



GOVERNOR OF MISSOURI

JEFFERSON CITY

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JEREMIAH W. (JAY) NIXON
GOVERNOR

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July 12, 2012

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Committee Substitute for House Committee Substitute for House Bill No. 1758 entitled:

AN ACT

To repeal section 453.005, RSMo, and to enact in lieu thereof two new sections relating to rights of persons with parental relationships.

I disapprove of Senate Committee Substitute for House Committee Substitute for House Bill No. 1758. My reasons for disapproval are as follows:

Senate Committee Substitute for House Committee Substitute for House Bill No. 1758 would extend visitation and custody rights to certain persons other than a child's natural parents when a "parent/child relationship" has been established. While present-day family dynamics might very well merit measured expansion in this area when it is in the best interests of a child, establishing a legal mechanism that overrides the objection of an otherwise fit and willing natural parent presents cause for further review.

The stated purpose of Senate Committee Substitute for House Committee Substitute for House Bill No. 1758 is commendable: "to protect the psychological, emotional, and physical well-being of Missouri children by ensuring continuing interaction between a minor child and those persons with whom the minor child shares a substantial bond . . ." This objective appropriately recognizes individuals who have assumed the role of parent for a meaningful period of time as well as the potential harm that can occur to the child if that relationship is severed. That said, given the breadth of circumstances that can give rise to a custody determination, which is backed by a well-settled body of law, this proposal would benefit from additional scrutiny so that it can achieve the end sought and avoid the hidden peril of all well-intended legislation – the unintended consequence.

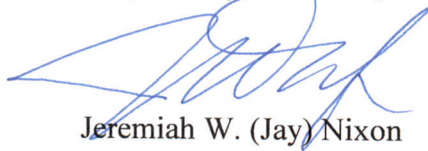
Adding to the need for continued study are the drafting missteps that are present within Senate Committee Substitute for House Committee Substitute for House Bill No. 1758. For one, while the bill gives a court the authority to impose a support obligation on a non-biological parent in the same manner as existing law, it fails to amend corresponding sections of law referencing the "parent and child relationship" so that the Department of Social Services, Family Support Division, can modify and terminate such orders. Moreover, Senate Committee Substitute for

House Committee Substitute for House Bill No. 1758 neglects to amend the criminal non-support statute so that those in a recognized “parent/child relationship” are subject to the same types of penalties as those levied against natural parents who fail to meet their support obligations. These oversights are more than just untidy drafting; because the standards and procedures for imposing support orders in Missouri are both clear and reliable, any inconsistency that is introduced could jeopardize the welfare of the very children the bill seeks to help.

To be sure, Senate Committee Substitute for House Committee Substitute for House Bill No. 1758 strikes at the confluence of two important policy objectives: the best interests of a child and the rights of natural parents. Therefore, it is critical that any adjustment made to that balance is delicately crafted to prevent unintended outcomes and avoid disturbing the existing process for administering support obligations.

In accordance with the above stated reasons for disapproval, I am returning Senate Committee Substitute for House Committee Substitute for House Bill No. 1758 without my approval.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jay Nixon", is written over the printed name.

Jeremiah W. (Jay) Nixon
Governor