

SECOND REGULAR SESSION

# HOUSE BILL NO. 1488

## 98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE WALTON GRAY.

4297H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To amend chapter 452, RSMo, by adding thereto one new section relating to the delegation of child visitation for incarcerated persons.

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

Section A. Chapter 452, RSMo, is amended by adding thereto one new section, to be known as section 452.414, to read as follows:

- 452.414. 1. Upon motion of a relative or family member of an incarcerated parent who has an order or judgment of the court granting to such incarcerated parent temporary custody or visitation with such incarcerated parent's minor child or children, the court may delegate an incarcerated parent's temporary custody or visitation rights, or a portion of such rights, to a relative or family member of such incarcerated person with a close and substantial relationship to the incarcerated parent's minor child or children for the duration of the incarcerated parent's incarceration if it is in the best interest of the child.**
- 2. Delegated visitation rights under this section does not:**
- (1) Create an entitlement or standing for a relative or family member to assert separate rights to temporary custody or visitation or entitlement to temporary custody or visitation for any person other than the custodial parent or guardian and shall terminate by operation of law upon the end of the parent's incarceration; or**
- (2) Authorize the person or persons to whom delegated temporary custody or visitation rights have been granted to transport the incarcerated parent's child or children for visitation with the incarcerated parent without the prior consent of the custodial parent or guardian of the child who is not incarcerated.**

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.

17           **3. Delegated temporary custody or visitation time under this section shall not**  
18 **exceed the temporary custody or visitation time granted to the incarcerated parent under**  
19 **the existing order or judgment of the court; except that, the court may take into**  
20 **consideration the travel time necessary to transport the child for such delegated temporary**  
21 **custody or visitation time.**

22           **4. In addition, there is a rebuttable presumption that an incarcerated parent's**  
23 **temporary custody or visitation rights shall not be delegated to a relative or family**  
24 **member, or a relative or family member with an individual in the relative's or family**  
25 **member's household, who:**

26           **(1) Has a history of perpetrating domestic violence against a spouse, child, or a**  
27 **domestic living partner;**

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

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

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

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

34           **5. The person or persons to whom delegated visitation time has been granted shall**  
35 **have full legal standing to enforce such rights.**

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