

FIRST REGULAR SESSION

# HOUSE BILL NO. 1027

99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE BEARD.

2028H.011

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To repeal sections 452.372 and 452.605, RSMo, and to enact in lieu thereof two new sections relating to court-ordered educational sessions.

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

Section A. Sections 452.372 and 452.605, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 452.372 and 452.605, to read as follows:

452.372. 1. When a person files a petition for dissolution of marriage ~~[or]~~, legal separation, **or paternity** and the custody or visitation of a minor child is involved, the court shall order all parties to the action to attend educational sessions pursuant to section 452.605. Parties to a modification proceeding who previously have attended educational sessions pursuant to section 452.605 may also be required to attend such educational sessions.

2. In cases involving custody or visitation issues, the court may, except for good cause shown or as provided in subsection 3 of this section, order the parties to the action to participate in an alternative dispute resolution program pursuant to supreme court rule to resolve any issues in dispute or may set a hearing on the matter. As used in this section, "good cause" includes, but is not limited to, uncontested custody or temporary physical custody cases, or a finding of domestic violence or abuse as determined by a court with jurisdiction after all parties have received notice and an opportunity to be heard, but does not mean the absence of qualified mediators.

3. Any alternative dispute resolution program ordered by the court pursuant to this section may be paid for by the parties in a proportion to be determined by the court, the cost of which shall be reasonable and customary for the circuit in which the program is ordered, and shall:

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.

- 18 (1) Not be binding on the parties;
  - 19 (2) Not be ordered or used for contempt proceedings;
  - 20 (3) Not be ordered or utilized for child support issues; and
  - 21 (4) Not be used to modify a prior order of the court, except by agreement of the parties.
- 22 4. Within one hundred twenty days after August 28, 1998, the Missouri supreme court  
23 shall have a rule in effect allowing, but not requiring, each circuit to establish an alternative  
24 dispute resolution program for proceedings involving issues of custody and temporary physical  
25 custody relating to the child.

452.605. In an action for dissolution of marriage [~~or~~], legal separation, **or paternity**  
2 involving minor children, or in a postjudgment proceeding wherein custody of minor children  
3 is to be determined by the court, the court shall, except for good cause, unless otherwise provided  
4 by local rule, order the parties to attend educational sessions concerning the effects of custody  
5 and the dissolution of marriage **or a paternity judgment or order** on children. As used in this  
6 section "good cause" includes, but is not limited to, situations where the parties have stipulated  
7 to the custody and visitation of the child, or a finding by a court with jurisdiction after all parties  
8 have received notice and an opportunity to be heard that the safety of a party or child may be  
9 endangered by attending the educational sessions. The court may order the minor children to  
10 attend age-appropriate educational sessions.

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