

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1570
94TH GENERAL ASSEMBLY

3143S.03T

2008

AN ACT

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

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

Section A. Section 488.2300, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 484.302 and 488.2300, to read as follows:

484.302. Recognizing that Missouri children have a right to adequate and effective representation in child welfare cases, the September 17, 1996, Missouri supreme court standards for representation by guardians ad litem shall be adopted statewide and each circuit shall devise a plan for implementation which takes into account the individual needs of their circuit as well as the negative impact that excessive caseloads have upon effectiveness of counsel. These plans shall be approved by the supreme court en banc and fully implemented by July 1, 2011.

488.2300. 1. A "Family Services and Justice Fund" is hereby established in each county or circuit with a family court, for the purpose of aiding with the operation of the family court divisions and services provided by those divisions. In circuits or counties having a family court, the circuit clerk shall charge and collect a surcharge of thirty dollars in all proceedings falling within the jurisdiction of the family court. The surcharge shall not be charged when no court costs are otherwise required, shall not be charged against the petitioner for actions filed pursuant to the provisions of chapter 455, RSMo, but may be charged to the respondent in such actions,

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.

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**, mediation, counseling, home studies,
25 psychological evaluation and other forms of alternative dispute-resolution services.
26 Expenditures shall be made at the discretion of the presiding judge or family court administrative
27 judge, as designated by the circuit and associate circuit judges en banc, for the implementation
28 of the family court system as set forth in this section. No moneys from the family services and
29 justice fund may be used to pay for mediation in any cause of action in which domestic violence
30 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.

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