

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE BILL NO. 213
102ND GENERAL ASSEMBLY

0088H.03C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 190.600, 190.603, 190.606, 190.612, 208.072, 210.113, 210.493, 210.841, 211.221, 452.375, 452.705, 452.730, 452.885, 487.110, and 568.050, RSMo, and to enact in lieu thereof twenty-seven new sections relating to protection of children, with penalty provisions.

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

Section A. Sections 190.600, 190.603, 190.606, 190.612, 208.072, 210.113, 210.493, 210.841, 211.221, 452.375, 452.705, 452.730, 452.885, 487.110, and 568.050, RSMo, are repealed and twenty-seven new sections enacted in lieu thereof, to be known as sections 190.600, 190.603, 190.606, 190.612, 190.613, 208.072, 210.493, 210.841, 210.1360, 211.221, 452.375, 452.705, 452.730, 452.885, 452.1100, 452.1102, 452.1104, 452.1106, 452.1108, 452.1110, 452.1112, 452.1114, 452.1118, 452.1120, 452.1122, 487.110, and 568.050, to read as follows:

190.600. 1. Sections 190.600 to 190.621 shall be known and may be cited as the "Outside the Hospital Do-Not-Resuscitate Act".

2. As used in sections 190.600 to 190.621, unless the context clearly requires otherwise, the following terms shall mean:

(1) "Attending physician":

(a) A physician licensed under chapter 334 selected by or assigned to a patient who has primary responsibility for treatment and care of the patient; or

(b) If more than one physician shares responsibility for the treatment and care of a patient, one such physician who has been designated the attending physician by the patient or the patient's representative shall serve as the attending physician;

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.

11 (2) "Cardiopulmonary resuscitation" or "CPR", emergency medical treatment
12 administered to a patient in the event of the patient's cardiac or respiratory arrest, and shall
13 include cardiac compression, endotracheal intubation and other advanced airway
14 management, artificial ventilation, defibrillation, administration of cardiac resuscitation
15 medications, and related procedures;

16 (3) "Department", the department of health and senior services;

17 (4) "Emergency medical services personnel", paid or volunteer firefighters, law
18 enforcement officers, first responders, emergency medical technicians, or other emergency
19 service personnel acting within the ordinary course and scope of their professions, but
20 excluding physicians;

21 (5) "Health care facility", any institution, building, or agency or portion thereof,
22 private or public, excluding federal facilities and hospitals, whether organized for profit or
23 not, used, operated, or designed to provide health services, medical treatment, or nursing,
24 rehabilitative, or preventive care to any person or persons. Health care facility includes but is
25 not limited to ambulatory surgical facilities, health maintenance organizations, home health
26 agencies, hospices, infirmaries, renal dialysis centers, long-term care facilities licensed under
27 sections 198.003 to 198.186, medical assistance facilities, mental health centers, outpatient
28 facilities, public health centers, rehabilitation facilities, and residential treatment facilities;

29 (6) "Hospital", a place devoted primarily to the maintenance and operation of
30 facilities for the diagnosis, treatment, or care for not less than twenty-four consecutive hours
31 in any week of three or more nonrelated individuals suffering from illness, disease, injury,
32 deformity, or other abnormal physical conditions; or a place devoted primarily to provide for
33 not less than twenty-four consecutive hours in any week medical or nursing care for three or
34 more nonrelated individuals. Hospital does not include any long-term care facility licensed
35 under sections 198.003 to 198.186;

36 (7) "Outside the hospital do-not-resuscitate identification" or "outside the hospital
37 DNR identification", a standardized identification card, bracelet, or necklace of a single color,
38 form, and design as described by rule of the department that signifies that the patient's
39 attending physician has issued an outside the hospital do-not-resuscitate order for the patient
40 and has documented the grounds for the order in the patient's medical file;

41 (8) "Outside the hospital do-not-resuscitate order" or "outside the hospital DNR
42 order", a written physician's order signed by the patient and the attending physician, or the
43 patient's representative and the attending physician, in a form promulgated by rule of the
44 department which authorizes emergency medical services personnel to withhold or withdraw
45 cardiopulmonary resuscitation from the patient in the event of cardiac or respiratory arrest;

46 (9) "Outside the hospital do-not-resuscitate protocol" or "outside the hospital DNR
47 protocol", a standardized method or procedure promulgated by rule of the department for the

48 withholding or withdrawal of cardiopulmonary resuscitation by emergency medical services
49 personnel from a patient in the event of cardiac or respiratory arrest;

50 (10) "Patient", a person eighteen years of age or older who is not incapacitated, as
51 defined in section 475.010, and who is otherwise competent to give informed consent to an
52 outside the hospital do-not-resuscitate order at the time such order is issued, and who, with his
53 or her attending physician, has executed an outside the hospital do-not-resuscitate order under
54 sections 190.600 to 190.621. A person who has a patient's representative shall also be a
55 patient for the purposes of sections 190.600 to 190.621, if the person or the person's patient's
56 representative has executed an outside the hospital do-not-resuscitate order under sections
57 190.600 to 190.621. **A person under eighteen years of age shall also be a patient for**
58 **purposes of sections 190.600 to 190.621 if the person has had a do-not-resuscitate order**
59 **issued on his or her behalf under the provisions of section 191.250;**

60 (11) "Patient's representative":

61 (a) An attorney in fact designated in a durable power of attorney for health care for a
62 patient determined to be incapacitated under sections 404.800 to 404.872; or

63 (b) A guardian or limited guardian appointed under chapter 475 to have responsibility
64 for an incapacitated patient.

190.603. 1. A patient or patient's representative and the patient's attending physician
2 may execute an outside the hospital do-not-resuscitate order. An outside the hospital do-not-
3 resuscitate order shall not be effective unless it is executed by the patient or patient's
4 representative and the patient's attending physician, and it is in the form promulgated by rule
5 of the department.

6 2. **A patient under eighteen years of age is not authorized to execute an outside**
7 **the hospital do-not-resuscitate order for himself or herself but may have a do-not-**
8 **resuscitate order issued on his or her behalf by one parent or legal guardian or by a**
9 **juvenile or family court under the provisions of section 191.250. Such do-not-resuscitate**
10 **order shall also function as an outside the hospital do-not-resuscitate order for the**
11 **purposes of sections 190.600 to 190.621 unless such do-not-resuscitate order authorized**
12 **under the provisions of section 191.250 states otherwise.**

13 3. If an outside the hospital do-not-resuscitate order has been executed, it shall be
14 maintained as the first page of a patient's medical record in a health care facility unless
15 otherwise specified in the health care facility's policies and procedures.

16 [3-] 4. An outside the hospital do-not-resuscitate order shall be transferred with the
17 patient when the patient is transferred from one health care facility to another health care
18 facility. If the patient is transferred outside of a hospital, the outside the hospital DNR form
19 shall be provided to any other facility, person, or agency responsible for the medical care of
20 the patient or to the patient or patient's representative.

