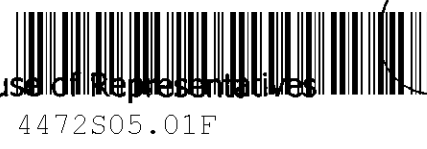


Cox

(H)



Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed

SS SCS HCS HB 1231 entitled:

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**AN ACT**

To repeal sections 56.807, 105.711, 302.065, 408.040, 452.556, 455.007, 456.950, 476.445, 477.081, 477.082, 477.152, 477.160, 477.170, 477.180, 477.181, 477.190, 477.191, 478.320, 478.437, 478.464, 478.513, 478.600, 478.610, 483.140, 488.014, 488.026, 488.305, 516.140, 516.350, 525.040, 525.070, 525.080, 525.230, 525.310, 575.153, 578.501, 578.502, 578.503, and 650.120, RSMo, and to enact in lieu thereof thirty-nine new sections relating to the administration of justice, with penalty provisions and an effective date for certain sections.

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With SA 1, SA 2, SA 3, SA 4, SA 5, SA 6, SA 7

In which the concurrence of the House is respectfully requested.

Respectfully,

Terry L. Spieler  
Secretary of the Senate

**MAY 14 2014**

100-100-100

SENATE AMENDMENT NO. 1Offered by Dife of GreeneAmend SS/SCS/HCS/House Bill No. 1231, Page 20, Section 105.711, Line 11

of said page, by inserting after all of said line the following:

"211.442. As used in sections 211.442 to 211.487, unless the context clearly indicates otherwise, the following terms mean:

(1) "Child", an individual under eighteen years of age;

(2) "Minor", any person who has not attained the age of eighteen years;

(3) "Parent"[, a biological parent or parents of a child, as well as, the husband of a natural mother at the time the child was conceived, or a parent or parents of a child by adoption, including both the mother and the putative father of a child. The putative father of a child shall have no legal relationship unless he, prior to the entry of a decree under sections 211.442 to 211.487, has acknowledged the child as his own by affirmatively asserting his paternity];

(a) A biological parent or parents who have a parent and child relationship as defined under subdivision (4) of section 210.817 and section 210.819;

(b) The presumed father of a child under subdivisions (1), (2) and (3) of section 210.822;

Offered 5/14/14  
Adopted 5/14/14

- 1        (c) The acknowledged father under section 210.823;  
2        (d) The adjudicated parent under sections 210.817 to  
3        210.853;  
4        (e) A parent or parents of a child by adoption; or  
5        (f) The putative father of a child who has, before the  
6        birth or within fifteen days of the birth of the child:  
7            a. Established a relationship with the child under section  
8            453.045; and  
9            b. Filed a parentage action under sections 210.817 to  
10          210.853 and properly served notice upon the mother.

11            211.444. 1. The juvenile court may, upon petition of the  
12        juvenile officer, the court appointed guardian ad litem, or a  
13        child-placing agency licensed under sections 210.481 to 210.536  
14        in conjunction with a placement with such agency under subsection  
15        6 of section 453.010, or the court before which a petition for  
16        adoption has been filed pursuant to the provisions of chapter  
17        453, terminate the rights of a parent or approve the consent to  
18        adoption or waiver of consent to adoption, by a parent or of a  
19        named father to a child, including a child who is a ward of the  
20        court, if the court finds that such termination or consent to  
21        adoption or waiver of consent to adoption is in the best  
22        interests of the child and the parent has consented in writing to  
23        the termination of his or her parental rights or consented or  
24        waived consent to the adoption.

25            2. The written consent required by subsection 1 of this  
26        section may be executed before or after the institution of the  
27        proceedings and shall be acknowledged before a notary public. In  
28        lieu of such acknowledgment, the signature of the person giving  
29        the written consent shall be witnessed by at least two adult

1 persons who are present at the execution whose signatures and  
2 addresses shall be plainly written thereon and who determine and  
3 certify that the consent is knowingly and freely given. The two  
4 adult witnesses shall not be the prospective parents. The notary  
5 public or witnesses shall verify the identity of the party  
6 signing the consent.

