

FIRST REGULAR SESSION

# SENATE BILL NO. 93

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR NURRENBERN.

1200S.01H

KRISTINA MARTIN, Secretary

## AN ACT

To repeal sections 452.305 and 452.310, RSMo, and to enact in lieu thereof two new sections relating to a judgment of dissolution of marriage or legal separation.

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

Section A. Sections 452.305 and 452.310, RSMo, are  
2 repealed and two new sections enacted in lieu thereof, to be  
3 known as sections 452.305 and 452.310, to read as follows:

452.305. 1. The court shall enter a judgment of  
2 dissolution of marriage if:

3 (1) The court finds that one of the parties has been a  
4 resident of this state, or is a member of the armed services  
5 who has been stationed in this state, for ninety days  
6 immediately preceding the commencement of the proceeding and  
7 that thirty days have elapsed since the filing of the  
8 petition; and

9 (2) The court finds that there remains no reasonable  
10 likelihood that the marriage can be preserved and that  
11 therefore the marriage is irretrievably broken; and

12 (3) To the extent it has jurisdiction, the court has  
13 considered and made provision for child custody, the support  
14 of each child, the maintenance of either spouse and the  
15 disposition of property.

16 2. The court shall enter a judgment of legal  
17 separation if:

18           (1) The court finds that one of the parties has been a  
19 resident of this state, or is a member of the armed services  
20 who has been stationed in this state, for ninety days  
21 immediately preceding the commencement of the proceeding and  
22 that thirty days have elapsed since the filing of the  
23 petition; and

24           (2) The court finds that there remains a reasonable  
25 likelihood that the marriage can  
26 be preserved and that therefore the marriage is not  
27 irretrievably broken; and

28           (3) To the extent it has jurisdiction, the court has  
29 considered and made provision for the custody and the  
30 support of each child, the maintenance of either spouse and  
31 the disposition of property.

32           **3. Pregnancy status shall not prevent the court from**  
33 **entering a judgment of dissolution of marriage or legal**  
34 **separation.**

35           **4.** Any judgment of dissolution of marriage or legal  
36 separation shall include the last four digits of the Social  
37 Security numbers of the parties. The full Social Security  
38 number of each party and each child shall be retained in the  
39 manner required under section 509.520.

452.310. 1. In any proceeding commenced pursuant to  
2 this chapter, the petition, a motion to modify, a motion for  
3 a family access order and a motion for contempt shall be  
4 verified. The petition in a proceeding for dissolution of  
5 marriage shall allege that the marriage is irretrievably  
6 broken and that therefore there remains no reasonable  
7 likelihood that the marriage can be preserved. The petition  
8 in a proceeding for legal separation shall allege that the  
9 marriage is not irretrievably broken and that therefore

10 there remains a reasonable likelihood that the marriage can  
11 be preserved.

12 2. The petition in a proceeding for dissolution of  
13 marriage or legal separation shall set forth:

14 (1) The residence of each party, including the county,  
15 and the length of residence of each party in this state and  
16 in the county of residence;

17 (2) The date of the marriage and the place at which it  
18 is registered;

19 (3) The date on which the parties separated;

20 (4) The name, age, and address of each child, and the  
21 parent with whom each child has primarily resided for the  
22 sixty days immediately preceding the filing of the petition  
23 for dissolution of marriage or legal separation;

24 (5) Whether the wife is pregnant; **however, pregnancy**  
25 **status shall not prevent the court from entering a judgment**  
26 **of dissolution of marriage or legal separation;**

27 (6) The last four digits of the Social Security number  
28 of the petitioner, respondent and each child;

29 (7) Any arrangements as to the custody and support of  
30 the children and the maintenance of each party; and

31 (8) The relief sought.

32 3. Upon the filing of the petition in a proceeding for  
33 dissolution of marriage or legal separation, each child  
34 shall immediately be subject to the jurisdiction of the  
35 court in which the proceeding is commenced, unless a  
36 proceeding involving allegations of abuse or neglect of the  
37 child is pending in juvenile court. Until permitted by  
38 order of the court, neither parent shall remove any child  
39 from the jurisdiction of the court or from any parent with  
40 whom the child has primarily resided for the sixty days

41 immediately preceding the filing of a petition for  
42 dissolution of marriage or legal separation.

43 4. The mere fact that one parent has actual possession  
44 of the child at the time of filing shall not create a  
45 preference in favor of such parent in any judicial  
46 determination regarding custody of the child.

47 5. The respondent shall be served in the manner  
48 provided by the rules of the supreme court and applicable  
49 court rules and, to avoid an interlocutory judgment of  
50 default, shall file a verified answer within thirty days of  
51 the date of service which shall not only admit or deny the  
52 allegations of the petition, but shall also set forth:

53 (1) The last four digits of the Social Security number  
54 of the petitioner, respondent and each child;

55 (2) Any arrangements as to the custody and support of  
56 the child and the maintenance of each party; and

57 (3) The relief sought.

