

Missouri Revised Statutes

Chapter 452
Dissolution of Marriage, Divorce, Alimony and Separate Maintenance

Current only to August 28, 2010

452.700. Short title.

Sections 452.700 to 452.930 may be cited as the “Uniform Child Custody Jurisdiction and Enforcement Act”.

(L. 2009 H.B. 481)

452.705. Definitions.

As used in sections 452.700 to 452.930:

- (1) “Abandoned” means left without provision for reasonable and necessary care or supervision;
- (2) “Child” means an individual who has not attained eighteen years of age;
- (3) “Child custody determination” means a judgment, decree, or other order of a court providing for the legal custody, physical custody, or visitation with respect to a child. The term includes a permanent, temporary, initial, or modification order. The term shall not include an order relating to child support or other monetary obligation of an individual;
- (4) “Child custody proceeding” means a proceeding in which legal custody, physical custody, or visitation with respect to a child is an issue. The term includes a proceeding for divorce, separation, neglect, abuse, dependency, guardianship, paternity, termination of parental rights, and protection from domestic violence in which the issue may appear. The term shall not include a proceeding involving juvenile delinquency, contractual emancipation, or enforcement under sections 452.850 to 452.915;
- (5) “Commencement” means the filing of the first pleading in a proceeding;
- (6) “Court” means an entity authorized under the law of a state to establish, enforce, or modify a child custody determination;
- (7) “Decree” or “custody decree” means a custody determination contained in a judicial decree or order made in a custody proceeding, and includes an initial decree and a modification decree;
- (8) “Home state” means the state in which a child has lived with a parent or a person acting as a parent for at least six consecutive months immediately prior to the commencement of a child custody proceeding. In the case of a child less than six months of age, the term means the state in which the child has lived from birth with any of the persons mentioned. A period of temporary absence of any of the mentioned persons is part of such period;
- (9) “Initial determination” means the first child custody determination concerning a particular child;
- (10) “Issuing court” means the court making a child custody determination for which enforcement is sought under sections 452.700 to 452.930;
- (11) “Issuing state” means the state in which a child custody determination is made;
- (12) “Litigant” means a person, including a parent, grandparent, or stepparent, who claims a right to

custody or visitation with respect to a child;

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

(14) “Person” includes government, a governmental subdivision, agency or instrumentality, or any other legal or commercial entity;

(15) “Person acting as a parent” means a person, other than a parent, who:

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

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

(16) “Physical custody” means the physical care and supervision of a child;

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

(18) “Warrant” means an order issued by a court authorizing law enforcement officers to take physical custody of a child.

(L. 2009 H.B. 481)

452.710. Proceedings governed by other law.

Sections 452.700 to 452.930 shall not govern:

(1) An adoption proceeding; or

(2) A proceeding pertaining to the authorization of emergency medical care for a child.

(L. 2009 H.B. 481)

452.715. Application to Indian tribes.

1. A child custody proceeding that pertains to an Indian child, as defined in the Indian Child Welfare Act, 25 U.S.C. Section 1901, et seq., is not subject to sections 452.700 to 452.930 to the extent that it is governed by the Indian Child Welfare Act.

2. A court of this state shall treat a tribe as a state of the United States for purposes of sections 452.700 to 452.930.

3. A child custody determination made by a tribe under factual circumstances in substantial conformity with the jurisdictional standards of sections 452.700 to 452.930 shall be recognized and enforced under the provisions of sections 452.850 to 452.915.

(L. 2009 H.B. 481)

452.720. International application of act.

1. A court of this state shall treat a foreign country as a state of the United States for purposes of applying sections 452.700 to 452.785.

2. A child custody determination made in a foreign country under factual circumstances in substantial conformity with the jurisdictional standards of sections 452.700 to 452.930 shall be recognized and enforced under sections 452.850 to 452.915.

3. The court need not apply the provisions of sections 452.700 to 452.930 when the child custody law of the other country violates fundamental principles of human rights.

(L. 2009 H.B. 481)

452.725. Appearance and limited immunity.

1. A party to a child custody proceeding who is not subject to personal jurisdiction in this state and is a responding party under sections 452.740 to 452.785, a party in a proceeding to modify a child custody determination under sections 452.740 to 452.785, or a petitioner in a proceeding to enforce or register a child custody determination under sections 452.850 to 452.915 may appear and participate in such proceeding without submitting to personal jurisdiction over the party for another proceeding or purpose.

2. A party is not subject to personal jurisdiction in this state solely by being physically present for the purpose of participating in a proceeding under sections 452.700 to 452.930. If a party is subject to personal jurisdiction in this state on a basis other than physical presence, the party may be served with process in this state. If a party present in this state is subject to the jurisdiction of another state, service of process permissible under the laws of the other state may be accomplished in this state.

3. The immunity granted by this section shall not extend to civil litigation based on acts unrelated to the participation in a proceeding under sections 452.700 to 452.930 committed by an individual while present in this state.

(L. 2009 H.B. 481)

452.730. Communication between courts.

1. A court of this state may communicate with a court in another state concerning a proceeding arising under sections 452.700 to 452.930.