7 3. The written consent required by subsection 1 of this  
8 section shall be valid and effective only after the child is at  
9 least forty-eight hours old and if it complies with the other  
10 requirements of section 453.030."; and

11 Further amend said bill, page 27, section 452.556, line 4 of  
12 said page, by inserting after all of said line the following:

13 "453.010. 1. Any person desiring to adopt another person  
14 as his or her child shall petition the juvenile division of the  
15 Missouri circuit court of the county in which:

16 (1) The person seeking to adopt resides or within one  
17 hundred and fifty miles of such county;

18 (2) The child sought to be adopted was born;

19 (3) The child is located at the time of the filing of the  
20 petition; [or]

21 (4) Either birth person resides or within one hundred and  
22 fifty miles of such county; or

23 (5) The placing agency or intermediary has offices.

24 2. A petition to adopt shall not be dismissed or denied on  
25 the grounds that the petitioner is not domiciled or does not  
26 reside in any of the venues set forth in subdivision (2), (3) or  
27 (4) of subsection 1 of this section.

28 3. If the person sought to be adopted is a child who is  
29 under the prior and continuing jurisdiction of a court pursuant

1 to the provision of chapter 211, any person desiring to adopt  
2 such person as his or her child shall petition the juvenile  
3 division of the circuit court which has jurisdiction over the  
4 child for permission to adopt such person as his or her child.  
5 Upon receipt of a motion from the petitioner and consent of the  
6 receiving court, the juvenile division of the circuit court which  
7 has jurisdiction over the child may transfer jurisdiction to the  
8 juvenile division of a circuit court within any of the  
9 alternative venues set forth in subsection 1 of this section.

10 4. If the petitioner has a spouse living and competent to  
11 join in the petition, such spouse may join therein, and in such  
12 case the adoption shall be by them jointly. If such a spouse  
13 does not join the petition the court in its discretion may, after  
14 a hearing, order such joinder, and if such order is not complied  
15 with may dismiss the petition.

16 5. Upon receipt of a properly filed petition, a court, as  
17 defined in this section, shall hear such petition in a timely  
18 fashion. A court or any child-placing agency shall not deny or  
19 delay the placement of a child for adoption when an approved  
20 family is available, regardless of the approved family's  
21 residence or domicile. The court shall expedite the placement of  
22 a child for adoption pursuant to subsection 3 of this section.

23 6. A licensed child-placing agency may file a petition for  
24 transfer of custody if a birth parent consents in writing by  
25 power of attorney for placement of a minor child, a consent to  
26 adoption, or any other document which evidences a desire to place  
27 the child with the licensed child-placing agency for the purposes  
28 of transfer of custody of the child to the licensed child-placing  
29 agency. The written consent obtained from the birth parent shall

1 strictly comply with section 453.030.

2 453.040. The consent to the adoption of a child is not  
3 required of:

4 (1) A parent whose rights with reference to the child have  
5 been terminated pursuant to law, including section 211.444 or  
6 section 211.447 or other similar laws in other states;

7 (2) A parent of a child who has legally consented to a  
8 future adoption of the child;

9 (3) A parent whose identity is unknown and cannot be  
10 ascertained at the time of the filing of the petition;

11 (4) A man who has not been established to be the father and  
12 who is not presumed by law to be the father, and who, after the  
13 conception of the child, executes a verified statement denying  
14 paternity and disclaiming any interest in the child and  
15 acknowledging that this statement is irrevocable when executed  
16 and follows the consent as set forth in section 453.030;

17 (5) A parent or other person who has not executed a consent  
18 and who, after proper service of process, fails to file an answer  
19 or make an appearance in a proceeding for adoption or for  
20 termination of parental rights at the time such cause is heard;

21 (6) A parent who has a mental condition which is shown by  
22 competent evidence either to be permanent or such that there is  
23 no reasonable likelihood that the condition can be reversed and  
24 which renders the parent unable to knowingly provide the child  
25 the necessary care, custody and control;

26 (7) A parent who has for a period of at least six months,  
27 for a child one year of age or older, or at least sixty days, for  
28 a child under one year of age, immediately prior to the filing of  
29 the petition for adoption, willfully abandoned the child or, for

1 a period of at least six months immediately prior to the filing  
2 of the petition for adoption, willfully, substantially and  
3 continuously neglected to provide him with necessary care and  
4 protection;

5 (8) A man who is on notice that he may be the biological  
6 father of a child under section 453.061 but who has not developed  
7 a consistent and substantial relationship with his child under  
8 section 453.045 and whose consent is not required under section  
9 453.030 or not required or is waived under subsection 7 of  
10 section 192.016;

11 (9) A parent whose rights to the child may be terminated  
12 for any of the grounds set forth in section 211.447 and whose  
13 rights have been terminated after hearing and proof of such  
14 grounds as required by sections 211.442 to 211.487. Such  
15 petition for termination may be filed as a count in an adoption  
16 petition.

