

SECOND REGULAR SESSION

# SENATE BILL NO. 857

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CURLS.

Read 1st time January 3, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5528S.011

## AN ACT

To repeal sections 210.117, 211.038, 452.375, and 452.400, RSMo, and to enact in lieu thereof four new sections relating to the placement of children.

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

Section A. Sections 210.117, 211.038, 452.375, and 452.400, RSMo, are  
2 repealed and four new sections enacted in lieu thereof, to be known as sections  
3 210.117, 211.038, 452.375, and 452.400, to read as follows:

210.117. 1. A child taken into the custody of the state shall not be  
2 reunited with a parent or placed in a home in which the parent or any person  
3 residing in the home has been found guilty of any of the following offenses when  
4 a child was the victim:

5 (1) A felony violation of section 566.030, 566.031, 566.032, 566.060,  
6 566.061, 566.062, 566.064, 566.067, 566.068, 566.069, 566.071, 566.083, 566.100,  
7 566.101, 566.111, 566.151, 566.203, 566.206, 566.209, **566.210**, 566.211, or  
8 566.215;

9 (2) A violation of section 568.020;

10 (3) Abuse of a child under section 568.060 when such abuse is sexual in  
11 nature;

12 (4) A violation of section 568.065;

13 (5) A violation of section 573.200;

14 (6) A violation of section 573.205; or

15 (7) A violation of section 568.175;

16 (8) A violation of section 566.040, 566.070, or 566.090 as such sections  
17 existed prior to August 28, 2013; or

18 (9) A violation of section 566.212, 568.080, or 568.090 as such sections  
19 existed prior to January 1, 2017.

20           2. For all other violations of offenses in chapters 566 and 568 not  
21 specifically listed in subsection 1 of this section or for a violation of an offense  
22 committed in another state when a child is the victim that would be a violation  
23 of chapter 566 or 568, if committed in Missouri, the division may exercise its  
24 discretion regarding the placement of a child taken into the custody of the state  
25 in which a parent or any person residing in the home has been found guilty of  
26 any such offense.

27           3. In any case where the children's division determines based on a  
28 substantiated report of child abuse that a child has abused another child, the  
29 abusing child shall be prohibited from returning to or residing in any residence,  
30 facility, or school within one thousand feet of the residence of the abused child or  
31 any child care facility or school that the abused child attends, unless and until  
32 a court of competent jurisdiction determines that the alleged abuse did not occur  
33 or the abused child reaches the age of eighteen, whichever earlier occurs. The  
34 provisions of this subsection shall not apply when the abusing child and the  
35 abused child are siblings or children living in the same home.

          211.038. 1. A child under the jurisdiction of the juvenile court shall not  
2 be reunited with a parent or placed in a home in which the parent or any person  
3 residing in the home has been found guilty of any of the following offenses when  
4 a child was the victim:

5           (1) A felony violation of section 566.030, 566.031, 566.032, 566.060,  
6 566.061, 566.062, 566.064, 566.067, 566.068, 566.069, 566.071, 566.083, 566.100,  
7 566.101, 566.111, 566.151, 566.203, 566.206, 566.209, **566.210**, 566.211, or  
8 566.215;

9           (2) A violation of section 568.020;

10          (3) Abuse of a child under section 568.060 when such abuse is sexual in  
11 nature;

12          (4) A violation of section 568.065;

13          (5) A violation of section 573.200;

14          (6) A violation of section 573.205; or

15          (7) A violation of section 568.175;

16          (8) A violation of section 566.040, 566.070, or 566.090 as such sections  
17 existed prior to August 28, 2013; or

18          (9) A violation of section 566.212, 568.080, or 568.090 as such sections  
19 existed prior to January 1, 2017.

20           2. For all other violations of offenses in chapters 566 and 568 not

21 specifically listed in subsection 1 of this section or for a violation of an offense  
22 committed in another state when a child is the victim that would be a violation  
23 of chapter 566 or 568 if committed in Missouri, the juvenile court may exercise  
24 its discretion regarding the placement of a child under the jurisdiction of the  
25 juvenile court in a home in which a parent or any person residing in the home  
26 has been found guilty of, or pled guilty to, any such offense.

