

# SENATE BILL NO. 878

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR BECK.

3472S.01H

KRISTINA MARTIN, Secretary

## AN ACT

To repeal section 210.841, RSMo, and to enact in lieu thereof one new section relating to child custody in paternity actions.

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

Section A. Section 210.841, RSMo, is repealed and one new  
2 section enacted in lieu thereof, to be known as section 210.841,  
3 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.**

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