190.606. The following persons and entities shall not be subject to civil, criminal, or administrative liability and are not guilty of unprofessional conduct for the following acts or omissions that follow discovery of an outside the hospital do-not-resuscitate identification upon a patient **or a do-not-resuscitate order functioning as an outside the hospital do-not-resuscitate order for a patient under eighteen years of age**, or upon being presented with an outside the hospital do-not-resuscitate order [~~from Missouri, another state, the District of Columbia, or a territory of the United States~~]; provided that the acts or omissions are done in good faith and in accordance with the provisions of sections 190.600 to 190.621 and the provisions of an outside the hospital do-not-resuscitate order executed under sections 190.600 to 190.621:

(1) Physicians, persons under the direction or authorization of a physician, emergency medical services personnel, or health care facilities that cause or participate in the withholding or withdrawal of cardiopulmonary resuscitation from such patient; and

(2) Physicians, persons under the direction or authorization of a physician, emergency medical services personnel, or health care facilities that provide cardiopulmonary resuscitation to such patient under an oral or written request communicated to them by the patient or the patient's representative.

190.612. 1. Emergency medical services personnel are authorized to comply with the outside the hospital do-not-resuscitate protocol when presented with an outside the hospital do-not-resuscitate identification or an outside the hospital do-not-resuscitate order. However, emergency medical services personnel shall not comply with an outside the hospital do-not-resuscitate order or the outside the hospital do-not-resuscitate protocol when the patient or patient's representative expresses to such personnel in any manner, before or after the onset of a cardiac or respiratory arrest, the desire to be resuscitated.

~~2. [Emergency medical services personnel are authorized to comply with the outside the hospital do-not-resuscitate protocol when presented with an outside the hospital do-not-resuscitate order from another state, the District of Columbia, or a territory of the United States if such order is on a standardized written form:~~

~~(1) Signed by the patient or the patient's representative and a physician who is licensed to practice in the other state, the District of Columbia, or the territory of the United States; and~~

~~(2) Such form has been previously reviewed and approved by the department of health and senior services to authorize emergency medical services personnel to withhold or withdraw cardiopulmonary resuscitation from the patient in the event of a cardiac or respiratory arrest.~~

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~~20 Emergency medical services personnel shall not comply with an outside the hospital do-not-
21 resuscitate order from another state, the District of Columbia, or a territory of the United
22 States or the outside the hospital do-not-resuscitate protocol when the patient or patient's
23 representative expresses to such personnel in any manner, before or after the onset of a
24 cardiac or respiratory arrest, the desire to be resuscitated.]~~

25 **(1) Except as provided in subdivision (2) of this subsection, emergency medical
26 services personnel are authorized to comply with the outside the hospital do-not-
27 resuscitate protocol when presented with a do-not-resuscitate order functioning as an
28 outside the hospital do-not-resuscitate order for a patient under eighteen years of age if
29 such do-not-resuscitate order has been authorized by one parent or legal guardian or by
30 a juvenile or family court under the provisions of section 191.250.**

31 **(2) Emergency medical services personnel shall not comply with a do-not-
32 resuscitate order or the outside the hospital do-not-resuscitate protocol when the patient
33 under eighteen years of age, either parent of such patient, the patient's legal guardian,
34 or the juvenile or family court expresses to such personnel in any manner, before or
35 after the onset of a cardiac or respiratory arrest, the desire for the patient to be
36 resuscitated.**

37 **3. If a physician or a health care facility other than a hospital admits or receives a
38 patient with an outside the hospital do-not-resuscitate identification or an outside the hospital
39 do-not-resuscitate order, and the patient or patient's representative has not expressed or does
40 not express to the physician or health care facility the desire to be resuscitated, and the
41 physician or health care facility is unwilling or unable to comply with the outside the hospital
42 do-not-resuscitate order, the physician or health care facility shall take all reasonable steps to
43 transfer the patient to another physician or health care facility where the outside the hospital
44 do-not-resuscitate order will be complied with.**

**190.613. 1. A patient or patient's representative and the patient's attending
2 physician may execute an outside the hospital do-not-resuscitate order through the
3 presentation of a properly executed outside the hospital do-not-resuscitate order from
4 another state, the District of Columbia, or a territory of the United States, or a
5 Transportable Physician Orders for Patient Preferences (TPOPP)/Physician Orders for
6 Life-Sustaining Treatment (POLST) form containing a specific do-not-resuscitate
7 section.**

8 **2. Any outside the hospital do-not-resuscitate form identified from another state,
9 the District of Columbia, or a territory of the United States, or a TPOPP/POLST form
10 shall:**

11 **(1) Have been previously reviewed and approved by the department as in
12 compliance with the provisions of sections 190.600 to 190.615;**

13 **(2) Not be accepted for a patient under eighteen years of age, except as allowed**
14 **under section 191.250; and**

15 **(3) Not be effective during such time as the patient is pregnant as set forth in**
16 **section 190.609.**

17

18 **A patient or patient's representative may express to emergency medical services**
19 **personnel, at any time and by any means, the intent to revoke the outside the hospital**
20 **do-not-resuscitate order.**

21 **3. The provisions of section 190.606 shall apply to the good faith acts or**
22 **omissions of emergency medical services personnel under this section.**

208.072. 1. A completed application for medical assistance for services described in
2 section 208.152 shall be approved or denied within thirty days from submission to the family
3 support division or its successor.

4 2. The MO HealthNet division shall remit to a licensed nursing home operator the
5 Medicaid payment for a newly admitted Medicaid resident in a licensed long-term care
6 facility within forty-five days of the resident's date of admission.

7 **3. In accordance with 42 CFR 435.907(a), as amended, if the applicant is a minor**
8 **or incapacitated, the family support division or its successor shall accept an application**
9 **from someone acting responsibly for the applicant.**

210.493. 1. As used in this section, the following terms mean:

2 **(1) "Applicant", any individual who applies or is required to successfully**
3 **complete the background check requirements for employment or presence at a licensed**
4 **residential care facility, license-exempt residential care facility, or child placing agency.**
5 **For the purposes of background checks conducted by the Missouri state highway patrol,**
6 **the term "applicant" is further defined in section 43.540;**

7 **(2) "Contractor", a person who contracts to do work for or supply goods to a**
8 **licensed residential care facility, license-exempt residential care facility, or child placing**
9 **agency;**

10 **(3) "Employee", an individual who works in the service of a licensed residential**
11 **care facility, license-exempt residential care facility, or child placing agency under an**
12 **express or implied contract for hire, whether written or unwritten or full time or part**
13 **time, under which the licensed residential care facility, license-exempt residential care**
14 **facility, or child placing agency has the right to control, in whole or in part, the details of**
15 **the individual's work performance;**

16 **(4) "Owner", an individual who holds an equity interest in a licensed residential**
17 **care facility, license-exempt residential care facility, or child placing agency;**

18 **(5) "Volunteer", an individual who performs a service for or on behalf of a**
19 **licensed residential care facility, license-exempt residential care facility, or child placing**
20 **agency of the individual's own free will without obligation or without any expectation of**
21 **a reward or compensation.**

22 ~~[Officers, managers,]~~ **2.** Contractors, volunteers with access to children, **and**
23 employees~~[-, and other support staff]~~ of licensed residential care facilities and licensed child
24 placing agencies in accordance with sections 210.481 to 210.536; owners of such residential
25 care facilities who will have access to the facilities; and owners of such child placing agencies
26 who will have access to children shall submit fingerprints and any information that the
27 department requires to complete the background checks, as specified in regulations
28 established by the department, to the Missouri state highway patrol for the purpose of
29 conducting state and federal fingerprint-based background checks.

