

SECOND REGULAR SESSION

HOUSE BILL NO. 2640

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GRIFFITH.

5469H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 452, RSMo, by adding thereto thirty new sections relating to the uniform deployed parents custody and visitation act.

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

Section A. Chapter 452, RSMo, is amended by adding thereto thirty new sections, to
2 be known as sections 452.1200, 452.1202, 452.1204, 452.1206, 452.1208, 452.1210,
3 452.1212, 452.1214, 452.1216, 452.1218, 452.1220, 452.1222, 452.1224, 452.1226,
4 452.1228, 452.1230, 452.1232, 452.1234, 452.1236, 452.1238, 452.1240, 452.1242,
5 452.1244, 452.1246, 452.1248, 452.1250, 452.1252, 452.1254, 452.1256, and 452.1258, to
6 read as follows:

**452.1200. Sections 452.1200 to 452.1258 may be cited as the "Uniform Deployed
2 Parents Custody and Visitation Act".**

452.1202. In Sections 452.1200 to 452.1258:

2 (1) "Adult" means an individual who has attained eighteen years of age or an
3 emancipated minor;

4 (2) "Caretaking authority" means the right to live with and care for a child on a
5 day-to-day basis. The term includes physical custody, parenting time, right to access,
6 and visitation;

7 (3) "Child" means:

8 (a) An unemancipated individual who has not attained eighteen years of age; or

9 (b) An adult son or daughter by birth or adoption, or under law of this state
10 other than sections 452.1200 to 452.1258, who is the subject of a court order concerning
11 custodial responsibility;

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.

12 (4) "Court" means a tribunal authorized under law of this state other than
13 sections 452.1200 to 452.1258 to make, enforce, or modify a decision regarding custodial
14 responsibility;

15 (5) "Custodial responsibility" includes all powers and duties relating to
16 caretaking authority and decision-making authority for a child. The term includes
17 physical custody, legal custody, parenting time, right to access, visitation, and authority
18 to grant limited contact with a child;

19 (6) "Decision-making authority" means the power to make important decisions
20 regarding a child, including decisions regarding the child's education, religious training,
21 health care, extracurricular activities, and travel. The term does not include the power
22 to make decisions that necessarily accompany a grant of caretaking authority;

23 (7) "Deploying parent" means a service member, who is deployed or has been
24 notified of impending deployment and is:

25 (a) A parent of a child under law of this state other than sections 452.1200 to
26 452.1258; or

27 (b) An individual who has custodial responsibility for a child under law of this
28 state other than sections 452.1200 to 452.1258;

29 (8) "Deployment" means the movement or mobilization of a service member for
30 more than ninety days but less than eighteen months pursuant to uniformed service
31 orders that:

32 (a) Are designated as unaccompanied;

33 (b) Do not authorize dependent travel; or

34 (c) Otherwise do not permit the movement of family members to the location to
35 which the service member is deployed;

36 (9) "Family member" means a sibling, aunt, uncle, cousin, stepparent, or
37 grandparent of a child or an individual recognized to be in a familial relationship with a
38 child under law of this state other than sections 452.1200 to 452.1258;

39 (10) "Limited contact" means the authority of a nonparent to visit a child for a
40 limited time. The term includes authority to take the child to a place other than the
41 residence of the child;

42 (11) "Nonparent" means an individual other than a deploying parent or other
43 parent;

44 (12) "Other parent" means an individual who, in common with a deploying
45 parent, is:

46 (a) A parent of a child under law of this state other than sections 452.1200 to
47 452.1258; or

48 (b) An individual who has custodial responsibility for a child under law of this
49 state other than sections 452.1200 to 452.1258;

50 (13) "Record" means information that is inscribed on a tangible medium or that
51 is stored in an electronic or other medium and is retrievable in perceivable form;

52 (14) "Return from deployment" means the conclusion of a service member's
53 deployment as specified in uniformed service orders;

54 (15) "Service member" means a member of a uniformed service;

55 (16) "Sign" means, with present intent to authenticate or adopt a record:

56 (a) To execute or adopt a tangible symbol; or

57 (b) To attach to or logically associate with the record an electronic symbol,
58 sound, or process;

59 (17) "State" means a state of the United States, the District of Columbia, Puerto
60 Rico, the United States Virgin Islands, or any territory or insular possession subject to
61 the jurisdiction of the United States;

62 (18) "Uniformed service" means:

63 (a) Active and reserve components of the Army, Navy, Air Force, Marine Corps,
64 or Coast Guard of the United States;

65 (b) The United States Merchant Marine;

66 (c) The commissioned corps of the United States Public Health Service;

67 (d) The commissioned corps of the National Oceanic and Atmospheric
68 Administration of the United States; or

69 (e) The National Guard of a state.

