

FIRST REGULAR SESSION

# HOUSE BILL NO. 287

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES DENISON (Sponsor), SATER AND ROORDA (Co-sponsors).

Read 1<sup>st</sup> time January 20, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0990L.011

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### AN ACT

To repeal sections 488.426 and 488.2300, RSMo, and to enact in lieu thereof two new sections relating to surcharges.

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

Section A. Sections 488.426 and 488.2300, RSMo, are repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 488.426 and 488.2300, to read as follows:

488.426. 1. The judges of the circuit court, en banc, in any circuit in this state may  
2 require any party filing a civil case in the circuit court, at the time of filing the suit, to deposit  
3 with the clerk of the court a surcharge in addition to all other deposits required by law or court  
4 rule. Sections 488.426 to 488.432 shall not apply to proceedings when costs are waived or are  
5 to be paid by the county or state or any city.

6 2. The surcharge in effect on August 28, 2001, shall remain in effect until changed by  
7 the circuit court. The circuit court in any circuit, except the circuit court in Jackson County **and**  
8 **Greene County**, may change the fee to any amount not to exceed fifteen dollars. The circuit  
9 court in Jackson County **and Greene County** may change the fee to any amount not to exceed  
10 twenty dollars. A change in the fee shall become effective and remain in effect until further  
11 changed.

12 3. Sections 488.426 to 488.432 shall not apply to proceedings when costs are waived or  
13 are paid by the county or state or any city.

14 4. In addition to any fee authorized by subsection 1 of this section, any county of the first  
15 classification with more than ninety-three thousand eight hundred but less than ninety-three  
16 thousand nine hundred inhabitants may impose an additional fee of ten dollars excluding cases

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 concerning adoption and those in small claims court.

488.2300. 1. A "Family Services and Justice Fund" is hereby established in each county  
2 or circuit with a family court, for the purpose of aiding with the operation of the family court  
3 divisions and services provided by those divisions. In circuits or counties having a family court,  
4 the circuit clerk shall charge and collect a surcharge of [thirty] **forty** dollars in all proceedings  
5 falling within the jurisdiction of the family court. The surcharge shall not be charged when no  
6 court costs are otherwise required, shall not be charged against the petitioner for actions filed  
7 pursuant to the provisions of chapter 455, RSMo, but may be charged to the respondent in such  
8 actions, shall not be charged to a government agency and shall not be charged in any proceeding  
9 when costs are waived or are to be paid by the state, county or municipality.

10 2. In juvenile proceedings under chapter 211, RSMo, a judgment of up to thirty dollars  
11 may be assessed against the child, parent or custodian of the child, in addition to other amounts  
12 authorized by law, in informal adjustments made under the provisions of sections 211.081 and  
13 211.083, RSMo, and in an order of disposition or treatment under the provisions of section  
14 211.181, RSMo. The judgment may be ordered paid to the clerk of the circuit where the  
15 assessment is imposed.

16 3. All sums collected pursuant to this section and section 487.140, RSMo, shall be  
17 payable to the various county family services and justice funds.

18 4. Any moneys in the family services and justice fund not expended for salaries of  
19 commissioners, family court administrators and family court staff shall be used toward funding  
20 the enhanced services provided as a result of the establishment of a family court; however, it  
21 shall not replace or reduce the current and ongoing responsibilities of the counties to provide  
22 funding for the courts as required by law. Moneys collected for the family services and justice  
23 fund shall be expended for the benefit of litigants and recipients of services in the family court,  
24 with priority given to services such as mediation, counseling, home studies, psychological  
25 evaluation and other forms of alternative dispute-resolution services. Expenditures shall be  
26 made at the discretion of the presiding judge or family court administrative judge, as designated  
27 by the circuit and associate circuit judges en banc, for the implementation of the family court  
28 system as set forth in this section. No moneys from the family services and justice fund may be  
29 used to pay for mediation in any cause of action in which domestic violence is alleged.

30 5. From the funds collected pursuant to this section and retained in the family services  
31 and justice fund, each circuit or county in which a family court commissioner in addition to those  
32 commissioners existing as juvenile court commissioners on August 28, 1993, have been  
33 appointed pursuant to sections 487.020 to 487.040, RSMo, shall pay to and reimburse the state  
34 for the actual costs of that portion of the salaries of family court commissioners appointed  
35 pursuant to the provisions of sections 487.020 to 487.040, RSMo.

36           6. No moneys deposited in the family services and justice fund may be expended for  
37 capital improvements.