30 ~~[2- Officers, managers,]~~ **3.** Contractors, volunteers with access to children, **and**
31 employees~~[-, and other support staff]~~ of residential care facilities subject to the notification
32 requirements under sections 210.1250 to 210.1286; any person eighteen years of age or older
33 who resides at or on the property of such residential care facility; any person who has
34 unsupervised contact with a resident of the residential care facility; and owners of such
35 residential care facilities who will have access to the facilities shall submit fingerprints and
36 any information that the department requires to complete the background checks, as specified
37 in regulations established by the department, to the Missouri state highway patrol for the
38 purpose of conducting state and federal fingerprint-based background checks.

39 ~~[3-]~~ **4.** A background check shall include:

40 (1) A **state and** Federal Bureau of Investigation fingerprint check;

41 (2) A search of the ~~[National Crime Information Center's]~~ National Sex Offender
42 Registry; and

43 (3) A search of the following registries, repositories, or databases in Missouri, the
44 state where the applicant resides, and each state where such applicant resided during the
45 preceding five years:

46 (a) The state criminal registry or repository, with the use of fingerprints being
47 required in the state where the applicant resides and optional in other states;

48 (b) The state sex offender registry or repository;

49 (c) The state family care safety registry; and

50 (d) The state-based child abuse and neglect registry and database.

51 ~~[4-]~~ **5.** For the purposes this section and notwithstanding any other provision of law,
52 "department" means the department of social services.

53 ~~[5-]~~ **6.** The department shall be responsible for background checks as part of a
54 residential care facility or child placing agency application for licensure, renewal of licensure,
55 or for license monitoring.

56 ~~[6-]~~ **7.** The department shall be responsible for background checks for residential care
57 facilities subject to the notification requirements of sections 210.1250 to 210.1286.

58 ~~[7-]~~ **8.** Fingerprint cards and any required fees shall be sent to the Missouri state
59 highway patrol's central repository. The fingerprints shall be used for searching the state
60 criminal records repository and shall also be forwarded to the Federal Bureau of Investigation
61 for a federal criminal records search under section 43.540. The Missouri state highway patrol
62 shall notify the department of any criminal history record information or lack of criminal
63 history record information discovered on the individual. Notwithstanding the provisions of
64 section 610.120, all records related to any criminal history information discovered shall be
65 accessible and available to the department.

66 ~~[8-]~~ **9.** Fingerprints submitted to the Missouri state highway patrol for the purpose of
67 conducting state and federal fingerprint-based background checks under this section shall be
68 valid for a period of five years.

69 ~~[9-]~~ **10.** The department shall provide the results of the background check to the
70 applicant in a statement that indicates whether the applicant is eligible or ineligible for
71 employment or presence at the licensed residential care facility or licensed child placing
72 agency. The department shall not reveal to the residential care facility or the child placing
73 agency any disqualifying offense or other related information regarding the applicant. The
74 applicant shall have the opportunity to appeal an ineligible finding.

75 ~~[10-]~~ **11.** The department shall provide the results of the background check to the
76 applicant in a statement that indicates whether the applicant is eligible or ineligible for
77 employment or presence at the residential care facility subject to the notification requirements
78 of sections 210.1250 to 210.1286. The department shall not reveal to the residential care
79 facility any disqualifying offense or other related information regarding the applicant. The
80 applicant shall have the opportunity to appeal an ineligible finding.

81 ~~[11-]~~ **12.** An applicant shall be ineligible if the applicant:

82 (1) Refuses to consent to the background check as required by this section;

83 (2) Knowingly makes a materially false statement in connection with the background
84 check as required by this section;

85 (3) Is registered, or is required to be registered, on a state sex offender registry or
86 repository or the National Sex Offender Registry;

87 (4) Is listed as a perpetrator of child abuse or neglect under sections 210.109 to
88 210.183 or any other finding of child abuse or neglect based on any other state's registry or
89 database; or

90 (5) Has pled guilty or nolo contendere to or been found guilty of:

91 (a) Any felony for an offense against the person as defined in chapter 565;

92 (b) Any other offense against the person involving the endangerment of a child as
93 prescribed by law;

94 (c) Any misdemeanor or felony for a sexual offense as defined in chapter 566;

95 (d) Any misdemeanor or felony for an offense against the family as defined in chapter
96 568;

97 (e) Burglary in the first degree as defined in section 569.160;

98 (f) Any misdemeanor or felony for robbery as defined in chapter 570;

99 (g) Any misdemeanor or felony for pornography or related offense as defined in
100 chapter 573;

101 (h) Any felony for arson as defined in chapter 569;

102 (i) Any felony for armed criminal action as defined in section 571.015, unlawful use
103 of a weapon as defined in section 571.030, unlawful possession of a firearm as defined in
104 section 571.070, or the unlawful possession of an explosive as defined in section 571.072;

105 (j) Any felony for making a terrorist threat as defined in section 574.115, 574.120, or
106 574.125;

107 (k) A felony drug-related offense committed during the preceding five years; or

108 (l) Any similar offense in any federal, state, or other court of similar jurisdiction of
109 which the department has knowledge.

110 ~~[12.]~~ **13.** Any person aggrieved by a decision of the department shall have the right to
111 seek an administrative review. The review shall be filed with the department within fourteen
112 days from the mailing of the notice of ineligibility. Any decision not timely appealed shall be
113 final.

114 ~~[13.]~~ **14.** Any required fees shall be paid by the individual applicant, facility, or
115 agency.

116 ~~[14.]~~ **15.** The department is authorized to promulgate rules, including emergency
117 rules, to implement the provisions of this section. Any rule or portion of a rule, as that term is
118 defined in section 536.010, that is created under the authority delegated in this section shall
119 become effective only if it complies with and is subject to all of the provisions of chapter 536
120 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any
121 of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the
122 effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then
123 the grant of rulemaking authority and any rule proposed or adopted after July 14, 2021, shall
124 be invalid and void.

210.841. 1. The judgment or order of the court determining the existence or
2 nonexistence of the parent and child relationship is determinative for all purposes.

3 2. If the judgment or order of the court varies with the child's birth certificate, the
4 court shall order that an amended birth registration be made pursuant to section 210.849.

5 3. The judgment or order shall contain the Social Security number of each party and
6 may contain any other provision directed against the appropriate party to the proceeding
7 concerning:

8 (1) The duty of support;

9 (2) The custody and guardianship of the child;

10 (3) Visitation privileges with the child;

11 (4) The furnishing of bond or other security for the payment of the judgment; or

12 (5) Any matter in the best interest of the child. The judgment or order may direct the
13 father to pay the reasonable expenses of the mother's pregnancy and confinement.

14 4. Support judgments or orders ordinarily shall be for periodic payments. In the best
15 interests of the child, a lump sum payment or the purchase of an annuity may be ordered in
16 lieu of periodic payments of support. The court may limit the father's liability for past support
17 of the child to the proportion of the expenses already incurred that the court deems just.

18 5. There shall be a rebuttable presumption that the amount of support that would
19 result from the application of supreme court rule 88.01 is the correct amount of child support
20 to be awarded. A written finding or specific finding on the record that the application of
21 supreme court rule 88.01 would be unjust or inappropriate in a particular case, after
22 considering all relevant factors including the factors in subsection 6 of this section, shall be
23 sufficient to rebut the presumption in the case.

