

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 106

97TH GENERAL ASSEMBLY

2013

0576S.03T

AN ACT

To repeal sections 8.012 and 253.048, RSMo, and to enact in lieu thereof six new sections relating to current and former military personnel.

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

Section A. Sections 8.012 and 253.048, RSMo, are repealed and six new
2 sections enacted in lieu thereof, to be known as sections 8.012, 173.1158, 192.360,
3 253.048, 324.007, and 452.413, to read as follows:

8.012. At all state buildings and upon the grounds thereof, the board of
2 public buildings may accompany the display of the flag of the United States and
3 the flag of this state with the display of the POW/MIA flag, which is designed to
4 commemorate the service and sacrifice of the members of the Armed Forces of the
5 United States who were prisoners of war or missing in action **and with the**
6 **display of the Honor and Remember flag as an official recognition and**
7 **in honor of fallen members of the armed forces of the United States.**

173.1158. 1. **By no later than January 1, 2014, the coordinating**
2 **board for higher education shall adopt a policy requiring every public**
3 **institution of postsecondary education, including but not limited to**
4 **every public university, college, vocational and technical school, in this**
5 **state to award educational credits to a student enrolled in a**
6 **postsecondary education institution, who is also a veteran, for courses**
7 **that are part of the student's military training or service, that meet the**
8 **standards of the American Council on Education or equivalent**
9 **standards for awarding academic credit, and that are determined by**
10 **the academic department or appropriate faculty of the awarding**
11 **institution to be equivalent in content or experience to courses at that**
12 **institution. All credit that is deemed acceptable must meet the scope**

13 and mission of the awarding institution.

14 2. Beginning with the 2014-2015 academic year and for every
15 academic year thereafter, the department of higher education and
16 every governing body of a public institution of postsecondary education
17 in this state shall adopt necessary rules and procedures to implement
18 the provisions of this section. Any rule or portion of a rule, as that
19 term is defined in section 536.010, that is created under the authority
20 delegated in this section shall become effective only if it complies with
21 and is subject to all of the provisions of chapter 536 and, if applicable,
22 section 536.028. This section and chapter 536 are nonseverable and if
23 any of the powers vested with the general assembly pursuant to chapter
24 536 to review, to delay the effective date, or to disapprove and annul a
25 rule are subsequently held unconstitutional, then the grant of
26 rulemaking authority and any rule proposed or adopted after August
27 28, 2013, shall be invalid and void.

 192.360. 1. Notwithstanding any other provision of law to the
2 contrary, the department of health and senior services and the
3 department of insurance, financial institutions and professional
4 registration shall require every health-related professional licensing
5 board to establish a procedure to ensure any member of the United
6 States armed forces on active duty who, at the time of activation, was
7 a member in good standing with any professional licensing body in this
8 state and was licensed or certified to engage in his or her profession or
9 vocation in this state shall be kept in good standing by the professional
10 licensing body with which he or she is licensed or certified.

11 2. While a licensee or certificate holder is an active duty member
12 of the United States armed forces, the license or certificate referenced
13 in subsection 1 of this section shall be renewed without:

14 (1) The payment of dues or fees;

15 (2) Obtaining continuing education credits when:

16 (a) Circumstances associated with military duty prevent
17 obtaining such training and a waiver request has been submitted to the
18 appropriate licensing body; or

19 (b) The military member, while on active duty, performs the
20 licensed or certified occupation as part of his or her military duties as
21 annotated in Defense Department form 214 (DD 214); or

22 (c) Performing any other act typically required for the renewal

23 of the license or certificate.

24 **3. The license or certificate issued under this section shall be**
25 **continued as long as the licensee or certificate holder is a member of**
26 **the United States armed forces on active duty and for a period of at**
27 **least six months after being released from active duty.**

253.048. Within the state parks, the department may accompany the
2 display of the flag of the United States and the flag of this state with the display
3 of the MIA/POW flag, which is designed to commemorate the service and sacrifice
4 of members of the Armed Forces of the United States who were prisoners of war
5 or missing in action **and with the display of the Honor and Remember flag**
6 **as an official recognition and in honor of fallen members of the armed**
7 **forces of the United States.**

324.007. 1. By no later than January 1, 2014, every professional
2 licensing board or commission in this state shall, upon presentation of
3 satisfactory evidence by an applicant for certification or licensure,
4 accept education, training, or service completed by an individual who
5 is a member of the United States armed forces or reserves, the national
6 guard of any state, the military reserves of any state, or the naval
7 militia of any state toward the qualifications to receive the license or
8 certification.

