforcement official of another state, the court shall forward a certified copy
20 of such records.

ARTICLE II

JURISDICTION

 452.740. 1. Except as otherwise provided in section 452.755, a court of this state has
2 jurisdiction to make an initial child custody determination only if:

3 (1) This state is the home state of the child on the date of the commencement of the
4 proceeding, or was the home state of the child within six months prior to the
5 commencement of the proceeding and the child is absent from this state but a parent or
6 person acting as a parent continues to live in this state;

7 (2) A court of another state does not have jurisdiction under subdivision (1) of this
8 subsection, or a court of the home state of the child has declined to exercise jurisdiction on
9 the ground that this state is the more appropriate forum under section 452.770 or 452.775,
10 and:

11 (a) The child and the child's parents, or the child and at least one parent or person
12 acting as a parent have a significant connection with this state other than mere physical
13 presence; and

14 (b) Substantial evidence is available in this state concerning the child's care,
15 protection, training and personal relationships;

16 (3) All courts having jurisdiction under subdivisions (1) and (2) of this subsection
17 have declined to exercise jurisdiction on the ground that a court of this state is the more
18 appropriate forum to determine the custody of the child under section 452.770 or 452.775;
19 or

20 (4) No state would have jurisdiction under subdivision (1), (2) or (3) of this
21 subsection.

22 2. Subsection 1 of this section is the exclusive jurisdictional basis for making a child
23 custody determination by a court of this state.

24 3. Physical presence of, or personal jurisdiction over, a party or a child is not
25 necessary or sufficient to make a child custody determination.

452.745. 1. Except as otherwise provided in section 452.755, a court of this state
2 that has made a child custody determination consistent with section 452.740 or 452.750 has
3 exclusive continuing jurisdiction over the determination until:

4 (1) A court of this state determines that neither the child, the child and one parent,
5 nor the child and a person acting as a parent have a significant connection with this state,
6 and that substantial evidence is no longer available in this state concerning the child's care,
7 protection, training and personal relationships; or

8 (2) A court of this state or a court of another state determines that neither the child,
9 nor a parent, nor any person acting as a parent presently resides in this state.

10 2. A court of this state that has exclusive continuing jurisdiction under this section
11 may decline to exercise its jurisdiction if the court determines that it is an inconvenient
12 forum under section 452.770.

13 3. A court of this state that has made a child custody determination and does not
14 have exclusive continuing jurisdiction under this section may modify that determination
15 only if it has jurisdiction to make an initial determination under section 452.740.

452.747. 1. Any petition for modification of child custody decrees filed under the
2 provisions of section 452.410 or sections 452.700 to 452.930 shall be verified and, if the
3 original proceeding originated in the state of Missouri, shall be filed in that original case,
4 but service shall be obtained and responsive pleadings may be filed as in any original
5 proceeding.

6 2. Before making a decree under section 452.410 or sections 452.700 to 452.930, the
7 litigants, any parent whose parental rights have not been previously terminated, and any
8 person who has physical custody of the child shall be served in the manner provided by the
9 rules of civil procedure and applicable court rules and may within thirty days after the
10 date of service (forty-five days if service by publication) file a verified answer. If any such
11 persons are outside this state, notice and opportunity to be heard shall be given under
12 section 452.740.

13 3. In any case in which the paternity of a child has been determined by a court of
14 competent jurisdiction and where the noncustodial parent is delinquent in the payment of
15 child support in an amount in excess of ten thousand dollars, the custodial parent shall

16 have the right to petition a court of competent jurisdiction for the termination of the
17 parental rights of the noncustodial parent.

18 **4. When a person filing a petition for modification of a child custody decree owes**
19 **past due child support to a custodial parent in an amount in excess of ten thousand dollars,**
20 **such person shall post a bond in the amount of past due child support owed as ascertained**
21 **by the division of child support enforcement or reasonable legal fees of the custodial**
22 **parent, whichever is greater, before the filing of the petition. The court shall hold the bond**
23 **in escrow until the modification proceedings under this section have been concluded**
24 **wherein such bond shall be transmitted to the division of child support enforcement for**
25 **disbursement to the custodial parent.**

452.750. Except as otherwise provided in section 452.755, a court of this state shall
2 **not modify a child custody determination made by a court of another state unless a court**
3 **of this state has jurisdiction to make an initial determination under subdivision (1) or (2)**
4 **of subsection 1 of section 452.740 and:**

5 **(1) The court of the other state determines it no longer has exclusive continuing**
6 **jurisdiction under section 452.745 or that a court of this state would be a more convenient**
7 **forum under section 452.770; or**

8 **(2) A court of this state or a court of the other state determines that neither the**
9 **child, nor a parent, nor any person acting as a parent presently resides in the other state.**

452.755. 1. A court of this state has temporary emergency jurisdiction if the child
2 **is present in this state and the child has been abandoned, or it is necessary in an emergency**
3 **to protect the child because the child, or a sibling or parent of the child, is subjected to or**
4 **threatened with mistreatment or abuse.**

5 **2. If there is no previous child custody determination that is entitled to be enforced**
6 **under sections 452.700 to 452.930, and if no child custody proceeding has been commenced**
7 **in a court of a state having jurisdiction under sections 452.740 to 452.750, a child custody**
8 **determination made under this section remains in effect until an order is obtained from a**
9 **court of a state having jurisdiction under sections 452.740 to 452.750. If a child custody**
10 **proceeding has not been or is not commenced in a court of a state having jurisdiction under**
11 **sections 452.740 to 452.750, a child custody determination made under this section becomes**
12 **a final determination if:**

13 **(1) It so provides; and**

14 **(2) This state becomes the home state of the child.**

15 **3. If there is a previous child custody determination that is entitled to be enforced**
16 **under sections 452.700 to 452.930, or a child custody proceeding has been commenced in**
17 **a court of a state having jurisdiction under sections 452.740 to 452.750, any order issued**

18 by a court of this state under this section shall specify in the order a period of time which
19 the court considers adequate to allow the person seeking an order to obtain an order from
20 the state having jurisdiction under sections 452.740 to 452.750. The order issued in this
21 state remains in effect until an order is obtained from the other state within the period
22 specified or the period expires.

23 4. A court of this state that has been asked to make a child custody determination
24 under this section, upon being informed that a child custody proceeding has been
25 commenced, or a child custody determination has been made, by a court of a state having
26 jurisdiction under sections 452.740 to 452.750, shall immediately communicate with the
27 other court. A court of this state that is exercising jurisdiction under sections 452.740 to
28 452.750, upon being informed that a child custody proceeding has been commenced, or a
29 child custody determination has been made by a court of another state under a statute
30 similar to this section shall immediately communicate with the court of that state. The
31 purpose of such communication is to resolve the emergency, protect the safety of the parties
32 and the child, and determine a period for the duration of the temporary order.

