

FIRST REGULAR SESSION  
[CORRECTED]  
[TRULY AGREED TO AND FINALLY PASSED]  
SENATE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 481**  
**95TH GENERAL ASSEMBLY**

0946S.04T

2009

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**AN ACT**

To repeal sections 41.950, 60.010, 82.300, 84.150, 84.175, 141.160, 208.040, 208.055, 217.450, 217.460, 229.110, 347.179, 347.183, 351.047, 351.120, 351.125, 351.127, 351.145, 351.155, 351.484, 351.592, 351.594, 351.598, 351.602, 351.690, 355.016, 355.021, 355.066, 355.071, 355.151, 355.176, 355.688, 355.706, 355.796, 355.806, 355.811, 355.821, 355.856, 356.211, 359.681, 452.305, 452.310, 452.312, 452.343, 452.423, 452.440, 452.445, 452.450, 452.455, 452.460, 452.465, 452.470, 452.475, 452.480, 452.485, 452.490, 452.495, 452.500, 452.505, 452.510, 452.515, 452.520, 452.525, 452.530, 452.535, 452.540, 452.545, 452.550, 454.500, 455.010, 473.743, 476.415, 485.077, 516.200, 517.041, 535.030, 535.120, 545.050, 550.050, 550.070, 550.080, 550.090, 561.031, 537.610, 630.407, and 650.055, RSMo, section 454.516 as enacted by conference committee substitute for house substitute for house committee substitute for senate bill no. 895, ninety-first general assembly, second regular session, and to enact in lieu thereof one hundred twenty-five new sections relating to courts and judicial proceedings, with penalty provisions.

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

Section A. Sections 41.950, 60.010, 82.300, 84.150, 84.175, 141.160, 208.040, 208.055,  
2 217.450, 217.460, 229.110, 347.179, 347.183, 351.047, 351.120, 351.125, 351.127, 351.145,  
3 351.155, 351.484, 351.592, 351.594, 351.598, 351.602, 351.690, 355.016, 355.021, 355.066,  
4 355.071, 355.151, 355.176, 355.688, 355.706, 355.796, 355.806, 355.811, 355.821, 355.856,  
5 356.211, 359.681, 452.305, 452.310, 452.312, 452.343, 452.423, 452.440, 452.445, 452.450,

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.

6 452.455, 452.460, 452.465, 452.470, 452.475, 452.480, 452.485, 452.490, 452.495, 452.500,  
7 452.505, 452.510, 452.515, 452.520, 452.525, 452.530, 452.535, 452.540, 452.545, 452.550,  
8 454.500, 455.010, 473.743, 476.415, 485.077, 516.200, 517.041, 535.030, 535.120, 545.050,  
9 550.050, 550.070, 550.080, 550.090, 561.031, 537.610, 630.407, and 650.055, RSMo, section  
10 454.516 as enacted by conference committee substitute for house substitute for house committee  
11 substitute for senate bill no. 895, ninety-first general assembly, second regular session, are  
12 repealed and one hundred twenty-five new sections enacted in lieu thereof, to be known as  
13 sections 41.950, 60.010, 82.300, 82.1026, 84.150, 84.175, 141.160, 173.270, 208.040, 208.055,  
14 217.450, 217.460, 227.409, 347.179, 347.183, 351.047, 351.120, 351.122, 351.125, 351.127,  
15 351.145, 351.155, 351.484, 351.592, 351.594, 351.598, 351.602, 351.690, 355.016, 355.021,  
16 355.066, 355.071, 355.151, 355.176, 355.688, 355.706, 355.796, 355.806, 355.811, 355.821,  
17 355.856, 355.857, 356.211, 359.681, 376.789, 379.130, 452.305, 452.310, 452.312, 452.343,  
18 452.423, 452.426, 452.430, 452.700, 452.705, 452.710, 452.715, 452.720, 452.725, 452.730,  
19 452.735, 452.740, 452.745, 452.747, 452.750, 452.755, 452.760, 452.762, 452.765, 452.770,  
20 452.775, 452.780, 452.782, 452.785, 452.790, 452.795, 452.800, 452.805, 452.810, 452.815,  
21 452.820, 452.825, 452.830, 452.835, 452.840, 452.845, 452.850, 452.855, 452.860, 452.865,  
22 452.870, 452.875, 452.880, 452.885, 452.890, 452.895, 452.900, 452.905, 452.910, 452.915,  
23 452.920, 452.925, 452.930, 454.500, 455.010, 473.743, 475.375, 476.415, 485.077, 509.520,  
24 516.200, 517.041, 535.030, 535.120, 537.055, 537.296, 537.610, 545.050, 561.031, 630.407,  
25 650.055, 1, 2, 3, and 4, to read as follows:

41.950. 1. Any resident of this state who is a member of the national guard or of any  
2 reserve component of the armed forces of the United States or who is a member of the United  
3 States Army, the United States Navy, the United States Air Force, the United States Marine  
4 Corps, the United States Coast Guard or an officer of the United States Public Health Service  
5 detailed by proper authority for duty with any branch of the United States armed forces described  
6 in this section and who is engaged in the performance of active duty in the military service of the  
7 United States in a military conflict in which reserve components have been called to active duty  
8 under the authority of 10 U.S.C. 672(d) or 10 U.S.C. 673b or any such subsequent call or order  
9 by the President or Congress for any period of thirty days or more shall be relieved from certain  
10 provisions of state law, as follows:

(1) No person performing such military service who owns a motor vehicle shall be  
12 required to maintain financial responsibility on such motor vehicle as required under section  
13 303.025, RSMo, until such time as that person completes such military service, unless any  
14 person shall be operating such motor vehicle while the vehicle owner is performing such military  
15 service;

16 (2) No person failing to renew his driver's license while performing such military service  
17 shall be required to take a complete examination as required under section 302.173, RSMo, when  
18 renewing his license within sixty days after completing such military service;

19 (3) Any motor vehicle registration required under chapter 301, RSMo, that expires for  
20 any person performing such military service may be renewed by such person within sixty days  
21 of completing such military service without being required to pay a delinquent registration fee;  
22 however, such motor vehicle shall not be operated while the person is performing such military  
23 service unless the motor vehicle registration is renewed;

24 (4) Any person enrolled by the supreme court of Missouri or licensed, registered or  
25 certified under chapter 168, 256, [289,] 317, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333,  
26 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 375, 640 or 644, RSMo, and  
27 interpreters licensed under sections 209.319 to 209.339, RSMo, whose license, registration or  
28 certification expires while performing such military service, may renew such license, registration  
29 or certification within sixty days of completing such military service without penalty;

30 (5) In the case of [annual] **corporate registration** reports, franchise tax reports or other  
31 reports required to be filed with the office of secretary of state, where the filing of such report  
32 would be delayed because of a person performing such military service, such reports shall be  
33 filed without penalty within one hundred twenty days of the completion of such military service;

34 (6) No person performing such military service who is subject to a criminal summons  
35 for a traffic violation shall be subject to nonappearance sanctions for such violation until after  
36 one hundred eighty days after the completion of such military service;

37 (7) No person performing such military service who is required under state law to file  
38 financial disclosure reports shall be required to file such reports while performing such military  
39 service; however, such reports covering that period of time that such military service is  
40 performed shall be filed within one hundred eighty days after the completion of such military  
41 service;

42 (8) Any person with an indebtedness, liability or obligation for state income tax or  
43 property tax on personal or real property who is performing such military service or a spouse of  
44 such person filing a combined return or owning property jointly shall be granted an extension  
45 to file any papers or to pay any obligation until one hundred eighty days after the completion of  
46 such military service or continuous hospitalization as a result of such military service  
47 notwithstanding the provisions of section 143.991, RSMo, to the contrary and shall be allowed  
48 to pay such tax without penalty or interest if paid within the one hundred eighty-day period;

49 (9) Notwithstanding other provisions of the law to the contrary, for the purposes of this  
50 section, interest shall be allowed and paid on any overpayment of tax imposed by sections  
51 143.011 to 143.998, RSMo, at the rate of six percent per annum from the original due date of the  
52 return or the date the tax was paid, whichever is later;

53 (10) No state agency, board, commission or administrative tribunal shall take any  
54 administrative action against any person performing such military service for that person's failure  
55 to take any required action or meet any required obligation not already provided for in  
56 subdivisions (1) to (8) of this subsection until one hundred eighty days after the completion of  
57 such military service, except that any agency, board, commission or administrative tribunal  
58 affected by this subdivision may, in its discretion, extend the time required to take such action  
59 or meet such obligation beyond the one hundred eighty-day period;

60 (11) Any disciplinary or administrative action or proceeding before any state agency,  
61 board, commission or administrative tribunal where the person performing such military service  
62 is a necessary party, which occurs during such period of military service, shall be stayed by the  
63 administrative entity before which it is pending until sixty days after the end of such military  
64 service.

65 2. Upon completing such military service, the person shall provide the appropriate  
66 agency, board, commission or administrative tribunal an official order from the appropriate  
67 military authority as evidence of such military service.

68 3. The provisions of this section shall apply to any individual [defined] **described** in  
69 subsection 1 of this section who performs such military service on or after August 2, 1990.

