

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 192
94TH GENERAL ASSEMBLY

Reported from the Special Committee on Family Services February 15, 2007 with recommendation that House Committee Substitute for House Bill No. 192 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

0946L.02C

AN ACT

To repeal sections 488.429 and 488.2300, RSMo, and to enact in lieu thereof four new sections relating to guardians ad litem.

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

Section A. Sections 488.429 and 488.2300, RSMo, are repealed and four new sections
2 enacted in lieu thereof, to be known as sections 488.429, 488.1015, 488.2300, and 488.2305, to
3 read as follows:

488.429. 1. Moneys collected pursuant to section 488.426 shall be payable to the judges
2 of the circuit court, en banc, of the county from which such surcharges were collected, or to such
3 person as is designated by local circuit court rule as treasurer of said fund, and said fund shall
4 be applied and expended under the direction and order of the judges of the circuit court, en banc,
5 of any such county for the maintenance and upkeep of the law library maintained by the bar
6 association in any such county, or such other law library in any such county as may be designated
7 by the judges of the circuit court, en banc, of any such county; provided, that the judges of the
8 circuit court, en banc, of any such county, and the officers of all courts of record of any such
9 county, shall be entitled at all reasonable times to use the library to the support of which said
10 funds are applied.

11 2. In addition, such fund may also be applied and expended for that county's or circuit's
12 family services and justice fund **or a guardian ad litem fund in those counties that have not**
13 **adopted a family court or family court division.**

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.

14 3. In any county, other than a county on the nonpartisan court plan, such fund may also
15 be applied and expended for courtroom renovation and technology enhancement, or for debt
16 service on county bonds for such renovation or enhancement projects.

**488.1015. In addition to any other court costs required in any probate proceeding
2 brought under chapter 473, 474, or 475, RSMo, a surcharge of twenty-five dollars shall be
3 imposed for the purpose of compensating guardians ad litem appointed by the court in
4 probate proceedings; except that:**

5 **(1) For estates where the net value of the assets of the estate is two hundred fifty
6 thousand dollars or more but less than five hundred thousand dollars, the amount of the
7 surcharge may be increased up to fifty dollars; and**

8 **(2) For estates where the net value of the assets of the estate is five hundred
9 thousand dollars or more, the surcharge shall be one hundred dollars.**

10
11 **The moneys collected under this section shall be deposited in a fund of the probate court
12 to be designated as the "Guardian Ad Litem Fund".**

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 dollars in all proceedings falling
5 within the jurisdiction of the family court. The surcharge shall not be charged when no court
6 costs are otherwise required, shall not be charged against the petitioner for actions filed pursuant
7 to the provisions of chapter 455, RSMo, but may be charged to the respondent in such actions,
8 shall not be charged to a government agency and shall not be charged in any proceeding when
9 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 **guardians ad litem, child advocates, informal**
25 **probation services**, mediation, counseling, home studies, psychological evaluation and other
26 forms of alternative dispute-resolution services. Expenditures shall be made at the discretion of
27 the presiding judge or family court administrative judge, as designated by the circuit and
28 associate circuit judges en banc, for the implementation of the family court system as set forth
29 in this section. No moneys from the family services and justice fund may be used to pay for
30 mediation in any cause of action in which domestic violence is alleged.

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

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

488.2305. 1. Notwithstanding any other provision of law, any circuit court that
2 **does not have a family court or a family court division may assess a surcharge not to exceed**
3 **thirty dollars for each domestic relations case filed. Such surcharge shall be deposited in**
4 **a fund of the circuit court to be known as the "Guardian Ad Litem Fund". The moneys**
5 **in the fund shall be used exclusively for the payment of guardian ad litem fees and**
6 **expenses.**

7 **2. As used in this section, "domestic relations case" includes all actions brought**
8 **under chapter 452, RSMo, including contempt of court proceedings, and adoption**
9 **proceedings under chapter 453, RSMo.**

10 **3. The amount of the surcharge shall be thirty dollars for each case unless the**
11 **circuit court at its annual en banc meeting sets a different amount. Upon establishment**
12 **of the amount of the surcharge, the amount of the surcharge shall remain in effect until**
13 **changed by the court.**

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