

HOUSEAMENDMENT NO. ____Offered byof

1 AMEND House Committee Substitute for House Bill No. 1488, Page 1,
 2 Section 1.250, Line 11, by inserting after all of said line the
 3 following:

4 "452.414. 1. Upon motion of a relative or family member
 5 of an incarcerated parent who has an order or judgment of court
 6 granting to such incarcerated parent temporary custody or
 7 visitation with such incarcerated parent's minor child or
 8 children, the court may delegate an incarcerated parent's
 9 temporary custody or visitation rights, or a portion of such
 10 rights, to a relative or family member of such incarcerated
 11 person with a close and substantial relationship to the
 12 incarcerated parent's minor child or children for the duration of
 13 the incarcerated parent's incarceration if it is in the best
 14 interest of the child.

15 2. Delegated visitation rights under this section does not:

16 (1) Create an entitlement or standing for a relative or
 17 family member to assert separate rights to temporary custody or
 18 visitation or entitlement to temporary custody or visitation for
 19 any person other than the custodial parent or guardian, and shall
 20 terminate by operation of law upon the end of the parent's
 21 incarceration; or

22 (2) Authorize the person or persons to whom delegated
 23 temporary custody or visitation rights have been granted to
 24 transport the incarcerated parent's child or children for
 25 visitation with the incarcerated parent without the prior consent
 26 of the custodial parent or guardian of the child who is not
 27 incarcerated.

28 3. Delegated temporary custody or visitation time under

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1 this section shall not exceed the temporary custody or visitation
2 time granted to the incarcerated parent under the existing order
3 or judgment of the court; except that, the court may take into
4 consideration the travel time necessary to transport the child
5 for such delegated temporary custody or visitation time.

6 4. In addition, there is a rebuttable presumption that an
7 incarcerated parent's temporary custody or visitation rights
8 shall not be delegated to a relative or family member, or a
9 relative or family member with an individual in the relative's or
10 family member's household, who:

11 (1) Has a history of perpetrating domestic violence against
12 a spouse, child, or a domestic living partner;

13 (2) Has been adjudicated for a violent offense or an
14 offense involving a minor child;

15 (3) Is listed on the child abuse and neglect registry;

16 (4) Has had a full order of protection involving a child
17 issued against such relative or family member; or

18 (5) Any other documented incidents of child abuse or
19 neglect have been documented against such relative or family
20 member, such as police reports or court filings.

21 5. The person or persons to whom delegated visitation time
22 has been granted shall have full legal standing to enforce such
23 rights."; and

24
25 Further amend said title, enacting clause and intersectional
26 references accordingly.