

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for House Bill No. 95, Page 1, In the Title, Line 3, by
2 deleting all of said line and inserting in lieu thereof the following "domestic relations."; and
3

4 Further amend said Page, Section 452.317, Line 6, by inserting immediately after said line the
5 following:
6

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

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

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

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

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

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

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

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

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

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

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

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

9
10 Further amend said bill by amending the title, enacting clause, and intersectional references
11 accordingly.