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

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

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

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

(L. 2009 H.B. 481)

452.735. Cooperation between courts — preservation of records.

1. A court of this state may request the appropriate court of another state to:

- (1) Hold an evidentiary hearing;
 - (2) Order a person to produce or give evidence under procedures of that state;
 - (3) Order that an evaluation be made with respect to the custody of a child involved in a pending proceeding;
 - (4) Forward to the court of this state a certified copy of the transcript of the record of the hearing, the evidence otherwise presented and any evaluation prepared in compliance with the request; and
 - (5) Order a party to a child custody proceeding or any person having physical custody of the child to appear in the proceeding with or without the child.
2. Upon request of a court of another state, a court of this state may hold a hearing or enter an order described in subsection 1 of this section.
 3. Travel and other necessary and reasonable expenses incurred under subsection 1 or 2 of this section may be assessed against the parties according to the law of this state.
 4. A court of this state shall preserve the pleadings, orders, decrees, records of hearings, evaluations, and other pertinent records with respect to a child custody proceeding until the child attains eighteen years of age. Upon appropriate request by a court or law enforcement official of another state, the court shall forward a certified copy of such records.

(L. 2009 H.B. 481)

452.740. Initial child custody jurisdiction.

1. Except as otherwise provided in section 452.755, a court of this state has jurisdiction to make an initial child custody determination only if:
 - (1) This state is the home state of the child on the date of the commencement of the proceeding, or was the home state of the child within six months prior to the commencement of the proceeding and the child is absent from this state but a parent or person acting as a parent continues to live in this state;
 - (2) A court of another state does not have jurisdiction under subdivision (1) of this subsection, or a court of the home state of the child has declined to exercise jurisdiction on the ground that this state is the more appropriate forum under section 452.770 or 452.775, and:
 - (a) The child and the child's parents, or the child and at least one parent or person acting as a parent have a significant connection with this state other than mere physical presence; and
 - (b) Substantial evidence is available in this state concerning the child's care, protection, training and personal relationships;
 - (3) All courts having jurisdiction under subdivisions (1) and (2) of this subsection have declined to exercise jurisdiction on the ground that a court of this state is the more appropriate forum to determine the custody of the child under section 452.770 or 452.775; or
 - (4) No state would have jurisdiction under subdivision (1), (2) or (3) of this subsection.
2. Subsection 1 of this section is the exclusive jurisdictional basis for making a child custody determination by a court of this state.
3. Physical presence of, or personal jurisdiction over, a party or a child is not necessary or sufficient to make a child custody determination.

(L. 2009 H.B. 481)

452.745. Exclusive, continuing jurisdiction.

1. Except as otherwise provided in section 452.755, a court of this state that has made a child custody determination consistent with section 452.740 or 452.750 has exclusive continuing jurisdiction over the determination until:

(1) A court of this state determines that neither the child, the child and one parent, nor the child and a person acting as a parent have a significant connection with this state, and that substantial evidence is no longer available in this state concerning the child's care, protection, training and personal relationships; or

(2) A court of this state or a court of another state determines that neither the child, nor a parent, nor any person acting as a parent presently resides in this state.

2. A court of this state that has exclusive continuing jurisdiction under this section may decline to exercise its jurisdiction if the court determines that it is an inconvenient forum under section 452.770.

3. A court of this state that has made a child custody determination and does not have exclusive continuing jurisdiction under this section may modify that determination only if it has jurisdiction to make an initial determination under section 452.740.

(L. 2009 H.B. 481)

452.747. Verified petition — service of process.

1. Any petition for modification of child custody decrees filed under the provisions of section 452.410 or sections 452.700 to 452.930 shall be verified and, if the original proceeding originated in the state of Missouri, shall be filed in that original case, but service shall be obtained and responsive pleadings may be filed as in any original proceeding.

2. Before making a decree under section 452.410 or sections 452.700 to 452.930, the litigants, any parent whose parental rights have not been previously terminated, and any person who has physical custody of the child shall be served in the manner provided by the rules of civil procedure and applicable court rules and may within thirty days after the date of service (forty-five days if service by publication) file a verified answer. If any such persons are outside this state, notice and opportunity to be heard shall be given under section 452.740.

(L. 2009 H.B. 481)

452.750. Jurisdiction to modify determination.

Except as otherwise provided in section 452.755, a court of this state shall not modify a child custody determination made by a court of another state unless a court of this state has jurisdiction to make an initial determination under subdivision (1) or (2) of subsection 1 of section 452.740 and:

(1) The court of the other state determines it no longer has exclusive continuing jurisdiction under section 452.745 or that a court of this state would be a more convenient forum under section 452.770; or

(2) A court of this state or a court of the other state determines that neither the child, nor a parent, nor any person acting as a parent presently resides in the other state.