60.010. 1. At the regular general election in the year 1948, and every four years  
2 thereafter, the voters of each county of this state in counties of the second, third, and fourth  
3 classification shall elect a registered land surveyor as county surveyor, who shall hold [his] office  
4 for four years and until [his] a successor is duly elected, commissioned and qualified. The  
5 person elected shall be commissioned by the governor.

6 2. No person shall be elected or appointed surveyor unless [he be] **such person is** a  
7 citizen of the United States, over the age of twenty-one years, [be] a registered land surveyor, and  
8 shall have resided within the state one whole year. An elected surveyor shall have resided within  
9 the county for which [he] **the person** is elected six months immediately prior to [his] election  
10 and shall after [his] election continue to reside within the county for which [he] **the person** is  
11 surveyor. An appointed surveyor need not reside within the county for which [he] **the person**  
12 is surveyor.

13 3. Notwithstanding the provisions of subsection 1 of this section, or any other law to the  
14 contrary, the county commission of any county of the third or fourth classification may appoint  
15 a surveyor following [a general election in which] **the deadline for filing for** the office of  
16 surveyor [is on the ballot], if no qualified candidate [seeks said] **files for the office in the**  
17 **general election in which the office would have been on the ballot, provided that the notice**  
18 **required by section 115.345, RSMo, has been published in at least one newspaper of**  
19 **general circulation in the county.** The appointed surveyor shall serve at the pleasure of the  
20 county commission, however, an appointed surveyor shall forfeit said office once a qualified

21 individual, who has been duly elected at a regularly scheduled general election where the office  
22 of surveyor is on the ballot and who has been commissioned by the governor, takes office. The  
23 county commission shall fix appropriate compensation, which need not be equal to that of an  
24 elected surveyor.

82.300. 1. Any city with a population of four hundred thousand or more inhabitants  
2 which is located in more than one county may enact all needful ordinances for preserving order,  
3 securing persons or property from violence, danger and destruction, protecting public and private  
4 property and for promoting the general interests and ensuring the good government of the city,  
5 and for the protection, regulation and orderly government of parks, public grounds and other  
6 public property of the city, both within and beyond the corporate limits of such city; and to  
7 prescribe and impose, enforce and collect fines, forfeitures and penalties for the breach of any  
8 provisions of such ordinances and to punish the violation of such ordinances by fine or  
9 imprisonment, or by both fine and imprisonment; but no fine shall exceed [five hundred] **one**  
10 **thousand** dollars nor imprisonment exceed twelve months for any such offense, except as  
11 provided in subsection 2 of this section.

12 2. Any city with a population of four hundred thousand or more inhabitants which is  
13 located in more than one county which operates a publicly owned treatment works in accordance  
14 with an approved pretreatment program pursuant to the federal Clean Water Act, 33 U.S.C. 1251,  
15 et seq. and chapter 644, RSMo, may enact all necessary ordinances which require compliance  
16 by an industrial user with any pretreatment standard or requirement. Such ordinances may  
17 authorize injunctive relief or the imposition of a fine of at least one thousand dollars but not  
18 more than five thousand dollars per violation for noncompliance with such pretreatment  
19 standards or requirements. For any continuing violation, each day of the violation shall be  
20 considered a separate offense.

21 3. Any city with a population of more than four hundred thousand inhabitants may enact  
22 all needful ordinances to protect public and private property from illegal and unauthorized  
23 dumping and littering, and to punish the violation of such ordinances by a fine not to exceed one  
24 thousand dollars or by imprisonment not to exceed twelve months for each offense, or by both  
25 such fine and imprisonment.

26 4. Any city with a population of more than four hundred thousand inhabitants may enact  
27 all needful ordinances to protect public and private property from nuisance and property  
28 maintenance code violations, and to punish the violation of such ordinances by a fine not to  
29 exceed one thousand dollars or by imprisonment not to exceed twelve months for each offense,  
30 or by both such fine and imprisonment.

**82.1026. The governing body of any home rule city with more than four hundred  
2 thousand inhabitants and located in more than one county may enact ordinances to  
3 provide for the building official of the city or any authorized representative of the building**

4 **official to petition the circuit court in the county in which a vacant nuisance building or**  
5 **structure is located for the appointment of a receiver to rehabilitate the building or**  
6 **structure, to demolish it, or to sell it to a qualified buyer.**

84.150. The officers of the police force in each such city shall be as follows: One chief  
2 of police with the rank of colonel; [one assistant chief of police with the rank of lieutenant  
3 colonel; one chief of detectives with the rank of lieutenant colonel; one inspector of police with  
4 the rank of lieutenant colonel; and two other lieutenant colonels, making a total of five lieutenant  
5 colonels, except that upon reaching two thousand eighty-seven patrolmen pursuant to the  
6 provisions of section 84.100 an additional lieutenant colonel shall be appointed, making a total  
7 of six lieutenant colonels; one assistant chief of detectives with the rank of major and five other  
8 majors, except that upon reaching two thousand eighty-seven patrolmen pursuant to the  
9 provisions of section 84.100 an additional major shall be appointed, making a total of seven  
10 majors; twenty-two captains, except that upon reaching two thousand eighty-seven patrolmen  
11 pursuant to the provisions of section 84.100 an additional two captains shall be appointed,  
12 making a total of twenty-four captains; sixty-seven lieutenants, except that for each thirty-eight  
13 additional patrolmen appointed pursuant to the provisions of section 84.100 an additional  
14 lieutenant shall be appointed; two hundred sixty sergeants, except that for each nine additional  
15 patrolmen appointed pursuant to the provisions of section 84.100 an additional sergeant shall be  
16 appointed. No further appointments to the rank of corporal shall hereafter be made, but all  
17 members of the force now holding the rank of corporal shall continue in such rank until their  
18 promotion, demotion, removal, resignation or other separation from the force] **lieutenant**  
19 **colonels, not to exceed five in number and other such ranks and number of members**  
20 **within such ranks as the board from time to time deems necessary.** The officers of the police  
21 force shall have commissions issued to them by the boards of police commissioners, and those  
22 heretofore and those hereafter commissioned shall serve so long as they shall faithfully perform  
23 their duties and possess the necessary mental and physical ability, and be subject to removal only  
24 for cause after a hearing by the board, who are hereby invested with exclusive jurisdiction in the  
25 premises. [Any increase in the number of officers to be appointed, in addition to that provided  
26 for above, shall be permitted upon recommendation by the board of police commissioners with  
27 the approval of the municipal board of estimate and apportionment.]

84.175. 1. Upon recommendation of the chief of police, the board may authorize and  
2 provide for the organization of a police reserve force composed of [residents of the city]  
3 **members who receive a service retirement under the provisions of sections 86.200 to 86.366,**  
4 **RSMo, and** who qualify under the provisions of section 84.120. Such reserve force shall be  
5 under the command of the chief of police and shall be provided training, equipment, uniforms,  
6 and arms as the chief shall direct with the approval of the board[; and when assigned to active  
7 duty the] . Members of the reserve force shall possess all of the powers of regular police officers

8 and shall be subject to all laws and regulations applicable to police officers; provided, however,  
9 that the city council or other governing body of any such city may in its discretion fix a total in  
10 number which the reserve force may not exceed.

11 2. In event of riot or other emergencies as declared and defined by the mayor, in  
12 concurrence with the board, the board, upon recommendation of the chief, may appoint special  
13 officers or patrolmen for temporary service in addition to the police reserve force herein provided  
14 for, but the length of time for which such officers or patrolmen shall be employed shall be  
15 limited to the time during which such emergency shall exist.

141.160. 1. The general law relating to taxation and the collection of delinquent taxes,  
2 as now existing, shall apply to counties of the first class having a charter form of government  
3 insofar as not inconsistent with the provisions of sections 141.010 to 141.160, except that  
4 counties of the first class operating under a charter form of government may hereafter elect to  
5 operate under the provisions of chapter 140, RSMo, the general law relating to the collection of  
6 delinquent taxes, by the enactment of an ordinance by the legislative body of such county.

7 2. **In addition to any other provisions of law related to delinquent tax collection**  
8 **fees, in all counties having a charter form of government and more than six hundred**  
9 **thousand inhabitants, the collector shall collect on behalf of the county and pay into the**  
10 **county general fund an additional fee for the collection of delinquent and back taxes of five**  
11 **percent on all sums collected to be added to the face of the tax bill and collected from the**  
12 **party paying the tax.**

13 3. The provisions of sections 141.010 to 141.160 shall not apply to counties of the first  
14 class not having a charter form of government, and such counties shall operate under the  
15 provisions of chapter 140, RSMo.

