

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 862, Page 40,  
2 Section 337.618, Line 16, by inserting after all of said section and line the following:

3  
4 "452.355. 1. Unless otherwise indicated, the court from time to time after considering all  
5 relevant factors including the financial resources of both parties, the merits of the case and the  
6 actions of the parties during the pendency of the action, may order a party to pay a reasonable  
7 amount for the cost to the other party of maintaining or defending any proceeding pursuant to  
8 sections 452.300 to 452.415 and for attorney's fees, including sums for legal services rendered and  
9 costs incurred prior to the commencement of the proceeding and after entry of a final judgment.  
10 The court may order that the amount be paid directly to the attorney, who may enforce the order in  
11 the attorney's name.

12 2. In actions brought to enforce a temporary order or final judgment of the court in any  
13 proceeding under sections 452.300 to 452.415, excluding any proceeding described in subsection 3  
14 of this section, the court shall order the party against whom enforcement is sought, if requested and  
15 for good cause shown, to pay the cost of the suit to the party seeking enforcement, including  
16 attorney's fees. The court may order that the amount be paid directly to the attorney, who may  
17 enforce the order in the attorney's name.

18 3. In any proceeding in which the failure to pay child support pursuant to a temporary order  
19 or final judgment is an issue, if the court finds that the obligor has failed, without good cause, to  
20 comply with such order or decree to pay the child support, the court shall order the obligor, if  
21 requested and for good cause shown, to pay a reasonable amount for the cost of the suit to the  
22 obligee, including reasonable sums for legal services. The court may order that the amount be paid  
23 directly to the attorney, who may enforce the order in his name.

24 ~~[3.]~~ 4. For purposes of this section, an "obligor" is a person owing a duty of support and an  
25 "obligee" is a person to whom a duty of support is owed.

26 ~~[4.]~~ 5. For purposes of this section, "good cause" includes, but shall not be limited to, any  
27 substantial reason why the obligor is unable to pay the child support as ordered. Good cause does  
28 not exist if the obligor purposely maintains his inability to pay."; and

29  
30 Further amend said bill and page, Section 452.375, Lines 8-9, by deleting the words "significant, but  
31 not necessarily equal," and inserting in lieu thereof the words "[significant, but not necessarily

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1 ~~equal,~~ substantially equal"; and

2  
3 Further amend said bill, page, and section, Line 16, by deleting the word "approximately" and  
4 inserting in lieu thereof the words "~~approximately~~ substantially"; and

5  
6 Further amend said bill and section, Page 41, Lines 38-39, by deleting the words "and the child's  
7 physical, emotional, educational, and other needs"; and

8  
9 Further amend said bill, page, and section, Lines 42-43, by deleting the words "the mental health or"  
10 and inserting in lieu thereof the word "any"; and

11  
12 Further amend said bill, page, and section, Lines 54-55, by deleting the words ", whether physical,  
13 verbal, emotional, or psychological"; and

14  
15 Further amend said bill, page, and section, Lines 61-65, by deleting all of said lines and inserting in  
16 lieu thereof the following:

17  
18 "(9) The unobstructed input of a child, free of coercion and manipulation, as to the child's  
19 custodial arrangement, if the court deems the child to be of sufficient ability, age, and maturity to  
20 express an independent, reliable preference with due consideration of the influence that a parent  
21 may have on the child's input."; and

22  
23 Further amend said bill and section, Page 45, Line 191, by inserting after all of said section and line  
24 the following:

25  
26 "452.425. Any court order for the custody of, or visitation with, a child [~~may~~] shall include a  
27 provision that the sheriff or other law enforcement officer shall enforce the rights of any person to  
28 custody or visitation unless the court issues a subsequent order pursuant to chapter 210, 211, 452 or  
29 455 to limit or deny the custody of, or visitations with, the child. Such sheriff or law enforcement  
30 officer shall not remove a child from a person who has actual physical custody of the child unless  
31 such sheriff or officer is shown a court order or judgment which clearly and convincingly verifies  
32 that such person is not entitled to the actual physical custody of the child, and there are not other  
33 exigent circumstances that would give the sheriff or officer reasonable suspicion to believe that the  
34 child would be harmed or that the court order presented to the sheriff or officer may not be valid.";

35 and

36  
37 Further amend said bill by amending the title, enacting clause, and intersectional references  
38 accordingly.