(L. 2009 H.B. 481)

452.755. Temporary emergency jurisdiction.

1. A court of this state has temporary emergency jurisdiction if the child is present in this state and the child has been abandoned, or it is necessary in an emergency to protect the child because the child, or a sibling or parent of the child, is subjected to or threatened with mistreatment or abuse.
2. If there is no previous child custody determination that is entitled to be enforced under sections 452.700 to 452.930, and if no child custody proceeding has been commenced in a court of a state having jurisdiction under sections 452.740 to 452.750, a child custody determination made under this section remains in effect until an order is obtained from a court of a state having jurisdiction under sections 452.740 to 452.750. If a child custody proceeding has not been or is not commenced in a court of a state having jurisdiction under sections 452.740 to 452.750, a child custody determination made under this section becomes a final determination if:
 - (1) It so provides; and
 - (2) This state becomes the home state of the child.
3. If there is a previous child custody determination that is entitled to be enforced under sections 452.700 to 452.930, or a child custody proceeding has been commenced in a court of a state having jurisdiction under sections 452.740 to 452.750, any order issued by a court of this state under this section shall specify in the order a period of time which the court considers adequate to allow the person seeking an order to obtain an order from the state having jurisdiction under sections 452.740 to 452.750. The order issued in this state remains in effect until an order is obtained from the other state within the period specified or the period expires.
4. A court of this state that has been asked to make a child custody determination under this section, upon being informed that a child custody proceeding has been commenced, or a child custody determination has been made, by a court of a state having jurisdiction under sections 452.740 to 452.750, shall immediately communicate with the other court. A court of this state that is exercising jurisdiction under sections 452.740 to 452.750, upon being informed that a child custody proceeding has been commenced, or a child custody determination has been made by a court of another state under a statute similar to this section shall immediately communicate with the court of that state. The purpose of such communication is to resolve the emergency, protect the safety of the parties and the child, and determine a period for the duration of the temporary order.

(L. 2009 H.B. 481)

452.760. Notice — opportunity to be heard — joinder.

1. Before a child custody determination is made under sections 452.700 to 452.930, notice and an opportunity to be heard in accordance with the standards of section 452.762 shall be given to:
 - (1) All persons entitled to notice under the provisions of the law of this state as in child custody proceedings between residents of this state;
 - (2) Any parent whose parental rights have not been previously terminated; and
 - (3) Any person having physical custody of the child.
2. Sections 452.700 to 452.930 shall not govern the enforceability of a child custody determination made without notice and an opportunity to be heard.
3. The obligation to join a party and the right to intervene as a party in a child custody proceeding under sections 452.700 to 452.930 are governed by the law of this state as in child custody proceedings between residents of this state.

(L. 2009 H.B. 481)

452.762. Notice for exercise of jurisdiction.

1. Notice required for the exercise of jurisdiction when a person is outside this state may be given in a manner prescribed by the law of this state for the service of process or by the law of the state in which the service is made. Notice must be given in a manner reasonably calculated to give actual notice, but may be by publication if other means are not effective.
2. Proof of service may be made in the manner prescribed by law of this state or by the law of the state in which the service is made.
3. Notice is not required for the exercise of jurisdiction with respect to a person who submits to the jurisdiction of the court.

(L. 2009 H.B. 481)

452.765. Simultaneous proceedings.

1. Except as otherwise provided in section 452.755, a court of this state shall not exercise its jurisdiction under sections 452.740 to 452.785 if, at the time of the commencement of the proceeding, a proceeding concerning the custody of the child had been previously commenced in a court of another state having jurisdiction substantially in conformity with sections 452.700 to 452.930, unless the proceeding has been terminated or is stayed by the court of the other state because a court of this state is a more convenient forum under section 452.770.
2. Except as otherwise provided in section 452.755, a court of this state, prior to hearing a child custody proceeding, shall examine the court documents and other information supplied by the parties under section 452.780. If the court determines that a child custody proceeding was previously commenced in a court in another state having jurisdiction substantially in accordance with sections 452.700 to 452.930, the court of this state shall stay its proceeding and communicate with the court of the other state. If the court of the state having jurisdiction substantially in accordance with sections 452.700 to 452.930 does not determine that the court of this state is a more appropriate forum, the court of this state shall dismiss the proceeding.
3. In a proceeding to modify a child custody determination, a court of this state shall determine if a proceeding to enforce the determination has been commenced in another state. If a proceeding to enforce a child custody determination has been commenced in another state, the court may:
 - (1) Stay the proceeding for modification pending the entry of an order of a court of the other state enforcing, staying, denying or dismissing the proceeding for enforcement;
 - (2) Enjoin the parties from continuing with the proceeding for enforcement; or
 - (3) Proceed with the modification under conditions it considers appropriate.

