

HCS SS SCS SB 129 -- CHILD CUSTODY

SPONSOR: Brattin (Murphy)

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Judiciary by a vote of 12 to 1. Voted "Do Pass" by the Standing Committee on Rules- Administrative Oversight by a vote of 5 to 2 and 1 present.

The following is a summary of the House Committee Substitute for SB 129.

This bill requires Children's Division within the Department of Social Services or any child placing agency contracting with the state to provide foster services to, whenever practicable, select a person, agency, or institution with the same religious preferences as the parents of the child.

The 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.

This bill also modifies the factors a court shall consider when awarding custody to parents, including the willingness and ability of parents to cooperate in the rearing of their child; the child's physical, emotional, educational, and other needs; the mental health or substance use history experienced by either parent; the history of domestic and child abuse of any individuals involved; the distance between the residences of the parents; and the reasonable input of the child as to the child's custodian.

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.

The following is a summary of the public testimony from the committee hearing. The testimony was based on the Senate Perfected version of the bill.

PROPONENTS: 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 don't 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 de-incentivizing individuals from skipping their court hearings.

Testifying in person for the bill were Senator Brattin; 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 say the factors used when determining the custody of a child have not been updated since the '60s.

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.