17 453.045. 1. A man whose consent to adoption is waived or  
18 not required under sections 192.016, 453.030, or 453.040  
19 nonetheless preserves his rights to intervene in an action for  
20 termination of parental rights or in an action for adoption or to  
21 file a paternity action for a child after a petition for either  
22 adoption or termination of parental rights has been filed with  
23 the court, where he can prove that he has previously developed a  
24 consistent and substantial relationship with the child  
25 commensurate with his means and abilities, including but not  
26 limited to, by providing his share of consistent prenatal  
27 financial support and consistent prenatal and natal medical care  
28 for the mother and baby, consistent child support payments  
29 commensurate with his ability to pay, consistent contact and



1 visitation with the child, and assistance with educational and  
2 medical care of the child, unless he can prove that he was  
3 actively thwarted from doing so by the mother, or other actual or  
4 legal custodian.

5 2. Failure to develop such relationship pursuant to  
6 subsection 1 of this section waives such man's rights to  
7 intervene in an action for termination of parental rights or in  
8 an action for adoption or to file a paternity action for a child  
9 after a petition for either adoption or termination of parental  
10 rights has been filed with the court.

11 453.080. 1. The court shall conduct a hearing to determine  
12 whether the adoption shall be finalized. Out of state adoptive  
13 petitioners may appear by their attorney and by video conference  
14 rather than in person, as long as the child also appears by video  
15 conference or in person. During such hearing, the court shall  
16 ascertain whether:

17 (1) The person sought to be adopted, if a child, has been  
18 in the lawful and actual custody of the petitioner for a period  
19 of at least six months prior to entry of the adoption decree;  
20 except that the six-month period may be waived if the person  
21 sought to be adopted is a child who is under the prior and  
22 continuing jurisdiction of a court pursuant to chapter 211 and  
23 the person desiring to adopt the child is the child's current  
24 foster parent. "Lawful and actual custody" shall include a  
25 transfer of custody pursuant to the laws of this state, another  
26 state, a territory of the United States, or another country;

27 (2) The court has received and reviewed a postplacement  
28 assessment on the monthly contacts with the adoptive family  
29 pursuant to section 453.077, except for good cause shown in the

1 case of a child adopted from a foreign country;

2 (3) The court has received and reviewed an updated  
3 financial affidavit;

4 (4) The court has received the recommendations of the  
5 guardian ad litem and has received and reviewed the  
6 recommendations of the person placing the child, the person  
7 making the assessment and the person making the postplacement  
8 assessment;

9 (5) [There is compliance with the uniform child custody  
10 jurisdiction act, sections 452.440 to 452.550;

11 (6)] There is compliance with the Indian Child Welfare Act,  
12 if applicable;

13 [(7)] (6) There is compliance with the Interstate Compact  
14 on the Placement of Children pursuant to section 210.620; and

15 [(8)] (7) It is fit and proper that such adoption should be  
16 made.

17 2. If a petition for adoption has been filed pursuant to  
18 section 453.010 and a transfer of custody has occurred pursuant  
19 to section 453.110, the court may authorize the filing for  
20 finalization in another state if the adoptive parents are  
21 domiciled in that state.

22 3. If the court determines the adoption should be  
23 finalized, a [decree] judgment shall be issued setting forth the  
24 facts and ordering that from the date of the [decree] judgment  
25 the adoptee shall be for all legal intents and purposes the child  
26 of the petitioner or petitioners. The court may decree that the  
27 name of the person sought to be adopted be changed, according to  
28 the prayer of the petition.