9 **2. Every examination and professional licensing board in this**
10 **state shall adopt necessary procedures to implement the provisions of**
11 **this section.**

12 **3. The division of professional registration within the**
13 **department of insurance, financial institutions and professional**
14 **registration shall promulgate rules to implement this section. Any rule**
15 **or portion of a rule, as that term is defined in section 536.010, that is**
16 **created under the authority delegated in this section shall become**
17 **effective only if it complies with and is subject to all of the provisions**
18 **of chapter 536 and, if applicable, section 536.028. This section and**
19 **chapter 536 are nonseverable and if any of the powers vested with the**
20 **general assembly pursuant to chapter 536 to review, to delay the**
21 **effective date, or to disapprove and annul a rule are subsequently held**
22 **unconstitutional, then the grant of rulemaking authority and any rule**
23 **proposed or adopted after August 28, 2013, shall be invalid and void.**

452.413. 1. As used in this section, the following terms shall
2 mean:

3 (1) "Deploying parent", a parent of a child less than eighteen
4 years of age whose parental rights have not been terminated by a court
5 of competent jurisdiction or a guardian of a child less than eighteen
6 years of age who is deployed or who has received written orders to
7 deploy with the United States Army, Navy, Air Force, Marine Corps,
8 Coast Guard, National Guard, or any other reserve component thereof;

9 (2) "Deployment", military service in compliance with military
10 orders received by a member of the United States Army, Navy, Air
11 Force, Marine Corps, Coast Guard, National Guard, or any other
12 reserve component thereof to report for combat operations,
13 contingency operations, peacekeeping operations, temporary duty
14 (TDY), a remote tour of duty, or other service for which the deploying
15 parent is required to report unaccompanied by any family
16 member. Military service includes a period during which a military
17 parent remains subject to deployment orders and remains deployed on
18 account of sickness, wounds, leave, or other lawful cause;

19 (3) "Military parent", a parent of a child less than eighteen years
20 of age whose parental rights have not been terminated by a court of
21 competent jurisdiction or a guardian of a child less than eighteen years
22 of age who is a service member of the United States Army, Navy, Air
23 Force, Marine Corps, Coast Guard, National Guard, or any other
24 reserve component thereof;

25 (4) "Nondeploying parent", a parent or guardian not subject to
26 deployment.

27 2. If a military parent is required to be separated from a child
28 due to deployment, a court shall not enter a final order modifying the
29 terms establishing custody or visitation contained in an existing order
30 until ninety days after the deployment ends unless there is a written
31 agreement by both parties.

32 3. In accordance with section 452.412, deployment or the
33 potential for future deployment shall not be the sole factor supporting
34 a change in circumstances or grounds sufficient to support a
35 permanent modification of the custody or visitation terms established
36 in an existing order.

37 4. (1) An existing order establishing the terms of custody or
38 visitation in place at the time a military parent is deployed may be
39 temporarily modified to make reasonable accommodation for the

40 parties due to the deployment.

41 (2) A temporary modification order issued under this section
42 shall provide that the deploying parent shall have custody of the child
43 or reasonable visitation, whichever is applicable under the original
44 order, during a period of leave granted to the deploying parent, unless
45 it is not in the best interest of the child.

46 (3) Any court order modifying a previously ordered custody or
47 visitation due to deployment shall specify that the deployment is the
48 basis for the order and shall be entered by the court as a temporary
49 order.

50 (4) Any such temporary custody or visitation order shall require
51 the nondeploying parent to provide the court and the deploying parent
52 with written notice of the nondeploying parent's address and telephone
53 number, and update such information within seven days of any
54 change. However, if a valid order of protection under chapter 455 from
55 this or another jurisdiction is in effect that requires that the address
56 or contact information of the parent who is not deployed be kept
57 confidential, the notification shall be made to the court only, and a
58 copy of the order shall be included in the notification. Nothing in this
59 subdivision shall be construed to eliminate the requirements under
60 section 452.377.

61 (5) Upon motion of a deploying parent, with reasonable advance
62 notice and for good cause shown, the court shall hold an expedited
63 hearing in any custody or visitation matters instituted under this
64 section when the military duties of the deploying parent have a
65 material effect on his or her ability or anticipated ability to appear in
66 person at a regularly scheduled hearing.

67 5. (1) A temporary modification of such an order automatically
68 ends no later than thirty days after the return of the deploying parent
69 and the original terms of the custody or visitation order in place at the
70 time of deployment are automatically reinstated.

71 (2) Nothing in this section shall limit the power of the court to
72 conduct an expedited or emergency hearing regarding custody or
73 visitation upon return of the deploying parent, and the court shall do
74 so within ten days of the filing of a motion alleging an immediate
75 danger or irreparable harm to the child.

76 (3) The nondeploying parent shall bear the burden of showing

77 that reentry of the custody or visitation order in effect before the
78 deployment is no longer in the child's best interests. The court shall set
79 any nonemergency motion by the nondeploying parent for hearing
80 within thirty days of the filing of the motion.

