

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill Nos. 185 & 281, Page 1, Section A, Line 2, by
2 inserting after all of said section the following:

3
4 "452.305. 1. The court shall enter a judgment of dissolution of marriage if:

5 (1) The court finds that one of the parties has been a resident of this state, or is a member of
6 the armed services who has been stationed in this state, for ninety days immediately preceding the
7 commencement of the proceeding and that thirty days have elapsed since the filing of the petition;
8 and

9 (2) The court finds that there remains no reasonable likelihood that the marriage can be
10 preserved and that therefore the marriage is irretrievably broken; and

11 (3) To the extent it has jurisdiction, the court has considered and made provision for child
12 custody, the support of each child, the maintenance of either spouse and the disposition of property.

13 2. The court shall enter a judgment of legal separation if:

14 (1) The court finds that one of the parties has been a resident of this state, or is a member of
15 the armed services who has been stationed in this state, for ninety days immediately preceding the
16 commencement of the proceeding and that thirty days have elapsed since the filing of the petition;
17 and

18 (2) The court finds that there remains a reasonable likelihood that the marriage can be
19 preserved and that therefore the marriage is not irretrievably broken; and

20 (3) To the extent it has jurisdiction, the court has considered and made provision for the
21 custody and the support of each child, the maintenance of either spouse and the disposition of
22 property.

23 3. Pregnancy status shall not prevent the court from entering a judgment of dissolution of
24 marriage or legal separation.

25 4. Any judgment of dissolution of marriage or legal separation shall include the last four
26 digits of the Social Security numbers of the parties. The full Social Security number of each party
27 and each child shall be retained in the manner required under section 509.520.

28 452.310. 1. In any proceeding commenced pursuant to this chapter, the petition, a motion to
29 modify, a motion for a family access order and a motion for contempt shall be verified. The petition
30 in a proceeding for dissolution of marriage shall allege that the marriage is irretrievably broken and

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1 that therefore there remains no reasonable likelihood that the marriage can be preserved. The
2 petition in a proceeding for legal separation shall allege that the marriage is not irretrievably broken
3 and that therefore there remains a reasonable likelihood that the marriage can be preserved.

4 2. The petition in a proceeding for dissolution of marriage or legal separation shall set forth:

5 (1) The residence of each party, including the county, and the length of residence of each
6 party in this state and in the county of residence;

7 (2) The date of the marriage and the place at which it is registered;

8 (3) The date on which the parties separated;

9 (4) The name, age, and address of each child, and the parent with whom each child has
10 primarily resided for the sixty days immediately preceding the filing of the petition for dissolution
11 of marriage or legal separation;

12 (5) Whether the wife is pregnant; however, pregnancy status shall not prevent the court from
13 entering a judgment of dissolution of marriage or legal separation;

14 (6) The last four digits of the Social Security number of the petitioner, respondent and each
15 child;

16 (7) Any arrangements as to the custody and support of the children and the maintenance of
17 each party; and

18 (8) The relief sought.

19 3. Upon the filing of the petition in a proceeding for dissolution of marriage or legal
20 separation, each child shall immediately be subject to the jurisdiction of the court in which the
21 proceeding is commenced, unless a proceeding involving allegations of abuse or neglect of the child
22 is pending in juvenile court. Until permitted by order of the court, neither parent shall remove any
23 child from the jurisdiction of the court or from any parent with whom the child has primarily resided
24 for the sixty days immediately preceding the filing of a petition for dissolution of marriage or legal
25 separation.

26 4. The mere fact that one parent has actual possession of the child at the time of filing shall
27 not create a preference in favor of such parent in any judicial determination regarding custody of the
28 child.

29 5. The respondent shall be served in the manner provided by the rules of the supreme court
30 and applicable court rules and, to avoid an interlocutory judgment of default, shall file a verified
31 answer within thirty days of the date of service which shall not only admit or deny the allegations of
32 the petition, but shall also set forth:

33 (1) The last four digits of the Social Security number of the petitioner, respondent and each
34 child;

35 (2) Any arrangements as to the custody and support of the child and the maintenance of
36 each party; and

37 (3) The relief sought.