29 4. Before the completion of an adoption, the exchange of

1 information among the parties shall be at the discretion of the  
2 parties. Prospective adoptive parents and parents of a  
3 prospective adoptee may enter into a post adoption contact  
4 agreement to allow communication, exchange of photographs or  
5 contact after the adoption between the parents, siblings, or  
6 other relatives of the adoptee and the adoptee and adoptive  
7 parents. The court shall not order any party to enter into a  
8 post adoption contact agreement. Upon completion of an adoption,  
9 further contact among the parties shall be at the discretion of  
10 the adoptive parents, and such adoptive parents may exercise  
11 their discretion to enter into a post adoption contact agreement  
12 with the former parents of an adoptee to allow contact between a  
13 former parent or sibling of the adoptee and the adoptee or  
14 adoptive parents. The agreement shall be in writing and be  
15 approved by the court at or before the finalization of the  
16 adoption. The agreement shall include:

17 (1) An acknowledgment by the former parents that the  
18 adoption is irrevocable, even if the adoptive parents do not  
19 abide by the post adoption contact agreement; and

20 (2) An acknowledgment by the adoptive parents that the  
21 agreement grants the former parents the right to seek to enforce  
22 the post adoption privileges set forth in the agreement.

23  
24 The court shall not approve an agreement unless the agreement is  
25 approved by the adoptive parents with whom the agreement is being  
26 made. The court shall enforce a written agreement made in  
27 accordance with this subsection unless enforcement is not within  
28 the best interests of the adoptee. The court shall not have  
29 jurisdiction to deny continuing contact between the adopted

1 person and the birth parent, or an adoptive parent and a birth  
2 parent. Additionally, the court shall not have jurisdiction to  
3 deny an exchange of identifying information between an adoptive  
4 parent and a birth parent.

5 5. For purposes of this section, "post adoption contact  
6 agreement", shall mean a written agreement approved by the court  
7 pursuant to the provisions listed under subsection 4 of this  
8 section.

9 453.110. 1. No person, agency, organization or institution  
10 shall surrender custody of a minor child, or transfer the custody  
11 of such a child to another, and no person, agency, organization  
12 or institution shall take possession or charge of a minor child  
13 so transferred, without first having filed a petition before the  
14 circuit court sitting as a juvenile court of the county where the  
15 child may be, praying that such surrender or transfer may be  
16 made, and having obtained such an order from such court approving  
17 or ordering transfer of custody. Where filing such petition is  
18 impractical prior to lawful placement for care pursuant to  
19 subsection 5 of this section, such petition shall be filed within  
20 twenty days of execution of proper power of attorney or when the  
21 Interstate Compact for Placement of Children approval under  
22 section 210.620 is obtained, whichever is later.

23 2. If any filing is made late or such surrender or transfer  
24 is made without first obtaining such an order or compliance with  
25 subsection 5 of this section, such court shall, on petition of  
26 any public official or interested person, agency, organization or  
27 institution, order an investigation and report as described in  
28 section 453.070 to be completed by the division of family  
29 services and shall make such order as to the custody of such

1 child in the best interest of such child.

2 3. Any person violating the terms of this section shall be  
3 guilty of a class D felony.

4 4. The investigation required by subsection 2 of this  
5 section shall be initiated by the children's division [of family  
6 services] within forty-eight hours of the filing of the court  
7 order requesting the investigation and report and shall be  
8 completed within thirty days. The court shall order the person  
9 having custody in violation of the provisions of this section to  
10 pay the costs of the investigation and report.

11 5. This section shall not be construed to prohibit any  
12 parent, agency, organization or institution from placing a child  
13 with another individual for care under proper power of attorney  
14 if the right to supervise the care of the child and to resume  
15 custody thereof is retained, or from placing a child with a  
16 licensed foster home within the state under proper power of  
17 attorney through a child-placing agency licensed by this state as  
18 part of a preadoption placement.

19 6. After the filing of a petition for the transfer of  
20 custody for the purpose of adoption, the court may enter an order  
21 of transfer of custody if the court finds all of the following:

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

24 (2) A recommendation has been made by the guardian ad  
25 litem;

26 (3) A petition for transfer of custody for adoption has  
27 been properly filed or an order terminating parental rights has  
28 been properly filed;

29 (4) The financial affidavit has been filed as required

1 under section 453.075;

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

5 (6) Compliance with the Indian Child Welfare Act, if  
6 applicable; [and]

7 (7) Compliance with the Interstate Compact on the Placement  
8 of Children pursuant to section 210.620; and

9 (8) The parties have notified the court of any persons not  
10 a party to the adoption who have physical custody or claims to  
11 have rights of legal custody, physical custody, or visitation  
12 rights with respect to minor child; of any other legal  
13 proceedings concerning the minor child; and have affirmed a  
14 continuing duty to inform the court of any proceeding in this or  
15 any other state that could affect the current proceeding.