**173.270. 1. The coordinating board for higher education shall make provisions for**  
2 **institutions under the board's jurisdiction to award a tuition and fee waiver for**  
3 **undergraduate courses at state institutions of higher education for any student, beginning**  
4 **with incoming freshmen in the 2010 fall semester or term, who:**

5 (1) **Is a resident of this state;**

6 (2) **Has graduated within the previous three years from high school or passed the**  
7 **GED examination; and**

8 (3) **Has been in foster care or other residential care under the department of social**  
9 **services on or after:**

10 (a) **The day preceding the student's eighteenth birthday;**

11 (b) **The day of the student's fourteenth birthday, if the student was also eligible for**  
12 **adoption on or after that day; or**

13 (c) **The day the student graduated from high school or received a GED.**

14 2. **To be eligible for a waiver award, a student shall:**

15           **(1) Apply to and be accepted at the institution not later than:**

16           **(a) The third anniversary of the date the student was discharged from foster or**  
17 **other residential care, the date the student graduated from high school, or the date the**  
18 **student received a GED, whichever is earliest; or**

19           **(b) The student's twenty-first birthday;**

20           **(2) Apply for other student financial assistance, other than student loans, in**  
21 **compliance with federal financial aid rules, including the federal Pell grant;**

22           **(3) Apply to the coordinating board for higher education for a determination of**  
23 **eligibility. Application shall be on forms and in a manner prescribed by rule of the**  
24 **coordinating board; and**

25           **(4) Complete a minimum of one hundred hours of community service or public**  
26 **internship within a twelve-month period beginning September first for each year in which**  
27 **the student is receiving a tuition and fee waiver award under this section. The department**  
28 **of higher education, in collaboration with participating state institutions of higher**  
29 **education, shall by rule determine the community service and public internships that**  
30 **students may participate in to meet the requirements of this subdivision. A student may**  
31 **fulfill this requirement by completing the necessary community service or public internship**  
32 **hours during the summer.**

33           **3. The tuition and fee waiver provided by this section shall be awarded on an**  
34 **annual basis, subject to appropriation to reimburse the institution, and shall continue to**  
35 **be available, if the student is otherwise eligible under this section, as long as the student**  
36 **remains in good academic standing at the state institution of higher education. The**  
37 **institution shall monitor compliance with subdivision (4) of subsection 2 of this section and**  
38 **report it to the department of higher education.**

39           **4. The waiver provided by this section for each eligible student may be used for no**  
40 **more than four years of undergraduate study and may only be used after other sources of**  
41 **financial aid that are dedicated solely to tuition and fees are exhausted.**

42           **5. No student who is enrolled in an institution of higher education as of the effective**  
43 **date of this section shall be eligible for a waiver award under this section.**

44           **6. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**  
45 **that is created under the authority delegated in this section shall become effective only if**  
46 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**  
47 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**  
48 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**  
49 **to review, to delay the effective date, or to disapprove and annul a rule are subsequently**  
50 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**  
51 **adopted after August 28, 2009, shall be invalid and void.**



208.040. 1. Temporary assistance benefits shall be granted on behalf of a dependent child or children and may be granted to the parents or other needy eligible relative caring for a dependent child or children who:

(1) Is under the age of eighteen years; or is under the age of nineteen years and a full-time student in a secondary school (or at the equivalent level of vocational or technical training), if before the child attains the age of nineteen the child may reasonably be expected to complete the program of the secondary school (or vocational or technical training);

(2) Has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent, and who is living with father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew or niece, in a place of residence maintained by one or more of such relatives as the child's own home, and financial aid for such child is necessary to save the child from neglect and to secure for the child proper care in such home. Physical or mental incapacity shall be certified to by competent medical or other appropriate authority designated by the **family support** division [of family services], and such certificate is hereby declared to be competent evidence in any proceedings concerning the eligibility of such claimant to receive [aid to families with dependent children] **temporary assistance** benefits. Benefits may be granted and continued for this reason only while it is the judgment of the **family support** division [of family services] that a physical or mental defect, illness or disability exists which prevents the parent from performing any gainful work;

(3) Is not receiving supplemental aid to the blind, blind pension, supplemental payments, or aid or public relief as an unemployable person;

(4) Is a resident of the state of Missouri.

2. The **family support** division [of family services] shall require as additional conditions of eligibility for benefits that each applicant for or recipient of [aid] **assistance**:

(1) Shall furnish to the division the applicant or recipient's Social Security number or numbers, if the applicant or recipient has more than one such number;

(2) Shall assign to the **family support** division [of family services] in behalf of the state any rights to support from any other person such applicant may have in the applicant's own behalf or in behalf of any other [family member] **person** for whom the applicant is applying for or receiving [aid] **assistance**. An application for benefits made under this section shall constitute an assignment of support rights which shall take effect, by operation of law, upon a determination that the applicant is eligible for assistance under this section. The assignment [is effective as to both current and accrued support obligations] **shall comply with the requirements of 42 U.S.C. Section 608(a)(3)** and authorizes the **family support** division [of child support enforcement] of the department of social services to bring any administrative or judicial action to establish or enforce a current support obligation, to collect support arrearages

38 accrued under an existing order for support, or to seek reimbursement of support provided by the  
39 division;

40 (3) Shall cooperate with the [divisions of family services and of child support  
41 enforcement] **family support division** unless the division [of family services] determines in  
42 accordance with federally prescribed standards that such cooperation is contrary to the best  
43 interests of the child on whose behalf [aid] **assistance** is claimed or to the caretaker of such  
44 child, in establishing the paternity of a child born out of wedlock with respect to whom [aid]  
45 **assistance** is claimed, and in obtaining support payments for such applicant and for a child with  
46 respect to whom such [aid] **assistance** is claimed, or in obtaining any other payments or property  
47 due such applicant or such child. The [divisions of family services and of child support  
48 enforcement] **family support division** shall impose all penalties allowed pursuant to federal  
49 participation requirements;

50 (4) Shall cooperate with the department of social services in identifying and providing  
51 information to assist the state in pursuing any third party who may be liable to pay for care and  
52 services available under the state's plan for medical assistance as provided in section 208.152,  
53 unless such individual has good cause for refusing to cooperate as determined by the department  
54 of social services in accordance with federally prescribed standards; and

55 (5) Shall participate in any program designed to reduce the recipient's dependence on  
56 welfare, if requested to do so by the department of social services.

57 3. The division shall require as a condition of eligibility for temporary assistance benefits  
58 that a minor child under the age of eighteen who has never married and who has a dependent  
59 child in his or her care, or who is pregnant and otherwise eligible for temporary assistance  
60 benefits, shall reside in a place of residence maintained by a parent, legal guardian, or other adult  
61 relative or in some other adult-supervised supportive living arrangement, as required by Section  
62 403 of P.L. 100-485. Exceptions to the requirements of this subsection shall be allowed in  
63 accordance with requirements of the federal Family Support Act of 1988 in any of the following  
64 circumstances:

65 (1) The individual has no parent or legal guardian who is living or the whereabouts of  
66 the individual's parent or legal guardian is unknown; or

67 (2) The **family support** division [of family services] determines that the physical health  
68 or safety of the individual or the child of the individual would be jeopardized; or

69 (3) The individual has lived apart from any parent or legal guardian for a period of at  
70 least one year prior to the birth of the child or applying for benefits; or

71 (4) The individual claims to be or to have been the victim of abuse while residing in the  
72 home where she would be required to reside and the case has been referred to the child abuse  
73 hotline and a "reason to suspect finding" has been made. Households where the individual  
74 resides with a parent, legal guardian or other adult relative or in some other adult-supervised

75 supportive living arrangement shall, subject to federal waiver to retain full federal financial  
76 participation and appropriation, have earned income disregarded from eligibility determinations  
77 up to one hundred percent of the federal poverty level.

78 4. If the relative with whom a child is living is found to be ineligible because of refusal  
79 to cooperate as required in subdivision (3) of subsection 2 of this section, any [aid] **assistance**  
80 for which such child is eligible will be paid in the manner provided in subsection 2 of section  
81 208.180, without regard to subsections 1 and 2 of this section.

82 5. The department of social services may implement policies designed to reduce a  
83 family's dependence on welfare. The department of social services is authorized to implement  
84 these policies by rule promulgated pursuant to section 660.017, RSMo, and chapter 536, RSMo,  
85 including the following:

86 (1) The department shall increase the earned income and resource disregards allowed  
87 recipients to help families achieve a gradual transition to self-sufficiency, including  
88 implementing policies to simplify employment-related eligibility standards by increasing the  
89 earned income disregard to two-thirds by October 1, 1999. The expanded earned income  
90 disregard shall apply only to recipients of cash assistance who obtain employment but not to new  
91 applicants for cash assistance who are already working. Once the individual has received the  
92 two-thirds disregard for twelve months, the individual would not be eligible for the two-thirds  
93 disregard until the individual has not received temporary assistance benefits for twelve  
94 consecutive months. The department shall promulgate rules pursuant to chapter 536, RSMo, to  
95 implement the expanded earned income disregard provisions;

96 (2) The department shall permit a recipient's enrollment in educational programs beyond  
97 secondary education to qualify as a work activity for purposes of receipt of temporary assistance  
98 for needy families. Such education beyond secondary education shall qualify as a work activity  
99 if such recipient is attending and according to the standards of the institution and the **family**  
100 **support** division [of family services], making satisfactory progress towards completion of a  
101 postsecondary or vocational program. Weekly classroom time and allowable study time shall  
102 be applied toward the recipient's weekly work requirement. Such recipient shall be subject to  
103 the sixty-month lifetime limit for receipt of temporary assistance for needy families unless  
104 otherwise excluded by rule of the **family support** division [of family services];

105 (3) Beginning January 1, 2002, and every two years thereafter, the department of social  
106 services shall make a detailed report and a presentation on the temporary assistance for needy  
107 families program to the house appropriations for social services committee and the house social  
108 services, Medicaid and the elderly committee, and the senate aging, families and mental health  
109 committee, or comparable committees;

(4) Other policies designed to reduce a family's dependence on welfare may include supplementing wages for recipients for the lesser of forty-eight months or the length of the recipient's employment by diverting the temporary assistance grant.

