



MISSOURI HOUSE OF REPRESENTATIVES
WITNESS APPEARANCE FORM

BILL NUMBER: HB 1660		DATE: 1/31/2024	
COMMITTEE: Judiciary			
TESTIFYING: <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: ARNIE C."HONEST-ABE" DIENOFF-STATE PUBLIC ADVOCATE		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL: arniedienoff@yahoo.com	ATTENDANCE: Written		SUBMIT DATE: 1/31/2024 11:57 PM
THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.			



MISSOURI HOUSE OF REPRESENTATIVES
WITNESS APPEARANCE FORM

BILL NUMBER: HB 1660		DATE: 1/31/2024	
COMMITTEE: Judiciary			
TESTIFYING: <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: LIBBY SNYDER		PHONE NUMBER: 312-450-6619	
BUSINESS/ORGANIZATION NAME: UNIFORM LAW COMMISSION		TITLE: LEGISLATIVE COUNSEL	
ADDRESS: 111 N WABASH AVE, STE 1010			
CITY: CHICAGO		STATE: IL	ZIP: 60602
EMAIL: lsnyder@uniformlaws.org	ATTENDANCE: Written	SUBMIT DATE: 1/30/2024 9:56 AM	
THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.			

Thank you for considering House Bill 1660, enacting the Uniform Child Abduction Prevention Act, promulgated by the Uniform Law Commission (ULC) in 2006. The ULC is a non-profit organization formed in 1892 to draft non-partisan model legislation in the areas of state law for which uniformity among the states is advisable. The Uniform Child Abduction Prevention Act (UCAPA) was drafted in the careful, lengthy manner typical of ULC acts. The drafting of UCAPA involved ULC commissioners as well as family law experts, child advocates, family court judges, and domestic violence victim advocates. UCAPA has been enacted in 15 states and the District of Columbia. In addition to HB 1660, bills to enact UCAPA have been introduced in Oklahoma, South Carolina, Washington, and Wyoming this legislative session. The overarching viewpoint under which UCAPA was drafted is that preventing abduction is always going to be in a child's best interest. The act provides states with a valuable tool for deterring domestic and international child abduction—both serious and growing problems. While the Uniform Child Custody Jurisdiction and Enforcement Act ("UCCJEA") provides well-established tools for the return of children abducted within the United States, and the Hague Convention on the Civil Aspects of International Child Abduction facilitates the return of children abducted internationally, these laws presume that a child can be located and, in the case of the Hague Convention, that the child is located in a country which is a signatory to the agreement. UCAPA is intended to provide courts and parties with tools to prevent an unlawful abduction from occurring in the first place, and thus is crucial to ensuring the well-being and safety of children. UCAPA anticipates the need for cooperation and communication among the courts of different states. Because abduction situations often involve more than one state, it is vital that courts have the ability to communicate effectively. The Act accomplishes this goal by building on the interstate jurisdiction and enforcement mechanisms of the UCCJEA, including provisions on temporary emergency jurisdiction. Generally speaking, UCAPA does five important things aimed at preventing parental abductions: 1) Under UCAPA, parties can seek abduction prevention measures at any time, including before a custody order is in place. This provides an opportunity for parents who are fearful that their child might be wrongfully removed or retained a chance to seek preventative measures from the court. An action for abduction prevention measures may be brought either by a court on its own motion, by a party to a child-custody determination or an individual with a right to seek such a determination, or by a prosecutor or public attorney. The party seeking abduction prevention measures must file a petition with the court specifying the risk factors for abduction as well as other biographical information including the name, age and gender of the child, the current address of the child and the person against whom the measures are sought, a statement regarding any prior actions related to abduction or domestic violence, a statement addressing any prior arrests for domestic violence or child abuse by either party, and finally any additional information required by existing state child custody law including the UCCJEA. It is