452.760. 1. Before a child custody determination is made under sections 452.700
2 to 452.930, notice and an opportunity to be heard in accordance with the standards of
3 section 452.762 shall be given to:

4 (1) All persons entitled to notice under the provisions of the law of this state as in
5 child custody proceedings between residents of this state;

6 (2) Any parent whose parental rights have not been previously terminated; and

7 (3) Any person having physical custody of the child.

8 2. Sections 452.700 to 452.930 shall not govern the enforceability of a child custody
9 determination made without notice and an opportunity to be heard.

10 3. The obligation to join a party and the right to intervene as a party in a child
11 custody proceeding under sections 452.700 to 452.930 are governed by the law of this state
12 as in child custody proceedings between residents of this state.

452.762. 1. Notice required for the exercise of jurisdiction when a person is outside
2 this state may be given in a manner prescribed by the law of this state for the service of
3 process or by the law of the state in which the service is made. Notice must be given in a
4 manner reasonably calculated to give actual notice, but may be by publication if other
5 means are not effective.

6 2. Proof of service may be made in the manner prescribed by law of this state or by
7 the law of the state in which the service is made.

8 3. Notice is not required for the exercise of jurisdiction with respect to a person who
9 submits to the jurisdiction of the court.

452.765. 1. Except as otherwise provided in section 452.755, a court of this state shall not exercise its jurisdiction under sections 452.740 to 452.785 if, at the time of the commencement of the proceeding, a proceeding concerning the custody of the child had been previously commenced in a court of another state having jurisdiction substantially in conformity with sections 452.700 to 452.930, unless the proceeding has been terminated or is stayed by the court of the other state because a court of this state is a more convenient forum under section 452.770.

2. Except as otherwise provided in section 452.755, a court of this state, prior to hearing a child custody proceeding, shall examine the court documents and other information supplied by the parties under section 452.780. If the court determines that a child custody proceeding was previously commenced in a court in another state having jurisdiction substantially in accordance with sections 452.700 to 452.930, the court of this state shall stay its proceeding and communicate with the court of the other state. If the court of the state having jurisdiction substantially in accordance with sections 452.700 to 452.930 does not determine that the court of this state is a more appropriate forum, the court of this state shall dismiss the proceeding.

3. In a proceeding to modify a child custody determination, a court of this state shall determine if a proceeding to enforce the determination has been commenced in another state. If a proceeding to enforce a child custody determination has been commenced in another state, the court may:

(1) Stay the proceeding for modification pending the entry of an order of a court of the other state enforcing, staying, denying or dismissing the proceeding for enforcement;

(2) Enjoin the parties from continuing with the proceeding for enforcement; or

(3) Proceed with the modification under conditions it considers appropriate.

452.770. 1. A court of this state that has jurisdiction under sections 452.700 to 452.930 to make a child custody determination may decline to exercise its jurisdiction at any time if the court determines that it is an inconvenient forum under the circumstances and that a court of another state is a more appropriate forum. The issue of inconvenient forum may be raised upon the court's own motion, at the request of another court or upon motion of a party.

2. Before determining whether the court is an inconvenient forum, a court of this state shall consider whether it is appropriate that a court of another state exercise jurisdiction. For this purpose, the court shall allow the parties to submit information and shall consider all relevant factors, including:

(1) Whether domestic violence has occurred and is likely to continue in the future and which state could best protect the parties and the child;

- 13 (2) The length of time the child has resided outside this state;
- 14 (3) The distance between the court in this state and the court in the state that would
15 assume jurisdiction;
- 16 (4) The relative financial circumstances of the parties;
- 17 (5) Any agreement of the parties as to which state should assume jurisdiction;
- 18 (6) The nature and location of the evidence required to resolve the pending
19 litigation, including the testimony of the child;
- 20 (7) The ability of the court of each state to decide the issue expeditiously and the
21 procedures necessary to present the evidence; and
- 22 (8) The familiarity of the court of each state with the facts and issues of the pending
23 litigation.
- 24 3. If a court of this state determines that it is an inconvenient forum and that a
25 court of another state is a more appropriate forum, the court shall stay the proceedings on
26 the condition that a child custody proceeding be promptly commenced in another
27 designated state and may impose any other condition the court considers just and proper.
- 28 4. A court of this state may decline to exercise its jurisdiction under sections
29 452.700 to 452.930 if a child custody determination is incidental to an action for divorce or
30 another proceeding while still retaining jurisdiction over the divorce or other proceeding.
- 452.775. 1. Except as otherwise provided in section 452.755, if a court of this state
2 has jurisdiction under sections 452.700 to 452.930 because a person invoking the
3 jurisdiction has engaged in unjustifiable conduct, the court shall decline to exercise its
4 jurisdiction unless:
- 5 (1) The parents and all persons acting as parents have acquiesced in the exercise
6 of jurisdiction;
- 7 (2) A court of the state otherwise having jurisdiction under sections 452.740 to
8 452.750 determines that this state is a more appropriate forum under section 452.770; or
9 (3) No other state would have jurisdiction under sections 452.740 to 452.750.
- 10 2. If a court of this state declines to exercise its jurisdiction under subsection 1 of
11 this section, the court may fashion an appropriate remedy to ensure the safety of the child
12 and prevent a repetition of the wrongful conduct, including staying the proceeding until
13 a child custody proceeding is commenced in a court having jurisdiction under sections
14 452.740 to 452.750.
- 15 3. If a court dismisses a petition or stays a proceeding because it declines to exercise
16 its jurisdiction under subsection 1 of this section, the court shall charge the party invoking
17 the jurisdiction of the court with necessary and reasonable expenses including costs,
18 communication expenses, attorney's fees, investigative fees, expenses for witnesses, travel

19 expenses and child care during the course of the proceedings, unless the party from whom
20 fees are sought establishes that the award would be clearly inappropriate. The court may
21 not assess fees, costs or expenses against this state except as otherwise provided by law
22 other than sections 452.700 to 452.930.

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

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

11 (2) Knows of any proceeding that could affect the current proceeding, including
12 proceedings for enforcement and proceedings relating to domestic violence, protective
13 orders, termination of parental rights, and adoptions and, if so, identify the court and case
14 number and nature of the proceeding; and

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

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

21 3. If the declaration as to any of the items described in subdivisions (1) to (3) of
22 subsection 1 of this section is in the affirmative, the declarant shall give additional
23 information under oath as required by the court. The court may examine the parties under
24 oath as to details of the information furnished and other matters pertinent to the court's
25 jurisdiction and the disposition of the case.