81 **6. (1) Upon motion of the deploying parent or upon motion of a**
82 **family member of the deploying parent with his or her consent, the**
83 **court may delegate his or her visitation rights, or a portion of such**
84 **rights, to a family member with a close and substantial relationship to**
85 **the minor child or children for the duration of the deployment if it is**
86 **in the best interest of the child.**

87 **(2) Such delegated visitation time or access does not create an**
88 **entitlement or standing to assert separate rights to parent time or**
89 **access for any person other than a parent, and shall terminate by**
90 **operation of law upon the end of the deployment, as set forth in this**
91 **section.**

92 **(3) Such delegated visitation time shall not exceed the visitation**
93 **time granted to the deploying parent under the existing order; except**
94 **that, the court may take into consideration the travel time necessary**
95 **to transport the child for such delegated visitation time.**

96 **(4) In addition, there is a rebuttable presumption that a deployed**
97 **parent's visitation rights shall not be delegated to a family member who**
98 **has a history of perpetrating domestic violence as defined under**
99 **section 455.010 against another family or household member, or**
100 **delegated to a family member with an individual in the family**
101 **member's household who has a history of perpetrating domestic**
102 **violence against another family or household member.**

103 **(5) The person or persons to whom delegated visitation time has**
104 **been granted shall have full legal standing to enforce such rights.**

105 **7. Upon motion of a deploying parent and upon reasonable**
106 **advance notice and for good cause shown, the court shall permit such**
107 **parent to present testimony and evidence by affidavit or electronic**
108 **means in support, custody, and visitation matters instituted under this**
109 **section when the military duties of such parent have a material effect**
110 **on his or her ability to appear in person at a regularly scheduled**
111 **hearing. Electronic means includes communication by telephone, video**
112 **conference, or the internet.**

113 **8. Any order entered under this section shall require that the**

114 **nondeploying parent:**

115 (1) **Make the child or children reasonably available to the**
116 **deploying parent when the deploying parent has leave;**

117 (2) **Facilitate opportunities for telephonic and electronic mail**
118 **contact between the deploying parent and the child or children during**
119 **deployment; and**

120 (3) **Receive timely information regarding the deploying parent's**
121 **leave schedule.**

122 **9. (1) If there is no existing order establishing the terms of**
123 **custody and visitation and it appears that deployment is imminent,**
124 **upon the filing of initial pleadings and motion by either parent, the**
125 **court shall expedite a hearing to establish temporary custody or**
126 **visitation to ensure the deploying parent has access to the child, to**
127 **ensure disclosure of information, to grant other rights and duties set**
128 **forth in this section, and to provide other appropriate relief.**

129 (2) **Any initial pleading filed to establish custody or visitation for**
130 **a child of a deploying parent shall be so identified at the time of filing**
131 **by stating in the text of the pleading the specific facts related to**
132 **deployment.**

133 **10. (1) Since military necessity may preclude court adjudication**
134 **before deployment, the parties shall cooperate with each other in an**
135 **effort to reach a mutually agreeable resolution of custody, visitation,**
136 **and child support.**

137 (2) **A deploying parent shall provide a copy of his or her orders**
138 **to the nondeploying parent promptly and without delay prior to**
139 **deployment. Notification shall be made within ten days of receipt of**
140 **deployment orders. If less than ten days notice is received by the**
141 **deploying parent, notice shall be given immediately upon receipt of**
142 **military orders. If all or part of the orders are classified or restricted**
143 **as to release, the deploying parent shall provide, under the terms of**
144 **this subdivision, all such nonclassified or nonrestricted information to**
145 **the nondeploying parent.**

146 **11. In an action brought under this chapter, whenever the court**
147 **declines to grant or extend a stay of proceedings under the**
148 **Servicemembers Civil Relief Act, 50 U.S.C. Appendix Sections 521-522,**
149 **and decides to proceed in the absence of the deployed parent, the court**
150 **shall appoint a guardian ad litem to represent the minor child's**

151 interests.

152 **12. Service of process on a nondeploying parent whose**
153 **whereabouts are unknown may be accomplished in accordance with the**
154 **provisions of section 506.160.**

155 **13. In determining whether a parent has failed to exercise**
156 **visitation rights, the court shall not count any time periods during**
157 **which the parent did not exercise visitation due to the material effect**
158 **of such parent's military duties on visitation time.**

159 **14. Once an order for custody has been entered in Missouri, any**
160 **absence of a child from this state during deployment shall be**
161 **denominated a temporary absence for the purposes of application of**
162 **the Uniform Child Custody Jurisdiction and Enforcement Act**
163 **(UCCJEA). For the duration of the deployment, Missouri shall retain**
164 **exclusive jurisdiction under the UCCJEA and deployment shall not be**
165 **used as a basis to assert inconvenience of the forum under the UCCJEA.**

166 **15. In making determinations under this section, the court may**
167 **award attorney's fees and costs based on the court's consideration of:**

168 **(1) The failure of either party to reasonably accommodate the**
169 **other party in custody or visitation matters related to a military**
170 **parent's service;**

171 **(2) Unreasonable delay caused by either party in resolving**
172 **custody or visitation related to a military parent's service;**

173 **(3) Failure of either party to timely provide military orders,**
174 **income, earnings, or payment information, housing or education**
175 **information, or physical location of the child to the other party; and**

176 **(4) Other factors as the court may consider appropriate and as**
177 **may be required by law.**

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