

HCS HB 724 -- CHILD CUSTODY ARRANGEMENTS

SPONSOR: Swan

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Judiciary by a vote of 9 to 0.

Currently, the court must determine custody that is in the best interest of the child. This bill establishes, except in paternity actions, a rebuttable presumption that an award of equal or approximately equal parenting time is in the best interest of the child, unless a preponderance of the evidence exists, as specified in these provisions.

PROPONENTS: Supporters say that there is no need for a presumption that one parent deserves primary physical or legal custody over the other. It should be presumed that equal time with both parents is in the best interest of the child. Legislation that went into effect this January did nothing to secure equal time for both parents, so this legislation is needed. Our current system encourages people to fight for custody, and there would be less fighting if there were a presumption for equal time between both parents.

Testifying for the bill were Representative Swan; Linda Reutzell; Ken Goins; Jeffery King; Karl Blair; Scott Smith; and Jeremy Roberts.

OPPONENTS: Those who oppose the bill say that the standard proposed in the legislation is scary. There are individuals who are mentally disturbed but who say the correct thing in court to make it seem like he or she is fit to share custody. This requires family law attorneys to fight harder to prove that equal custody is not in the best interest. The legislation would be less scary if the evidentiary standard were lower. Clear and convincing evidence standard will preclude mothers who are victims of domestic abuse from presenting evidence that will convince a judge that the abuser should not get equal custody.

Testifying against the bill were Carla Holste and Missouri Coalition Against Domestic and Sexual Violence.