16 7. A hearing on the transfer of custody for the purpose of  
17 adoption is not required if:

18 (1) The conditions set forth in subsection 6 of this  
19 section are met;

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

21 (3) Parental rights have been terminated pursuant to  
22 section 211.444 or 211.447."; and

23 Further amend the title and enacting clause accordingly.

SENATE AMENDMENT NO. 2Offered by Dign of GreeneAmend SS/SCS/HCS/House Bill No. 1231, Page 6, Section 56.807, Line 23

of said page, by inserting immediately after "5." the following:  
 "(1)"; and further amend line 26 of said page, by striking "(1)"  
 and inserting in lieu thereof the following: "(a)"; and further  
 amend line 27 of said page, by striking "subdivision (3)" and  
 inserting in lieu thereof the following: "paragraph (c)"; and  
 further amend said line, by striking "subsection" and inserting  
 in lieu thereof the following: "subdivision"; and

Further amend said bill and section, page 7, line 1 of said  
 page, by striking "(2)" and inserting in lieu thereof the  
 following: "(b)"; and further amend line 3 of said page, by  
 striking "(3)" and inserting in lieu thereof the following:  
 "(c)"; and further amend line 8 of said page, by inserting  
 immediately after said line the following:

"(2) Beginning August 28, 2015, the county contribution set  
forth in paragraphs (a) to (c) of subdivision (1) of this  
subsection shall be adjusted in accordance with the following  
schedule based upon the prosecuting attorneys and circuit  
attorneys' retirement system's annual actuarial valuation report.  
If the system's funding ratio is:

(a) One hundred twenty percent or more, no monthly sum  
shall be transmitted;

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 Adopted 5/14/14





1        (b) More than one hundred ten percent but less than one  
2        hundred twenty percent, the monthly sum transmitted shall be  
3        reduced fifty percent;

4        (c) At least ninety percent and up to and including one  
5        hundred ten percent, the monthly sum transmitted shall remain the  
6        same;

7        (d) At least eighty percent and less than ninety percent,  
8        the monthly sum transmitted shall be increased fifty percent; and

9        (e) Less than eighty percent, the monthly sum transmitted  
10       shall be increased one hundred percent."  
11



Read 5/14/14

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**SENATE AMENDMENT NO. 3**

Offered by Dyer of Guerra

Amend SS/SCS/HCS/House Bill No. 1231, Page 56, Section 650.120, Lines 24-25,

2 of said page, by striking all of the underlined language from  
3 both of said lines; and

4 Further amend said bill and section, page 57, line 23 of  
5 said page, by striking the opening bracket "[" and the closing  
6 bracket "]" from said line; and further amend lines 25-27 of said  
7 page, by striking all of the underlined language from all of said  
8 lines.

9

Offered 5/14/14  
Adopted 5/14/14



SENATE AMENDMENT NO. 4Offered by Dign of GreeneAmend SS/SCS/HCS/House Bill No. 1231, Page 23, Section 302.067, Line 13

2 of said page, by inserting immediately after said line the  
3 following:

4 "334.950. 1. As used in this section, the following terms  
5 shall mean:

6 (1) "Child abuse medical resource centers", medical  
7 institutions affiliated with accredited children's hospitals or  
8 recognized institutions of higher education with accredited  
9 medical school programs that provide training, support,  
10 mentoring, and peer review to SAFE CARE providers in Missouri;

11 (2) "SAFE CARE provider", a physician, advanced practice  
12 nurse, or physician's assistant licensed in this state who  
13 provides medical diagnosis and treatment to children suspected of  
14 being victims of abuse and who receives:

15 (a) Missouri-based initial intensive training regarding  
16 child maltreatment from the SAFE CARE network;

17 (b) Ongoing update training on child maltreatment from the  
18 SAFE CARE network;

19 (c) Peer review and new provider mentoring regarding the  
20 forensic evaluation of children suspected of being victims of  
21 abuse from the SAFE CARE network;

22 (3) "Sexual assault forensic examination child abuse

Offered 5/14/14  
Adopted 5/14/14



1 resource education network" or "SAFE CARE network", a network of  
2 SAFE CARE providers and child abuse medical resource centers that  
3 collaborate to provide forensic evaluations, medical training,  
4 support, mentoring, and peer review for SAFE CARE providers for  
5 the medical evaluation of child abuse victims in this state to  
6 improve outcomes for children who are victims of or at risk for  
7 child maltreatment by enhancing the skills and role of the  
8 medical provider in a multidisciplinary context.