The provisions of this subsection shall be subject to compliance by the department with all applicable federal laws and rules regarding temporary assistance for needy families.

6. The work history requirements and definition of "unemployed" shall not apply to any parents in order for these parents to be eligible for assistance pursuant to section 208.041.

7. The department shall continue to apply uniform standards of eligibility and benefits, excepting pilot projects, in all political subdivisions of the state.

8. Consistent with federal law, the department shall establish income and resource eligibility requirements that are no more restrictive than its July 16, 1996, income and resource eligibility requirements in determining eligibility for temporary assistance benefits.

208.055. 1. A person who has applied for or is receiving public assistance under programs funded under Part A of Title IV[, the work first program] or Title XIX of the federal Social Security Act shall:

(1) Cooperate in good faith in establishing the paternity of, or in establishing, modifying, or enforcing a support order for any child of such person by providing the **family support** division [of child support enforcement] with the name of the noncustodial parent of the child and such other information as the division may require with respect to such parent, subject to good cause and other exceptions to be applied in each case as defined by the **family support** division [of child support enforcement]; and

(2) A person who has applied for or is receiving assistance under programs funded under Part A of Title IV of the federal Social Security Act [and the work first program] shall assign to the state any rights to support from any other person such applicant may have in the applicant's own behalf or on behalf of any other family member for whom the applicant is applying for or receiving public assistance. An application for public assistance shall constitute an assignment of support rights and shall take effect by operation of law upon a determination that the applicant is eligible for public assistance. The assignment [is effective for both current and accrued support obligations, unless otherwise prohibited by the federal Social Security Act] **shall comply with the requirements of 42 U.S.C. Section 608(a)(3)**, and authorizes the **family support** division [of child support enforcement] to bring any administrative or judicial action to establish, modify or enforce a current support obligation, to collect support arrearages accrued under an existing order for support, or to seek reimbursement of public assistance provided by the state pursuant to Part IV of the federal Social Security Act.

2. For purposes of this section, "public assistance" means any income support benefit, including, but not limited to, money, institutional care, or shelter, except temporary shelter.

25 Public assistance includes programs under the federal Social Security Act including, but not  
26 limited to, Part IV-A, as amended by the Personal Responsibility and Work Opportunity  
27 Reconciliation Act of 1996. Public assistance shall not include:

28 (1) A noncash benefit; or

29 (2) A short term benefit.

217.450. 1. Any person confined in a department correctional facility may request a  
2 final disposition of any untried indictment, information or complaint pending in this state on the  
3 basis of which a **law enforcement agency, prosecuting attorney's office, or circuit attorney's**  
4 **office has delivered a certified copy of a warrant and has requested that a** detainer [has  
5 been] **be** lodged against him [while so imprisoned] **with the facility where the offender is**  
6 **confined**. The request shall be in writing addressed to the court in which the indictment,  
7 information or complaint is pending and to the prosecuting attorney charged with the duty of  
8 prosecuting it, and shall set forth the place of imprisonment.

9 2. **When the director receives a certified copy of a warrant and a written request**  
10 **by the issuing agency to place a detainer, the director shall lodge a detainer in favor of the**  
11 **requesting agency**. The director shall promptly inform each offender in writing of the source  
12 and nature of any untried indictment, information or complaint for which a detainer has been  
13 lodged against him of which the director has knowledge, and of his right to make a request for  
14 final disposition of such indictment, information or complaint on which the detainer is based.  
15 3. Failure of the director to [inform an offender, as required by this section, within one  
16 year after a detainer has been filed at the facility shall entitle him to a final dismissal of the  
17 indictment, information or complaint with prejudice] **comply with this section shall not be the**  
18 **basis for dismissing the indictment, information, or complaint unless the court also finds**  
19 **that the offender has been denied his constitutional right to a speedy trial.**

217.460. Within one hundred eighty days after the receipt of the request and certificate,  
2 pursuant to sections 217.450 and 217.455, by the court and the prosecuting attorney or within  
3 such additional necessary or reasonable time as the court may grant, for good cause shown in  
4 open court, the offender or his counsel being present, the indictment, information or complaint  
5 shall be brought to trial. The parties may stipulate for a continuance or a continuance may be  
6 granted if notice is given to the attorney of record with an opportunity for him to be heard. If the  
7 indictment, information or complaint is not brought to trial within the period **and if the court**  
8 **finds that the offender's constitutional right to a speedy trial has been denied**, no court of  
9 this state shall have jurisdiction of such indictment, information or complaint, nor shall the  
10 untried indictment, information or complaint be of any further force or effect; and the court shall  
11 issue an order dismissing the same with prejudice.

**227.409. The portion of interstate highway I-64/US 40 from the**  
2 **McClausland/Skinker interchange east to the I-64/I-55 interchange shall be designated the**

3 **"Jack Buck Memorial Highway". The department of transportation shall erect and**  
4 **maintain appropriate signs designating such highway designation, with the cost to be paid**  
5 **for by private donation.**

347.179. The secretary shall charge and collect:

2 (1) For filing the original articles of organization, a fee of one hundred dollars;

3 (2) **For filing the original articles of organization online, in an electronic format**  
4 **prescribed by the secretary of state, a fee of forty-five dollars;**

5 (3) Applications for registration of foreign limited liability companies and issuance of  
6 a certificate of registration to transact business in this state, a fee of one hundred dollars;

7 [(3)] (4) Amendments to and restatements of articles of limited liability companies to  
8 application for registration of a foreign limited liability company or any other filing otherwise  
9 provided for, a fee of twenty dollars;

10 [(4)] (5) Articles of termination of limited liability companies or cancellation of  
11 registration of foreign limited liability companies, a fee of twenty dollars;

12 [(5)] (6) For filing notice of merger or consolidation, a fee of twenty dollars;

13 [(6)] (7) For filing a notice of winding up, a fee of twenty dollars;

14 [(7)] (8) For issuing a certificate of good standing, a fee of five dollars;

15 [(8)] (9) For a notice of the abandonment of merger or consolidation, a fee of twenty  
16 dollars;

17 [(9)] (10) For furnishing a copy of any document or instrument, a fee of fifty cents per  
18 page;

19 [(10)] (11) For accepting an application for reservation of a name, or for filing a notice  
20 of the transfer or cancellation of any name reservation, a fee of twenty dollars;

21 [(11)] (12) For filing a statement of change of address of registered office or registered  
22 agent, or both, a fee of five dollars;

23 [(12)] (13) For any service of notice, demand, or process upon the secretary as resident  
24 agent of a limited liability company, a fee of twenty dollars, which amount may be recovered as  
25 taxable costs by the party instituting such suit, action, or proceeding causing such service to be  
26 made if such party prevails therein;

27 [(13)] (14) For filing an amended certificate of registration a fee of twenty dollars; and

28 [(14)] (15) For filing a statement of correction a fee of five dollars.

347.183. In addition to the other powers of the secretary established in sections 347.010  
2 to 347.187, the secretary shall, as is reasonably necessary to enable the secretary to administer  
3 sections 347.010 to 347.187 efficiently and to perform the secretary's duties, have the following  
4 powers including, but not limited to:

5 (1) The power to examine the books and records of any limited liability company to  
6 which sections 347.010 to 347.187 apply, and it shall be the duty of any manager, member or

7 agent of such limited liability company having possession or control of such books and records,  
8 to produce such books and records for examination on demand of the secretary or his designated  
9 employee; except that no person shall be subject to any criminal prosecution on account of any  
10 matter or thing which may be disclosed by examination of any limited liability company books  
11 and records, which they may produce or exhibit for examination; or on account of any other  
12 matter or thing concerning which they may make any voluntary and truthful statement in writing  
13 to the secretary or his designated employee. All facts obtained in the examination of the books  
14 and records of any limited liability company, or through the voluntary sworn statement of any  
15 manager, member, agent or employee of any limited liability company, shall be treated as  
16 confidential, except insofar as official duty may require the disclosure of same, or when such  
17 facts are material to any issue in any legal proceeding in which the secretary or his designated  
18 employee may be a party or called as witness, and, if the secretary or his designated employee  
19 shall, except as provided in this subdivision, disclose any information relative to the private  
20 accounts, affairs, and transactions of any such limited liability company, he shall be guilty of a  
21 class C misdemeanor. If any manager, member or registered agent in possession or control of  
22 such books and records of any such limited liability company shall refuse a demand of the  
23 secretary or his designated employee, to exhibit the books and records of such limited liability  
24 company for examination, such person shall be guilty of a class B misdemeanor;