important to note that UCAPA is not meant to prevent a legitimate relocation action filed in accordance with the law of the state having jurisdiction to make a child-custody determination nor to prevent a victim of domestic violence from escaping abuse.²⁾ UCAPA provides clear guidance regarding the warning signs of and risk factors for a potential child abduction. This evidence-based guidance helps judges identify children who are at risk for abduction. The warning signs and risk factors provided in UCAPA include overt signs such as previous abductions, attempts to abduct the child, or threats of abduction, as well as signs of general abuse including domestic violence, negligence, or refusal to obey a child-custody determination. The Act also includes a wide range of activities that may indicate a planned abduction including abandoning employment, liquidating assets, obtaining travel documents or travel tickets, or requesting the child's school or medical records. Generally speaking, the more factors that are present, the higher the probability of abduction. ³⁾ UCAPA addresses problems involved with international child abduction. The Act includes several risk factors specifically related to international abduction. In particular, UCAPA requires courts to consider whether the party in question is likely to take a child to a country that isn't a party to the Hague Convention on the Civil Aspects of International Child Abduction, or to a country that places the child at risk, has laws that would restrict access to the child, that is on the current list of state sponsors of terrorism, or is engaged in an active military action or war. In addition, courts are directed to consider issues related to citizenship as potential risk factors for abduction, such as a recent change in citizenship status or a denial of United States Citizenship.⁴⁾ UCAPA provides a catalogue of possible remedies and guidance for issuing those preventative measures. If a court determines that a credible risk exists that the child will be abducted, it may then enter an order containing provisions and measures designed to prevent abduction. UCAPA provides a wide range of prevention measures to consider so that the order containing abduction prevention measures can be carefully tailored to each family's circumstances. While preventing travel is one option, a blanket travel prohibition for the child until adulthood may be short-sighted for a particular family. For some families, it may simply be appropriate to register the Missouri court order in the other jurisdiction prior to traveling with the child. There may be a need for certain restrictions on issuing or holding the child's passports, ensuring parentage and parental rights are guaranteed in the other jurisdiction, limited travel authorizations, posting of financial bonds, or even supervised or no access in the most severe circumstances. UCAPA recognizes that there is no one-size-fits-all for these families or their children.⁵⁾ UCAPA includes provisions for emergency relief. When there is a credible risk of imminent wrongful removal, the court can issue an ex parte warrant to take physical custody of the child, direct law enforcement to take any action reasonably necessary to locate and return the child or exercise other appropriate powers under existing state laws. This provision of UCAPA authorizes the issuance of a warrant in an emergency situation, such as an allegation that the respondent is preparing to abduct the child to a foreign country and is on the way to the airport. The harm is the credible risk of imminent removal. If the court finds such a risk, the court should temporarily waive the notice requirements and issue a warrant to take physical custody of the child. Immediately after the warrant is executed, the respondent is to receive notice of the proceedings. This section builds upon Section 311 of the Uniform Child Custody Jurisdiction and Enforcement Act on warrants to pick up a child which are available when there is an existing child-custody determination (enacted in Missouri law as section 452.885 RSMo). UCAPA applies to predecree and intrastate cases, to emergency situations, and to cases in which risk factors exist and the existing child-custody determination lacks abduction prevention measures. UCAPA will fill a void in state law by identifying circumstances indicating a credible risk of abduction and providing measures to prevent the abduction of children, predecree or postdecree. If passed, HB 1660 will provide Missouri with a powerful tool to combat the threat of child abduction. I ask for your support to advance this important legislation. Thank you for your time and consideration.



MISSOURI HOUSE OF REPRESENTATIVES
WITNESS APPEARANCE FORM

BILL NUMBER: HB 1660		DATE: 1/31/2024	
COMMITTEE: Judiciary			
TESTIFYING: <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: TIMOTHY FABER		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL: tfaber@mobaptist.org	ATTENDANCE: Written		SUBMIT DATE: 1/31/2024 8:41 AM
THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.			