9 2. Child abuse medical resource centers may collaborate  
10 directly or through the use of technology with SAFE CARE  
11 providers to promote improved services to children who are  
12 suspected victims of abuse that will need to have a forensic  
13 medical evaluation conducted by providing specialized training  
14 for forensic medical evaluations for children conducted in a  
15 hospital, child advocacy center, or by a private health care  
16 professional without the need for a collaborative agreement  
17 between the child abuse medical resource center and a SAFE CARE  
18 provider.

19 3. SAFE CARE providers who are a part of the SAFE CARE  
20 network in Missouri may collaborate directly or through the use  
21 of technology with other SAFE CARE providers and child abuse  
22 medical resource centers to promote improved services to children  
23 who are suspected victims of abuse that will need to have a  
24 forensic medical evaluation conducted by providing specialized  
25 training for forensic medical evaluations for children conducted  
26 in a hospital, child advocacy center, or by a private health care  
27 professional without the need for a collaborative agreement  
28 between the child abuse medical resource center and a SAFE CARE  
29 provider.





1           4. The SAFE CARE network shall develop recommendations  
2 concerning medically based screening processes and forensic  
3 evidence collection for children who may be in need of an  
4 emergency examination following an alleged sexual assault. Such  
5 recommendations shall be provided to the SAFE CARE providers,  
6 child advocacy centers, hospitals and licensed practitioners that  
7 provide emergency examinations for children suspected of being  
8 victims of abuse.

9           5. The department of public safety shall establish rules  
10 and make payments to SAFE CARE providers, out of appropriations  
11 made for that purpose, who provide forensic examinations of  
12 persons under eighteen years of age who are alleged victims of  
13 physical abuse.

14           6. The department shall establish maximum reimbursement  
15 rates for charges submitted under this section, which shall  
16 reflect the reasonable cost of providing the forensic exam.

17           7. The department shall only reimburse providers for  
18 forensic evaluations and case reviews. The department shall not  
19 reimburse providers for medical procedures, facility fees,  
20 supplies, or laboratory/radiology tests.

21           8. In order for the department to provide reimbursement,  
22 the child shall be the subject of a child abuse investigation or  
23 reported to the children's division as a result of the  
24 examination.

25           9. A minor may consent to examination under this section.  
26 Such consent is not subject to disaffirmance because of the  
27 individual's status as a minor, and the consent of a parent or  
28 guardian of the minor is not required for such examination."; and

29           Further amend the title and enacting clause accordingly.



SENATE AMENDMENT NO. 5

Offered by

Justus

of

10<sup>th</sup>Amend SS/SCS/HCS/House Bill No. 1231, Page 23, Section 302.067, Line 11

of said page, by striking the word "or"; and further amend line  
13 of said page, by inserting immediately after "permit" the  
following: "or

(4) The department may require an applicant to present such  
documents demonstrating lawful presence or citizenship specified  
in this section in order to correct any known or presumed error  
on the driver's license, nondriver's license, or instruction  
permit".

Offered 5/14/14  
Adopted 5/14/14



SENATE AMENDMENT NO. 6Offered by Munzinger of 18Amend SS/SCS/HCS/House Bill No. 1231, Page 8, Section 56.807, Line 18,

of said page, by inserting after all of said line the following:

"57.095. Notwithstanding the provisions of section 537.600  
to the contrary, sheriffs or any other law enforcement officers  
shall have immunity from any liability, civil or criminal, while  
conducting service of process at the direction of any court to  
the extent that the officers' actions do not violate clearly  
established statutory or constitutional rights of which a  
reasonable person would have known."; and

Further amend the title and enacting clause accordingly.