25 (2) The power to cancel or disapprove any articles of organization or other filing required  
26 under sections 347.010 to 347.187, if the limited liability company fails to comply with the  
27 provisions of sections 347.010 to 347.187 by failing to file required documents under sections  
28 347.010 to 347.187, by failing to maintain a registered agent, by failing to pay the required filing  
29 fees, by using fraud or deception in effecting any filing, by filing a required document containing  
30 a false statement, or by violating any section or sections of the criminal laws of Missouri, the  
31 federal government or any other state of the United States. Thirty days before such cancellation  
32 shall take effect, the secretary shall notify the limited liability company with written notice, either  
33 personally or by certified mail, deposited in the United States mail in a sealed envelope  
34 addressed to such limited liability company's last registered agent in office, or to one of the  
35 limited liability company's members or managers. Written notice of the secretary's proposed  
36 cancellation to the limited liability company, domestic or foreign, shall specify the reasons for  
37 such action. The limited liability company may appeal this notice of proposed cancellation to  
38 the circuit court of the county in which the registered office of such limited liability company is  
39 or is proposed to be situated by filing with the clerk of such court a petition setting forth a copy  
40 of the articles of organization or other relevant documents and a copy of the proposed written  
41 cancellation thereof by the secretary, such petition to be filed within thirty days after notice of  
42 such cancellation shall have been given, and the matter shall be tried by the court, and the court  
43 shall either sustain the action of the secretary or direct him to take such action as the court may

44 deem proper. An appeal from the circuit court in such a case shall be allowed as in civil action.  
45 The limited liability company may provide information to the secretary that would allow the  
46 secretary to withdraw the notice of proposed cancellation. This information may consist of, but  
47 need not be limited to, corrected statements and documents, new filings, affidavits and certified  
48 copies of other filed documents;

49 (3) The power to rescind cancellation provided for in subdivision (2) of this section upon  
50 compliance with either of the following:

51 (a) The affected limited liability company provides the necessary documents and  
52 affidavits indicating the limited liability company has corrected the conditions causing the  
53 proposed cancellation or the cancellation; or

54 (b) The limited liability company provides the correct statements or documentation that  
55 the limited liability company is not in violation of any section of the criminal code; and

56 (4) The power to charge late filing fees for any filing fee required under sections 347.010  
57 to 347.187 and the power to impose civil penalties as provided in section 347.053. Late filing  
58 fees shall be assessed at a rate of ten dollars for each thirty-day period of delinquency;

59 **(5) (a) The power to administratively cancel an articles of organization if the**  
60 **limited liability company's period of duration stated in articles of organization expires.**

61 **(b) Not less than thirty days before such administrative cancellation shall take**  
62 **effect, the secretary shall notify the limited liability company with written notice, either**  
63 **personally or by mail. If mailed, the notice shall be deemed delivered five days after it is**  
64 **deposited in the United States mail in a sealed envelope addressed to such limited liability**  
65 **company's last registered agent and office or to one of the limited liability company's**  
66 **managers or members.**

67 **(c) If the limited liability company does not timely file an articles of amendment in**  
68 **accordance with section 347.041 to extend the duration of the limited liability company,**  
69 **which may be any number of years or perpetual, or demonstrate to the reasonable**  
70 **satisfaction of the secretary that the period of duration determined by the secretary is**  
71 **incorrect, within sixty days after service of the notice is perfected by posting with the**  
72 **United States Postal Service, then the secretary shall cancel the articles of organization by**  
73 **signing an administrative cancellation that recites the grounds for cancellation and its**  
74 **effective date. The secretary shall file the original of the administrative cancellation and**  
75 **serve a copy on the limited liability company as provided in section 347.051.**

76 **(d) A limited liability company whose articles of organization has been**  
77 **administratively cancelled continues its existence but may not carry on any business except**  
78 **that necessary to wind up and liquidate its business and affairs under section 347.147 and**  
79 **notify claimants under section 347.141.**



80           (e) The administrative cancellation of an articles of organization does not terminate  
81 the authority of its registered agent.

82           (6) (a) The power to rescind an administrative cancellation and reinstate the  
83 articles of organization.

84           (b) Except as otherwise provided in the operating agreement, a limited liability  
85 company whose articles of organization has been administratively cancelled under  
86 subdivision (5) of this section may file an articles of amendment in accordance with section  
87 347.041 to extend the duration of the limited liability company, which may be any number  
88 or perpetual.

89           (c) A limited liability company whose articles of organization has been  
90 administratively cancelled under subdivision (5) of this section may apply to the secretary  
91 for reinstatement. The applicant shall:

92           a. Recite the name of the limited liability company and the effective date of its  
93 administrative cancellation;

94           b. State that the grounds for cancellation either did not exist or have been  
95 eliminated, as applicable, and be accompanied by documentation satisfactory to the  
96 secretary evidencing the same;

97           c. State that the limited liability company's name satisfies the requirements of  
98 section 347.020;

99           d. Be accompanied by a reinstatement fee in the amount of one hundred dollars,  
100 or such greater amount as required by state regulation, plus any delinquent fees, penalties,  
101 and other charges as determined by the secretary to then be due.

102           (d) If the secretary determines that the application contains the information and  
103 is accompanied by the fees required in paragraph (c) of this subdivision and that the  
104 information and fees are correct, the secretary shall rescind the cancellation and prepare  
105 a certificate of reinstatement that recites his or her determination and the effective date of  
106 reinstatement, file the original articles of organization, and serve a copy on the limited  
107 liability company as provided in section 347.051.

108           (e) When the reinstatement is effective, it shall relate back to and take effect as of  
109 the effective date of the administrative cancellation of the articles of organization and the  
110 limited liability company may continue carrying on its business as if the administrative  
111 cancellation had never occurred.

112           (f) In the event the name of the limited liability company was reissued by the  
113 secretary to another entity prior to the time application for reinstatement was filed, the  
114 limited liability company applying for reinstatement may elect to reinstate using a new  
115 name that complies with the requirements of section 347.020 and that has been approved  
116 by appropriate action of the limited liability company for changing the name thereof.

117 (g) If the secretary denies a limited liability company's application for  
118 reinstatement following administrative cancellation of the articles of organization, he or  
119 she shall serve the limited liability company as provided in section 347.051 with a written  
120 notice that explains the reason or reasons for denial.

121 (h) The limited liability company may appeal a denial of reinstatement as provided  
122 for in subdivision (2) of this section.

123 (7) Subdivision (6) of this section shall apply to any limited liability company whose  
124 articles of organization was cancelled because such limited liability company's period of  
125 duration stated in the articles of organization expired on or after August 28, 2003.

351.047. The secretary of state may prescribe and furnish on request forms for all  
2 documents required or permitted to be filed by this chapter. The use of the following forms is  
3 mandatory:

4 (1) A foreign corporation's application for a certificate of authority to do business in this  
5 state;

6 (2) A foreign corporation's application for a certificate of withdrawal;

7 (3) A corporation's [annual] **corporate registration** report.

351.120. 1. Every corporation organized pursuant to the laws of this state, including  
2 corporations organized pursuant to or subject to this chapter, and every foreign corporation  
3 licensed to do business in this state, whether such license shall have been issued pursuant to this  
4 chapter or not, other than corporations exempted from taxation by the laws of this state, shall file  
5 [an annual corporation] **a corporate** registration report.

6 2. The [annual] corporate registration report shall state the corporate name, the name of  
7 its registered agent and such agent's Missouri **physical** address, giving street and number, or  
8 building and number, or both, as the case may require, the name and correct business or  
9 residence address of its officers and directors, and the mailing address of the corporation's  
10 principal place of business or corporate headquarters.

11 3. The [annual] corporate registration report shall **be filed annually, except as provided**  
12 **in section 351.122, and shall** be due the month that the corporation incorporated or qualified,  
13 **unless changed by the corporation under subsection 8 of this section.** Corporations existing  
14 prior to July 1, 2003, shall file the [annual] **corporate** registration report on the month indicated  
15 on the corporation's last [annual] **corporate registration** report. Corporations formed on or after  
16 July 1, 2003, shall file [an annual] **a corporate** registration report within thirty days of the date  
17 of incorporation or qualification and every year thereafter, **except as provided in section**  
18 **351.122, in the month that they were incorporated or qualified, unless such month is changed**  
19 **by the corporation under subsection 8 of this section.**

20 4. The [annual] **corporate** registration report shall be signed by an officer or authorized  
21 person.

22           5. In the event of any error in the names and addresses of the officers and directors set  
23 forth in [an annual] **a corporate** registration report, the corporation may correct such information  
24 by filing a certificate of correction pursuant to section 351.049.

25           6. A corporation may change the corporation's registered office or registered agent with  
26 the filing of the corporation's [annual] **corporate** registration report. To change the corporation's  
27 registered agent with the filing of the [annual] **corporate** registration report, the corporation must  
28 include the new registered agent's written consent to the appointment as registered agent and a  
29 written consent stating that such change in registered agents was authorized by resolution duly  
30 adopted by the board of directors. The written consent must be signed by the new registered  
31 agent and must include such agent's address. If the [annual] corporate registration report is not  
32 completed correctly, the secretary of state may reject the filing of such report.

