

HOUSE

AMENDMENT NO. \_\_\_

Offered by

of

1 AMEND House Committee Substitute for House Bill No. 1492, Page 8,  
2 Section 211.447, Line 178, by inserting after all of said line  
3 the following:

4 "452.414. 1. Upon motion of a relative or family member  
5 of an incarcerated parent who has an order or judgment of court  
6 granting to such incarcerated parent temporary custody or  
7 visitation with such incarcerated parent's minor child or  
8 children, the court may delegate an incarcerated parent's  
9 temporary custody or visitation rights, or a portion of such  
10 rights, to a relative or family member of such incarcerated  
11 person with a close and substantial relationship to the  
12 incarcerated parent's minor child or children for the duration of  
13 the incarcerated parent's incarceration if it is in the best  
14 interest of the child.

15 2. Delegated visitation rights under this section does not:

16 (1) Create an entitlement or standing for a relative or  
17 family member to assert separate rights to temporary custody or  
18 visitation or entitlement to temporary custody or visitation for  
19 any person other than the custodial parent or guardian, and shall  
20 terminate by operation of law upon the end of the parent's  
21 incarceration; or

22 (2) Authorize the person or persons to whom delegated  
23 temporary custody or visitation rights have been granted to  
24 transport the incarcerated parent's child or children for  
25 visitation with the incarcerated parent without the prior consent  
26 of the custodial parent or guardian of the child who is not  
27 incarcerated.

28 3. Delegated temporary custody or visitation time under  
29 this section shall not exceed the temporary custody or visitation

---

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1 time granted to the incarcerated parent under the existing order  
2 or judgment of the court; except that, the court may take into  
3 consideration the travel time necessary to transport the child  
4 for such delegated temporary custody or visitation time.

5 4. In addition, there is a rebuttable presumption that an  
6 incarcerated parent's temporary custody or visitation rights  
7 shall not be delegated to a relative or family member, or a  
8 relative or family member with an individual in the relative's or  
9 family member's household, who:

10 (1) Has a history of perpetrating domestic violence against  
11 a spouse, child, or a domestic living partner;

12 (2) Has been adjudicated for a violent offense or an  
13 offense involving a minor child;

14 (3) Is listed on the child abuse and neglect registry;

15 (4) Has had a full order of protection involving a child  
16 issued against such relative or family member; or

17 (5) Any other documented incidents of child abuse or  
18 neglect have been documented against such relative or family  
19 member, such as police reports or court filings.

20 5. The person or persons to whom delegated visitation time  
21 has been granted shall have full legal standing to enforce such  
22 rights."; and

23  
24 Further amend said title, enacting clause and intersectional  
25 references accordingly.