Offered 5/14/14  
Adopted 5/14/14



SENATE AMENDMENT NO. 7Offered by Keaveny of 4thAmend SS/SCS/HCS/House Bill No. 1231, Page 27, Section 452.556, Line 4

2 of said page, by inserting after all of said line the following:

3 "454.500. 1. At any time after the entry of an order  
4 pursuant to sections 454.470 and 454.475, the obligated parent,  
5 the division, or the person or agency having custody of the  
6 dependent child may file a motion for modification with the  
7 director. Such motion shall be in writing, shall set forth the  
8 reasons for modification, and shall state the address of the  
9 moving party. The motion shall be served by the moving party in  
10 the manner provided for in subsection 5 of section 454.465 upon  
11 the obligated parent or the party holding the support rights, as  
12 appropriate. In addition, if the support rights are held by the  
13 division of family services on behalf of the state, a true copy  
14 of the motion shall be mailed by the moving party by certified  
15 mail to the person having custody of the dependent child at the  
16 last known address of that person. A hearing on the motion shall  
17 then be provided in the same manner, and determinations shall be  
18 based on considerations set out in section 454.475, unless the  
19 party served fails to respond within thirty days, in which case  
20 the director may enter an order by default. If the child for  
21 whom the order applies is no longer in the custody of a person

Offered 5/14/14  
Adopted 5/14/14

1 receiving public assistance or receiving support enforcement  
2 services from the department, or a division thereof, pursuant to  
3 section 454.425, the director may certify the matter for hearing  
4 to the circuit court in which the order was filed pursuant to  
5 section 454.490 in lieu of holding a hearing pursuant to section  
6 454.475. If the director certifies the matter for hearing to the  
7 circuit court, service of the motion to modify shall be had in  
8 accordance with the provisions of subsection 5 of section  
9 452.370. If the director does not certify the matter for hearing  
10 to the circuit court, service of the motion to modify shall be  
11 considered complete upon personal service, or on the date of  
12 mailing, if sent by certified mail. For the purpose of 42 U.S.C.  
13 666(a)(9)(C), the director shall be considered the appropriate  
14 agent to receive the notice of the motion to modify for the  
15 obligee or the obligor, but only in those instances in which the  
16 matter is not certified to circuit court for hearing, and only  
17 when service of the motion is attempted on the obligee or obligor  
18 by certified mail.

19 2. A motion for modification made pursuant to this section  
20 shall not stay the director from enforcing and collecting upon  
21 the existing order pending the modification proceeding unless so  
22 ordered by the court.

23 3. Only payments accruing subsequent to the service of the  
24 motion for modification upon all named parties to the motion may  
25 be modified. Modification may be granted only upon a showing of  
26 a change of circumstances so substantial and continuing as to  
27 make the terms unreasonable. In a proceeding for modification of  
28 any child support award, the director, in determining whether or  
29 not a substantial change in circumstances has occurred, shall



1 consider all financial resources of both parties, including the  
2 extent to which the reasonable expenses of either party are, or  
3 should be, shared by a spouse or other person with whom he or she  
4 cohabits, and the earning capacity of a party who is not  
5 employed. If the application of the guidelines and criteria set  
6 forth in supreme court rule 88.01 to the financial circumstances  
7 of the parties would result in a change of child support from the  
8 existing amount by twenty percent or more, then a prima facie  
9 showing has been made of a change of circumstances so substantial  
10 and continuing as to make the present terms unreasonable.

11 4. If the division has entered an order under section  
12 454.470 or 454.500, and an additional child or children not the  
13 subject of the order are born to the parties, the division may,  
14 following the filing of a motion to modify, service of process,  
15 and opportunity for a hearing pursuant to this section, modify  
16 the underlying child support order to include a single child  
17 support obligation for all children of the parties in conformity  
18 with the criteria set forth in supreme court rule 88.01.

19 5. The circuit court may, upon such terms as may be just,  
20 relieve a parent from an administrative order entered against  
21 that parent because of mistake, inadvertence, surprise, or  
22 excusable neglect.

23 [5.] 6. No order entered pursuant to section 454.476 shall  
24 be modifiable pursuant to this section, except that an order  
25 entered pursuant to section 454.476 shall be amended by the  
26 director to conform with any modification made by the court that  
27 entered the court order upon which the director based his or her  
28 order.

29 [6.] 7. When the party seeking modifications has met the

1       burden of proof set forth in subsection 3 of this section, then  
2       the child support shall be determined in conformity with the  
3       criteria set forth in supreme court rule 88.01.

4           [7.] 8. The last four digits of the Social Security number  
5       of the parents shall be recorded on any order entered pursuant to  
6       this section. The full Social Security number of each party and  
7       each child shall be retained in the manner required by section  
8       509.520."; and

9           Further amend the title and enacting clause accordingly.