33           7. A corporation's [annual] **corporate** registration report must be filed in a format as  
34 prescribed by the secretary of state.

35           **8. A corporation may change the month of its corporate registration report in the**  
36 **corporation's initial corporate registration report or a subsequent report. To change its**  
37 **filing month, a corporation shall designate the desired month in its corporate registration**  
38 **report and include with that report an additional fee of twenty dollars. After a corporation**  
39 **registration report designating a new filing month is filed by the secretary of state, the**  
40 **corporation's next corporate registration report shall be filed in the newly designated**  
41 **month in the next year in which a report is due under subsection 3 of this section or under**  
42 **section 351.122. This subsection shall become effective January 1, 2010.**

**351.122. 1. Notwithstanding the provisions of section 351.120 to the contrary,**  
2 **beginning January 1, 2010, the secretary of state may provide corporations the option of**  
3 **biennially filing corporate registration reports. Any corporation incorporated or qualified**  
4 **in an even-numbered year may file a biennial corporate registration report only in an even-**  
5 **numbered calendar year, and any corporation incorporated or qualified in an odd-**  
6 **numbered year may file a biennial corporate registration report only in an odd-numbered**  
7 **calendar year, subject to the following requirements:**

8           (1) The fee paid at the time of biennial registration shall be eighty dollars if the  
9 report is filed in a written format. The fee shall be thirty dollars if the report is filed via  
10 an electronic format prescribed by the secretary of state;

11           (2) A corporation's biennial corporate registration report shall be filed in a format  
12 as prescribed by the secretary of state;

13           (3) The secretary of state may collect an additional fee of ten dollars for each  
14 biennial corporate registration report filed under this section. Such fee shall be deposited  
15 into the state treasury and credited to the secretary of state's technology trust fund  
16 account.

17           **2. Once a corporation chooses the option of biennial registration, such registration**  
18 **shall be maintained for the full twenty-four month period. Once the twenty-four month**  
19 **period has expired and another corporate registration report is due, a corporation may**  
20 **choose to file an annual registration report under section 351.120. However, upon making**  
21 **such choice the corporation may later only choose to file a biennial corporate registration**  
22 **report in a year appropriate under subsection 1 of this section, based on the year in which**  
23 **the corporation was incorporated.**

24           **3. The secretary of state may promulgate rules for the effective administration of**  
25 **this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**  
26 **that is created under the authority delegated in this section shall become effective only if**  
27 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**  
28 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**  
29 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**  
30 **to review, to delay the effective date, or to disapprove and annul a rule are subsequently**  
31 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**  
32 **adopted after August 28, 2009, shall be invalid and void.**

          351.125. Every corporation required to register under the provisions of this chapter shall  
2 pay to the state a fee of forty dollars for its [annual] **corporate** registration if the report is filed  
3 in a written format. The fee is fifteen dollars for each [annual] **corporate** registration report filed  
4 via an electronic format prescribed by the secretary of state. **Biennial corporate registration**  
5 **reports filed under section 351.122 shall require the fee prescribed in that section.** If a  
6 corporation fails to file a corporation registration report when due, it shall be assessed, in  
7 addition to its regular registration fee, a late fee of fifteen dollars for each thirty-day period  
8 within which the registration report is filed whether in writing or in an electronic format. If the  
9 registration report is not filed within ninety days, [the corporation shall forfeit its charter] **the**  
10 **secretary of state may proceed with administrative dissolution of such corporation under**  
11 **sections 351.484 and 351.486.**

          351.127. The secretary of state may collect an additional fee of five dollars on each and  
2 every fee required in this chapter, **provided that the secretary of state may collect an**  
3 **additional fee of ten dollars on each corporate registration report fee filed under section**  
4 **351.122.** All fees collected as provided in this section shall be deposited in the state treasury and  
5 credited to the secretary of state's technology trust fund account. The provisions of this section  
6 shall expire on December 31, 2017.

          351.145. It shall be the duty of the secretary of state to send notice that the [annual]  
2 corporate registration report is due to each corporation in this state required to register. The  
3 notice shall be directed to its registered office as disclosed originally by its articles of  
4 incorporation or by its application for a certificate of authority to transact business in this state

5 and thereafter as disclosed by its **immediately preceding corporate** registration [for the year  
6 preceding] **report**, as provided by law. The secretary of state may provide a form of the [annual]  
7 corporate registration report for filing in a format and medium prescribed by the secretary of  
8 state.

351.155. It shall be the duty of the secretary of state to furnish forms of [annual]  
2 corporate registration reports to any corporation upon request to any representative of the  
3 corporation, but no such form of the [annual] corporate registration report shall be furnished  
4 unless the name of the corporation for which [they are] **it is** desired shall accompany the request.

351.484. The secretary of state may commence a proceeding pursuant to section 351.486  
2 to dissolve a corporation administratively if:

3 (1) The corporation fails to pay any final assessment of Missouri corporation franchise  
4 tax as provided in chapter 147, RSMo, and the director of revenue has notified the secretary of  
5 state of such failure;

6 (2) The corporation fails or neglects to file the Missouri corporation franchise tax report  
7 required pursuant to chapter 147, RSMo, provided the director of revenue has provided a place  
8 on both the individual and corporation income tax return to indicate no such tax is due and  
9 provided the director has delivered or mailed at least two notices of such failure to file to the  
10 usual place of business of such corporation or the corporation's last known address and the  
11 corporation has failed to respond to such second notice within thirty days of the date of mailing  
12 of the second notice and the director of revenue has notified the secretary of state of such failure;

13 (3) The corporation fails to file any corporation income tax return or pay any final  
14 assessment of corporation income tax as provided in chapter 143, RSMo, and the director of  
15 revenue has notified the secretary of state of such failure;

16 (4) The corporation does not deliver its [annual] **corporate registration** report to the  
17 secretary of state within [thirty] **ninety** days after it is due;

18 (5) The corporation is without a registered agent or registered office in this state for  
19 thirty days or more;

20 (6) The corporation does not notify the secretary of state within thirty days that its  
21 registered agent or registered office has been changed, that its registered agent has resigned, or  
22 that its registered office has been discontinued;

23 (7) The corporation's period of duration stated in its articles of incorporation expires;

24 (8) The corporation procures its franchise through fraud practiced upon the state;

25 (9) The corporation has continued to exceed or abuse the authority conferred upon it by  
26 law, or has continued to violate any section or sections of the criminal law of the state of  
27 Missouri after a written demand to discontinue the same has been delivered by the secretary of  
28 state to the corporation, either personally or by mail;

29 (10) The corporation fails to pay any final assessment of employer withholding tax, as  
30 provided in sections 143.191 to 143.265, RSMo, and the director of revenue has notified the  
31 secretary of state of such failure; or

32 (11) The corporation fails to pay any final assessment of sales and use taxes, as provided  
33 in chapter 144, RSMo, and the director of revenue has notified the secretary of state of such  
34 failure.

351.592. 1. The registered agent of a foreign corporation may resign his agency  
2 appointment by signing and delivering to the secretary of state for filing the original and two  
3 exact or conformed copies of a statement of resignation. The statement of resignation may  
4 include a statement that the registered office is also discontinued.

5 2. After filing the statement, the secretary of state shall attach the filing receipt to one  
6 copy, and mail the copy and receipt to the registered office if not discontinued. The secretary  
7 of state shall mail the other copy to the foreign corporation at its principal office address shown  
8 in its most recent [annual] **corporate registration** report.

9 3. The agency appointment is terminated, and the registered office discontinued if so  
10 provided, on the thirty-first day after the date on which the statement was filed.

351.594. 1. The registered agent of a foreign corporation authorized to transact business  
2 in this state is the corporation's agent for service of process, notice, or demand required or  
3 permitted by law to be served on the foreign corporation.

4 2. A foreign corporation may be served by registered or certified mail, return receipt  
5 requested, addressed to the secretary of the foreign corporation at its principal office shown in  
6 its application for a certificate of authority or in its most recent [annual] **corporate registration**  
7 report, if the foreign corporation:

8 (1) Has no registered agent or its registered agent cannot with reasonable diligence be  
9 served;

10 (2) Has withdrawn from transacting business in this state as provided in section 351.596;  
11 or

12 (3) Has had its certificate of authority revoked under section 351.602.

13 If the corporation has no secretary or if the secretary cannot, after the exercise of reasonable  
14 diligence, be served, then service on the corporation may be obtained by registered or certified  
15 mail, return receipt requested, addressed to any person designated as a director or officer of the  
16 corporation at any place of business of the corporation, or at the residence of or any usual  
17 business address of such director or officer.

18 3. Service is perfected as provided in subsection 2 of this section at the earliest of:

19 (1) The date the foreign corporation receives the mail;

20 (2) The date shown on the return receipt, if signed on behalf of the foreign corporation;

21 or

22 (3) Five days after its deposit in the United States mail, as evidenced by the postmark,  
23 if mailed postpaid and correctly addressed.

24 4. This section does not prescribe the only means, or necessarily the required means, of  
25 serving a foreign corporation.