24 6. In determining the amount to be paid by a parent for support of the child and the
25 period during which the duty of support is owed, the court shall consider all relevant facts,
26 including:

27 (1) The needs of the child;

28 (2) The standard of living and circumstances of the parents;

29 (3) The relative financial means of the parents;

30 (4) The earning ability of the parents;

31 (5) The need and capacity of the child for education, including higher education;

32 (6) The age of the child;

33 (7) The financial resources and earning capacity of the child;

34 (8) The responsibility of the parents for the support of other children;

35 (9) The value of the services contributed by the custodial parent; and

36 (10) The standard of living and circumstances of the family prior to the dissolution of
37 marriage of parents or during the period of cohabitation of the parents.

38 7. Any award for periodic child support may be retroactive to the date of service of
39 the original petition upon the obligor.

40 **8. The court shall apply the provisions of subsection 3 of section 452.375 when**
41 **determining whether a party shall have custody, guardianship, or unsupervised**
42 **visitation of a child under this section.**

210.1360. 1. Any personally identifiable information regarding any child under
2 **eighteen years of age receiving child care from any provider or applying for or receiving**
3 **any services through a state program shall not be subject to disclosure except as**
4 **otherwise provided by law.**

5 **2. This section shall not prohibit any state agency from disclosing personally**
6 **identifiable information to governmental entities or its agents, vendors, and contractors**
7 **in connection to matters relating to its official duties.**

8 **3. This section shall not prevent a parent or legal guardian from accessing the**
9 **parent's or legal guardian's child's records.**

 211.221. In placing a child in or committing a child to the custody of an individual or
2 of a private agency or institution, the court, **children's division, or any child-placing agency**
3 **contracting with the state to provide foster care services** shall, whenever practicable,
4 select either a person, or an agency or institution governed by persons of the same religious
5 faith as that of the parents of such child, or in case of a difference in the religious faith of the
6 parents, then of the religious faith of the child or if the religious faith of the child is not
7 ascertainable, then of the faith of either of the parents.

 452.375. 1. As used in this chapter, unless the context clearly indicates otherwise:

2 (1) "Custody" means joint legal custody, sole legal custody, joint physical custody or
3 sole physical custody or any combination thereof;

4 (2) "Joint legal custody" means that the parents share the decision-making rights,
5 responsibilities, and authority relating to the health, education and welfare of the child, and,
6 unless allocated, apportioned, or decreed, the parents shall confer with one another in the
7 exercise of decision-making rights, responsibilities, and authority;

8 (3) "Joint physical custody" means an order awarding each of the parents significant,
9 but not necessarily equal, periods of time during which a child resides with or is under the
10 care and supervision of each of the parents. Joint physical custody shall be shared by the
11 parents in such a way as to assure the child of frequent, continuing and meaningful contact
12 with both parents;

13 (4) "Third-party custody" means a third party designated as a legal and physical
14 custodian pursuant to subdivision (5) of subsection 5 of this section.

15 2. The court shall determine custody in accordance with the best interests of the child.
16 When the parties have not reached an agreement on all issues related to custody, the court
17 shall consider all relevant factors and enter written findings of fact and conclusions of law,
18 including, but not limited to, the following:

19 (1) The wishes of the child's parents as to custody and the proposed parenting plan
20 submitted by both parties;

21 (2) The needs of the child for a frequent, continuing and meaningful relationship with
22 both parents and the ability and willingness of parents to actively perform their functions as
23 mother and father for the needs of the child;

24 (3) The interaction and interrelationship of the child with parents, siblings, and any
25 other person who may significantly affect the child's best interests;

26 (4) Which parent is more likely to allow the child frequent, continuing and
27 meaningful contact with the other parent;

28 (5) The child's adjustment to the child's home, school, and community;

29 (6) The mental and physical health of all individuals involved, including any history
30 of abuse of any individuals involved. If the court finds that a pattern of domestic violence as
31 defined in section 455.010 has occurred, and, if the court also finds that awarding custody to
32 the abusive parent is in the best interest of the child, then the court shall enter written findings
33 of fact and conclusions of law. Custody and visitation rights shall be ordered in a manner that
34 best protects the child and any other child or children for whom the parent has custodial or
35 visitation rights, and the parent or other family or household member who is the victim of
36 domestic violence from any further harm;

37 (7) The intention of either parent to relocate the principal residence of the child; and

38 (8) The wishes of a child as to the child's custodian. The fact that a parent sends his
39 or her child or children to a home school, as defined in section 167.031, shall not be the sole
40 factor that a court considers in determining custody of such child or children.

41 3. (1) In any court proceedings relating to custody of a child, the court shall not
42 award custody or unsupervised visitation of a child to a parent **or third-party** if such parent
43 **or third-party**, or any person residing with such parent **or third-party** has been found guilty
44 of, or pled guilty to, any of the following offenses when a child was the victim:

45 (a) A felony violation of section 566.030, 566.031, 566.032, 566.060, 566.061,
46 566.062, 566.064, 566.067, 566.068, 566.083, 566.100, 566.101, 566.111, 566.151, 566.203,
47 566.206, 566.209, 566.211, or 566.215;

48 (b) A violation of section 568.020;

49 (c) A violation of subdivision (2) of subsection 1 of section 568.060;

50 (d) A violation of section 568.065;

51 (e) A violation of section 573.200;

52 (f) A violation of section 573.205; or

53 (g) A violation of section 568.175.

54 (2) For all other violations of offenses in chapters 566 and 568 not specifically listed
55 in subdivision (1) of this subsection or for a violation of an offense committed in another state

56 when a child is the victim that would be a violation of chapter 566 or 568 if committed in
57 Missouri, the court may exercise its discretion in awarding custody or visitation of a child to a
58 parent **or third-party** if such parent **or third-party**, or any person residing with such parent
59 **or third-party** has been found guilty of, or pled guilty to, any such offense.

60 4. The general assembly finds and declares that it is the public policy of this state that
61 frequent, continuing and meaningful contact with both parents after the parents have
62 separated or dissolved their marriage is in the best interest of the child, except for cases where
63 the court specifically finds that such contact is not in the best interest of the child, and that it
64 is the public policy of this state to encourage parents to participate in decisions affecting the
65 health, education and welfare of their children, and to resolve disputes involving their
66 children amicably through alternative dispute resolution. In order to effectuate these policies,
67 the court shall determine the custody arrangement which will best assure both parents
68 participate in such decisions and have frequent, continuing and meaningful contact with their
69 children so long as it is in the best interests of the child.

70 5. Prior to awarding the appropriate custody arrangement in the best interest of the
71 child, the court shall consider each of the following as follows:

72 (1) Joint physical and joint legal custody to both parents, which shall not be denied
73 solely for the reason that one parent opposes a joint physical and joint legal custody award.
74 The residence of one of the parents shall be designated as the address of the child for mailing
75 and educational purposes;

76 (2) Joint physical custody with one party granted sole legal custody. The residence of
77 one of the parents shall be designated as the address of the child for mailing and educational
78 purposes;

79 (3) Joint legal custody with one party granted sole physical custody;

80 (4) Sole custody to either parent; or

81 (5) Third-party custody or visitation:

82 (a) When the court finds that each parent is unfit, unsuitable, or unable to be a
83 custodian, or the welfare of the child requires, and it is in the best interests of the child, then
84 custody, temporary custody or visitation may be awarded a person related by consanguinity or
85 affinity to the child. If no person related to the child by consanguinity or affinity is willing to
86 accept custody, then the court may award custody to any other person or persons deemed by
87 the court to be suitable and able to provide an adequate and stable environment for the child.
88 Before the court awards custody, temporary custody or visitation to a third person under this
89 subdivision, the court shall make that person a party to the action;

90 (b) Under the provisions of this subsection, any person may petition the court to
91 intervene as a party in interest at any time as provided by supreme court rule.