(L. 2009 H.B. 481)

452.770. Inconvenient forum.

1. A court of this state that has jurisdiction under sections 452.700 to 452.930 to make a child custody determination may decline to exercise its jurisdiction at any time if the court determines that it is an inconvenient forum under the circumstances and that a court of another state is a more appropriate forum. The issue of inconvenient forum may be raised upon the court's own motion, at the request of another court or upon motion of a party.
2. Before determining whether the court is an inconvenient forum, a court of this state shall consider whether it is appropriate that a court of another state exercise jurisdiction. For this purpose, the court shall allow the parties to submit information and shall consider all relevant factors, including:

- (1) Whether domestic violence has occurred and is likely to continue in the future and which state could best protect the parties and the child;
- (2) The length of time the child has resided outside this state;
- (3) The distance between the court in this state and the court in the state that would assume jurisdiction;
- (4) The relative financial circumstances of the parties;
- (5) Any agreement of the parties as to which state should assume jurisdiction;
- (6) The nature and location of the evidence required to resolve the pending litigation, including the testimony of the child;
- (7) The ability of the court of each state to decide the issue expeditiously and the procedures necessary to present the evidence; and
- (8) The familiarity of the court of each state with the facts and issues of the pending litigation.

3. If a court of this state determines that it is an inconvenient forum and that a court of another state is a more appropriate forum, the court shall stay the proceedings on the condition that a child custody proceeding be promptly commenced in another designated state and may impose any other condition the court considers just and proper.

4. A court of this state may decline to exercise its jurisdiction under sections 452.700 to 452.930 if a child custody determination is incidental to an action for divorce or another proceeding while still retaining jurisdiction over the divorce or other proceeding.

(L. 2009 H.B. 481)

452.775. Jurisdiction declined by reason of conduct.

1. Except as otherwise provided in section 452.755, if a court of this state has jurisdiction under sections 452.700 to 452.930 because a person invoking the jurisdiction has engaged in unjustifiable conduct, the court shall decline to exercise its jurisdiction unless:

- (1) The parents and all persons acting as parents have acquiesced in the exercise of jurisdiction;
- (2) A court of the state otherwise having jurisdiction under sections 452.740 to 452.750 determines that this state is a more appropriate forum under section 452.770; or
- (3) No other state would have jurisdiction under sections 452.740 to 452.750.

2. If a court of this state declines to exercise its jurisdiction under subsection 1 of this section, the court may fashion an appropriate remedy to ensure the safety of the child and prevent a repetition of the wrongful conduct, including staying the proceeding until a child custody proceeding is commenced in a court having jurisdiction under sections 452.740 to 452.750.

3. If a court dismisses a petition or stays a proceeding because it declines to exercise its jurisdiction under subsection 1 of this section, the court shall charge the party invoking the jurisdiction of the court with necessary and reasonable expenses including costs, communication expenses, attorney's fees, investigative fees, expenses for witnesses, travel expenses and child care during the course of the proceedings, unless the party from whom fees are sought establishes that the award would be clearly inappropriate. The court may not assess fees, costs or expenses against this state except as otherwise provided by law other than sections 452.700 to 452.930.

(L. 2009 H.B. 481)

452.780. Information to be submitted to court.

1. Subject to local law providing for the confidentiality of procedures, addresses, and other identifying information, in a child custody proceeding each party, in its first pleading or in an attached affidavit, shall give information, if reasonably ascertainable, under oath as to the child’s present address, the places where the child has lived during the last five years, and the names and present addresses of the persons with whom the child has lived during such period. The pleading or affidavit shall state whether the party:

(1) Has participated, as a party or witness or in any other capacity, in any other proceeding concerning the custody of or visitation with the child and, if so, identify the court, case number of the proceeding and date of the child custody determination, if any;

(2) Knows of any proceeding that could affect the current proceeding, including proceedings for enforcement and proceedings relating to domestic violence, protective orders, termination of parental rights, and adoptions and, if so, identify the court and case number and nature of the proceeding; and

(3) Knows the names and addresses of any person not a party to the proceeding who has physical custody of the child or claims rights of legal custody or physical custody of, or visitation with, the child and, if so, the names and addresses of such persons.

2. If the information required by subsection 1 of this section is not furnished, the court, upon its own motion or that of a party, may stay the proceeding until the information is furnished.

3. If the declaration as to any of the items described in subdivisions (1) to (3) of subsection 1 of this section is in the affirmative, the declarant shall give additional information under oath as required by the court. The court may examine the parties under oath as to details of the information furnished and other matters pertinent to the court’s jurisdiction and the disposition of the case.

4. Each party has a continuing duty to inform the court of any proceeding in this or any other state that could affect the current proceeding.

5. If a party alleges in an affidavit or a pleading under oath that the health, safety, or liberty of a party or child would be put at risk by the disclosure of identifying information, that information shall be sealed and not disclosed to the other party or the public unless the court orders the disclosure to be made after a hearing in which the court takes into consideration the health, safety, or liberty of the party or child and determines that the disclosure is in the interest of justice.

(L. 2009 H.B. 481)

452.782. Joinder of a party.

If the court learns from information furnished by the parties under section 452.800 or from other sources that a person not a party to the custody proceeding has physical custody of the child or claims to have custody or visitation rights with respect to the child, it may order that person to be joined as a party and to be duly notified of the pendency of the proceeding and of his or her joinder as a party. If the person joined as a party is outside this state, such person shall be served with process or otherwise notified in accordance with section 452.762.

