

HCS HB 229 -- CHILD CUSTODY ARRANGEMENTS

SPONSOR: Swan

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Judiciary by a vote of 13 to 3. Voted "Do Pass" by the Standing Committee on Rules- Administrative Oversight by a vote of 5 to 3.

Currently, the court must determine custody that is in the best interest of the child. This bill establishes a rebuttable presumption, except in paternity actions, that an award of equal or approximately equal parenting time is in the best interest of the child, unless a preponderance of the evidence exists, as specified in these provisions. The presumption can be rebutted if the court determines that the parents have reached an agreement on all issues related to custody. The bill clarifies that parenting time has the same meaning as visitation.

This bill is similar to SCS HCS HB 1667 (2018).

PROPOSERS: Supporters say that even with the passage of the shared parenting legislation, mothers are still presumed to be the better parent and fathers are not given equal parenting time. All cases should be looked at in the best interest of the child, not in the best interest of each parent. Shared parenting is best, second only to intact families and courts need to stop taking parenting away from one parent. It should not matter what judge you get or what county you live in. Currently, you do not have to prove by a preponderance of the evidence; a guardian ad litem is assigned and the judge goes with whatever the recommendation is. Fathers need an opportunity to be involved and to be engaged.

Testifying for the bill were Representative Swan; Jeremy Roberts; Gregory E Mcmillian Sr.; Madeline Conner; Brandi Miller; Larry Hudson; Paul M Nicks; Jeffrey A. J. Millar, Esq; Raymond Denk; Jennifer Hastings; Chester A. Deanes Jr., Fathers United to Raise Awareness and Fathers Support Center; Lorenzo D. Heard; Terrance Bayless; Josh Creznic; Linda Reutzel; Scott Myers; Lawrence C. Rosen; Ken D. Goins, Esq; Claire Hastings; Jack Mefferd; Cheryl Mefferd; and Brandon Norman.

OPPOSERS: Those who oppose the bill say that the primary concern is domestic violence cases. It should not be so difficult to take parenting away from an abusive parent. It should not be presumed to be equal parenting because abusive parents might have too much time with their children. A rebuttable presumption is not enough.

Testifying against the bill was the Missouri Coalition Against

Domestic Violence.