92 6. If the parties have not agreed to a custodial arrangement, or the court determines
93 such arrangement is not in the best interest of the child, the court shall include a written
94 finding in the judgment or order based on the public policy in subsection 4 of this section and
95 each of the factors listed in subdivisions (1) to (8) of subsection 2 of this section detailing the
96 specific relevant factors that made a particular arrangement in the best interest of the child. If
97 a proposed custodial arrangement is rejected by the court, the court shall include a written
98 finding in the judgment or order detailing the specific relevant factors resulting in the
99 rejection of such arrangement.

100 7. Upon a finding by the court that either parent has refused to exchange information
101 with the other parent, which shall include but not be limited to information concerning the
102 health, education and welfare of the child, the court shall order the parent to comply
103 immediately and to pay the prevailing party a sum equal to the prevailing party's cost
104 associated with obtaining the requested information, which shall include but not be limited to
105 reasonable attorney's fees and court costs.

106 8. As between the parents of a child, no preference may be given to either parent in
107 the awarding of custody because of that parent's age, sex, or financial status, nor because of
108 the age or sex of the child. The court shall not presume that a parent, solely because of his or
109 her sex, is more qualified than the other parent to act as a joint or sole legal or physical
110 custodian for the child.

111 9. Any judgment providing for custody shall include a specific written parenting plan
112 setting forth the terms of such parenting plan arrangements specified in subsection 8 of
113 section 452.310. Such plan may be a parenting plan submitted by the parties pursuant to
114 section 452.310 or, in the absence thereof, a plan determined by the court, but in all cases, the
115 custody plan approved and ordered by the court shall be in the court's discretion and shall be
116 in the best interest of the child.

117 10. After August 28, 2016, every court order establishing or modifying custody or
118 visitation shall include the following language: "In the event of noncompliance with this
119 order, the aggrieved party may file a verified motion for contempt. If custody, visitation, or
120 third-party custody is denied or interfered with by a parent or third party without good cause,
121 the aggrieved person may file a family access motion with the court stating the specific facts
122 that constitute a violation of the custody provisions of the judgment of dissolution, legal
123 separation, or judgment of paternity. The circuit clerk will provide the aggrieved party with
124 an explanation of the procedures for filing a family access motion and a simple form for use
125 in filing the family access motion. A family access motion does not require the assistance of
126 legal counsel to prepare and file."

127 11. No court shall adopt any local rule, form, or practice requiring a standardized or
128 default parenting plan for interim, temporary, or permanent orders or judgments.

129 Notwithstanding any other provision to the contrary, a court may enter an interim order in a
130 proceeding under this chapter, provided that the interim order shall not contain any provisions
131 about child custody or a parenting schedule or plan without first providing the parties with
132 notice and a hearing, unless the parties otherwise agree.

133 12. Unless a parent has been denied custody rights pursuant to this section or
134 visitation rights under section 452.400, both parents shall have access to records and
135 information pertaining to a minor child including, but not limited to, medical, dental, and
136 school records. If the parent without custody has been granted restricted or supervised
137 visitation because the court has found that the parent with custody or any child has been the
138 victim of domestic violence, as defined in section 455.010, by the parent without custody, the
139 court may order that the reports and records made available pursuant to this subsection not
140 include the address of the parent with custody or the child. A court shall order that the reports
141 and records made available under this subsection not include the address of the parent with
142 custody if the parent with custody is a participant in the address confidentiality program under
143 section 589.663. Unless a parent has been denied custody rights pursuant to this section or
144 visitation rights under section 452.400, any judgment of dissolution or other applicable court
145 order shall specifically allow both parents access to such records and reports.

146 13. Except as otherwise precluded by state or federal law, if any individual,
147 professional, public or private institution or organization denies access or fails to provide or
148 disclose any and all records and information, including, but not limited to, past and present
149 dental, medical and school records pertaining to a minor child, to either parent upon the
150 written request of such parent, the court shall, upon its finding that the individual,
151 professional, public or private institution or organization denied such request without good
152 cause, order that party to comply immediately with such request and to pay to the prevailing
153 party all costs incurred, including, but not limited to, attorney's fees and court costs associated
154 with obtaining the requested information.

155 14. An award of joint custody does not preclude an award of child support pursuant to
156 section 452.340 and applicable supreme court rules. The court shall consider the factors
157 contained in section 452.340 and applicable supreme court rules in determining an amount
158 reasonable or necessary for the support of the child.

159 15. If the court finds that domestic violence or abuse as defined in section 455.010
160 has occurred, the court shall make specific findings of fact to show that the custody or
161 visitation arrangement ordered by the court best protects the child and the parent or other
162 family or household member who is the victim of domestic violence, as defined in section
163 455.010, and any other children for whom such parent has custodial or visitation rights from
164 any further harm.

452.705. As used in sections 452.700 to 452.930:

2 (1) "Abandoned" means left without provision for reasonable and necessary care or
3 supervision;

4 (2) "Child" means an individual who has not attained eighteen years of age;

5 (3) "Child custody determination" means a judgment, decree, or other order of a court
6 providing for the legal custody, physical custody, or visitation with respect to a child. The
7 term includes a permanent, temporary, initial, or modification order. The term shall not
8 include an order relating to child support or other monetary obligation of an individual;

9 (4) "Child custody proceeding" means a proceeding in which legal custody, physical
10 custody, or visitation with respect to a child is an issue. The term includes a proceeding for
11 divorce, separation, neglect, abuse, dependency, guardianship, paternity, termination of
12 parental rights, and protection from domestic violence in which the issue may appear. The
13 term shall not include a proceeding involving juvenile delinquency, contractual emancipation,
14 or enforcement under sections 452.850 to 452.915;

15 (5) "Commencement" means the filing of the first pleading in a proceeding;

16 (6) "Court" means an entity authorized under the law of a state to establish, enforce,
17 or modify a child custody determination;

18 (7) "Decree" or "custody decree" means a custody determination contained in a
19 judicial decree or order made in a custody proceeding, and includes an initial decree and a
20 modification decree;

21 (8) "Home state" means the state in which a child has lived with a parent or a person
22 acting as a parent for at least six consecutive months immediately prior to the commencement
23 of a child custody proceeding. In the case of a child less than six months of age, the term
24 means the state in which the child has lived from birth with any of the persons mentioned. A
25 period of temporary absence of any of the mentioned persons is part of such period;

26 (9) "Initial determination" means the first child custody determination concerning a
27 particular child;

28 (10) "Issuing court" means the court making a child custody determination for which
29 enforcement is sought under sections 452.700 to 452.930;

30 (11) "Issuing state" means the state in which a child custody determination is made;

31 (12) "Litigant" means a person, including a parent, grandparent, or stepparent, who
32 claims a right to custody or visitation with respect to a child;

33 (13) "Modification" means a child custody determination that changes, replaces,
34 supersedes or is otherwise made after a previous determination concerning the same child,
35 whether or not it is made by the court that made the previous determination;