(L. 2009 H.B. 481)

452.785. Appearance of parties and child.

1. The court may order any party to the proceeding who is in this state to appear before the court personally. If the court finds the physical presence of the child to be in the best interest of the child, the court may order that the party who has physical custody of the child to appear physically with the

child.

2. If a party to a child custody proceeding whose presence is desired by the court is outside this state, with or without the child, the court may order that a notice given under section 452.762 include a statement directing the party to appear personally with or without the child.

3. If a party to the proceeding who is outside this state is directed to appear under subsection 1 of this section or desires to appear personally before the court with or without the child, the court may require another party to pay to the clerk of the court travel and other necessary expenses of the party so appearing and of the child, if this is just and proper under the circumstances.

4. If the court finds it to be in the best interest of the child that a guardian ad litem be appointed, the court may appoint a guardian ad litem for the child. The guardian ad litem so appointed shall be an attorney licensed to practice law in the state of Missouri. Disqualification of a guardian ad litem shall be ordered in any legal proceeding under this chapter upon the filing of a written application by any party within ten days of appointment. Each party shall be entitled to one disqualification of a guardian ad litem appointed under this subsection in each proceeding, except a party may be entitled to additional disqualifications of a guardian ad litem for good cause shown. The guardian ad litem may, for the purpose of determining custody of the child only, participate in the proceeding as if such guardian ad litem were a party. The court shall enter judgment allowing a reasonable fee to the guardian ad litem.

5. The court shall appoint a guardian ad litem in any proceeding in which child abuse or neglect is alleged.

6. The court may enter any orders necessary to ensure the safety of the child and of any person ordered to appear under this section.

(L. 2009 H.B. 481)

452.790. Effect of child custody determination.

A child custody determination made by a court of this state that had jurisdiction under sections 452.700 to 452.930 binds all persons who have been served in accordance with the laws of this state or notified in accordance with section 452.762 or who have submitted to the jurisdiction of the court, and who have been given an opportunity to be heard. The determination is conclusive as to them as to all decided issues of law and fact except to the extent the determination is modified.

(L. 2009 H.B. 481)

452.795. Full faith and credit.

A court of this state shall accord full faith and credit to an order made consistently with sections 452.700 to 452.930 which enforces a child custody determination by a court of another state unless the order has been vacated, stayed, or modified by a court authorized to do so under sections 452.740 to 452.845.

(L. 2009 H.B. 481)

452.800. Modification of another court's determination.

Except as otherwise provided in section 452.755, a court of this state may not modify a child custody determination made by a court of another state unless a court of this state has jurisdiction to make an initial determination under subdivision (1) or (2) of subsection 1 of section 452.740 and:

- (1) The court of the other state determines that it no longer has exclusive, continuing jurisdiction

under section 452.745 or that a court of this state would be a more convenient forum under section 452.770; or

(2) A court of this state or a court of the other state determines that neither child, nor a parent, nor any person acting as a parent presently resides in the other state.

(L. 2009 H.B. 481)

452.805. Filing of certified copy of custody decree.

1. A certified copy of a custody decree of another state may be filed in the office of the clerk of any circuit court of this state. The clerk shall treat the decree in the same manner as a custody decree of the circuit court of this state. A custody decree so filed has the same effect and shall be enforced in like manner as a custody decree rendered by a court of this state.

2. A person violating a custody decree of another state which makes it necessary to enforce the decree in this state may be required to pay necessary travel and other expenses, including attorneys' fees, incurred by the party entitled to the custody or the party's witnesses.

3. A court of this state shall recognize and enforce a child custody determination of a court of another state if the latter court exercised jurisdiction that was in substantial conformity with sections 452.700 to 452.930 or the determination was made under factual circumstances meeting the jurisdictional standards of sections 452.700 to 452.930 and the determination has not been modified in accordance with sections 452.700 to 452.930.

4. A court may utilize any remedy available under other law of this state to enforce a child custody determination made by a court of another state. The procedure provided by sections 452.740 to 452.845 does not affect the availability of other remedies to enforce a child custody determination.

(L. 2009 H.B. 481)

452.810. Registration of child custody determination.

1. A child custody determination issued by a court of another state may be registered in this state, with or without a simultaneous request for enforcement, by sending to the appropriate court in this state:

(1) A letter or other document requesting registration;

(2) Two copies, including one certified copy, of the determination sought to be registered, and a statement under penalty of perjury that to the best of the knowledge and belief of the person seeking registration the order has not been modified; and

(3) Except as otherwise provided in section 452.780, the name and address of the person seeking registration and any parent or person acting as a parent who has been awarded custody or visitation in the child custody determination sought to be registered.

2. On receipt of the documents required in subsection 1 of this section, the registering court shall:

(1) Cause the determination to be filed as a foreign judgment, together with one copy of any accompanying documents and information, regardless of their form; and

(2) Serve notice upon the persons named under subdivision (3) of subsection 1 of this section and provide them with an opportunity to contest the registration in accordance with this section.