27 3. If the juvenile court determines that a child has abused another child,  
28 such abusing child shall be prohibited from returning to or residing in any  
29 residence located within one thousand feet of the residence of the abused child,  
30 or any child care facility or school that the abused child attends, until the abused  
31 child reaches eighteen years of age. The prohibitions of this subsection shall not  
32 apply where the alleged abuse occurred between siblings or children living in the  
33 same home.

452.375. 1. As used in this chapter, unless the context clearly indicates  
2 otherwise:

3 (1) "Custody" means joint legal custody, sole legal custody, joint physical  
4 custody or sole physical custody or any combination thereof;

5 (2) "Joint legal custody" means that the parents share the  
6 decision-making rights, responsibilities, and authority relating to the health,  
7 education and welfare of the child, and, unless allocated, apportioned, or decreed,  
8 the parents shall confer with one another in the exercise of decision-making  
9 rights, responsibilities, and authority;

10 (3) "Joint physical custody" means an order awarding each of the parents  
11 significant, but not necessarily equal, periods of time during which a child resides  
12 with or is under the care and supervision of each of the parents. Joint physical  
13 custody shall be shared by the parents in such a way as to assure the child of  
14 frequent, continuing and meaningful contact with both parents;

15 (4) "Third-party custody" means a third party designated as a legal and  
16 physical custodian pursuant to subdivision (5) of subsection 5 of this section.

17 2. The court shall determine custody in accordance with the best interests  
18 of the child. When the parties have not reached an agreement on all issues  
19 related to custody, the court shall consider all relevant factors and enter written  
20 findings of fact and conclusions of law, including, but not limited to, the following:

21 (1) The wishes of the child's parents as to custody and the proposed  
22 parenting plan submitted by both parties;

23 (2) The needs of the child for a frequent, continuing and meaningful

24 relationship with both parents and the ability and willingness of parents to  
25 actively perform their functions as mother and father for the needs of the child;

26 (3) The interaction and interrelationship of the child with parents,  
27 siblings, and any other person who may significantly affect the child's best  
28 interests;

29 (4) Which parent is more likely to allow the child frequent, continuing and  
30 meaningful contact with the other parent;

31 (5) The child's adjustment to the child's home, school, and community;

32 (6) The mental and physical health of all individuals involved, including  
33 any history of abuse of any individuals involved. If the court finds that a pattern  
34 of domestic violence as defined in section 455.010 has occurred, and, if the court  
35 also finds that awarding custody to the abusive parent is in the best interest of  
36 the child, then the court shall enter written findings of fact and conclusions of  
37 law. Custody and visitation rights shall be ordered in a manner that best  
38 protects the child and any other child or children for whom the parent has  
39 custodial or visitation rights, and the parent or other family or household member  
40 who is the victim of domestic violence from any further harm;

41 (7) The intention of either parent to relocate the principal residence of the  
42 child; and

43 (8) The wishes of a child as to the child's custodian. The fact that a  
44 parent sends his or her child or children to a home school, as defined in section  
45 167.031, shall not be the sole factor that a court considers in determining custody  
46 of such child or children.

47 3. (1) In any court proceedings relating to custody of a child, the court  
48 shall not award custody or unsupervised visitation of a child to a parent if such  
49 parent or any person residing with such parent has been found guilty of, or pled  
50 guilty to, any of the following offenses when a child was the victim:

51 (a) A felony violation of section 566.030, 566.032, 566.031, 566.060,  
52 566.062, 566.064, 566.067, 566.068, 566.061, 566.083, 566.101, 566.100, 566.111,  
53 566.151, 566.203, 566.206, 566.209, **566.210**, 566.211, or 566.215;

54 (b) A violation of section 568.020;

55 (c) A violation of subdivision (2) of subsection 1 of section 568.060;

56 (d) A violation of section 568.065;

57 (e) A violation of section 573.200;

58 (f) A violation of section 573.205; or

59 (g) A violation of section 568.175.

60 (2) For all other violations of offenses in chapters 566 and 568 not  
61 specifically listed in subdivision (1) of this subsection or for a violation of an  
62 offense committed in another state when a child is the victim that would be a  
63 violation of chapter 566 or 568 if committed in Missouri, the court may exercise  
64 its discretion in awarding custody or visitation of a child to a parent if such  
65 parent or any person residing with such parent has been found guilty of, or pled  
66 guilty to, any such offense.

