

SECOND REGULAR SESSION

# HOUSE BILL NO. 1728

## 99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE LANT.

5313H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 211.093, RSMo, and to enact in lieu thereof one new section relating to juvenile courts.

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

Section A. Section 211.093, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 211.093, to read as follows:

211.093. **1.** Any order or judgment entered by the court under authority of this chapter or chapter 210 shall, so long as ~~[such order or judgment remains in effect]~~ **the juvenile court exercises continuing jurisdiction**, take precedence over any order or judgment concerning the status or custody of a child under ~~[age]~~ **years of age** entered by a court under authority of chapter 452, 453, 454 or 455, **or orders of guardianship under chapter 475**, but only to the extent inconsistent therewith.

**2. In addition to all other powers conveyed upon the court by this chapter and chapter 210, any court exercising jurisdiction over a child under subdivision (1) of subsection 1 of section 211.031 shall have authority to enter an order regarding custody of the child under chapter 452, enter a child support order, and establish rights of visitation for the parents of the child. In every case in which the juvenile or family court exercises authority over a child under subdivision (1) or (2) of subsection 1 of section 211.031, the court shall have concurrent authority and jurisdiction with the circuit court to enter a final order and judgment establishing the paternity of the child's biological father under the uniform parentage act under sections 210.817 to 210.852.**

**3. Any custody, support, or visitation order entered by the court under subsection 2 of this section shall remain in full force and effect after the termination of juvenile court**

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.

18 proceedings unless the court's order specifically states otherwise. Any custody, child  
19 support, or visitation order shall take precedence over and shall automatically stay any  
20 prior orders concerning custody, child support, guardianship, or visitation. Such orders  
21 shall remain in full force and effect until a subsequent order with respect to custody, child  
22 support, guardianship, or visitation of the child is entered by a court under the authority  
23 of this chapter or chapter 210, 452, 453, 454, or 455, or orders of guardianship under  
24 chapter 475. Any final judgment and order establishing paternity under this section shall  
25 be a final and binding judgment of the circuit court as in other civil judgments entered  
26 under the uniform parentage act under sections 210.817 to 210.852, and the court may  
27 enter the final paternity judgment and order under a different, nonjuvenile case number.

28       4. If the juvenile court terminates jurisdiction without entering a continuing  
29 custody, support, or visitation order under subsections 2 and 3 of this section, legal and  
30 physical custody of the child shall be returned to the custodian, parent, or legal guardian  
31 who exercised custody prior to the juvenile court assuming jurisdiction under subdivision  
32 (1) of subsection 1 of section 211.031, and any custody or visitation orders in effect at the  
33 time the juvenile court assumed jurisdiction shall be restored.

34       5. The juvenile court shall not have the authority to hear modification motions or  
35 other actions to rehear any orders entered under this section after the juvenile court  
36 terminates jurisdiction on the underlying case. Any future actions shall be conducted  
37 under sections 210.817 to 210.852, this chapter, or chapter 452, 453, 454, 455, or 475, as  
38 appropriate.

39       6. Any child support order entered under this section shall be established and  
40 enforced pursuant to the procedures set forth by chapter 454. On entry of a child support  
41 order, the circuit clerk shall send a certified copy to the family support division for  
42 enforcement in the manner provided by law.

43       7. In all cases filed under subdivisions (1) and (2) of subsection 1 of section 211.031,  
44 the children's division shall make all reasonable efforts, as defined by section 211.183, to  
45 establish paternity within sixty days of the juvenile court obtaining jurisdiction over the  
46 child.

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