

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill Nos. 185 & 281, Pages 1-2, Section 452.375,
2 Lines 15-22, by deleting said lines and inserting in lieu thereof the following:

3
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
11 domestic violence has occurred as set out in subdivision (7) of this subsection. When the parties
12 have not"; and

13
14 Further amend said bill and section, Page 2, Line 34, by inserting at the end of said line the
15 following:

16
17 "the willingness and ability of parents to cooperate in the rearing of their child; to maximize
18 sharing information and minimize exposure of the child to parental conflict; and to utilize methods
19 for resolving disputes regarding any major decision concerning the life of the child;"; and

20
21 Further amend said bill and section, Pages 2-3, Lines 35-57, by deleting said lines and inserting in
22 lieu thereof the following:

23
24 "(5) The child's adjustment to the child's home, school, and community; and the child's
25 physical, emotional, educational, and other needs. The fact that a parent sends his or her child or
26 children to a home school, as defined in section 167.031, shall not be the sole factor that a court
27 considers in determining custody of such child or children;

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

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

12 ~~[(7) The intention of either parent to relocate the principal residence of the child; and~~
 13 ~~(8) The wishes of a child as to the child's custodian. The fact that a parent sends his or her~~
 14 ~~child or children to a home school, as defined in section 167.031, shall not be the sole factor that a~~
 15 ~~court considers in determining custody of such child or children.]~~

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

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

22
 23 Further amend said bill and section, Page 3, Lines 59-60 by inserting after each instance of the word
 24 "parent" the words "or third party"; and

25
 26 Further amend said bill and section, Page 6, Line 183, by inserting after said section and line the
 27 following:

28
 29 "487.110. The uniform child custody jurisdiction and enforcement act, as enacted in sections
 30 ~~[452.440 to 452.550]~~ 452.700 to 452.930, shall apply to all child custody proceedings, as defined in
 31 section 452.705, in the family court."; and

32
 33 Further amend said bill by amending the title, enacting clause, and intersectional references
 34 accordingly.