36 (14) "Person" includes government, a governmental subdivision, agency or
37 instrumentality, or any other legal or commercial entity;

38 (15) "Person acting as a parent" means a person, other than a parent, who:

39 (a) Has physical custody of the child or has had physical custody for a period of six
40 consecutive months, including any temporary absence, within one year immediately prior to
41 the commencement of a child custody proceeding; and

42 (b) Has been awarded legal custody by a court or claims a right to legal custody under
43 the law of this state;

44 (16) "Physical custody" means the physical care and supervision of a child;

45 (17) "State" means a state of the United States, the District of Columbia, Puerto Rico,
46 the United States Virgin Islands, or any territory or insular possession subject to the
47 jurisdiction of the United States;

48 (18) "Warrant" means an order issued by a court authorizing law enforcement officers
49 to take physical custody of a child;

50 **(19) "Wrongful removal" means the taking of a child that breaches rights of**
51 **custody or visitation given or recognized under the law of this state.**

452.730. 1. A court of this state may communicate with a court in another state
2 concerning a proceeding arising under sections 452.700 to 452.930 **or arising under sections**
3 **452.1100 to 452.1122.**

4 2. The court may allow the parties to participate in the communication. If the parties
5 are not able to participate in the communication, the parties shall be given the opportunity to
6 present facts and legal arguments before a decision on jurisdiction is made.

7 3. A communication between courts on schedules, calendars, court records, and
8 similar matters may occur without informing the parties. A record need not be made of such
9 communication.

10 4. Except as provided in subsection 3 of this section, a record shall be made of the
11 communication. The parties shall be informed promptly of the communication and granted
12 access to the record.

13 5. For the purposes of this section, "record" means information that is inscribed on a
14 tangible medium, or that which is stored in an electronic or other medium and is retrievable in
15 perceivable form. A record includes notes or transcripts of a court reporter who listened to a
16 conference call between the courts, an electronic recording of a telephone call, a
17 memorandum or an electronic record of the communication between the courts, or a
18 memorandum or an electronic record made by a court after the communication.

452.885. 1. **(1) Upon the filing of a petition seeking enforcement of a child custody**
2 **determination[~~, the petitioner may file~~] with a verified application for the issuance of a**
3 **warrant to take physical custody of the child or upon the filing of a petition under sections**
4 **452.1100 to 452.1122, the court may issue an ex parte warrant to take physical custody**
5 **of the child if the court finds, upon review of the petition or verified application or upon**
6 **the testimony of the petitioner or other witnesses, that the child is likely to suffer serious**

7 imminent physical harm or **there is a credible risk that the child is imminently likely to**
8 **suffer wrongful** removal [~~from this state~~].

9 **(2) Prior to issuing a warrant in response to a petition filed under sections**
10 **452.1100 to 452.1122 and before determining the placement of the child after the**
11 **warrant is executed, the court may order a search of the relevant databases of the**
12 **National Crime Information Center system and similar state databases to determine if**
13 **the petitioner or respondent has a history of domestic violence, stalking, or child abuse**
14 **or neglect.**

15 2. [~~If the court, upon the testimony of the petitioner or other witnesses, finds that the~~
16 ~~child is likely to suffer serious imminent physical harm or be imminently removed from this~~
17 ~~state, the court may issue a warrant to take physical custody of the child. The petition shall be~~
18 ~~heard on the next judicial day after the warrant is executed. The warrant shall include the~~
19 ~~statements required under subsection 2 of section 452.870.~~

20 ~~3.]~~ A warrant to take physical custody of a child shall:

21 (1) Recite the facts **upon** which a [~~conclusion~~] **determination** of serious imminent
22 physical harm or a **credible risk of imminent wrongful** removal from the jurisdiction is
23 based;

24 (2) Direct law enforcement officers to take physical custody of the child immediately;
25 [~~and~~]

26 (3) **State the date and time for the hearing on the petition;**

27 (4) Provide for the **safe interim** placement of the child pending **further order of the**
28 **court or final relief; and**

29 (5) **Include the statements required under subsection 2 of section 452.870 if a**
30 **warrant is issued in response to a petition seeking enforcement of a child custody**
31 **determination.**

32 ~~[4.]~~ **3.** The respondent shall be served with the petition, warrant and order
33 immediately after the child is taken into physical custody.

34 **4. The respondent shall be afforded an opportunity to be heard at the earliest**
35 **possible time after the ex parte warrant is executed but no later than the next judicial**
36 **day unless a hearing on that date is impossible. In that event, the court shall hold the**
37 **hearing on the first judicial day possible.**

38 **5. If the court finds, after a hearing, that a petitioner sought a warrant under**
39 **subsection 1 of this section for the purpose of harassment or in bad faith, the court may**
40 **award the respondent reasonable attorney's fees, costs, and expenses.**

41 ~~[5.]~~ **6.** A warrant to take physical custody of a child, **issued by this state or another**
42 **state,** is enforceable throughout this state. If the court finds on the basis of the testimony of
43 the petitioner or other witness that a less intrusive remedy is not effective, the court may

44 authorize law enforcement officers to enter private property to take physical custody of the
45 child. If required by the exigency of the case, the court may authorize law enforcement
46 officers to make a forcible entry at any hour.

47 [6-] 7. The court may impose conditions on the placement of a child to ensure the
48 appearance of the child and the child's custodian.

49 **8. This section does not affect the availability of relief allowed under the laws of**
50 **this state other than sections 452.700 to 452.930 and sections 452.1100 to 452.1122.**

452.1100. Sections 452.1100 to 452.1122 may be cited as the "Uniform Child
2 **Abduction Prevention Act".**

452.1102. In sections 452.1100 to 452.1122:

2 (1) "Abduction" means the wrongful removal or wrongful retention of a child;

3 (2) "Child" means an unemancipated individual who is less than eighteen years
4 of age;

5 (3) "Child abduction prevention measures" means measures and conditions that
6 are reasonably calculated to prevent the abduction of a child, including provisions of
7 subsections 3, 4, and 5 of section 452.1114, and other measures that the court deems
8 appropriate to prevent the abduction of a child;

9 (4) "Child-custody determination" means a judgment, decree, or other order of
10 a court providing for the legal custody, physical custody, or visitation with respect to a
11 child. The term includes a permanent, temporary, initial, and modification order;

12 (5) "Child custody proceeding" means a proceeding in which legal custody,
13 physical custody, or visitation with respect to a child is at issue. The term includes a
14 proceeding for divorce, dissolution of marriage, separation, neglect, abuse, dependency,
15 guardianship, paternity, termination of parental rights, or protection from domestic
16 violence;

17 (6) "Court" means an entity authorized under the law of a state to establish,
18 enforce, or modify a child-custody determination;

19 (7) "Petition" includes a motion or its equivalent;

20 (8) "Record" means information that is inscribed on a tangible medium or that
21 is stored in an electronic or other medium and is retrievable in perceivable form;

22 (9) "State" means a state of the United States, the District of Columbia, Puerto
23 Rico, the United States Virgin Islands, or any territory or insular possession subject to
24 the jurisdiction of the United States. The term includes a federally recognized Indian
25 tribe or nation;

26 (10) "Travel document" means records relating to a travel itinerary, including
27 travel tickets, passes, reservations for transportation, or accommodations. The term
28 does not include a passport or visa;

29 (11) "Warrant" means an order issued by a court authorizing law enforcement
30 officers to take physical custody of a child;

31 (12) "Wrongful removal" means the taking of a child that breaches rights of
32 custody or visitation given or recognized under the law of this state;

33 (13) "Wrongful retention" means the keeping or concealing of a child that
34 breaches rights of custody or visitation given or recognized under the law of this state.

