

SS SB 35 -- JUDICIAL PROCEEDINGS INVOLVING PARENT-CHILD
RELATIONSHIPS

SPONSOR: May (Evans)

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on
Judiciary by a vote of 12 to 0. Voted "Do Pass" by the Standing
Committee on Rules- Administrative Oversight by a vote of 6 to 2.

This bill adds a rebuttable presumption when determining child
custody arrangements that an award of equal or approximately equal
parenting time to each parent is in the best interests of the
child. Such presumption may be rebutted by a preponderance of the
evidence as specified in the bill, including an agreement by the
parents on all issues related to custody or a finding by the court
that a pattern of domestic violence has occurred. The General
Assembly urges the court to enter a temporary parenting plan as
soon as practicable in a manner that will best assure both parents
participate in custody decisions and have frequent, continuing, and
meaningful contact with their children.

Additionally, current law requires a court considering child
custody to consider and enter written findings of fact and
conclusions of law on the child's wishes as to his or her
custodian. This bill modifies this provision to require that the
court instead consider the child's unobstructed input, free of
coercion and manipulation, as to his or her custodial arrangement.

This bill provides that the hearings to determine whether the
suspension of a business, occupational, professional, recreational,
or other license is appropriate when an obligor is not in
compliance with a child support order shall comply with due process
and shall consider all relevant factors, including the obligor's
current and past ability to pay the support, his or her need for
transportation, and his or her need for the license for continued
employment.

The court or the Director of the Family Support Division within the
Department of Social Services shall consider and issue written
findings of fact and conclusions of law within 30 days of the
hearing. If the court or the Director, after the hearing,
determines that the obligor has not made the required payments for
good cause, then the court or Director shall not issue an order
suspending the license or, if an order is in place, shall stay such
order.

PROPOSERS: Supporters say that, in the statute, the only thing
that was added was some due process language. When the Department
mails out the notice that your license is going to be suspended,

the people receiving that have already violated certain terms so they do not come to the hearing. Other findings of fact were added for them to evaluate whether a license should be suspended. This is an incentive to get people to go into court rather than automatically suspending licenses and incentivizing individuals to skip their court hearings.

Testifying in person for the bill were Senator May; Missouri Baptist Convention; National Parenting Organization; and Americans for Equal Shared Parenting.

OPPONENTS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill submitted their testimony in writing, which can be found online.

Testifying in person on the bill was Laura Underwood, Mo Association of Family Law Advocates.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under "House Testimony on Senate Bills" on the House website.