

HB 481 -- UNIFORM CHILD ABDUCTION PREVENTION ACT

SPONSOR: Hausman

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 the 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, and what measures a court may implement to prevent the imminent abduction of a child.

If an abduction prevention order is granted and does not have a specified time period, the order will terminate when the child is emancipated or attains the age of 18, or the order is modified or revoked.

The bill also establishes the "Uniform Unregulated Child Custody Transfer Act". The Act specifies that a parent or guardian of a child or an individual with whom a child has been placed for adoption may not transfer custody of the child to another person, subject to exceptions in the bill, with the intent, at the time of the transfer, to abandon the rights and responsibilities concerning the child. That type of transfer is allowed only through the methods specified in the bill.

A person may not receive custody of a child, or act as an intermediary in a transfer of custody of a child, if the person

knows or reasonably should know the transfer violates any provision in the bill. The person must notify Children's Division within the Department of Social Services of the transfer violation as soon as practicable. A violation of this matter is a class B misdemeanor.

If the Children's Division has a reasonable basis to believe that a person has transferred or will transfer custody of a child in violation of the provisions in this bill, the Children's Division may conduct a home visit as provided by law and take appropriate action to protect the welfare of the child. Law enforcement agencies may also investigate a possible violation of the provisions in this bill.

If the Children's Division conducts a home visit for a child adopted or placed through an inter-country adoption, the Children's Divisions must:

- (1) Prepare a report on the welfare and plan for permanent placement of the child; and
- (2) Provide a copy to the United States Department of State.

A person may not solicit or advertise to find a person or child in which to violate the provisions in this bill nor to act as an intermediary in violation of the provisions in this bill. A violation of this matter is as class B misdemeanor.

Within a reasonable time before a child-placing agency places a child for adoption with a prospective adoptive parent, the agency must provide or have provided to the prospective adoptive parent general adoption information, which should address the information as described in the bill, as well as information specific to the child that is known to or reasonably obtainable by the agency and material to the prospective adoptive parent's informed decision to adopt the child, which must include information as specified in the bill. Also, a child-placing agency must provide or have provided to the prospective adoptive parent guidance and instruction specific to the child to help prepare the parent to respond effectively to needs of the child, which must address issues as described in the bill. If new information is discovered by the child-placing agency at any point in the adoption process, it is to provide that information to the prospective parent.

Upon request from the child or the adoptive parent, the child-placing agency or the Children's Division must provide information about how to obtain financial assistance or support services:

- (1) To assist the child or parent to respond effectively to adjustment, behavioral health, and other challenges; and

(2) To help preserve the placement or adoption.

The Children's Division and law enforcement can initiate proceedings to determine whether a child-placing agency has failed to comply with the provisions in the bill, which can result in either law enforcement filing for injunctive relief or initiating an administrative proceeding, or Children's Division suspending or revoking the agency's license.

The provisions in this bill do not apply to custody of an Indian child, as defined in Section 4(4) of the Indian Child Welfare Act of 1978, 25 U.S.C. Section 1903(4), as amended, to the extent custody is governed by the Indian Child Welfare Act of 1978, 25 U.S.C. Sections 1901 through 1963, as amended.

This bill similar to HB 1660 (2024).