3. The notice required by subdivision (2) of subsection 2 of this section must state:

(1) That a registered determination is enforceable as of the date of the registration in the same

manner as a determination issued by a court of this state;

(2) That a hearing to contest the validity of the registered determination must be requested within twenty days after service of notice; and

(3) That failure to contest the registration will result in confirmation of the child custody determination and preclude further contest of that determination with respect to any matter that could have been asserted.

4. A person seeking to contest the validity of a registered order must request a hearing within twenty days after service of the notice. At that hearing, the court shall confirm the registered order unless the person contesting registration establishes that:

(1) The issuing court did not have jurisdiction under sections 452.740 to 452.845;

(2) The child custody determination sought to be registered has been vacated, stayed, or modified by a court of a state having jurisdiction to do so under sections 452.740 to 452.845; or

(3) The person contesting registration was entitled to notice, but notice was not given in accordance with the standards of section 452.740 in the proceedings before the court that issued the order for which registration is sought.

5. If a timely request for a hearing to contest the validity of the registration is not made, the registration is confirmed as a matter of law and the person requesting registration and all persons served must be notified of the confirmation.

6. Confirmation of a registered order, whether by operation of law or after notice and hearing, precludes further contest of the order with respect to any matter which could have been asserted at the time of registration.

(L. 2009 H.B. 481)

452.815. Forwarding copies of decrees.

The clerk of the circuit court of this state, at the request of the court of another state or at the request of any person who is affected by or has a legitimate interest in a custody decree, may, upon payment therefor, certify and forward a copy of the decree to that court or person.

(L. 2009 H.B. 481)

452.820. Testimony of witnesses.

1. In addition to other procedures available to a party, a party to a child custody proceeding may offer testimony of witnesses who are located in another state, including testimony of the parties and the child, by deposition or other means allowable in this state for testimony taken in another state. The court on its own motion may order that the testimony of a person be taken in another state and may prescribe the manner in which and the terms upon which the testimony is taken.

2. A court of this state may permit an individual residing in another state to be deposed or to testify by telephone, audiovisual means, or other electronic means before a designated court or at another location in that state. A court of this state shall cooperate with courts of other states in designating an appropriate location for the deposition or testimony.

3. Documentary evidence transmitted from another state to a court of this state by technological means that do not produce an original writing may not be excluded from evidence on an objection based on the means of transmission.

(L. 2009 H.B. 481)

452.825. Request for another court to hold hearing.

1. A court of this state may request the appropriate court of another state to hold a hearing to obtain evidence, to order persons within that state to produce or give evidence under other procedures of that state, or to have social studies made with respect to the custody of a child involved in proceedings pending in the court of this state; and to forward to the court of this state certified copies of the transcript of the record of the hearing, the evidence otherwise obtained, or any social studies prepared in compliance with the request. The cost of the services may be assessed against the parties.

2. A court of this state may request the appropriate court of another state to order a party to custody proceedings pending in the court of this state to appear in the proceedings and, if that party has physical custody of the child, to appear with the child. The request may state that travel and other necessary expenses of the party and of the child whose appearance is desired will be assessed against the appropriate party.

(L. 2009 H.B. 481)

452.830. Appearance at hearing.

1. Upon request of the court of another state, the courts of this state which are competent to hear custody matters may order a person in this state to appear at a hearing to obtain evidence or to produce or give evidence under other procedures available in this state for use in a custody proceeding in another state. A certified copy of the transcript of the record of the hearing or the evidence otherwise obtained may, in the discretion of the court and upon payment therefor, be forwarded to the requesting court.

2. A person within this state may voluntarily give his testimony or statement in this state for use in a custody proceeding outside this state.

3. Upon request of the court of another state, a competent court of this state may order a person in this state to appear alone or with the child in a custody proceeding in another state. The court may condition compliance with the request upon assurance by the other state that travel and other necessary expenses will be advanced or reimbursed.

(L. 2009 H.B. 481)

452.835. Preservation of documents.

A court of this state shall preserve the pleadings, orders, decrees, records of hearings, evaluations, and other pertinent records with respect to a child custody proceeding until the child reaches eighteen years of age. Upon appropriate request by the court or law enforcement official of another state, the court shall forward certified copies of these records.

(L. 2009 H.B. 481)

452.840. Transfer of transcripts and documents.

If a custody decree has been rendered in another state concerning a child involved in a custody proceeding pending in a court of this state, the court of this state, upon taking jurisdiction of the case, shall request of the court of the other state a certified copy of the transcript of any court record and other documents mentioned in section 452.835.

(L. 2009 H.B. 481)

452.845. Priority of jurisdictional question.

If a question of existence or exercise of jurisdiction under sections 452.700 to 452.930 is raised in a child custody proceeding, the question, upon request of a party, must be given priority on the calendar and handled expeditiously.

(L. 2009 H.B. 481)

452.850. Definitions.

As used in sections 452.850 to 452.915:

(1) “Petitioner” means a person who seeks enforcement of a child custody determination or enforcement of an order for the return of the child under the Hague Convention on the Civil Aspects of International Child Abduction;

(2) “Respondent” means a person against whom a proceeding has been commenced for enforcement of a child custody determination or enforcement of an order for the return of the child under the Hague Convention on the Civil Aspects of International Child Abduction.

