

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 1550, Page 5, Section 452.375, Line 147,
2 by inserting immediately after said line the following:

3 "452.414. 1. Upon motion of a relative or family member of an incarcerated parent who
4 has an order or judgment of the court granting to such incarcerated parent temporary custody or
5 visitation with such incarcerated parent's minor child or children, the court may delegate an
6 incarcerated parent's temporary custody or visitation rights, or a portion of such rights, to a relative
7 or family member of such incarcerated person with a close and substantial relationship to the
8 incarcerated parent's minor child or children for the duration of the incarcerated parent's
9 incarceration if it is in the best interest of the child.

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

11 (1) Create an entitlement or standing for a relative or family member to assert separate
12 rights to temporary custody or visitation or entitlement to temporary custody or visitation for any
13 person other than the custodial parent or guardian and shall terminate by operation of law upon the
14 end of the parent's incarceration; or

15 (2) Authorize the person or persons to whom delegated temporary custody or visitation
16 rights have been granted to transport the incarcerated parent's child or children for visitation with
17 the incarcerated parent without the prior consent of the custodial parent or guardian of the child who
18 is not incarcerated.

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

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

26 (1) Has a history of perpetrating domestic violence against a spouse, child, or a domestic
27 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 or family
31 member; or

32 (5) Any other documented incidents of child abuse or neglect have been documented against
33 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 have full
35 legal standing to enforce such rights."; and

36

Standing Action Taken _____ Date _____

Select Action Taken _____ Date _____

- 1 Further amend said bill by amending the title, enacting clause, and intersectional references
- 2 accordingly.