

HB 299 -- CHILD CUSTODY

SPONSOR: Wallingford

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Judiciary by a vote of 8 to 1. Voted "Do Pass" by the Standing Committee on Rules- Administrative Oversight by a vote of 11 to 2.

This bill adds a rebuttable presumption when determining child custody arrangements that an award of equal or approximately equal parenting time to each parent is in the best interests of the child. This presumption may be rebutted as specified in the bill, including with an agreement by the parents on all issues related to custody, or a finding by the court that a pattern of domestic violence or abuse of the child has occurred. The General Assembly urges the court to enter a temporary parenting plan as soon as practicable in a manner that will best assure both parents participate in custody decisions and have frequent, continuing, and meaningful contact with their children.

This bill is similar to SB 531 (2020).

PROPONENTS: Supporters say that this modifies provisions related to child custody orders to make sure a child has meaningful time with both parents. Right now, there is a bias that presumes the mother is better for the interests of the child. Children who have time with both parents are generally happier and healthier. The social costs of fatherless children explodes. It harms kids. 63% of youth suicides are from fatherless homes. 71% high school dropouts; 75% of chemical patients, etc. Seigenthaler in the '80s made a parenting plan that gave unequal time to parents and this was adopted as the general policy. Crisis requires change and the kids suffer the most. The most significant social problem facing us today is the absence of the father from the home. Fathers need to be involved in rearing kids. Most fatherlessness is not from willful absence; it is from court orders that decide one parent should be excluded without just cause. Children have the right to have both parents in their lives. Divorce ends a marriage but not a family. The current system is a winner-take-all adversarial system and this would be a monumental change in how we treat families. We would confirm that both parents are important in kids' lives. This would lessen court costs, lessen stress, and lessen animosity, and it will not reduce bonds between parents. To avoid a parent not living up to his or her end, it would be a good idea to do a temporary parenting plan early and have the families appear before a judge every month or so because it would be much harder and more costly to do it once the court no longer has jurisdiction after a court has entered a final custody order. That is more difficult to modify.

Testifying for the bill were Representative Wallingford; Arnie C. Dienoff; Brandon Norman; Kayley Mckenna; Linda Reutzel; Kenneth D Goins; Jeff Miller, Americans For Equal Shared Parenting; and National Parents Organization.

OPPONENTS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill say there was a tweet from a coalition for domestic violence that supported Representative Evans's amendment from last year about protecting victims of domestic violence. Change the input versus wishes.

Testifying on the bill were the Missouri Coalition Against Domestic and Sexual Violence (MCADSV); Jessica Kruse, State of Missouri Judiciary; and Jeremy Roberts, Americans For Equal Shared Parenting.

Written testimony has been submitted for this bill. The full written testimony can be found under Testimony on the bill page on the House website.