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

28 5. If a party alleges in an affidavit or a pleading under oath that the health, safety,
29 or liberty of a party or child would be put at risk by the disclosure of identifying
30 information, that information shall be sealed and not disclosed to the other party or the
31 public unless the court orders the disclosure to be made after a hearing in which the court

32 takes into consideration the health, safety, or liberty of the party or child and determines
33 that the disclosure is in the interest of justice.

452.782. If the court learns from information furnished by the parties under section
2 452.800 or from other sources that a person not a party to the custody proceeding has
3 physical custody of the child or claims to have custody or visitation rights with respect to
4 the child, it may order that person to be joined as a party and to be duly notified of the
5 pendency of the proceeding and of his or her joinder as a party. If the person joined as a
6 party is outside this state, such person shall be served with process or otherwise notified
7 in accordance with section 452.762.

452.785. 1. The court may order any party to the proceeding who is in this state
2 to appear before the court personally. If the court finds the physical presence of the child
3 to be in the best interest of the child, the court may order that the party who has physical
4 custody of the child to appear physically with the child.

5 2. If a party to a child custody proceeding whose presence is desired by the court
6 is outside this state, with or without the child, the court may order that a notice given
7 under section 452.762 include a statement directing the party to appear personally with or
8 without the child.

9 3. If a party to the proceeding who is outside this state is directed to appear under
10 subsection 1 of this section or desires to appear personally before the court with or without
11 the child, the court may require another party to pay to the clerk of the court travel and
12 other necessary expenses of the party so appearing and of the child, if this is just and
13 proper under the circumstances.

14 4. If the court finds it to be in the best interest of the child that a guardian ad litem
15 be appointed, the court may appoint a guardian ad litem for the child. The guardian ad
16 litem so appointed shall be an attorney licensed to practice law in the state of Missouri.
17 Disqualification of a guardian ad litem shall be ordered in any legal proceeding under this
18 chapter upon the filing of a written application by any party within ten days of
19 appointment. Each party shall be entitled to one disqualification of a guardian ad litem
20 appointed under this subsection in each proceeding, except a party may be entitled to
21 additional disqualifications of a guardian ad litem for good cause shown. The guardian
22 ad litem may, for the purpose of determining custody of the child only, participate in the
23 proceeding as if such guardian ad litem were a party. The court shall enter judgment
24 allowing a reasonable fee to the guardian ad litem.

25 5. The court shall appoint a guardian ad litem in any proceeding in which child
26 abuse or neglect is alleged.

27 **6. The court may enter any orders necessary to ensure the safety of the child and**
28 **of any person ordered to appear under this section.**

452.790. A child custody determination made by a court of this state that had
2 **jurisdiction under sections 452.700 to 452.930 binds all persons who have been served in**
3 **accordance with the laws of this state or notified in accordance with section 452.762 or who**
4 **have submitted to the jurisdiction of the court, and who have been given an opportunity**
5 **to be heard. The determination is conclusive as to them as to all decided issues of law and**
6 **fact except to the extent the determination is modified.**

452.795. A court of this state shall accord full faith and credit to an order made
2 **consistently with sections 452.700 to 452.930 which enforces a child custody determination**
3 **by a court of another state unless the order has been vacated, stayed, or modified by a**
4 **court authorized to do so under sections 452.740 to 452.845.**

452.800. Except as otherwise provided in section 452.755, a court of this state may
2 **not modify a child custody determination made by a court of another state unless a court**
3 **of this state has jurisdiction to make an initial determination under subdivision (1) or (2)**
4 **of subsection 1 of section 452.740 and:**

5 **(1) The court of the other state determines that it no longer has exclusive,**
6 **continuing jurisdiction under section 452.745 or that a court of this state would be a more**
7 **convenient forum under section 452.770; or**

8 **(2) A court of this state or a court of the other state determines that neither child,**
9 **nor a parent, nor any person acting as a parent presently resides in the other state.**

452.805. 1. A certified copy of a custody decree of another state may be filed in the
2 **office of the clerk of any circuit court of this state. The clerk shall treat the decree in the**
3 **same manner as a custody decree of the circuit court of this state. A custody decree so filed**
4 **has the same effect and shall be enforced in like manner as a custody decree rendered by**
5 **a court of this state.**

6 **2. A person violating a custody decree of another state which makes it necessary**
7 **to enforce the decree in this state may be required to pay necessary travel and other**
8 **expenses, including attorneys' fees, incurred by the party entitled to the custody or the**
9 **party's witnesses.**

10 **3. A court of this state shall recognize and enforce a child custody determination**
11 **of a court of another state if the latter court exercised jurisdiction that was in substantial**
12 **conformity with sections 452.700 to 452.930 or the determination was made under factual**
13 **circumstances meeting the jurisdictional standards of sections 452.700 to 452.930 and the**
14 **determination has not been modified in accordance with sections 452.700 to 452.930.**

15 **4. A court may utilize any remedy available under other law of this state to enforce**
16 **a child custody determination made by a court of another state. The procedure provided**
17 **by sections 452.740 to 452.845 does not affect the availability of other remedies to enforce**
18 **a child custody determination.**

452.810. 1. A child custody determination issued by a court of another state may
2 **be registered in this state, with or without a simultaneous request for enforcement, by**
3 **sending to the appropriate court in this state:**

4 **(1) A letter or other document requesting registration;**

5 **(2) Two copies, including one certified copy, of the determination sought to be**
6 **registered, and a statement under penalty of perjury that to the best of the knowledge and**
7 **belief of the person seeking registration the order has not been modified; and**

8 **(3) Except as otherwise provided in section 452.780, the name and address of the**
9 **person seeking registration and any parent or person acting as a parent who has been**
10 **awarded custody or visitation in the child custody determination sought to be registered.**

11 **2. On receipt of the documents required in subsection 1 of this section, the**
12 **registering court shall:**

13 **(1) Cause the determination to be filed as a foreign judgment, together with one**
14 **copy of any accompanying documents and information, regardless of their form; and**

15 **(2) Serve notice upon the persons named under subdivision (3) of subsection 1 of**
16 **this section and provide them with an opportunity to contest the registration in accordance**
17 **with this section.**

18 **3. The notice required by subdivision (2) of subsection 2 of this section must state:**

19 **(1) That a registered determination is enforceable as of the date of the registration**
20 **in the same manner as a determination issued by a court of this state;**

21 **(2) That a hearing to contest the validity of the registered determination must be**
22 **requested within twenty days after service of notice; and**

23 **(3) That failure to contest the registration will result in confirmation of the child**
24 **custody determination and preclude further contest of that determination with respect to**
25 **any matter that could have been asserted.**

26 **4. A person seeking to contest the validity of a registered order must request a**
27 **hearing within twenty days after service of the notice. At that hearing, the court shall**
28 **confirm the registered order unless the person contesting registration establishes that:**

29 **(1) The issuing court did not have jurisdiction under sections 452.740 to 452.845;**

30 **(2) The child custody determination sought to be registered has been vacated,**
31 **stayed, or modified by a court of a state having jurisdiction to do so under sections 452.740**
32 **to 452.845; or**

33 (3) The person contesting registration was entitled to notice, but notice was not
34 given in accordance with the standards of section 452.740 in the proceedings before the
35 court that issued the order for which registration is sought.