452.1204. In addition to other remedies under law of this state other than
2 sections 452.1200 to 452.1258, if a court finds that a party to a proceeding under sections
3 452.1200 to 452.1258 has acted in bad faith or intentionally failed to comply with
4 sections 452.1200 to 452.1258 or a court order issued under sections 452.1200 to
5 452.1258, the court may assess reasonable attorney's fees and costs against the party and
6 order other appropriate relief.

452.1206. 1. A court may issue an order regarding custodial responsibility under
2 sections 452.1200 to 452.1258 only if the court has jurisdiction under sections 452.700 to
3 452.930.

4 2. If a court has issued a temporary order regarding custodial responsibility
5 pursuant to sections 452.1224 to 452.1244, the residence of the deploying parent is not
6 changed by reason of the deployment for the purposes of sections 452.700 to 452.930
7 during the deployment.

8 3. If a court has issued a permanent order regarding custodial responsibility
9 before notice of deployment and the parents modify that order temporarily by

10 agreement pursuant to sections 452.1214 to 452.1222, the residence of the deploying
11 parent is not changed by reason of the deployment for the purposes of 452.700 to
12 452.930.

13 4. If a court in another state has issued a temporary order regarding custodial
14 responsibility as a result of impending or current deployment, the residence of the
15 deploying parent is not changed by reason of the deployment for the purposes of
16 sections 452.700 to 452.930.

17 5. This section does not prevent a court from exercising temporary emergency
18 jurisdiction under sections 452.700 to 452.930.

452.1208. 1. Except as otherwise provided in subsection 4 of this section and
2 subject to subsection 3 of this section, a deploying parent shall notify in a record the
3 other parent of a pending deployment not later than seven days after receiving notice of
4 deployment unless reasonably prevented from doing so by the circumstances of service.
5 If the circumstances of service prevent giving notification within the seven days, the
6 deploying parent shall give the notification as soon as reasonably possible.

7 2. Except as otherwise provided in subsection 4 of this section and subject to
8 subsection 3 of this section, each parent shall provide in a record the other parent with a
9 plan for fulfilling that parent's share of custodial responsibility during deployment.
10 Each parent shall provide the plan as soon as reasonably possible after notification of
11 deployment is given under subsection 1 of this section.

12 3. If a court order currently in effect prohibits disclosure of the address or
13 contact information of the other parent, notification of deployment under subsection 1
14 of this section, or notification of a plan for custodial responsibility during deployment
15 under subsection 2 of this section, may be made only to the issuing court. If the address
16 of the other parent is available to the issuing court, the court shall forward the
17 notification to the other parent. The court shall keep confidential the address or contact
18 information of the other parent.

19 4. Notification in a record under subsection 1 or 2 of this section is not required
20 if the parents are living in the same residence and both parents have actual notice of the
21 deployment or plan.

22 5. In a proceeding regarding custodial responsibility, a court may consider the
23 reasonableness of a parent's efforts to comply with this section.

452.1210. 1. Except as otherwise provided in subsection 2 of this section, an
2 individual to whom custodial responsibility has been granted during deployment
3 pursuant to sections 452.1214 to 452.1222 or sections 452.1224 to 452.1244 shall notify
4 the deploying parent and any other individual with custodial responsibility of a child of
5 any change of the individual's mailing address or residence until the grant is terminated.

6 The individual shall provide the notice to any court that has issued a custody or child
7 support order concerning the child which is in effect.

8 2. If a court order currently in effect prohibits disclosure of the address or
9 contact information of an individual to whom custodial responsibility has been granted,
10 a notification under subsection 1 of this section may be made only to the court that
11 issued the order. The court shall keep confidential the mailing address or residence of
12 the individual to whom custodial responsibility has been granted.

 452.1212. In a proceeding for custodial responsibility of a child of a service
2 member, a court may not consider a parent's past deployment or possible future
3 deployment in itself in determining the best interest of the child but may consider any
4 significant impact on the best interest of the child of the parent's past or possible future
5 deployment.

 452.1214. 1. The parents of a child may enter into a temporary agreement under
2 sections 452.1214 to 452.1222 granting custodial responsibility during deployment.