 452.1104. Sections 452.730, 452.735, and 452.820 of the uniform child custody
2 jurisdiction and enforcement act apply to cooperation and communications among
3 courts in proceedings under sections 452.1100 to 452.1122.

 452.1106. 1. A court on its own motion may order abduction prevention
2 measures in a child custody proceeding if the court finds that the evidence establishes a
3 credible risk of abduction of the child.

4 2. A party to a child custody determination or another individual or entity
5 having a right under the law of this state or any other state to seek a child custody
6 determination for the child may file a petition seeking abduction prevention measures to
7 protect the child under sections 452.1100 to 452.1122.

8 3. A prosecutor or public authority designated under section 452.910 may seek a
9 warrant to take physical custody of a child under section 452.885 or other appropriate
10 prevention measures.

 452.1108. 1. A petition under sections 452.1100 to 452.1122 may be filed only in a
2 court that has jurisdiction to make a child custody determination with respect to the
3 child at issue under sections 452.700 to 452.930.

4 2. A court of this state has temporary emergency jurisdiction under section
5 452.755 if the court finds a credible risk of abduction.

 452.1110. A petition under sections 452.1100 to 452.1122 must be verified and
2 include a copy of any existing child custody determination, if available. The petition
3 must specify the risk factors for abduction, including the relevant factors described in
4 section 452.1112. Subject to subsection 5 of section 452.780, if reasonably ascertainable,
5 the petition must contain:

6 (1) The name, date of birth, and sex of the child;

7 (2) The customary address and current physical location of the child;

8 (3) The identity, customary address, and current physical location of the
9 respondent;

10 (4) A statement of whether a prior action to prevent abduction or domestic
11 violence has been filed by a party or other individual or entity having custody of the
12 child, and the date, location, and disposition of the action;

13 **(5) A statement of whether a party to the proceeding has been arrested for a**
14 **crime related to domestic violence, stalking, or child abuse or neglect, and the date,**
15 **location, and disposition of the case; and**

16 **(6) Any other information required to be submitted to the court for a child**
17 **custody determination under section 452.780.**

452.1112. 1. In determining whether there is a credible risk of abduction of a
2 **child, the court shall consider any evidence that the petitioner or respondent:**

3 **(1) Has previously abducted or attempted to abduct the child;**

4 **(2) Has threatened to abduct the child;**

5 **(3) Has recently engaged in activities that may indicate a planned abduction,**
6 **including:**

7 **(a) Abandoning employment;**

8 **(b) Selling a primary residence;**

9 **(c) Terminating a lease;**

10 **(d) Closing bank or other financial management accounts, liquidating assets,**
11 **hiding or destroying financial documents, or conducting any unusual financial**
12 **activities;**

13 **(e) Applying for a passport or visa or obtaining travel documents for the**
14 **respondent, a family member, or the child; or**

15 **(f) Seeking to obtain the child's birth certificate or school or medical records;**

16 **(4) Has engaged in domestic violence, stalking, or child abuse or neglect;**

17 **(5) Has refused to follow a child custody determination;**

18 **(6) Lacks strong familial, financial, emotional, or cultural ties to the state or the**
19 **United States;**

20 **(7) Has strong familial, financial, emotional, or cultural ties to another state or**
21 **country;**

22 **(8) Is likely to take the child to a country that:**

23 **(a) Is not a party to the Hague Convention on the Civil Aspects of International**
24 **Child Abduction and does not provide for the extradition of an abducting parent or for**
25 **the return of an abducted child;**

26 **(b) Is a party to the Hague Convention on the Civil Aspects of International**
27 **Child Abduction but:**

28 **a. The Hague Convention on the Civil Aspects of International Child Abduction**
29 **is not in force between the United States and that country;**

30 **b. Is noncompliant according to the most recent compliance report issued by the**
31 **United States Department of State; or**

32 **c. Lacks legal mechanisms for immediately and effectively enforcing a return**
33 **order under the Hague Convention on the Civil Aspects of International Child**
34 **Abduction;**

35 **(c) Poses a risk that the child's physical or emotional health or safety would be**
36 **endangered in the country because of specific circumstances relating to the child or**
37 **because of human rights violations committed against children;**

38 **(d) Has laws or practices that would:**

39 **a. Enable the respondent, without due cause, to prevent the petitioner from**
40 **contacting the child;**

41 **b. Restrict the petitioner from freely traveling to or exiting from the country**
42 **because of the petitioner's sex, nationality, marital status, or religion; or**

43 **c. Restrict the child's ability legally to leave the country after the child reaches**
44 **the age of majority because of a child's sex, nationality, or religion;**

45 **(e) Is included by the United States Department of State on a current list of state**
46 **sponsors of terrorism;**

47 **(f) Does not have an official United States diplomatic presence in the country; or**

48 **(g) Is engaged in active military action or war, including a civil war, to which the**
49 **child may be exposed;**

50 **(9) Is undergoing a change in immigration or citizenship status that would**
51 **adversely affect the respondent's ability to remain in the United States legally;**

52 **(10) Has had an application for United States citizenship denied;**

53 **(11) Has forged or presented misleading or false evidence on government forms**
54 **or supporting documents to obtain or attempt to obtain a passport, a visa, travel**
55 **documents, a Social Security card, a driver's license, or other government-issued**
56 **identification card or has made a misrepresentation to the United States government;**

57 **(12) Has used multiple names to attempt to mislead or defraud; or**

58 **(13) Has engaged in any other conduct the court considers relevant to the risk of**
59 **abduction.**

60 **2. In the hearing on a petition under sections 452.1100 to 452.1122, the court**
61 **shall consider any evidence that the respondent believed in good faith that the**
62 **respondent's conduct was necessary to avoid imminent harm to the child or respondent**
63 **and any other evidence that may be relevant to whether the respondent may be**
64 **permitted to remove or retain the child.**

452.1114. 1. If a petition is filed under sections 452.1100 to 452.1122, the court
2 **may enter an order that must include:**

3 **(1) The basis for the court's exercise of jurisdiction;**

4 **(2) The manner in which notice and opportunity to be heard were given to the**
5 **persons entitled to notice of the proceeding;**

6 **(3) A detailed description of each party's custody and visitation rights and**
7 **residential arrangements for the child;**

8 **(4) A provision stating that a violation of the order may subject the party in**
9 **violation to civil and criminal penalties; and**

10 **(5) Identification of the child's country of habitual residence at the time of the**
11 **issuance of the order.**

12 **2. If, at a hearing on a petition under sections 452.1100 to 452.1122 or on the**
13 **court's own motion, the court after reviewing the evidence finds a credible risk of**
14 **abduction of the child, the court shall enter an abduction prevention order. The order**
15 **must include the provisions required by subsection 1 of this section and measures and**
16 **conditions, including those in subsections 3, 4, and 5 of this section, that are reasonably**
17 **calculated to prevent abduction of the child, giving due consideration to the potential**
18 **harm to the child from an abduction, the legal and practical difficulties of returning the**
19 **child to the jurisdiction if abducted, and the reasons for the potential abduction,**
20 **including evidence of domestic violence, stalking, or child abuse or neglect.**