36 5. If a timely request for a hearing to contest the validity of the registration is not
37 made, the registration is confirmed as a matter of law and the person requesting
38 registration and all persons served must be notified of the confirmation.

39 6. Confirmation of a registered order, whether by operation of law or after notice
40 and hearing, precludes further contest of the order with respect to any matter which could
41 have been asserted at the time of registration.

 452.815. The clerk of the circuit court of this state, at the request of the court of
2 another state or at the request of any person who is affected by or has a legitimate interest
3 in a custody decree, may, upon payment therefor, certify and forward a copy of the decree
4 to that court or person.

 452.820. 1. In addition to other procedures available to a party, a party to a child
2 custody proceeding may offer testimony of witnesses who are located in another state,
3 including testimony of the parties and the child, by deposition or other means allowable
4 in this state for testimony taken in another state. The court on its own motion may order
5 that the testimony of a person be taken in another state and may prescribe the manner in
6 which and the terms upon which the testimony is taken.

7 2. A court of this state may permit an individual residing in another state to be
8 deposed or to testify by telephone, audiovisual means, or other electronic means before a
9 designated court or at another location in that state. A court of this state shall cooperate
10 with courts of other states in designating an appropriate location for the deposition or
11 testimony.

12 3. Documentary evidence transmitted from another state to a court of this state by
13 technological means that do not produce an original writing may not be excluded from
14 evidence on an objection based on the means of transmission.

 452.825. 1. A court of this state may request the appropriate court of another state
2 to hold a hearing to obtain evidence, to order persons within that state to produce or give
3 evidence under other procedures of that state, or to have social studies made with respect
4 to the custody of a child involved in proceedings pending in the court of this state; and to
5 forward to the court of this state certified copies of the transcript of the record of the
6 hearing, the evidence otherwise obtained, or any social studies prepared in compliance with
7 the request. The cost of the services may be assessed against the parties.

8 2. A court of this state may request the appropriate court of another state to order
9 a party to custody proceedings pending in the court of this state to appear in the

10 proceedings and, if that party has physical custody of the child, to appear with the child.
11 The request may state that travel and other necessary expenses of the party and of the
12 child whose appearance is desired will be assessed against the appropriate party.

452.830. 1. Upon request of the court of another state, the courts of this state which
2 are competent to hear custody matters may order a person in this state to appear at a
3 hearing to obtain evidence or to produce or give evidence under other procedures available
4 in this state for use in a custody proceeding in another state. A certified copy of the
5 transcript of the record of the hearing or the evidence otherwise obtained may, in the
6 discretion of the court and upon payment therefor, be forwarded to the requesting court.

7 2. A person within this state may voluntarily give his testimony or statement in this
8 state for use in a custody proceeding outside this state.

9 3. Upon request of the court of another state, a competent court of this state may
10 order a person in this state to appear alone or with the child in a custody proceeding in
11 another state. The court may condition compliance with the request upon assurance by
12 the other state that travel and other necessary expenses will be advanced or reimbursed.

452.835. A court of this state shall preserve the pleadings, orders, decrees, records
2 of hearings, evaluations, and other pertinent records with respect to a child custody
3 proceeding until the child reaches eighteen years of age. Upon appropriate request by the
4 court or law enforcement official of another state, the court shall forward certified copies
5 of these records.

452.840. If a custody decree has been rendered in another state concerning a child
2 involved in a custody proceeding pending in a court of this state, the court of this state,
3 upon taking jurisdiction of the case, shall request of the court of the other state a certified
4 copy of the transcript of any court record and other documents mentioned in section
5 452.835.

452.845. If a question of existence or exercise of jurisdiction under sections 452.700
2 to 452.930 is raised in a child custody proceeding, the question, upon request of a party,
3 must be given priority on the calendar and handled expeditiously.

ARTICLE III

ENFORCEMENT

452.850. As used in sections 452.850 to 452.915:

2 (1) "Petitioner" means a person who seeks enforcement of a child custody
3 determination or enforcement of an order for the return of the child under the Hague
4 Convention on the Civil Aspects of International Child Abduction;

5 (2) "Respondent" means a person against whom a proceeding has been commenced
6 for enforcement of a child custody determination or enforcement of an order for the return

7 of the child under the Hague Convention on the Civil Aspects of International Child
8 Abduction.

452.855. 1. Sections 452.850 to 452.915 may be invoked to enforce:

2 (1) A child custody determination; and

3 (2) An order for the return of the child made under the Hague Convention on the
4 Civil Aspects of International Child Abduction.

5 2. A court of this state which does not have jurisdiction to modify a child custody
6 determination may issue a temporary order enforcing:

7 (1) A visitation schedule made by a court of another state; or

8 (2) The visitation provisions of a child custody determination of another state that
9 does not provide for a specific visitation schedule.

10 3. If a court of this state makes an order under subdivision (2) of subsection 2 of
11 this section, the court shall specify in the order a period of time which it considers adequate
12 to allow the person seeking the order to obtain an order from the state having jurisdiction
13 under sections 452.740 to 452.845. The order remains in effect until an order is obtained
14 from the other state or the period expires.

452.860. 1. A court of this state may grant any relief normally available under the
2 provisions of the laws of this state to enforce a registered child custody determination made
3 by a court of another state.

4 2. A court of this state shall recognize and enforce, but shall not modify, except in
5 accordance with sections 452.740 to 452.845, a registered child custody determination of
6 another state.

452.865. If a proceeding for enforcement under sections 452.850 to 452.915 has been
2 or is commenced in this state and a court of this state determines that a proceeding to
3 modify the determination has been commenced in another state having jurisdiction to
4 modify the determination under sections 452.740 to 452.845, the enforcing court shall
5 immediately communicate with the modifying court. The proceeding for enforcement
6 continues unless the enforcing court, after consultation with the modifying court, stays or
7 dismisses the proceeding.