58 6. Previously existing defenses to divorce and legal  
59 separation, including but not limited to condonation,  
60 connivance, collusion, recrimination, insanity, and lapse of  
61 time, are abolished.

62 7. The full Social Security number of each party and  
63 each child and the date of birth of each child shall be  
64 provided in the manner required under section 509.520.

65 8. The petitioner and respondent shall submit a  
66 proposed parenting plan, either individually or jointly,  
67 within thirty days after service of process or the filing of  
68 the entry of appearance, whichever event first occurs of a  
69 motion to modify or a petition involving custody or  
70 visitation issues. The proposed parenting plan shall set  
71 forth the arrangements that the party believes to be in the

72 best interest of the minor children and shall include but  
73 not be limited to:

74 (1) A specific written schedule detailing the custody,  
75 visitation and residential time for each child with each  
76 party including:

77 (a) Major holidays stating which holidays a party has  
78 each year;

79 (b) School holidays for school-age children;

80 (c) The child's birthday, Mother's Day and Father's  
81 Day;

82 (d) Weekday and weekend schedules and for school-age  
83 children how the winter, spring, summer and other vacations  
84 from school will be spent;

85 (e) The times and places for transfer of the child  
86 between the parties in connection with the residential  
87 schedule;

88 (f) A plan for sharing transportation duties  
89 associated with the residential schedule;

90 (g) Appropriate times for telephone access;

91 (h) Suggested procedures for notifying the other party  
92 when a party requests a temporary variation from the  
93 residential schedule;

94 (i) Any suggested restrictions or limitations on  
95 access to a party and the reasons such restrictions are  
96 requested;

97 (2) A specific written plan regarding legal custody  
98 which details how the decision-making rights and  
99 responsibilities will be shared between the parties  
100 including the following:

101 (a) Educational decisions and methods of communicating  
102 information from the school to both parties;

103           (b) Medical, dental and health care decisions  
104 including how health care providers will be selected and a  
105 method of communicating medical conditions of the child and  
106 how emergency care will be handled;

107           (c) Extracurricular activities, including a method for  
108 determining which activities the child will participate in  
109 when those activities involve time during which each party  
110 is the custodian;

111           (d) Child care providers, including how such providers  
112 will be selected;

113           (e) Communication procedures including access to  
114 telephone numbers as appropriate;

115           (f) A dispute resolution procedure for those matters  
116 on which the parties disagree or in interpreting the  
117 parenting plan;

118           (g) If a party suggests no shared decision-making, a  
119 statement of the reasons for such a request;

120           (3) How the expenses of the child, including child  
121 care, educational and extraordinary expenses as defined in  
122 the child support guidelines established by the supreme  
123 court, will be paid including:

124           (a) The suggested amount of child support to be paid  
125 by each party;

126           (b) The party who will maintain or provide health  
127 insurance for the child and how the medical, dental, vision,  
128 psychological and other health care expenses of the child  
129 not paid by insurance will be paid by the parties;

130           (c) The payment of educational expenses, if any;

131           (d) The payment of extraordinary expenses of the  
132 child, if any;

133           (e) Child care expenses, if any;

134           (f) Transportation expenses, if any.

135           9. If the proposed parenting plans of the parties  
136 differ and the parties cannot resolve the differences or if  
137 any party fails to file a proposed parenting plan, upon  
138 motion of either party and an opportunity for the parties to  
139 be heard, the court shall enter a temporary order containing  
140 a parenting plan setting forth the arrangements specified in  
141 subsection 8 of this section which will remain in effect  
142 until further order of the court. The temporary order  
143 entered by the court shall not create a preference for the  
144 court in its adjudication of final custody, child support or  
145 visitation.

146           10. The Missouri supreme court shall have guidelines  
147 for a parenting plan which may be used by the parties  
148 pursuant to this section in any dissolution of marriage,  
149 legal separation or modification proceeding involving issues  
150 of custody and visitation relating to the child. Parenting  
151 plan guidelines shall be made available on the office of  
152 state courts administrator's website.

153           11. The filing of a parenting plan for any child over  
154 the age of eighteen for whom custody, visitation, or support  
155 is being established or modified by a court of competent  
156 jurisdiction is not required. Nothing in this section shall  
157 be construed as precluding the filing of a parenting plan  
158 upon agreement of the parties or if ordered to do so by the  
159 court for any child over the age of eighteen for whom  
160 custody, visitation, or support is being established or  
161 modified by a court of competent jurisdiction.

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