38 6. Previously existing defenses to divorce and legal separation, including but not limited to
39 condonation, connivance, collusion, recrimination, insanity, and lapse of time, are abolished.

1 7. The full Social Security number of each party and each child and the date of birth of each
2 child shall be provided in the manner required under section 509.520.

3 8. The petitioner and respondent shall submit a proposed parenting plan, either individually
4 or jointly, within thirty days after service of process or the filing of the entry of appearance,
5 whichever event first occurs of a motion to modify or a petition involving custody or visitation
6 issues. The proposed parenting plan shall set forth the arrangements that the party believes to be in
7 the best interest of the minor children and shall include but not be limited to:

8 (1) A specific written schedule detailing the custody, visitation and residential time for each
9 child with each party including:

10 (a) Major holidays stating which holidays a party has each year;

11 (b) School holidays for school-age children;

12 (c) The child's birthday, Mother's Day and Father's Day;

13 (d) Weekday and weekend schedules and for school-age children how the winter, spring,
14 summer and other vacations from school will be spent;

15 (e) The times and places for transfer of the child between the parties in connection with the
16 residential schedule;

17 (f) A plan for sharing transportation duties associated with the residential schedule;

18 (g) Appropriate times for telephone access;

19 (h) Suggested procedures for notifying the other party when a party requests a temporary
20 variation from the residential schedule;

21 (i) Any suggested restrictions or limitations on access to a party and the reasons such
22 restrictions are requested;

23 (2) A specific written plan regarding legal custody which details how the decision-making
24 rights and responsibilities will be shared between the parties including the following:

25 (a) Educational decisions and methods of communicating information from the school to
26 both parties;

27 (b) Medical, dental and health care decisions including how health care providers will be
28 selected and a method of communicating medical conditions of the child and how emergency care
29 will be handled;

30 (c) Extracurricular activities, including a method for determining which activities the child
31 will participate in when those activities involve time during which each party is the custodian;

32 (d) Child care providers, including how such providers will be selected;

33 (e) Communication procedures including access to telephone numbers as appropriate;

34 (f) A dispute resolution procedure for those matters on which the parties disagree or in
35 interpreting the parenting plan;

36 (g) If a party suggests no shared decision-making, a statement of the reasons for such a
37 request;

1 (3) How the expenses of the child, including child care, educational and extraordinary
2 expenses as defined in the child support guidelines established by the supreme court, will be paid
3 including:

4 (a) The suggested amount of child support to be paid by each party;

5 (b) The party who will maintain or provide health insurance for the child and how the
6 medical, dental, vision, psychological and other health care expenses of the child not paid by
7 insurance will be paid by the parties;

8 (c) The payment of educational expenses, if any;

9 (d) The payment of extraordinary expenses of the child, if any;

10 (e) Child care expenses, if any;

11 (f) Transportation expenses, if any.

12 9. If the proposed parenting plans of the parties differ and the parties cannot resolve the
13 differences or if any party fails to file a proposed parenting plan, upon motion of either party and an
14 opportunity for the parties to be heard, the court shall enter a temporary order containing a parenting
15 plan setting forth the arrangements specified in subsection 8 of this section which will remain in
16 effect until further order of the court. The temporary order entered by the court shall not create a
17 preference for the court in its adjudication of final custody, child support or visitation.

18 10. The Missouri supreme court shall have guidelines for a parenting plan which may be
19 used by the parties pursuant to this section in any dissolution of marriage, legal separation or
20 modification proceeding involving issues of custody and visitation relating to the child. Parenting
21 plan guidelines shall be made available on the office of state courts administrator's website.

22 11. The filing of a parenting plan for any child over the age of eighteen for whom custody,
23 visitation, or support is being established or modified by a court of competent jurisdiction is not
24 required. Nothing in this section shall be construed as precluding the filing of a parenting plan upon
25 agreement of the parties or if ordered to do so by the court for any child over the age of eighteen for
26 whom custody, visitation, or support is being established or modified by a court of competent
27 jurisdiction."; and

28
29 Further amend said bill by amending the title, enacting clause, and intersectional references
30 accordingly.