

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;

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

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

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

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

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

21  
 22 Further amend said bill and section, Page 3, Lines 59-60 by inserting after each instance of the word  
 23 "parent" the words "or third party"; and

24  
 25 Further amend said bill and section, Page 6, Line 183, by inserting after said section and line the  
 26 following:

27  
 28           "487.110. The uniform child custody jurisdiction and enforcement act, as enacted in sections  
 29 ~~[452.440 to 452.550]~~ 452.700 to 452.930, shall apply to all child custody proceedings, as defined in  
 30 section 452.705, in the family court."; and

31  
 32 Further amend said bill by amending the title, enacting clause, and intersectional references  
 33 accordingly.