(L. 2009 H.B. 481)

452.855. Temporary visitation.

1. Sections 452.850 to 452.915 may be invoked to enforce:

(1) A child custody determination; and

(2) An order for the return of the child made under the Hague Convention on the Civil Aspects of International Child Abduction.

2. A court of this state which does not have jurisdiction to modify a child custody determination may issue a temporary order enforcing:

(1) A visitation schedule made by a court of another state; or

(2) The visitation provisions of a child custody determination of another state that does not provide for a specific visitation schedule.

3. If a court of this state makes an order under subdivision (2) of subsection 2 of this section, the court shall specify in the order a period of time which it considers adequate to allow the person seeking the order to obtain an order from the state having jurisdiction under sections 452.740 to 452.845. The order remains in effect until an order is obtained from the other state or the period expires.

(L. 2009 H.B. 481)

452.860. Enforcement of registered determination.

1. A court of this state may grant any relief normally available under the provisions of the laws of this state to enforce a registered child custody determination made by a court of another state.

2. A court of this state shall recognize and enforce, but shall not modify, except in accordance with sections 452.740 to 452.845, a registered child custody determination of another state.

(L. 2009 H.B. 481)

452.865. Simultaneous proceeding.

If a proceeding for enforcement under sections 452.850 to 452.915 has been or is commenced in this state and a court of this state determines that a proceeding to modify the determination has been commenced in another state having jurisdiction to modify the determination under sections 452.740 to 452.845, the enforcing court shall immediately communicate with the modifying court. The proceeding for enforcement continues unless the enforcing court, after consultation with the modifying court, stays or dismisses the proceeding.

(L. 2009 H.B. 481)

452.870. Expedited enforcement of child custody determination.

1. A petition under sections 452.850 to 452.915 shall be verified. Certified copies of all orders sought to be enforced and of the order confirming registration, if any, shall be attached to the petition. A copy of a certified copy of an order may be attached instead of the original.

2. A petition for enforcement of a child custody determination shall state:

(1) Whether the court that issued the determination identified the jurisdictional basis it relied upon in exercising jurisdiction and, if so, what the basis was;

(2) Whether the determination for which enforcement is sought has been vacated, stayed or modified by a court whose decision shall be enforced under sections 452.700 to 452.930 or federal law and, if so, identify the court, case number of the proceeding and action taken;

(3) Whether any proceeding has been commenced that could affect the current proceeding, including proceedings relating to domestic violence, protective orders, termination of parental rights and adoptions, and, if so, identify the court, and the case number and nature of the proceeding;

(4) The present physical address of the child and respondent, if known; and

(5) Whether relief in addition to the immediate physical custody of the child and attorney's fees is sought, including a request for assistance from law enforcement officials and, if so, the relief sought.

3. If the child custody determination has been registered and confirmed under section 452.810, the petition shall also state the date and place of registration.

4. The court shall issue an order directing the respondent to appear with or without the child at a hearing and may enter any orders necessary to ensure the safety of the parties and the child.

5. The hearing shall be held on the next judicial day following service of process unless such date is impossible. In such event, the court shall hold the hearing on the first day possible. The court may extend the date of hearing at the request of the petitioner.

6. The order shall state the time and place of the hearing, and shall advise the respondent that at the hearing the court will order the delivery of the child and payment of fees, costs and expenses under section 452.890, and may set an additional hearing to determine if further relief is appropriate, unless the respondent appears and establishes that:

(1) The child custody determination is not registered and confirmed under section 452.810, and:

(a) The issuing court did not have jurisdiction under sections 452.740 to 452.845;

(b) The child custody determination for which enforcement is sought has been vacated, stayed or modified by a court of a state having jurisdiction to do so under sections 452.740 to 452.845 or federal law; or

(c) The respondent was entitled to notice, but notice was not given in accordance with the

standards of section 452.762 in the proceedings before the court that issued the order for which enforcement is sought; or

(2) The child custody determination for which enforcement is sought was registered and confirmed under section 452.810, but has been vacated, stayed or modified by a court of a state having jurisdiction to do so under sections 452.740 to 452.845 or federal law.

(L. 2009 H.B. 481)

452.875. Service of petition and order.

Except as otherwise provided in section 452.885, the petition and order shall be served by any method authorized by the laws of this state upon the respondent and any person who has physical custody of the child.

(L. 2009 H.B. 481)

452.880. Hearing and order.

1. Unless the court enters a temporary emergency order under section 452.755, upon a finding that a petitioner is entitled to the physical custody of the child immediately, the court shall order the child delivered to the petitioner unless the respondent establishes that:

(1) The child custody determination has not been registered and confirmed under section 452.810, and that:

(a) The issuing court did not have jurisdiction under sections 452.740 to 452.845;

(b) The child custody determination for which enforcement is sought has been vacated, stayed or modified by a court of a state having jurisdiction to do so under sections 452.740 to 452.845 or federal law; or

(c) The respondent was entitled to notice, but notice was not given in accordance with the standards of section 452.762 in the proceedings before the court that issued the order for which enforcement is sought; or

(2) The child custody determination for which enforcement is sought was registered and confirmed under section 452.810, but has been vacated, stayed or modified by a court of a state having jurisdiction to do so under sections 452.740 to 452.845 or federal law.