67 4. The general assembly finds and declares that it is the public policy of  
68 this state that frequent, continuing and meaningful contact with both parents  
69 after the parents have separated or dissolved their marriage is in the best  
70 interest of the child, except for cases where the court specifically finds that such  
71 contact is not in the best interest of the child, and that it is the public policy of  
72 this state to encourage parents to participate in decisions affecting the health,  
73 education and welfare of their children, and to resolve disputes involving their  
74 children amicably through alternative dispute resolution. In order to effectuate  
75 these policies, the court shall determine the custody arrangement which will best  
76 assure both parents participate in such decisions and have frequent, continuing  
77 and meaningful contact with their children so long as it is in the best interests  
78 of the child.

79 5. Prior to awarding the appropriate custody arrangement in the best  
80 interest of the child, the court shall consider each of the following as follows:

81 (1) Joint physical and joint legal custody to both parents, which shall not  
82 be denied solely for the reason that one parent opposes a joint physical and joint  
83 legal custody award. The residence of one of the parents shall be designated as  
84 the address of the child for mailing and educational purposes;

85 (2) Joint physical custody with one party granted sole legal custody. The  
86 residence of one of the parents shall be designated as the address of the child for  
87 mailing and educational purposes;

88 (3) Joint legal custody with one party granted sole physical custody;

89 (4) Sole custody to either parent; or

90 (5) Third-party custody or visitation:

91 (a) When the court finds that each parent is unfit, unsuitable, or unable  
92 to be a custodian, or the welfare of the child requires, and it is in the best  
93 interests of the child, then custody, temporary custody or visitation may be  
94 awarded to any other person or persons deemed by the court to be suitable and  
95 able to provide an adequate and stable environment for the child. Before the

96 court awards custody, temporary custody or visitation to a third person under this  
97 subdivision, the court shall make that person a party to the action;

98 (b) Under the provisions of this subsection, any person may petition the  
99 court to intervene as a party in interest at any time as provided by supreme court  
100 rule.

101 6. If the parties have not agreed to a custodial arrangement, or the court  
102 determines such arrangement is not in the best interest of the child, the court  
103 shall include a written finding in the judgment or order based on the public policy  
104 in subsection 4 of this section and each of the factors listed in subdivisions (1) to  
105 (8) of subsection 2 of this section detailing the specific relevant factors that made  
106 a particular arrangement in the best interest of the child. If a proposed custodial  
107 arrangement is rejected by the court, the court shall include a written finding in  
108 the judgment or order detailing the specific relevant factors resulting in the  
109 rejection of such arrangement.

110 7. Upon a finding by the court that either parent has refused to exchange  
111 information with the other parent, which shall include but not be limited to  
112 information concerning the health, education and welfare of the child, the court  
113 shall order the parent to comply immediately and to pay the prevailing party a  
114 sum equal to the prevailing party's cost associated with obtaining the requested  
115 information, which shall include but not be limited to reasonable attorney's fees  
116 and court costs.

117 8. As between the parents of a child, no preference may be given to either  
118 parent in the awarding of custody because of that parent's age, sex, or financial  
119 status, nor because of the age or sex of the child. The court shall not presume  
120 that a parent, solely because of his or her sex, is more qualified than the other  
121 parent to act as a joint or sole legal or physical custodian for the child.

122 9. Any judgment providing for custody shall include a specific written  
123 parenting plan setting forth the terms of such parenting plan arrangements  
124 specified in subsection 8 of section 452.310. Such plan may be a parenting plan  
125 submitted by the parties pursuant to section 452.310 or, in the absence thereof,  
126 a plan determined by the court, but in all cases, the custody plan approved and  
127 ordered by the court shall be in the court's discretion and shall be in the best  
128 interest of the child.

129 10. After August 28, 2016, every court order establishing or modifying  
130 custody or visitation shall include the following language: "In the event of  
131 noncompliance with this order, the aggrieved party may file a verified motion for

132 contempt. If custody, visitation, or third-party custody is denied or interfered  
133 with by a parent or third party without good cause, the aggrieved person may file  
134 a family access motion with the court stating the specific facts that constitute a  
135 violation of the custody provisions of the judgment of dissolution, legal  
136 separation, or judgment of paternity. The circuit clerk will provide the aggrieved  
137 party with an explanation of the procedures for filing a family access motion and  
138 a simple form for use in filing the family access motion. A family access motion  
139 does not require the assistance of legal counsel to prepare and file."