3 2. An agreement under subsection 1 of this section must be:

4 (1) In writing; and

5 (2) Signed by both parents and any nonparent to whom custodial responsibility
6 is granted.

7 3. Subject to subsection 4 of this section, an agreement under subsection 1 of this
8 section, if feasible, must:

9 (1) Identify the destination, duration, and conditions of the deployment that is
10 the basis for the agreement;

11 (2) Specify the allocation of caretaking authority among the deploying parent,
12 the other parent, and any nonparent;

13 (3) Specify any decision-making authority that accompanies a grant of
14 caretaking authority;

15 (4) Specify any grant of limited contact to a nonparent;

16 (5) If under the agreement custodial responsibility is shared by the other parent
17 and a nonparent, or by other nonparents, provide a process to resolve any dispute that
18 may arise;

19 (6) Specify the frequency, duration, and means, including electronic means, by
20 which the deploying parent will have contact with the child, any role to be played by the
21 other parent in facilitating the contact, and the allocation of any costs of contact;

22 (7) Specify the contact between the deploying parent and child during the time
23 the deploying parent is on leave or is otherwise available;

24 **(8) Acknowledge that any party's child-support obligation cannot be modified**
25 **by the agreement, and that changing the terms of the obligation during deployment**
26 **requires modification in the appropriate court;**

27 **(9) Provide that the agreement will terminate according to the procedures under**
28 **sections 452.1246 to 452.1252 after the deploying parent returns from deployment; and**

29 **(10) If the agreement must be filed pursuant to section 452.1222, specify which**
30 **parent is required to file the agreement.**

31 **4. The omission of any of the items specified in subsection 3 of this section does**
32 **not invalidate an agreement under this section.**

452.1216. 1. An agreement under sections 452.1214 to 452.1222 is temporary
2 **and terminates pursuant to sections 452.1246 to 452.1252 after the deploying parent**
3 **returns from deployment, unless the agreement has been terminated before that time by**
4 **court order or modification under section 452.1218. The agreement does not create an**
5 **independent, continuing right to caretaking authority, decision-making authority, or**
6 **limited contact in an individual to whom custodial responsibility is given.**

7 **2. A nonparent who has caretaking authority, decision-making authority, or**
8 **limited contact by an agreement under sections 452.1214 to 452.1222 has standing to**
9 **enforce the agreement until it has been terminated by court order, by modification**
10 **under section 452.1218, or under sections 452.1246 to 452.1252.**

452.1218. 1. By mutual consent, the parents of a child may modify an agreement
2 **regarding custodial responsibility made pursuant to sections 452.1214 to 452.1222.**

3 **2. If an agreement is modified under subsection 1 of this section before**
4 **deployment of a deploying parent, the modification must be in writing and signed by**
5 **both parents and any nonparent who will exercise custodial responsibility under the**
6 **modified agreement.**

7 **3. If an agreement is modified under subsection 1 of this section during**
8 **deployment of a deploying parent, the modification must be agreed to in a record by**
9 **both parents and any nonparent who will exercise custodial responsibility under the**
10 **modified agreement.**

452.1220. A deploying parent, by power of attorney, may delegate all or part of
2 **custodial responsibility to an adult nonparent for the period of deployment if no other**
3 **parent possesses custodial responsibility under law of this state other than sections**
4 **452.1200 to 452.1258, or if a court order currently in effect prohibits contact between**
5 **the child and the other parent. The deploying parent may revoke the power of attorney**
6 **by signing a revocation of the power.**

452.1222. An agreement or power of attorney under sections 452.1214 to
2 **452.1222 must be filed within a reasonable time with any court that has entered an**

3 order on custodial responsibility or child support that is in effect concerning the child
4 who is the subject of the agreement or power. The case number and heading of the
5 pending case concerning custodial responsibility or child support must be provided to
6 the court with the agreement or power.

452.1224. In sections 452.1224 to 452.1244, "close and substantial relationship"
2 means a relationship in which a significant bond exists between a child and a nonparent.

452.1226. 1. After a deploying parent receives notice of deployment and until the
2 deployment terminates, a court may issue a temporary order granting custodial
3 responsibility unless prohibited by the Servicemembers Civil Relief Act, 50 U.S.C.
4 Appendix Sections 521 and 522. A court may not issue a permanent order granting
5 custodial responsibility without the consent of the deploying parent.