351.598. The secretary of state may commence a proceeding pursuant to section 351.602  
2 to revoke the certificate of a foreign corporation authorized to transact business in this state if:

3 (1) The foreign corporation does not deliver its [annual] **corporate registration** report  
4 to the secretary of state within thirty days after it is due;

5 (2) The foreign corporation fails to pay any final assessment of Missouri corporation  
6 franchise tax, as provided in chapter 147, RSMo, and the director of revenue has notified the  
7 secretary of state of such failure;

8 (3) The foreign corporation is without a registered agent or registered office in this state  
9 for thirty days or more;

10 (4) The foreign corporation does not inform the secretary of state pursuant to section  
11 351.588 or 351.592 that its registered agent or registered office has changed, that its registered  
12 agent has resigned, or that its registered office has been discontinued within thirty days of the  
13 change, resignation, or discontinuance;

14 (5) An incorporator, director, officer, or agent of the foreign corporation signed a  
15 document the person knew was false in any material respect with intent that the document be  
16 delivered to the secretary of state for filing;

17 (6) The secretary of state receives a duly authenticated certificate from [the secretary of  
18 state or other] **an** official having custody of corporate records in the state or country under whose  
19 law the foreign corporation is incorporated stating that it has been dissolved or has disappeared  
20 as the result of a merger;

21 (7) The foreign corporation fails to pay any final assessment of employer withholding  
22 tax, as provided in sections 143.191 to 143.265, RSMo, and the director of revenue has notified  
23 the secretary of state of such failure; or

24 (8) The foreign corporation fails to pay any final assessment of sales and use taxes, as  
25 provided in chapter 144, RSMo, and the director of revenue has notified the secretary of state of  
26 such failure.

351.602. 1. If the secretary of state determines that one or more grounds exist under  
2 section 351.598 for revocation of a certificate of authority, he shall serve the foreign corporation  
3 with written notice of his determination as provided in section 351.594.

4 2. If the foreign corporation does not correct each ground for revocation or demonstrate  
5 to the reasonable satisfaction of the secretary of state that each ground determined by the  
6 secretary of state does not exist within sixty days after service of the notice is perfected under  
7 section 351.594, the secretary of state may revoke the foreign corporation's certificate of

8 authority by signing a certificate of revocation that recites the ground or grounds for revocation  
9 and its effective date. The secretary of state shall file the original of the certificate and serve a  
10 copy on the foreign corporation as provided in section 351.594.

11 3. The authority of a foreign corporation to transact business in this state ceases on the  
12 date shown on the certificate revoking its certificate of authority.

13 4. The secretary of state's revocation of a foreign corporation's certificate of authority  
14 appoints the secretary of state the foreign corporation's agent for service of process in any  
15 proceeding based on a cause of action which arose during the time the foreign corporation was  
16 authorized to transact business in this state. Service of process on the secretary of state under  
17 this subsection is service on the foreign corporation. Upon receipt of process, the secretary of  
18 state shall mail a copy of the process to the secretary of the foreign corporation at its principal  
19 office shown in its most recent [annual] **corporate registration** report or in any subsequent  
20 communication received from the corporation specifically advising the secretary of state of the  
21 current mailing address of its principal office, or, if none are on file, in its application for a  
22 certificate of authority.

23 5. Revocation of a foreign corporation's certificate of authority does not terminate the  
24 authority of the registered agent of the corporation.

351.690. The provisions of this chapter shall be applicable to existing corporations and  
2 corporations not formed pursuant to this chapter as follows:

3 (1) Those provisions of this chapter requiring reports, registration statements and the  
4 payment of taxes and fees, shall be applicable, to the same extent and with the same effect, to  
5 all existing corporations, domestic and foreign, which were required to make such reports and  
6 registration statements and to pay such taxes and fees, prior to November 21, 1943;

7 (2) The provisions of this chapter shall be applicable to banks, trust companies and safe  
8 deposit companies when such provisions relating to the internal affairs of a corporation  
9 supplement the existing provisions of chapter 362, RSMo, or when the provisions of chapter 362,  
10 RSMo, do not deal with a matter involving the internal affairs of a corporation organized  
11 pursuant to the provisions of chapter 362, RSMo, as well as those provisions mentioned in  
12 subdivision (1) of this section, to the extent applicable. For the purposes of this chapter, the  
13 "internal affairs of a corporation" shall include, but not be limited to, matters of corporate  
14 governance, director and officer liability, and financial structure;

15 (3) No provisions of this chapter, other than those mentioned in subdivision (1) of this  
16 section, and then only to the extent required by the statutes pursuant to which they are  
17 incorporated, or other than the provisions of section 351.347, or section 351.355, shall be  
18 applicable to insurance companies, savings and loan associations, corporations formed for  
19 benevolent, religious, scientific or educational purposes, and nonprofit corporations;



20 (4) Only those provisions of this chapter which supplement the existing laws applicable  
21 to railroad corporations, union stations, cooperative companies for profit, credit unions, street  
22 railroads, telegraph and telephone companies, booming and rafting companies, urban  
23 redevelopment corporations, professional corporations, development finance corporations, and  
24 loan and investment companies, and which are not inconsistent with, or in conflict with the  
25 purposes of, or are not in derogation or limitation of, such existing laws, shall be applicable to  
26 the type of corporations mentioned above in this subdivision; and without limiting the generality  
27 of the foregoing, those provisions of this chapter which permit the issuance of shares without par  
28 value and the amendment of articles of incorporation for such purpose shall be applicable to  
29 railroad corporations, union stations, street railroads, telegraph and telephone companies, and  
30 booming and rafting companies, professional corporations, development finance corporations,  
31 and loan and investment companies, and those provisions of this chapter mentioned in  
32 subdivisions (1) and (2) of this section will apply to all corporations mentioned in this  
33 subdivision; except that, the [annual] **corporate registration** report and fee of a professional  
34 corporation pursuant to section 356.211, RSMo, shall suffice in lieu of the [annual] **corporate**  
35 **registration report** and fee required of a business corporation;

36 (5) All of the provisions of this chapter to the extent provided shall apply to all other  
37 corporations existing pursuant to general laws of this state enacted prior to November 21, 1943,  
38 and not specifically mentioned in subdivisions (1), (2) and (3) of this section.

355.016. 1. The secretary of state may prescribe and furnish on request, forms for:

- 2 (1) A foreign corporation's application for a certificate of authority to transact business  
3 in this state;
- 4 (2) A foreign corporation's application for a certificate of withdrawal; and
- 5 (3) The [annual] **corporate registration** report.

6 If the secretary of state so requires, use of these forms is mandatory.

7 2. The secretary of state may prescribe and furnish on request forms for other documents  
8 required or permitted to be filed by this chapter but their use is not mandatory.

355.021. 1. The secretary of state shall collect the following fees when the documents  
2 described in this subsection are delivered for filing:

- 3 (1) Articles of incorporation, twenty dollars;
- 4 (2) Application for reserved name, twenty dollars;
- 5 (3) Notice of transfer of reserved name, two dollars;
- 6 (4) Application for renewal of reserved name, twenty dollars;
- 7 (5) Corporation's statement of change of registered agent or registered office or both, five  
8 dollars;
- 9 (6) Agent's statement of change of registered office for each affected corporation, five  
10 dollars;

- 11 (7) Agent's statement of resignation, five dollars;  
12 (8) Amendment of articles of incorporation, five dollars;  
13 (9) Restatement of articles of incorporation with amendments, five dollars;  
14 (10) Articles of merger, five dollars;  
15 (11) Articles of dissolution, five dollars;  
16 (12) Articles of revocation of dissolution, five dollars;  
17 (13) Application for reinstatement following administrative dissolution, twenty dollars;  
18 (14) Application for certificate of authority, twenty dollars;  
19 (15) Application for amended certificate of authority, five dollars;  
20 (16) Application for certificate of withdrawal, five dollars;  
21 (17) [Annual] **Corporate registration** report **filed annually**, ten dollars if filed in a  
22 written format or five dollars if filed electronically in a format prescribed by the secretary of  
23 state;  
24 (18) **Corporate registration** report **filed biennially, twenty dollars if filed in a**  
25 **written format or ten dollars if filed electronically in a format prescribed by the secretary**  
26 **of state**;  
27 (19) Articles of correction, five dollars;  
28 [(19)] (20) Certificate of existence or authorization, five dollars;  
29 [(20)] (21) Any other document required or permitted to be filed by this chapter, five  
30 dollars.  
31 2. The secretary of state shall collect a fee of ten dollars upon being served with process  
32 under this chapter. The party to a proceeding causing service of process is entitled to recover the  
33 fee paid the secretary of state as costs if the party prevails in the proceeding.  
34 3. The secretary of state shall collect the following fees for copying and certifying the  
35 copy of any filed document relating to a domestic or foreign corporation: in a written format  
36 fifty cents per page plus five dollars for certification, or in an electronic format five dollars for  
37 certification and copies.