140         11. No court shall adopt any local rule, form, or practice requiring a  
141 standardized or default parenting plan for interim, temporary, or permanent  
142 orders or judgments. Notwithstanding any other provision **of law** to the  
143 contrary, a court may enter an interim order in a proceeding under this chapter,  
144 provided that the interim order shall not contain any provisions about child  
145 custody or a parenting schedule or plan without first providing the parties with  
146 notice and a hearing, unless the parties otherwise agree.

147         12. Unless a parent has been denied custody rights pursuant to this  
148 section or visitation rights under section 452.400, both parents shall have access  
149 to records and information pertaining to a minor child including, but not limited  
150 to, medical, dental, and school records. If the parent without custody has been  
151 granted restricted or supervised visitation because the court has found that the  
152 parent with custody or any child has been the victim of domestic violence, as  
153 defined in section 455.010, by the parent without custody, the court may order  
154 that the reports and records made available pursuant to this subsection not  
155 include the address of the parent with custody or the child. Unless a parent has  
156 been denied custody rights pursuant to this section or visitation rights under  
157 section 452.400, any judgment of dissolution or other applicable court order shall  
158 specifically allow both parents access to such records and reports.

159         13. Except as otherwise precluded by state or federal law, if any  
160 individual, professional, public or private institution or organization denies access  
161 or fails to provide or disclose any and all records and information, including, but  
162 not limited to, past and present dental, medical and school records pertaining to  
163 a minor child, to either parent upon the written request of such parent, the court  
164 shall, upon its finding that the individual, professional, public or private  
165 institution or organization denied such request without good cause, order that  
166 party to comply immediately with such request and to pay to the prevailing party  
167 all costs incurred, including, but not limited to, attorney's fees and court costs

168 associated with obtaining the requested information.

169           14. An award of joint custody does not preclude an award of child support  
170 pursuant to section 452.340 and applicable supreme court rules. The court shall  
171 consider the factors contained in section 452.340 and applicable supreme court  
172 rules in determining an amount reasonable or necessary for the support of the  
173 child.

174           15. If the court finds that domestic violence or abuse as defined in section  
175 455.010 has occurred, the court shall make specific findings of fact to show that  
176 the custody or visitation arrangement ordered by the court best protects the child  
177 and the parent or other family or household member who is the victim of domestic  
178 violence, as defined in section 455.010, and any other children for whom such  
179 parent has custodial or visitation rights from any further harm.

          452.400. 1. (1) A parent not granted custody of the child is entitled to  
2 reasonable visitation rights unless the court finds, after a hearing, that visitation  
3 would endanger the child's physical health or impair his or her emotional  
4 development. The court shall enter an order specifically detailing the visitation  
5 rights of the parent without physical custody rights to the child and any other  
6 children for whom such parent has custodial or visitation rights. In determining  
7 the granting of visitation rights, the court shall consider evidence of domestic  
8 violence. If the court finds that domestic violence has occurred, the court may  
9 find that granting visitation to the abusive party is in the best interests of the  
10 child.

11           (2) (a) The court shall not grant visitation to the parent not granted  
12 custody if such parent or any person residing with such parent has been found  
13 guilty of or pled guilty to any of the following offenses when a child was the  
14 victim:

15           a. A felony violation of section 566.030, 566.032, 566.031, 566.060,  
16 566.062, 566.064, 566.067, 566.068, 566.061, 566.083, 566.101, 566.100, 566.111,  
17 566.151, 566.203, 566.206, 566.209, **566.210**, 566.211, or 566.215;

18           b. A violation of section 568.020;

19           c. A violation of subdivision (2) of subsection 1 of section 568.060;

20           d. A violation of section 568.065;

21           e. A violation of section 573.200;

22           f. A violation of section 573.205; or

23           g. A violation of section 568.175.

24           (b) For all other violations of offenses in chapters 566 and 568 not



25 specifically listed in paragraph (a) of this subdivision or for a violation of an  
26 offense committed in another state when a child is the victim that would be a  
27 violation of chapter 566 or 568 if committed in Missouri, the court may exercise  
28 its discretion in granting visitation to a parent not granted custody if such parent  
29 or any person residing with such parent has been found guilty of, or pled guilty  
30 to, any such offense.

