

HB 1660 -- PREVENTION OF CHILD ABDUCTIONS

SPONSOR: Hausman

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Judiciary by a vote of 10 to 0. Voted "Do Pass" by the Standing Committee on Rules- Legislative Oversight by a vote of 8 to 0.

Currently, a court may communicate with a court in another state concerning proceedings arising out of the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA). This bill allows this communication with proceedings arising out of the "Uniform Child Abduction Prevention Act" as established in this bill. The bill also modifies the procedure when seeking enforcement of a child custody determination under UCCJEA.

The bill establishes the "Uniform Child Abduction Prevention Act". The Act specifies that parties to a child custody determination, as defined in the bill, can petition the court seeking abduction prevention measures to protect the child. The petition must be filed in a court with jurisdiction to make child custody determinations. Missouri courts will have temporary emergency jurisdiction under Section 452.755, RSMo if the court finds a credible risk of abduction. This bill also identifies the procedure for filing such a petition and the information that should be included.

Furthermore, a court on its own motion can order abduction prevention measures in a child custody proceeding if it finds evidence that there is a credible risk of the child being abducted. The bill specifies the factors the court must consider when determining whether there is a credible risk of abduction. The bill also specifies what a court order must include, especially when the court enters an abduction prevention order.

To prevent imminent abduction of a child, a court may:

- (1) Issue a warrant to take physical custody of the child;
- (2) Direct the use of law enforcement to take any action reasonably necessary to locate the child, obtain return of the child, or enforce a custody determination as described in this bill; or
- (3) Grant any other relief allowed under the law.

If an abduction prevention order is granted and does not have a specified time period the order will terminate when the child is

emancipated, attains the age of 18, or the order is modified or revoked.

Provisions in this bill modify, limit, and supersede the Federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001, et seq., but do not modify, limit, or supersede Section 101(c) of the Act, 15 U.S.C. Section 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of that Act, 15 U.S.C. Section 7003(b).

PROPONENTS: Supporters say that, in the U.S., there have been over 200,000 instances of children being taken, usually by a parent not returning the child after a visitation. This would allow a judge to weigh factors when the judge feels a child is at risk of abduction. There is concern that such children could be abducted and taken to countries that are not part of the Hague Convention. There are about 15 other states that have done this.

Testifying in person for the bill was Representative Hausman.

OPPONENTS: There was no opposition voiced to the committee.

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