6 2. At any time after a deploying parent receives notice of deployment, either
7 parent may file a motion regarding custodial responsibility of a child during
8 deployment. The motion must be filed in a pending proceeding for custodial
9 responsibility in a court with jurisdiction under section 452.1206 or, if there is no
10 pending proceeding in a court with jurisdiction under section 452.1206, in a new action
11 for granting custodial responsibility during deployment.

452.1228. If a motion to grant custodial responsibility is filed under subsection 2
2 of section 452.1226 before a deploying parent deploys, the court shall conduct an
3 expedited hearing.

452.1230. In a proceeding under sections 452.1224 to 452.1244, a party or
2 witness who is not reasonably available to appear personally may appear, provide
3 testimony, and present evidence by electronic means unless the court finds good cause to
4 require a personal appearance.

452.1232. In a proceeding for a grant of custodial responsibility pursuant to
2 sections 452.1224 to 452.1244, the following rules apply:

3 (1) A prior judicial order designating custodial responsibility in the event of
4 deployment is binding on the court unless the circumstances meet the requirements of
5 law of this state other than sections 452.1200 to 452.1258 for modifying a judicial order
6 regarding custodial responsibility;

7 (2) The court shall enforce a prior written agreement between the parents for
8 designating custodial responsibility in the event of deployment, including an agreement
9 executed under sections 452.1214 to 452.1222, unless the court finds that the agreement
10 is contrary to the best interest of the child.

452.1234. 1. On motion of a deploying parent and in accordance with law of this
2 state other than sections 452.1200 to 452.1258, if it is in the best interest of the child, a

3 court may grant caretaking authority to a nonparent who is an adult family member of
4 the child or an adult with whom the child has a close and substantial relationship.

5 2. Unless a grant of caretaking authority to a nonparent under subsection 1 of
6 this section is agreed to by the other parent, the grant is limited to an amount of time not
7 greater than:

8 (1) The amount of time granted to the deploying parent under a permanent
9 custody order, but the court may add unusual travel time necessary to transport the
10 child; or

11 (2) In the absence of a permanent custody order that is currently in effect, the
12 amount of time that the deploying parent habitually cared for the child before being
13 notified of deployment, but the court may add unusual travel time necessary to
14 transport the child.

15 3. A court may grant part of a deploying parent's decision-making authority, if
16 the deploying parent is unable to exercise that authority, to a nonparent who is an adult
17 family member of the child or an adult with whom the child has a close and substantial
18 relationship. If a court grants the authority to a nonparent, the court shall specify the
19 decision-making powers granted, including decisions regarding the child's education,
20 religious training, health care, extracurricular activities, and travel.

452.1236. On motion of a deploying parent, and in accordance with law of this
2 state other than sections 452.1200 to 452.1258, unless the court finds that the contact
3 would be contrary to the best interest of the child, a court shall grant limited contact to a
4 nonparent who is a family member of the child or an individual with whom the child has
5 a close and substantial relationship.

452.1238. 1. A grant of authority under sections 452.1224 to 452.1244 is
2 temporary and terminates under sections 452.1246 to 452.1252 after the return from
3 deployment of the deploying parent, unless the grant has been terminated before that
4 time by court order. The grant does not create an independent, continuing right to
5 caretaking authority, decision-making authority, or limited contact in an individual to
6 whom it is granted.

7 2. A nonparent granted caretaking authority, decision-making authority, or
8 limited contact under sections 452.1224 to 452.1244 has standing to enforce the grant
9 until it is terminated by court order or under sections 452.1246 to 452.1252.

452.1240. 1. An order granting custodial responsibility under sections 452.1224
2 to 452.1244 must:

3 (1) Designate the order as temporary; and

4 (2) Identify to the extent feasible the destination, duration, and conditions of the
5 deployment.

6 **2. If applicable, an order for custodial responsibility under sections 452.1224 to**
7 **452.1244 must:**

8 **(1) Specify the allocation of caretaking authority, decision-making authority, or**
9 **limited contact among the deploying parent, the other parent, and any nonparent;**

10 **(2) If the order divides caretaking or decision-making authority between**
11 **individuals, or grants caretaking authority to one individual and limited contact to**
12 **another, provide a process to resolve any dispute that may arise;**

13 **(3) Provide for liberal communication between the deploying parent and the**
14 **child during deployment, including through electronic means, unless contrary to the**
15 **best interest of the child, and allocate any costs of communications;**

16 **(4) Provide for liberal contact between the deploying parent and the child during**
17 **the time the deploying parent is on leave or otherwise available, unless contrary to the**
18 **best interest of the child;**