31 (3) The court shall consider the parent's history of inflicting, or tendency  
32 to inflict, physical harm, bodily injury, assault, or the fear of physical harm,  
33 bodily injury, or assault on other persons and shall grant visitation in a manner  
34 that best protects the child and the parent or other family or household member  
35 who is the victim of domestic violence, and any other children for whom the  
36 parent has custodial or visitation rights from any further harm.

37 (4) The court, if requested by a party, shall make specific findings of fact  
38 to show that the visitation arrangements made by the court best protect the child  
39 or the parent or other family or household member who is the victim of domestic  
40 violence, or any other child for whom the parent has custodial or visitation rights  
41 from any further harm.

42 2. (1) The court may modify an order granting or denying visitation rights  
43 whenever modification would serve the best interests of the child, but the court  
44 shall not restrict a parent's visitation rights unless it finds that the visitation  
45 would endanger the child's physical health or impair his or her emotional  
46 development.

47 (2) (a) In any proceeding modifying visitation rights, the court shall not  
48 grant unsupervised visitation to a parent if the parent or any person residing  
49 with such parent has been found guilty of or pled guilty to any of the following  
50 offenses when a child was the victim:

51 a. A felony violation of section 566.030, 566.032, 566.031, 566.060,  
52 566.062, 566.064, 566.067, 566.068, 566.061, 566.083, 566.101, 566.100, 566.111,  
53 566.151, 566.203, 566.206, 566.209, **566.210**, 566.211, or 566.215;

54 b. A violation of section 568.020;

55 c. A violation of subdivision (2) of subsection 1 of section 568.060;

56 d. A violation of section 568.065;

57 e. A violation of section 573.200;

58 f. A violation of section 573.205; or

59 g. A violation of section 568.175.

60 (b) For all other violations of offenses in chapters 566 and 568 not

61 specifically listed in paragraph (a) of this subdivision or for a violation of an  
62 offense committed in another state when a child is the victim that would be a  
63 violation of chapter 566 or 568 if committed in Missouri, the division may exercise  
64 its discretion regarding the placement of a child taken into the custody of the  
65 state in which a parent or any person residing in the home has been found guilty  
66 of, or pled guilty to, any such offense.

67 (3) When a court restricts a parent's visitation rights or when a court  
68 orders supervised visitation because of allegations of abuse or domestic violence,  
69 a showing of proof of treatment and rehabilitation shall be made to the court  
70 before unsupervised visitation may be ordered.  
71 "Supervised visitation", as used in this section, is visitation which takes place in  
72 the presence of a responsible adult appointed by the court for the protection of the  
73 child.

74 3. The court shall mandate compliance with its order by all parties to the  
75 action, including parents, children and third parties. In the event of  
76 noncompliance, the aggrieved person may file a verified motion for contempt. If  
77 custody, visitation or third-party custody is denied or interfered with by a parent  
78 or third party without good cause, the aggrieved person may file a family access  
79 motion with the court stating the specific facts which constitute a violation of the  
80 judgment of dissolution, legal separation or judgment of paternity. The state  
81 courts administrator shall develop a simple form for pro se motions to the  
82 aggrieved person, which shall be provided to the person by the circuit  
83 clerk. Clerks, under the supervision of a circuit clerk, shall explain to aggrieved  
84 parties the procedures for filing the form. Notice of the fact that clerks will  
85 provide such assistance shall be conspicuously posted in the clerk's offices. The  
86 location of the office where the family access motion may be filed shall be  
87 conspicuously posted in the court building. The performance of duties described  
88 in this section shall not constitute the practice of law as defined in section  
89 484.010. Such form for pro se motions shall not require the assistance of legal  
90 counsel to prepare and file. The cost of filing the motion shall be the standard  
91 court costs otherwise due for instituting a civil action in the circuit court.