452.870. 1. A petition under sections 452.850 to 452.915 shall be verified. Certified
2 copies of all orders sought to be enforced and of the order confirming registration, if any,
3 shall be attached to the petition. A copy of a certified copy of an order may be attached
4 instead of the original.

5 2. A petition for enforcement of a child custody determination shall state:

6 (1) Whether the court that issued the determination identified the jurisdictional
7 basis it relied upon in exercising jurisdiction and, if so, what the basis was;

8 (2) Whether the determination for which enforcement is sought has been vacated,
9 stayed or modified by a court whose decision shall be enforced under sections 452.700 to
10 452.930 or federal law and, if so, identify the court, case number of the proceeding and
11 action taken;

12 (3) Whether any proceeding has been commenced that could affect the current
13 proceeding, including proceedings relating to domestic violence, protective orders,
14 termination of parental rights and adoptions, and, if so, identify the court, and the case
15 number and nature of the proceeding;

16 (4) The present physical address of the child and respondent, if known; and

17 (5) Whether relief in addition to the immediate physical custody of the child and
18 attorney's fees is sought, including a request for assistance from law enforcement officials
19 and, if so, the relief sought.

20 3. If the child custody determination has been registered and confirmed under
21 section 452.810, the petition shall also state the date and place of registration.

22 4. The court shall issue an order directing the respondent to appear with or without
23 the child at a hearing and may enter any orders necessary to ensure the safety of the
24 parties and the child.

25 5. The hearing shall be held on the next judicial day following service of process
26 unless such date is impossible. In such event, the court shall hold the hearing on the first
27 day possible. The court may extend the date of hearing at the request of the petitioner.

28 6. The order shall state the time and place of the hearing, and shall advise the
29 respondent that at the hearing the court will order the delivery of the child and payment
30 of fees, costs and expenses under section 452.890, and may set an additional hearing to
31 determine if further relief is appropriate, unless the respondent appears and establishes
32 that:

33 (1) The child custody determination is not registered and confirmed under section
34 452.810, and:

35 (a) The issuing court did not have jurisdiction under sections 452.740 to 452.845;

36 (b) The child custody determination for which enforcement is sought has been
37 vacated, stayed or modified by a court of a state having jurisdiction to do so under sections
38 452.740 to 452.845 or federal law; or

39 (c) The respondent was entitled to notice, but notice was not given in accordance
40 with the standards of section 452.762 in the proceedings before the court that issued the
41 order for which enforcement is sought; or

42 (2) The child custody determination for which enforcement is sought was registered
43 and confirmed under section 452.810, but has been vacated, stayed or modified by a court
44 of a state having jurisdiction to do so under sections 452.740 to 452.845 or federal law.

 452.875. Except as otherwise provided in section 452.885, the petition and order
2 shall be served by any method authorized by the laws of this state upon the respondent and
3 any person who has physical custody of the child.

 452.880. 1. Unless the court enters a temporary emergency order under section
2 452.755, upon a finding that a petitioner is entitled to the physical custody of the child
3 immediately, the court shall order the child delivered to the petitioner unless the
4 respondent establishes that:

5 (1) The child custody determination has not been registered and confirmed under
6 section 452.810, and that:

7 (a) The issuing court did not have jurisdiction under sections 452.740 to 452.845;

8 (b) The child custody determination for which enforcement is sought has been
9 vacated, stayed or modified by a court of a state having jurisdiction to do so under sections
10 452.740 to 452.845 or federal law; or

11 (c) The respondent was entitled to notice, but notice was not given in accordance
12 with the standards of section 452.762 in the proceedings before the court that issued the
13 order for which enforcement is sought; or

14 (2) The child custody determination for which enforcement is sought was registered
15 and confirmed under section 452.810, but has been vacated, stayed or modified by a court
16 of a state having jurisdiction to do so under sections 452.740 to 452.845 or federal law.

17 2. The court shall award the fees, costs and expenses authorized under section
18 452.890 and may grant additional relief, including a request for the assistance of law
19 enforcement officials, and set a further hearing to determine if additional relief is
20 appropriate.

21 3. If a party called to testify refuses to answer on the grounds that the testimony
22 may be self-incriminating, the court may draw an adverse inference from such refusal.

23 4. A privilege against disclosure of communications between spouses and a defense
24 of immunity based on the relationship of husband and wife, or parent and child shall not
25 be invoked in a proceeding under sections 452.850 to 452.915.

 452.885. 1. Upon the filing of a petition seeking enforcement of a child custody
2 determination, the petitioner may file a verified application for the issuance of a warrant
3 to take physical custody of the child if the child is likely to suffer serious imminent physical
4 harm or removal from this state.

5 **2. If the court, upon the testimony of the petitioner or other witnesses, finds that**
6 **the child is likely to suffer serious imminent physical harm or be imminently removed from**
7 **this state, the court may issue a warrant to take physical custody of the child. The petition**
8 **shall be heard on the next judicial day after the warrant is executed. The warrant shall**
9 **include the statements required under subsection 2 of section 452.870.**

10 **3. A warrant to take physical custody of a child shall:**

11 **(1) Recite the facts which a conclusion of serious imminent physical harm or**
12 **removal from the jurisdiction is based;**

13 **(2) Direct law enforcement officers to take physical custody of the child**
14 **immediately; and**

15 **(3) Provide for the placement of the child pending final relief.**

16 **4. The respondent shall be served with the petition, warrant and order immediately**
17 **after the child is taken into physical custody.**

18 **5. A warrant to take physical custody of a child is enforceable throughout this state.**
19 **If the court finds on the basis of the testimony of the petitioner or other witness that a less**
20 **intrusive remedy is not effective, the court may authorize law enforcement officers to enter**
21 **private property to take physical custody of the child. If required by the exigency of the**
22 **case, the court may authorize law enforcement officers to make a forcible entry at any**
23 **hour.**

24 **6. The court may impose conditions on the placement of a child to ensure the**
25 **appearance of the child and the child's custodian.**

452.890. 1. The court shall award the prevailing party, including a state, necessary
2 **and reasonable expenses incurred by or on behalf of the party, including costs,**
3 **communication expenses, attorney's fees, investigative fees, expenses for witnesses, travel**
4 **expenses and child care during the course of the proceedings, unless the party from whom**
5 **fees or expenses are sought establishes that the award would be clearly inappropriate.**

6 **2. The court shall not assess fees, costs or expenses against a state except as**
7 **otherwise provided by law other than sections 452.700 to 452.930.**

452.895. A court of this state shall accord full faith and credit to an order made
2 **consistently with sections 452.700 to 452.930 which enforces a child custody determination**
3 **by a court of another state unless the order has been vacated, stayed or modified by a court**
4 **authorized to do so under sections 452.740 to 452.845.**

