



THE MISSOURI BAR

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DATE: April 28, 2009
TO: Representative Ward Franz
FROM: The Missouri Bar
RE: House Bill 403

Recently, The Missouri Bar Executive Committee met to review legislation. The Executive Committee consists of the officers of the bar and three additional members annually elected by the Board of Governors. The members of this year's committee are Thomas M. Burke, President; H.A. "Skip" Walther, President-Elect; John S. Johnston, Vice-President; Charlie J. Harris, Jr., Immediate Past-President; Carol Chazen Friedman; Patrick B. Starke; and Deanna K. Scott. The committee has authority to act on behalf of the Board of Governors during the legislative session. In reviewing legislation, the Executive Committee considers comments received from various Missouri Bar legislative review subcommittees. All positions taken by the Executive Committee are communicated to the full Board as soon as possible after they are taken.

Recently, The Missouri Bar Executive Committee reviewed House Bill 403, which would allow a court to take certain measures to protect a child if it determines that there is credible evidence of a potential risk of international abduction of the child by a parent. The Executive Committee found this legislation to be within the legislative scope of The Missouri Bar.

Following are three drafting suggestions received from bar members regarding House Bill 403:

"[I would suggest adding] two more provisions under Section 452.427.1: 6. A history of domestic violence or child abuse; and 7. Reacted angrily to [the] other parent's remarriage or romantic relationship." *Name undisclosed*

"It is not clear what 'certain measures' are. 'Abduction' is also not defined. It would be helpful if those issues were more clearly spelled out in the bill."
Judy Bordeau

"...[T]he drafters are well advised to review all aspects of the international Hague Convention Agreement (foreign jurisdiction and abduction) and the Federal Code (immigration). *Mary Lou Martin*

After reviewing the bill and the comments received, the Executive Committee voted to support the concept of House Bill 403.