92 4. Within five court days after the filing of the family access motion  
93 pursuant to subsection 3 of this section, the clerk of the court shall issue a  
94 summons pursuant to applicable state law, and applicable local or supreme court  
95 rules. A copy of the motion shall be personally served upon the respondent by  
96 personal process server as provided by law or by any sheriff. Such service shall

97 be served at the earliest time and shall take priority over service in other civil  
98 actions, except those of an emergency nature or those filed pursuant to chapter  
99 455. The motion shall contain the following statement in boldface type:

100 "PURSUANT TO SECTION 452.400, RSMO, YOU ARE REQUIRED TO  
101 RESPOND TO THE CIRCUIT CLERK WITHIN TEN DAYS OF THE DATE OF  
102 SERVICE. FAILURE TO RESPOND TO THE CIRCUIT CLERK MAY RESULT  
103 IN THE FOLLOWING:

104 (1) AN ORDER FOR A COMPENSATORY PERIOD OF CUSTODY,  
105 VISITATION OR THIRD-PARTY CUSTODY AT A TIME CONVENIENT FOR  
106 THE AGGRIEVED PARTY NOT LESS THAN THE PERIOD OF TIME DENIED;

107 (2) PARTICIPATION BY THE VIOLATOR IN COUNSELING TO  
108 EDUCATE THE VIOLATOR ABOUT THE IMPORTANCE OF PROVIDING THE  
109 CHILD WITH A CONTINUING AND MEANINGFUL RELATIONSHIP WITH  
110 BOTH PARENTS;

111 (3) ASSESSMENT OF A FINE OF UP TO FIVE HUNDRED DOLLARS  
112 AGAINST THE VIOLATOR;

113 (4) REQUIRING THE VIOLATOR TO POST BOND OR SECURITY TO  
114 ENSURE FUTURE COMPLIANCE WITH THE COURT'S ORDERS;

115 (5) ORDERING THE VIOLATOR TO PAY THE COST OF  
116 COUNSELING TO REESTABLISH THE PARENT-CHILD RELATIONSHIP  
117 BETWEEN THE AGGRIEVED PARTY AND THE CHILD; AND

118 (6) A JUDGMENT IN AN AMOUNT NOT LESS THAN THE  
119 REASONABLE EXPENSES, INCLUDING ATTORNEY'S FEES AND COURT  
120 COSTS ACTUALLY INCURRED BY THE AGGRIEVED PARTY AS A RESULT  
121 OF THE DENIAL OF CUSTODY, VISITATION OR THIRD-PARTY CUSTODY."

122 5. If an alternative dispute resolution program is available pursuant to  
123 section 452.372, the clerk shall also provide information to all parties on the  
124 availability of any such services, and within fourteen days of the date of service,  
125 the court may schedule alternative dispute resolution.

126 6. Upon a finding by the court pursuant to a motion for a family access  
127 order or a motion for contempt that its order for custody, visitation or third-party  
128 custody has not been complied with, without good cause, the court shall order a  
129 remedy, which may include, but not be limited to:

130 (1) A compensatory period of visitation, custody or third-party custody at  
131 a time convenient for the aggrieved party not less than the period of time denied;

132 (2) Participation by the violator in counseling to educate the violator

133 about the importance of providing the child with a continuing and meaningful  
134 relationship with both parents;

135 (3) Assessment of a fine of up to five hundred dollars against the violator  
136 payable to the aggrieved party;

137 (4) Requiring the violator to post bond or security to ensure future  
138 compliance with the court's access orders; and

139 (5) Ordering the violator to pay the cost of counseling to reestablish the  
140 parent-child relationship between the aggrieved party and the child.

141 7. The court shall consider, in a proceeding to enforce or modify a  
142 permanent custody or visitation order or judgment, a party's violation, without  
143 good cause, of a provision of the parenting plan, for the purpose of determining  
144 that party's ability and willingness to allow the child frequent and meaningful  
145 contact with the other party.

146 8. The reasonable expenses incurred as a result of denial or interference  
147 with custody or visitation, including attorney's fees and costs of a proceeding to  
148 enforce visitation rights, custody or third-party custody, shall be assessed, if  
149 requested and for good cause, against the parent or party who unreasonably  
150 denies or interferes with visitation, custody or third-party custody. In addition,  
151 the court may utilize any and all powers relating to contempt conferred on it by  
152 law or rule of the Missouri supreme court.

153 9. Final disposition of a motion for a family access order filed pursuant  
154 to this section shall take place not more than sixty days after the service of such  
155 motion, unless waived by the parties or determined to be in the best interest of  
156 the child. Final disposition shall not include appellate review.

157 10. Motions filed pursuant to this section shall not be deemed an  
158 independent civil action from the original action pursuant to which the judgment  
159 or order sought to be enforced was entered.

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