452.900. An appeal may be taken from a final order in a proceeding under sections
2 **452.850 to 452.915 in accordance with appellate procedures in other civil cases. Unless the**
3 **court enters a temporary emergency order under section 452.755, the enforcing court shall**
4 **not stay an order enforcing a child custody determination pending appeal.**

452.905. 1. In a case arising under sections 452.700 to 452.930 or involving the Hague Convention on the Civil Aspects of International Child Abduction, the appropriate public official may take any lawful action, including resort to a proceeding under sections 452.850 to 452.915 or any other available civil proceeding to locate a child, obtain the return of a child or enforce a child custody determination if there is:

- (1) An existing child custody determination;**
 - (2) A request from a court in a pending child custody case;**
 - (3) A reasonable belief that a criminal statute has been violated; or**
 - (4) A reasonable belief that the child has been wrongfully removed or retained in violation of the Hague Convention on the Civil Aspects of International Child Abduction.**
- 2. A prosecutor or an appropriate public official shall act on behalf of the court and shall not represent any party to a child custody determination.**

452.910. At the request of a prosecutor or other appropriate public official acting under section 452.905, a law enforcement officer may take any lawful action reasonably necessary to locate a child or a party and assist such prosecutor or public official with responsibilities under section 452.905.

452.915. If the respondent is not the prevailing party, the court may assess against the respondent all direct expenses and costs incurred by the prosecutor or other appropriate public official and law enforcement officers under sections 452.905 and 452.910.

ARTICLE IV

MISCELLANEOUS PROVISIONS

452.920. In applying and construing sections 452.700 to 452.930, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

452.925. If any provision of sections 452.700 to 452.930 or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of sections 452.700 to 452.930 which can be given effect without the invalid provision or application, and to this end the provisions of sections 452.700 to 452.930 are severable.

452.930. A motion or other request for relief made in a child custody or enforcement proceeding which was commenced before August 28, 2009, is governed by the law in effect at the time the motion or other request was made.

[452.440. Sections 452.440 to 452.550 may be cited as the "Uniform Child Custody Jurisdiction Act".]

[452.445. As used in sections 452.440 to 452.550:

(1) "Custody determination" means a court decision and court orders and instructions providing for the custody of a child, including visitation rights. This term does not include a decision relating to child support or any other monetary obligation of any person; but the court shall have the right in any custody determination where jurisdiction is had pursuant to section 452.460 and where it is in the best interest of the child to adjudicate the issue of child support;

(2) "Custody proceeding" includes proceedings in which a custody determination is one of several issues, such as an action for dissolution of marriage, legal separation, separate maintenance, appointment of a guardian of the person, child neglect or abandonment, but excluding actions for violation of a state law or municipal ordinance;

(3) "Decree" or "custody decree" means a custody determination contained in a judicial decree or order made in a custody proceeding, and includes an initial decree and a modification decree;

(4) "Home state" means the state in which, immediately preceding the filing of custody proceeding, the child lived with his parents, a parent, an institution; or a person acting as parent, for at least six consecutive months; or, in the case of a child less than six months old, the state in which the child lived from birth with any of the persons mentioned. Periods of temporary absence of any of the named persons are counted as part of the six-month or other period;

(5) "Initial decree" means the first custody decree concerning a particular child;

(6) "Litigant" means a person, including a parent, grandparent, or step-parent, who claims a right to custody or visitation with respect to a child.]

[452.450. 1. A court of this state which is competent to decide child custody matters has jurisdiction to make a child custody determination by initial or modification decree if:

(1) This state:

(a) Is the home state of the child at the time of commencement of the proceeding; or

(b) Had been the child's home state within six months before commencement of the proceeding and the child is absent from this state for any reason, and a parent or person acting as parent continues to live in this state; or

(2) It is in the best interest of the child that a court of this state assume jurisdiction because:

(a) The child and his parents, or the child and at least one litigant, have a significant connection with this state; and

(b) There is available in this state substantial evidence concerning the child's present or future care, protection, training, and personal relationships; or

(3) The child is physically present in this state and:

(a) The child has been abandoned; or

18 (b) It is necessary in an emergency to protect the child because he has
19 been subjected to or threatened with mistreatment or abuse, or is otherwise being
20 neglected; or

21 (4) It appears that no other state would have jurisdiction under
22 prerequisites substantially in accordance with subdivision (1), (2), or (3), or
23 another state has declined to exercise jurisdiction on the ground that this state is
24 the more appropriate forum to determine the custody of the child, and it is in the
25 best interest of the child that this court assume jurisdiction.

26 2. Except as provided in subdivisions (3) and (4) of subsection 1 of this
27 section, physical presence of the child, or of the child and one of the litigants, in
28 this state is not sufficient alone to confer jurisdiction on a court of this state to
29 make a child custody determination.

30 3. Physical presence of the child, while desirable, is not a prerequisite for
31 jurisdiction to determine his custody.]
32

2 [452.455. 1. Any petition for modification of child custody decrees filed
3 under the provisions of section 452.410, or sections 452.440 to 452.450, shall be
4 verified and, if the original proceeding originated in the state of Missouri, shall
5 be filed in that original case, but service shall be obtained and responsive
6 pleadings may be filed as in any original proceeding.

7 2. Before making a decree under the provisions of section 452.410, or
8 sections 452.440 to 452.450, the litigants, any parent whose parental rights have
9 not been previously terminated, and any person who has physical custody of the
10 child must be served in the manner provided by the rules of civil procedure and
11 applicable court rules and may within thirty days after the date of service
12 (forty-five days if service by publication) file a verified answer. If any of these
13 persons is outside this state, notice and opportunity to be heard shall be given
14 pursuant to section 452.460.

15 3. In any case in which the paternity of a child has been determined by
16 a court of competent jurisdiction and where the noncustodial parent is delinquent
17 in the payment of child support in an amount in excess of ten thousand dollars,
18 the custodial parent shall have the right to petition a court of competent
19 jurisdiction for the termination of the parental rights of the noncustodial parent.

20 4. When a person filing a petition for modification of a child custody
21 decree owes past due child support to a custodial parent in an amount in excess
22 of ten thousand dollars, such person shall post a bond in the amount of past due
23 child support owed as ascertained by the division of child support enforcement
24 or reasonable legal fees of the custodial parent, whichever is greater, before the
25 filing of the petition. The court shall hold the bond in escrow until the
26 modification proceedings pursuant to this section have been concluded wherein
27 such bond shall be transmitted to the division of child support enforcement for
28 disbursement to the custodial parent.]