21 **3. An abduction prevention order may include one or more of the following:**

22 **(1) An imposition of travel restrictions that require that a party traveling with**
23 **the child outside a designated geographical area provide the other party with the**
24 **following:**

25 **(a) The travel itinerary of the child;**

26 **(b) A list of physical addresses and telephone numbers at which the child can be**
27 **reached at specified times; and**

28 **(c) Copies of all travel documents;**

29 **(2) A prohibition of the respondent directly or indirectly:**

30 **(a) Removing the child from this state, the United States, or another geographic**
31 **area without permission of the court or the petitioner's written consent;**

32 **(b) Removing or retaining the child in violation of a child custody**
33 **determination;**

34 **(c) Removing the child from school or a child care or similar facility; or**

35 **(d) Approaching the child at any location other than a site designated for**
36 **supervised visitation;**

37 **(3) A requirement that a party register the order in another state as a**
38 **prerequisite to allowing the child to travel to that state;**

39 **(4) With regard to the child's passport:**

40 **(a) A direction that the petitioner place the child's name in the United States**
41 **Department of State's Child Passport Issuance Alert Program;**

42 **(b) A requirement that the respondent surrender to the court or the petitioner's**
43 **attorney any United States or foreign passport issued in the child's name, including a**
44 **passport issued in the name of both the parent and the child; and**

45 **(c) A prohibition upon the respondent from applying on behalf of the child for a**
46 **new or replacement passport or visa;**

47 **(5) As a prerequisite to exercising custody or visitation, a requirement that the**
48 **respondent provide:**

49 **(a) To the United States Department of State Office of Children's Issues and the**
50 **relevant foreign consulate or embassy, an authenticated copy of the order detailing**
51 **passport and travel restrictions for the child;**

52 **(b) To the court:**

53 **a. Proof that the respondent has provided the information in paragraph (a) of**
54 **this subdivision; and**

55 **b. An acknowledgment in a record from the relevant foreign consulate or**
56 **embassy that no passport application has been made, or passport issued, on behalf of the**
57 **child;**

58 **(c) To the petitioner, proof of registration with the United States Embassy or**
59 **other United States diplomatic presence in the destination country and with the Central**
60 **Authority for the Hague Convention on the Civil Aspects of International Child**
61 **Abduction, if that Convention is in effect between the United States and the destination**
62 **country, unless one of the parties objects; and**

63 **(d) A written waiver under 5 U.S.C. Section 552a of the Privacy Act of 1974, as**
64 **amended, with respect to any document, application, or other information pertaining to**
65 **the child authorizing its disclosure to the court and the petitioner; and**

66 **(6) Upon the petitioner's request, a requirement that the respondent obtain an**
67 **order from the relevant foreign country containing terms identical to the child custody**
68 **determination issued in the United States.**

69 **4. In an abduction prevention order, the court may impose conditions on the**
70 **exercise of custody or visitation that:**

71 **(1) Limit visitation or require that visitation with the child by the respondent be**
72 **supervised until the court finds that supervision is no longer necessary and order the**
73 **respondent to pay the costs of supervision;**

74 **(2) Require the respondent to post a bond or provide other security in an**
75 **amount sufficient to serve as a financial deterrent to abduction, the proceeds of which**

76 may be used to pay for the reasonable expenses of recovery of the child, including
77 reasonable attorneys' fees and costs if there is an abduction; and

78 (3) Require the respondent to obtain education on the potentially harmful effects
79 to the child from abduction.

80 5. To prevent imminent abduction of a child, a court may:

81 (1) Issue a warrant to take physical custody of the child;

82 (2) Direct the use of law enforcement to take any action reasonably necessary to
83 locate the child, obtain return of the child, or enforce a custody determination under
84 sections 452.1100 to 452.1122 or the law of this state other than sections 452.1100 to
85 452.1122; or

86 (3) Grant any other relief allowed under the law of this state other than sections
87 452.1100 to 452.1122.

88 6. The remedies provided in sections 452.1100 to 452.1122 are cumulative and do
89 not affect the availability of other remedies to prevent abduction.

452.1118. An abduction prevention order remains in effect until the earliest of:

2 (1) The time stated in the order;

3 (2) The emancipation of the child;

4 (3) The child's attaining eighteen years of age; or

5 (4) The time the order is modified, revoked, vacated, or superseded by a court
6 with jurisdiction under sections 452.740, 452.745, and 452.750 and applicable law of this
7 state.

452.1120. In applying and construing sections 452.1100 to 452.1122,
2 consideration must be given to the need to promote uniformity of the law with
3 respect to its subject matter among states that enact it.

452.1122. Sections 452.1100 to 452.1122 modifies, limits, and supersedes the
2 federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section
3 7001, et seq., but does not modify, limit, or supersede Section 101(c) of the act, 15 U.S.C.
4 Section 7001(c), or authorize electronic delivery of any of the notices described in
5 Section 103(b) of that act, 15 U.S.C. Section 7003(b).

487.110. The uniform child custody jurisdiction **and enforcement** act, as enacted in
2 sections [~~452.440 to 452.550~~] **452.700 to 452.930**, shall apply to all **child** custody
3 proceedings, **as defined in section 452.705**, in the family court.

568.050. 1. A person commits the offense of endangering the welfare of a child in the
2 second degree if he or she:

3 (1) With criminal negligence:

4 (a) Acts in a manner that creates a substantial risk to the life, body or health of a child
5 less than seventeen years of age; or

6 **(b) Leaves a child under eight years of age unattended in a motor vehicle and**
7 **such child suffers injuries or dies as a result of being left unattended in the motor**
8 **vehicle; or**

9 (2) Knowingly encourages, aids or causes a child less than seventeen years of age to
10 engage in any conduct which causes or tends to cause the child to come within the provisions
11 of paragraph (d) of subdivision (2) of subsection 1 or subdivision (3) of subsection 1 of
12 section 211.031; or

13 (3) Being a parent, guardian or other person legally charged with the care or custody
14 of a child less than seventeen years of age, recklessly fails or refuses to exercise reasonable
15 diligence in the care or control of such child to prevent him or her from coming within the
16 provisions of paragraph (c) of subdivision (1) of subsection 1 or paragraph (d) of subdivision
17 (2) of subsection 1 or subdivision (3) of subsection 1 of section 211.031; or

18 (4) Knowingly encourages, aids or causes a child less than seventeen years of age to
19 enter into any room, building or other structure which is a public nuisance as defined in
20 section 579.105.

21 2. Nothing in this section shall be construed to mean the welfare of a child is
22 endangered for the sole reason that he or she is being provided nonmedical remedial treatment
23 recognized and permitted under the laws of this state.

24 3. The offense of endangering the welfare of a child in the second degree is a class A
25 misdemeanor unless the offense is committed as part of an act or series of acts performed by
26 two or more persons as part of an established or prescribed pattern of activity, in which case
27 the offense is a class E felony.

2 ~~[210.113. It is the intent and goal of the general assembly to have the~~
3 ~~department attain accreditation by the Council for Accreditation for Families~~
 ~~and Children's Services within five years of August 28, 2004.]~~

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