19 **(5) Provide for reasonable contact between the deploying parent and the child**
20 **after return from deployment until the temporary order is terminated, even if the time**
21 **of contact exceeds the time the deploying parent spent with the child before entry of the**
22 **temporary order; and**

23 **(6) Provide that the order will terminate pursuant to sections 452.1246 to**
24 **452.1252 after the deploying parent returns from deployment.**

452.1242. If a court has issued an order granting caretaking authority under
2 **sections 452.1224 to 452.1244, or an agreement granting caretaking authority has been**
3 **executed under sections 452.1214 to 452.1222, the court may enter a temporary order**
4 **for child support consistent with law of this state other than sections 452.1200 to**
5 **452.1258 if the court has jurisdiction under sections 454.1500 to 454.1730.**

452.1244. 1. Except for an order under section 452.1232, except as otherwise
2 **provided in subsection 2 of this section, and consistent with the Servicemembers Civil**
3 **Relief Act, 50 U.S.C. Appendix Sections 521 and 522, on motion of a deploying or other**
4 **parent or any nonparent to whom caretaking authority, decision-making authority, or**
5 **limited contact has been granted, the court may modify or terminate the grant if the**
6 **modification or termination is consistent with sections 452.1224 to 452.1244 and it is in**
7 **the best interest of the child. A modification is temporary and terminates pursuant to**
8 **sections 452.1246 to 452.1252 after the deploying parent returns from deployment,**
9 **unless the grant has been terminated before that time by court order.**

10 **2. On motion of a deploying parent, the court shall terminate a grant of limited**
11 **contact.**

452.1246. 1. At any time after return from deployment, a temporary agreement granting custodial responsibility under sections 452.1214 to 452.1222 may be terminated by an agreement to terminate signed by the deploying parent and the other parent.

2. A temporary agreement under sections 452.1214 to 452.1222 granting custodial responsibility terminates:

(1) If an agreement to terminate under subsection 1 of this section specifies a date for termination, on that date; or

(2) If the agreement to terminate does not specify a date, on the date the agreement to terminate is signed by the deploying parent and the other parent.

3. In the absence of an agreement under subsection 1 of this section to terminate, a temporary agreement granting custodial responsibility terminates under sections 452.1214 to 452.1222 sixty days after the deploying parent gives notice to the other parent that the deploying parent returned from deployment.

4. If a temporary agreement granting custodial responsibility was filed with a court pursuant to section 452.1222, an agreement to terminate the temporary agreement also must be filed with that court within a reasonable time after the signing of the agreement. The case number and heading of the case concerning custodial responsibility or child support must be provided to the court with the agreement to terminate.

452.1248. At any time after a deploying parent returns from deployment, the deploying parent and the other parent may file with the court an agreement to terminate a temporary order for custodial responsibility issued under sections 452.1224 to 452.1244. After an agreement has been filed, the court shall issue an order terminating the temporary order effective on the date specified in the agreement. If a date is not specified, the order is effective immediately.

452.1250. After a deploying parent returns from deployment until a temporary agreement or order for custodial responsibility established under sections 452.1214 to 452.1222 or sections 452.1224 to 452.1244 is terminated, the court shall issue a temporary order granting the deploying parent reasonable contact with the child unless it is contrary to the best interest of the child, even if the time of contact exceeds the time the deploying parent spent with the child before deployment.

452.1252. 1. If an agreement between the parties to terminate a temporary order for custodial responsibility under sections 452.1224 to 452.1244 has not been filed, the order terminates sixty days after the deploying parent gives notice to the other parent and any nonparent granted custodial responsibility that the deploying parent has returned from deployment.

6 **2. A proceeding seeking to prevent termination of a temporary order for**
7 **custodial responsibility is governed by law of this state other than sections 452.1200 to**
8 **452.1258.**

452.1254. In applying and construing sections 452.1200 to 452.1258,
2 **consideration must be given to the need to promote uniformity of the law with**
3 **respect to its subject matter among states that enact it.**

452.1256. Sections 452.1200 to 452.1258 modify, limit, or supersede the
2 **Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001**
3 **et seq., but do not modify, limit, or supersede Section 101(c) of that act, 15 U.S.C.**
4 **Section 7001(c), or authorize electronic delivery of any of the notices described in**
5 **Section 103(b) of that act, 15 U.S.C. Section 7003(b).**

452.1258. Sections 452.1200 to 452.1258 do not affect the validity of a temporary
2 **court order concerning custodial responsibility during deployment which was entered**
3 **before August 28, 2022.**

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