2 [452.460. 1. The notice required for the exercise of jurisdiction over a
3 person outside this state shall be given in a manner reasonably calculated to give
4 actual notice, and may be given in any of the following ways:

5 (1) By personal delivery outside this state in the manner prescribed for
6 service of process within this state;

7 (2) In the manner prescribed by the law of the place in which the service
8 is made for service of process in that place in an action in any of its courts of
9 general jurisdiction;

10 (3) By certified or registered mail; or

11 (4) As directed by the court, including publication, if any other means of
12 notification are ineffective.

13 2. Proof of service outside this state may be made by affidavit of the
14 individual who made the service, or in the manner prescribed by the law of this
15 state, the order pursuant to which the service is made, or the law of the place in
16 which the service is made. If service is made by mail, proof of service may be
17 a receipt signed by the addressee or other evidence of delivery to the addressee.

18 3. The notice provided for in this section is not required for a person who
19 submits to the jurisdiction of the court.]

2 [452.465. 1. A court of this state shall not exercise its jurisdiction under
3 sections 452.440 to 452.550 if, at the time of filing the petition, a proceeding
4 concerning the custody of the child was pending in a court of another state
5 exercising jurisdiction substantially in conformity with sections 452.440 to
6 452.550, unless the proceeding is stayed by the court of that other state for any
7 reason.

8 2. Before hearing the petition in a custody proceeding, the court shall
9 examine the pleadings and other information supplied by the parties under section
10 452.480 and shall consult the child custody registry established under section
11 452.515 concerning the pendency of proceedings with respect to the child in
12 other states. If the court has reason to believe that proceedings may be pending
13 in another state, it shall direct an inquiry to the state court administrator or other
14 appropriate official of that state.

15 3. If the court is informed during the course of the proceeding that a
16 proceeding concerning the custody of the child was pending in another state
17 before the court assumed jurisdiction, it shall stay the proceeding and
18 communicate with the court in which the other proceeding is pending in order
19 that the issue may be litigated in the more appropriate forum and that information
20 may be exchanged in accordance with sections 452.530 to 452.550. If a court of
21 this state has made a custody decree before being informed of a pending
22 proceeding in a court of another state, it shall immediately inform that court of
23 the fact. If the court is informed that a proceeding was commenced in another
24 state after it assumed jurisdiction, it shall likewise inform the other court in order
that the issues may be litigated in the more appropriate forum.]

25

[452.470. 1. A court which has jurisdiction under this act to make an initial or modification decree may decline to exercise its jurisdiction any time before making a decree if it finds that it is an inconvenient forum to make a custody determination under the circumstances of the case and that a court of another state is a more appropriate forum.

2. A finding that a court is an inconvenient forum under subsection 1 above may be made upon the court's own motion or upon the motion of a party or a guardian ad litem or other representative of the child. In determining if it is an inconvenient forum, the court shall consider if it is in the interest of the child that another state assume jurisdiction.

3. Before determining whether to decline or retain jurisdiction the court may communicate with a court of another state and exchange information pertinent to the assumption of jurisdiction by either court, with a view to assuring that jurisdiction will be exercised by the more appropriate court and that a forum will be available to the parties.

4. If the court finds that it is an inconvenient forum and that a court of another state is a more appropriate forum, it may dismiss the proceedings, or it may stay the proceedings upon condition that a custody proceeding be promptly commenced in another named state or upon any other conditions which may be just and proper, including the condition that a moving party stipulate his consent and submission to the jurisdiction of the other forum.

5. The court may decline to exercise its jurisdiction under this act if a custody determination is incidental to an action for dissolution of marriage or another proceeding while retaining jurisdiction over the dissolution of marriage or other proceeding.

6. If it appears to the court that it is clearly an inappropriate forum, it may require the party who commenced the proceedings to pay, in addition to the costs of the proceedings in this state, necessary travel and other expenses, including attorneys' fees, incurred by other parties or their witnesses. Payment is to be made to the clerk of the court for remittance to the proper party.

7. Upon dismissal or stay of proceedings under this section, the court shall inform the court found to be the more appropriate forum of this fact or, if the court which would have jurisdiction in the other state is not certainly known, shall transmit the information to the court administrator or other appropriate official for forwarding to the appropriate court.

8. Any communication received from another state informing this state of a finding that a court of this state is the more appropriate forum shall be filed in the custody registry of the appropriate court. Upon assuming jurisdiction the court of this state shall inform the original court of this fact.]

40

[452.475. 1. If the petitioner for an initial decree has wrongfully taken the child from another state or has engaged in similar reprehensible conduct, the

2

3 court may decline to exercise jurisdiction if this is just and proper under the
4 circumstances.

5 2. Unless required in the interest of the child, the court shall not exercise
6 its jurisdiction to modify a custody decree of another state if the petitioner,
7 without consent of the person entitled to custody, has improperly removed the
8 child from the physical custody of the person entitled to custody or has
9 improperly retained the child after a visit or other temporary relinquishment of
10 physical custody. If the petitioner has violated any other provision of a custody
11 decree of another state, the court may decline to exercise its jurisdiction if this is
12 just and proper under the circumstances.

13 3. In appropriate cases a court dismissing a petition under this section
14 may charge the petitioner with necessary travel and other expenses, including
15 attorneys' fees, incurred by other parties or their witnesses.]
16

[452.480. 1. In his first pleading, or in an affidavit attached to that
2 pleading, every party in a custody proceeding shall give information under oath
3 as to the child's present address, with whom the child is presently living and with
4 whom and where the child lived, other than on a temporary basis, within the past
5 six months. In this pleading or affidavit every party shall further declare under
6 oath whether:

7 (1) He has participated in any capacity in any other litigation concerning
8 the custody of the same child in this or any other state;

9 (2) He has information of any custody proceeding concerning the child
10 pending in a court of this or any other state; and

11 (3) He knows of any person not a party to the proceedings who has
12 physical custody of the child or claims to have custody or visitation rights with
13 respect to the child.

14 2. If the declaration as to any of the items listed in subdivisions (1)
15 through (3) of subsection 1 above is in the affirmative, the declarant shall give
16 additional information under oath as required by the court. The court may
17 examine the parties under oath as to details of the information furnished and as
18 to other matters pertinent to the court's jurisdiction and the disposition of the
19 case.

20 3. Each party has a continuing duty to inform the court of any change in
21 information required by subsection 1 of this section.]
22

[452.485. If the court learns from information furnished by the parties
2 pursuant to section 452.480 or from other sources that a person not a party to the
3 custody proceeding has physical custody of the child or claims to have custody
4 or visitation rights with respect to the child, it may order that person to be joined
5 as a party and to be duly notified of the pendency of the proceeding and of his
6 joinder as a party. If the person joined as a party is outside this state he shall be
7 served with process or otherwise notified in accordance with section 452.460.]