2. The court shall award the fees, costs and expenses authorized under section 452.890 and may grant additional relief, including a request for the assistance of law enforcement officials, and set a further hearing to determine if additional relief is appropriate.

3. If a party called to testify refuses to answer on the grounds that the testimony may be self-incriminating, the court may draw an adverse inference from such refusal.

4. A privilege against disclosure of communications between spouses and a defense of immunity based on the relationship of husband and wife, or parent and child shall not be invoked in a proceeding under sections 452.850 to 452.915.

(L. 2009 H.B. 481)

452.885. Warrant to take physical custody of child.

1. Upon the filing of a petition seeking enforcement of a child custody determination, the petitioner may file a verified application for the issuance of a warrant to take physical custody of the child if the child is likely to suffer serious imminent physical harm or removal from this state.

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

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

(1) Recite the facts which a conclusion of serious imminent physical harm or removal from the jurisdiction is based;

(2) Direct law enforcement officers to take physical custody of the child immediately; and

(3) Provide for the placement of the child pending final relief.

4. The respondent shall be served with the petition, warrant and order immediately after the child is taken into physical custody.

5. A warrant to take physical custody of a child is enforceable throughout this state. If the court finds on the basis of the testimony of the petitioner or other witness that a less intrusive remedy is not effective, the court may authorize law enforcement officers to enter private property to take physical custody of the child. If required by the exigency of the case, the court may authorize law enforcement officers to make a forcible entry at any hour.

6. The court may impose conditions on the placement of a child to ensure the appearance of the child and the child's custodian.

(L. 2009 H.B. 481)

452.890. Costs, fees, and expenses.

1. The court shall award the prevailing party, including a state, necessary and reasonable expenses incurred by or on behalf of the party, including costs, communication expenses, attorney's fees, investigative fees, expenses for witnesses, travel expenses and child care during the course of the proceedings, unless the party from whom fees or expenses are sought establishes that the award would be clearly inappropriate.

2. The court shall not assess fees, costs or expenses against a state except as otherwise provided by law other than sections 452.700 to 452.930.

(L. 2009 H.B. 481)

452.895. Recognition and enforcement.

A court of this state shall accord full faith and credit to an order made consistently with sections 452.700 to 452.930 which enforces a child custody determination by a court of another state unless the order has been vacated, stayed or modified by a court authorized to do so under sections 452.740 to 452.845.

(L. 2009 H.B. 481)

452.900. Appeals.

An appeal may be taken from a final order in a proceeding under sections 452.850 to 452.915 in accordance with appellate procedures in other civil cases. Unless the court enters a temporary emergency order under section 452.755, the enforcing court shall not stay an order enforcing a child custody determination pending appeal.

(L. 2009 H.B. 481)

452.905. Role of prosecutor or public official.

1. In a case arising under sections 452.700 to 452.930 or involving the Hague Convention on the Civil Aspects of International Child Abduction, the appropriate public official may take any lawful action, including resort to a proceeding under sections 452.850 to 452.915 or any other available civil proceeding to locate a child, obtain the return of a child or enforce a child custody determination if there is:

- (1) An existing child custody determination;
- (2) A request from a court in a pending child custody case;
- (3) A reasonable belief that a criminal statute has been violated; or
- (4) A reasonable belief that the child has been wrongfully removed or retained in violation of the Hague Convention on the Civil Aspects of International Child Abduction.

2. A prosecutor or an appropriate public official shall act on behalf of the court and shall not represent any party to a child custody determination.

(L. 2009 H.B. 481)

452.910. Role of law enforcement.

At the request of a prosecutor or other appropriate public official acting under section 452.905, a law enforcement officer may take any lawful action reasonably necessary to locate a child or a party and assist such prosecutor or public official with responsibilities under section 452.905.

(L. 2009 H.B. 481)

452.915. Costs and expenses.

If the respondent is not the prevailing party, the court may assess against the respondent all direct expenses and costs incurred by the prosecutor or other appropriate public official and law enforcement officers under sections 452.905 and 452.910.

(L. 2009 H.B. 481)

452.920. Application and construction.

In applying and construing sections 452.700 to 452.930, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

(L. 2009 H.B. 481)

452.925. Severability clause.

If any provision of sections 452.700 to 452.930 or its application to any person or circumstance is held

invalid, the invalidity shall not affect other provisions or applications of sections 452.700 to 452.930 which can be given effect without the invalid provision or application, and to this end the provisions of sections 452.700 to 452.930 are severable.

(L. 2009 H.B. 481)

452.930. Transitional provision.

A motion or other request for relief made in a child custody or enforcement proceeding which was commenced before August 28, 2009, is governed by the law in effect at the time the motion or other request was made.

(L. 2009 H.B. 481)

— End —