

FIRST REGULAR SESSION

HOUSE BILL NO. 1021

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BURTON.

2273H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 452.300, RSMo, and to enact in lieu thereof one new section relating to petitions for dissolution of marriage, legal separation, or declaration of invalidity of marriage.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 452.300, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 452.300, to read as follows:

452.300. 1. The rules of the supreme court and other applicable court rules shall govern all proceedings pursuant to sections 452.300 to 452.415.

2. A proceeding for dissolution of marriage, legal separation, or declaration of invalidity of marriage shall be entitled: "In re the Marriage of _____ and _____".

3. The initial pleading in an original proceeding pursuant to sections 452.300 to 452.415 shall be denominated a "petition" and the responsive pleading in an original proceeding shall be denominated an "answer". Other pleadings in an original proceeding and all pleadings in other proceedings pursuant to sections 452.300 to 452.415 shall be denominated as provided in the rules of the supreme court and other applicable court rules.

4. Any party who files the initial pleading in an original proceeding pursuant to sections 452.300 to 452.415 shall be denominated the "petitioner" and any party who is required to file or who files a responsive pleading in an original proceeding shall be denominated the "respondent". Each party shall retain such denomination from the original proceeding in any other proceedings pursuant to sections 452.300 to 452.415.

5. An original proceeding pursuant to sections 452.300 to 452.415 shall be commenced in the county in which the petitioner resides or in the county in which the

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 respondent resides. If an original proceeding is commenced in the county in which the
18 petitioner resides, upon motion by the respondent filed prior to the filing of a responsive
19 pleading, the court in which the proceeding is commenced may transfer the proceeding to the
20 county in which the respondent resides if:

21 (1) The county in which the respondent resides had been the county in which the
22 children resided during the ninety days immediately preceding the commencement of the
23 proceeding; or

24 (2) The best interest of the children will be served if the proceeding is transferred to
25 the county in which the respondent resides because:

26 (a) The children and at least one parent have a significant connection with the county;
27 and

28 (b) There is substantial evidence concerning the present or future care, protection and
29 personal relationships of the children in the county.

30 6. In proceedings pursuant to sections 452.300 to 452.415, "judgment" shall include a
31 "decree".

32 **7. A minor who is legally married may file a petition for dissolution of marriage,**
33 **legal separation, or declaration of invalidity of marriage under sections 452.300 to**
34 **452.415 without the consent of his or her custodial parent or guardian.**

✓