[452.490. 1. The court may order any party to the proceeding who is in this state to appear personally before the court. If the court finds the physical presence of the child in court to be in the best interests of the child, the court may order that the party who has physical custody of the child appear personally with the child.

2. If a party to the proceeding whose presence is desired by the court is outside this state, with or without the child, the court may order that the notice given under section 452.460 include a statement directing that party to appear personally with or without the child.

3. If a party to the proceeding who is outside this state is directed to appear under subsection 1 of this section or desires to appear personally before the court with or without the child, the court may require another party to pay to the clerk of the court travel and other necessary expenses of the party so appearing and of the child, if this is just and proper under the circumstances.

4. If the court finds it to be in the best interest of the child that a guardian ad litem be appointed, the court may appoint a guardian ad litem for the child. The guardian ad litem so appointed shall be an attorney licensed to practice law in the state of Missouri. Disqualification of a guardian ad litem shall be ordered in any legal proceeding pursuant to this chapter, upon the filing of a written application by any party within ten days of appointment. Each party shall be entitled to one disqualification of a guardian ad litem appointed under this subsection in each proceeding, except a party may be entitled to additional disqualifications of a guardian ad litem for good cause shown. The guardian ad litem may, for the purpose of determining custody of the child only, participate in the proceedings as if such guardian ad litem were a party. The court shall enter judgment allowing a reasonable fee to the guardian ad litem.

5. The court shall appoint a guardian ad litem in any proceeding in which child abuse or neglect is alleged.]

[452.495. A custody decree rendered by a court of this state which had jurisdiction under section 452.450 binds all parties who have been served in this state or notified in accordance with section 452.460, or who have submitted to the jurisdiction of the court, and who have been given an opportunity to be heard. As to these parties the custody decree is conclusive as to all issues of law and fact decided and as to the custody determination made, unless and until that determination is modified pursuant to law, including the provisions of section 452.410 and sections 452.440 to 452.550.]

[452.500. The courts of this state shall recognize and enforce an initial or modification decree of a court of another state which had assumed jurisdiction under statutory provisions substantially in accordance with sections 452.440 to 452.550, or which was made under factual circumstances meeting the jurisdictional standards of sections 452.440 to 452.550, so long as this decree has

6 not been modified in accordance with jurisdictional standards substantially
7 similar to those of sections 452.440 to 452.550.]
8

2 [452.505. If a court of another state has made a custody decree, a court
3 of this state shall not modify that decree unless it appears to the court of this state
4 that the court which rendered the decree does not now have jurisdiction under
5 jurisdictional prerequisites substantially in accordance with sections 452.440 to
6 452.550 or has declined to assume jurisdiction to modify the decree and the court
7 of this state has jurisdiction.]

2 [452.510. 1. A certified copy of a custody decree of another state may
3 be filed in the office of the clerk of any circuit court of this state. The clerk shall
4 treat the decree in the same manner as a custody decree of the circuit court of this
5 state. A custody decree so filed has the same effect and shall be enforced in like
6 manner as a custody decree rendered by a court of this state.

7 2. A person violating a custody decree of another state which makes it
8 necessary to enforce the decree in this state may be required to pay necessary
9 travel and other expenses, including attorneys' fees, incurred by the party entitled
10 to the custody or his witnesses.]

2 [452.515. The clerk of each circuit court shall maintain a registry in
3 which he shall enter the following:

3 (1) Certified copies of custody decrees of other states received for filing;
4 (2) Communications as to the pendency of custody proceedings in other
5 states;

6 (3) Communications concerning findings of inconvenient forum under
7 section 452.470 by a court of another state; and

8 (4) Other communications or documents concerning custody proceedings
9 in another state which in the opinion of the circuit judge may affect the
10 jurisdiction of a court of this state or the disposition to be made by it in a custody
11 proceeding.]
12

2 [452.520. The clerk of the circuit court of this state, at the request of the
3 court of another state or at the request of any person who is affected by or has a
4 legitimate interest in a custody decree, may, upon payment therefor, certify and
5 forward a copy of the decree to that court or person.]

2 [452.525. In addition to other procedural devices available to a party, any
3 party to the proceeding or a guardian ad litem or other representative of the child
4 may obtain the testimony of witnesses, including parties and the child, by
5 deposition or otherwise, in another state. The court on its own motion may direct
6 that the testimony of a person be taken in another state and may prescribe the
manner in which and the terms upon which the testimony shall be taken.]

[452.530. 1. A court of this state may request the appropriate court of another state to hold a hearing to obtain evidence, to order persons within that state to produce or give evidence under other procedures of that state, or to have social studies made with respect to the custody of a child involved in proceedings pending in the court of this state; and to forward to the court of this state certified copies of the transcript of the record of the hearing, the evidence otherwise obtained, or any social studies prepared in compliance with the request. The cost of the services may be assessed against the parties.

2. A court of this state may request the appropriate court of another state to order a party to custody proceedings pending in the court of this state to appear in the proceedings and, if that party has physical custody of the child, to appear with the child. The request may state that travel and other necessary expenses of the party and of the child whose appearance is desired will be assessed against the appropriate party.]

[452.535. 1. Upon request of the court of another state, the courts of this state which are competent to hear custody matters may order a person in this state to appear at a hearing to obtain evidence or to produce or give evidence under other procedures available in this state for use in a custody proceeding in another state. A certified copy of the transcript of the record of the hearing or the evidence otherwise obtained may, in the discretion of the court and upon payment therefor, be forwarded to the requesting court.

2. A person within this state may voluntarily give his testimony or statement in this state for use in a custody proceeding outside this state.

3. Upon request of the court of another state, a competent court of this state may order a person in this state to appear alone or with the child in a custody proceeding in another state. The court may condition compliance with the request upon assurance by the other state that travel and other necessary expenses will be advanced or reimbursed.]

[452.540. In any custody proceeding in this state the court shall preserve the pleadings, orders and decrees, any record that has been made of its hearings, social studies, and other pertinent documents until the child reaches eighteen years of age. When requested by the court of another state the court may, upon payment therefor, forward to the other court certified copies of any or all of such documents.]

[452.545. If a custody decree has been rendered in another state concerning a child involved in a custody proceeding pending in a court of this state, the court of this state, upon taking jurisdiction of the case, shall request of the court of the other state a certified copy of the transcript of any court record and other documents mentioned in section 452.540.]

2 [452.550. Upon the request of a party to a custody proceeding which
3 raises a question of existence or exercise of jurisdiction under sections 452.440
4 to 452.550, determination of jurisdiction shall be given calendar priority and
 handled expeditiously.]

✓