

House _____ Amendment NO. _____

Offered By _____

1 AMEND Senate Substitute for Senate Bill No. 35, Pages 2-3, Section 452.375, Lines 22-75, by
2 deleting said lines and inserting in lieu thereof the following:

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4 "2. The court shall determine custody in accordance with the best interests of the child after
5 establishing that the court has jurisdiction pursuant to section 452.740 or 452.750. There shall be a
6 rebuttable presumption that an award of equal or approximately equal parenting time to each parent
7 is in the best interests of the child. Such presumption is rebuttable only by a preponderance of the
8 evidence in accordance with all relevant factors, including, but not limited to, the factors contained
9 in subdivisions (1) to (9) of this subsection. The presumption may be rebutted if the court finds that
10 the parents have reached an agreement on all issues related to custody or if the court finds that a
11 pattern of domestic violence has occurred as set out in subdivision (7) of this subsection. When the
12 parties have not reached an agreement on all issues related to custody, the court shall consider all
13 relevant factors and enter written findings of fact and conclusions of law, including, but not limited
14 to, the following:

15 (1) The wishes of the child's parents as to custody and the proposed parenting plan
16 submitted by both parties;

17 (2) The needs of the child for a frequent, continuing and meaningful relationship with both
18 parents and the ability and willingness of parents to actively perform their functions as mother and
19 father for the needs of the child;

20 (3) The interaction and interrelationship of the child with parents, siblings, and any other
21 person who may significantly affect the child's best interests;

22 (4) Which parent is more likely to allow the child frequent, continuing and meaningful
23 contact with the other parent; the willingness and ability of parents to cooperate in the rearing of
24 their child; to maximize sharing information and minimize exposure of the child to parental conflict;
25 and to utilize methods for resolving disputes regarding any major decision concerning the life of the
26 child;

27 (5) The child's needs adjustment to the child's home, school, and community; and the child's
28 physical, emotional, educational, and other needs. The fact that a parent sends his or her child or
29 children to a home school, as defined in section 167.031, shall not be the sole factor that a court
30 considers in determining custody of such child or children;

Action Taken _____ Date _____

(6) The mental and physical health of all individuals involved, including the mental health or substance abuse history experienced by either parent;

~~(7) Any history of abuse of any individuals involved, including domestic and child abuse.~~
In determining whether the presumption is rebutted by a pattern of domestic violence, the court shall consider the nature and context of the domestic violence and the implications of the domestic violence for parenting and for the child's safety, well-being, and developmental needs. If the court finds that a pattern of domestic violence as defined in section 455.010 has occurred, and, if the court also finds that awarding custody to the abusive parent is in the best interest of the child, then the court shall enter written findings of fact and conclusions of law. Custody and visitation rights shall be ordered in a manner that best protects the child and any other child or children for whom the parent has custodial or visitation rights, and the parent or other family or household member who is the victim of domestic violence from any further harm, whether physical, verbal, emotional, or psychological;

~~[(7) The intention of either parent to relocate the principal residence of the child; and~~

~~(8) The wishes of a child as to the child's custodian. The fact that a parent sends his or her child or children to a home school, as defined in section 167.031, shall not be the sole factor that a court considers in determining custody of such child or children.]~~

(8) The distance between the residences of the parents seeking custody, including consideration of any relocation which has occurred or an intent to relocate; and

(9) The reasonable input of the child as to the child's custodian, if the court deems the child to be of sufficient ability, age, and maturity to express an independent, reliable preference and that such input is in the best interests of the child and will not be emotionally damaging, with due consideration of the influence that a parent may have on the child's input."; and

Further amend said bill, Section 454.1005, Page 12, Line 99, by inserting after said section and line the following:

"487.110. The uniform child custody jurisdiction and enforcement act, as enacted in sections ~~[452.440 to 452.550]~~ 452.700 to 452.930, shall apply to all child custody proceedings, as defined in section 452.705, in the family court."; and

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