

FIRST REGULAR SESSION

[PERFECTED]

SENATE SUBSTITUTE FOR

SENATE BILL NO. 213

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR BECK.

0088S.02P

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 210.841 and 211.221, RSMo, and to enact in lieu thereof two new sections relating to child placement.

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

Section A. Sections 210.841 and 211.221, RSMo, are
2 repealed and two new sections enacted in lieu thereof, to be
3 known as sections 210.841 and 211.221, to read as follows:

210.841. 1. The judgment or order of the court
2 determining the existence or nonexistence of the parent and
3 child relationship is determinative for all purposes.

4 2. If the judgment or order of the court varies with
5 the child's birth certificate, the court shall order that an
6 amended birth registration be made pursuant to section
7 210.849.

8 3. The judgment or order shall contain the Social
9 Security number of each party and may contain any other
10 provision directed against the appropriate party to the
11 proceeding concerning:

- 12 (1) The duty of support;
13 (2) The custody and guardianship of the child;
14 (3) Visitation privileges with the child;

15 (4) The furnishing of bond or other security for the
16 payment of the judgment; or

17 (5) Any matter in the best interest of the child. The
18 judgment or order may direct the father to pay the
19 reasonable expenses of the mother's pregnancy and
20 confinement.

21 4. Support judgments or orders ordinarily shall be for
22 periodic payments. In the best interests of the child, a
23 lump sum payment or the purchase of an annuity may be
24 ordered in lieu of periodic payments of support. The court
25 may limit the father's liability for past support of the
26 child to the proportion of the expenses already incurred
27 that the court deems just.

28 5. There shall be a rebuttable presumption that the
29 amount of support that would result from the application of
30 supreme court rule 88.01 is the correct amount of child
31 support to be awarded. A written finding or specific
32 finding on the record that the application of supreme court
33 rule 88.01 would be unjust or inappropriate in a particular
34 case, after considering all relevant factors including the
35 factors in subsection 6 of this section, shall be sufficient
36 to rebut the presumption in the case.

37 6. In determining the amount to be paid by a parent
38 for support of the child and the period during which the
39 duty of support is owed, the court shall consider all
40 relevant facts, including:

41 (1) The needs of the child;

42 (2) The standard of living and circumstances of the
43 parents;

44 (3) The relative financial means of the parents;

45 (4) The earning ability of the parents;

46 (5) The need and capacity of the child for education,
47 including higher education;

48 (6) The age of the child;

49 (7) The financial resources and earning capacity of
50 the child;

51 (8) The responsibility of the parents for the support
52 of other children;

53 (9) The value of the services contributed by the
54 custodial parent; and

55 (10) The standard of living and circumstances of the
56 family prior to the dissolution of marriage of parents or
57 during the period of cohabitation of the parents.

58 7. Any award for periodic child support may be
59 retroactive to the date of service of the original petition
60 upon the obligor.

61 **8. The court shall apply the provisions of subsection**
62 **3 of section 452.375 when determining whether a party shall**
63 **have custody, guardianship, or unsupervised visitation of a**
64 **child under this section.**

211.221. In placing a child in or committing a child
2 to the custody of an individual or of a private agency or
3 institution, the court, **children's division, or any child-**
4 **placing agency contracting with the state to provide foster**
5 **care services** shall, whenever practicable, select either a
6 person, or an agency or institution governed by persons of
7 the same religious faith as that of the parents of such
8 child, or in case of a difference in the religious faith of
9 the parents, then of the religious faith of the child or if
10 the religious faith of the child is not ascertainable, then
11 of the faith of either of the parents.

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