355.066. Unless the context otherwise requires or unless otherwise indicated, as used  
2 in this chapter the following terms mean:

- 3 (1) "Approved by or approval by the members", approved or ratified by the affirmative  
4 vote of a majority of the voters represented and voting at a duly held meeting at which a quorum  
5 is present, which affirmative votes also constitute a majority of the required quorum, or by a  
6 written ballot or written consent in conformity with this chapter, or by the affirmative vote,  
7 written ballot or written consent of such greater proportion, including the votes of all the  
8 members of any class, unit or grouping as may be provided in the articles, bylaws or this chapter  
9 for any specified member action;

10 (2) "Articles of incorporation" or "articles", amended and restated articles of  
11 incorporation and articles of merger;

12 (3) "Board" or "board of directors", the board of directors except that no person or group  
13 of persons is the board of directors because of powers delegated to that person or group pursuant  
14 to section 355.316;

15 (4) "Bylaws", the code or codes of rules, other than the articles, adopted pursuant to this  
16 chapter for the regulation or management of the affairs of the corporation, irrespective of the  
17 name or names by which such rules are designated. Bylaws shall not include legally enforceable  
18 covenants, declarations, indentures or restrictions imposed upon members by validly recorded  
19 indentures, declarations, covenants, restrictions or other recorded instruments, as they apply to  
20 real property;

21 (5) "Class", a group of memberships which have the same rights with respect to voting,  
22 dissolution, redemption and transfer. For the purpose of this section, "rights" shall be considered  
23 the same if they are determined by a formula applied uniformly;

24 (6) "Corporation", public benefit and mutual benefit corporations;

25 (7) "Delegates", those persons elected or appointed to vote in a representative assembly  
26 for the election of a director or directors or on other matters;

27 (8) "Deliver" includes mail;

28 (9) "Directors", individuals, designated in the articles or bylaws or elected by the  
29 incorporator or incorporators, and their successors and individuals elected or appointed by any  
30 other name or title to act as members of the board;

31 (10) "Distribution", the payment of a dividend or any part of the income or profit of a  
32 corporation to its members, directors or officers;

33 (11) "Domestic corporation", a Missouri corporation;

34 (12) "Effective date of notice" is defined in section 355.071;

35 (13) "Employee" does not include an officer or director who is not otherwise employed  
36 by the corporation;

37 (14) "Entity", domestic corporations and foreign corporations, business corporations and  
38 foreign business corporations, for-profit and nonprofit unincorporated associations, business  
39 trusts, estates, partnerships, trusts, and two or more persons having a joint or common economic  
40 interest, and a state, the United States, and foreign governments;

41 (15) "File", "filed" or "filing", filed in the office of the secretary of state;

42 (16) "Foreign corporation", a corporation organized under a law other than the laws of  
43 this state which would be a nonprofit corporation if formed under the laws of this state;

44 (17) "Governmental subdivision" includes authority, county, district, and municipality;

45 (18) "Includes" denotes a partial definition;

46 (19) "Individual", a natural person;

- 47 (20) "Means" denotes a complete definition;
- 48 (21) "Member", without regard to what a person is called in the articles or bylaws, any  
49 person or persons who on more than one occasion, pursuant to a provision of a corporation's  
50 articles or bylaws, have the right to vote for the election of a director or directors; but a person  
51 is not a member by virtue of any of the following:
- 52 (a) Any rights such person has as a delegate;
- 53 (b) Any rights such person has to designate a director or directors; or
- 54 (c) Any rights such person has as a director;
- 55 (22) "Membership", the rights and obligations a member or members have pursuant to  
56 a corporation's articles, bylaws and this chapter;
- 57 (23) "Mutual benefit corporation", a domestic corporation which is formed as a mutual  
58 benefit corporation pursuant to sections 355.096 to 355.121 or is required to be a mutual benefit  
59 corporation pursuant to section 355.881;
- 60 (24) "Notice" is defined in section 355.071;
- 61 (25) "Person" includes any individual or entity;
- 62 (26) "Principal office", the office, in or out of this state, so designated in the [annual]  
63 **corporate registration** report filed pursuant to section 355.856 where the principal offices of  
64 a domestic or foreign corporation are located;
- 65 (27) "Proceeding" includes civil suits and criminal, administrative, and investigatory  
66 actions;
- 67 (28) "Public benefit corporation", a domestic corporation which is formed as a public  
68 benefit corporation pursuant to sections 355.096 to 355.121, or is required to be a public benefit  
69 corporation pursuant to section 355.881;
- 70 (29) "Record date", the date established pursuant to sections 355.181 to 355.311 on  
71 which a corporation determines the identity of its members for the purposes of this chapter;
- 72 (30) "Resident", a full-time resident of a long-term care facility or residential care  
73 facility;
- 74 (31) "Secretary", the corporate officer to whom the board of directors has delegated  
75 responsibility pursuant to subsection 2 of section 355.431 for custody of the minutes of the  
76 directors' and members' meetings and for authenticating the records of the corporation;
- 77 (32) "State", when referring to a part of the United States, includes a state or  
78 commonwealth, and its agencies and governmental subdivisions, and any territory or insular  
79 possession, and its agencies and governmental subdivisions, of the United States;
- 80 (33) "United States" includes any agency of the United States;
- 81 (34) "Vote" includes authorization by written ballot and written consent; and
- 82 (35) "Voting power", the total number of votes entitled to be cast for the election of  
83 directors at the time the determination of voting power is made, excluding a vote which is

84 contingent upon the happening of a condition or event that has not occurred at the time. Where  
85 a class is entitled to vote as a class for directors, the determination of voting power of the class  
86 shall be based on the percentage of the number of directors the class is entitled to elect out of the  
87 total number of authorized directors.

355.071. 1. For purposes of this chapter, notice may be oral or written.

2 2. Notice may be communicated in person, by telephone, telegraph, teletype, or other  
3 form of wire or wireless communication, or by mail or private carrier; if these forms of personal  
4 notice are impracticable, notice may be communicated by a newspaper of general circulation in  
5 the area where published, or by radio, television, or other form of public broadcast  
6 communication.

7 3. Oral notice is effective when communicated if communicated in a comprehensible  
8 manner.

9 4. Written notice, if in a comprehensible form, is effective at the earliest of the  
10 following:

11 (1) When received;

12 (2) Five days after its deposit in the United States mail, as evidenced by the postmark,  
13 if mailed correctly addressed and with first class postage affixed;

14 (3) On the date shown on the return receipt, if sent by registered or certified mail, return  
15 receipt requested, and the receipt is signed by or on behalf of the addressee;

16 (4) Thirty days after its deposit in the United States mail, as evidenced by the postmark,  
17 if mailed correctly addressed and with other than first class, registered or certified postage  
18 affixed.

19 5. Written notice is correctly addressed to a member of a domestic or foreign corporation  
20 if addressed to the member's address shown in the corporation's current list of members.

21 6. A written notice or report delivered as part of a newsletter, magazine or other  
22 publication regularly sent to members shall constitute a written notice or report if addressed or  
23 delivered to the member's address shown in the corporation's current list of members, or in the  
24 case of members who are residents of the same household and who have the same address in the  
25 corporation's current list of members, if addressed or delivered to one of such members, at the  
26 address appearing on the current list of members.

27 7. Written notice is correctly addressed to a domestic or foreign corporation, authorized  
28 to transact business in this state, other than in its capacity as a member, if addressed to its  
29 registered agent or to its secretary at its principal office shown in its most recent [annual]  
30 **corporate registration** report or, in the case of a foreign corporation that has not yet delivered  
31 [an annual] **a corporate registration** report, in its application for a certificate of authority.

32 8. If subsection 2 of section 355.251 or any other provision of this chapter prescribes  
33 notice requirements for particular circumstances, those requirements govern. If the articles or

34 bylaws prescribe notice requirements, not inconsistent with this section or other provisions of  
35 this chapter, those requirements govern. Failure to comply with the terms of this section shall  
36 not invalidate the terms of the notice delivered.

355.151. 1. A person may reserve the exclusive use of a corporate name, including a  
2 fictitious name for a foreign corporation whose corporate name is not available, by delivering  
3 an application to the secretary of state for filing. Upon finding that the corporate name applied  
4 for is available, the secretary of state shall reserve the name for the applicant's exclusive use for  
5 a sixty-day period. **A name reservation shall not exceed a period of one hundred eighty days**  
6 **from the date of the first name reservation application. Upon the hundred eighty-first day,**  
7 **the name shall cease reserve status and shall not be placed back in reserve status.**

8 2. The owner of a reserved corporate name may transfer the reservation to another person  
9 by delivering to the secretary of state a signed notice of the transfer that states the name and  
10 address of the transferee.

355.176. 1. A corporation's registered agent is the corporation's agent for service of  
2 process, notice, or demand required or permitted by law to be served on the corporation.

3 2. If a corporation has no registered agent, or the agent cannot with reasonable diligence  
4 be served, the corporation may be served by registered or certified mail, return receipt requested,  
5 addressed to the secretary of the corporation at its principal office shown in the most recent  
6 [annual] **corporate registration** report filed under section 355.856. Service is perfected under  
7 this subsection on the earliest of:

8 (1) The date the corporation receives the mail;

9 (2) The date shown on the return receipt, if signed on behalf of the corporation; or

10 (3) Five days after its deposit in the United States mail, if mailed and correctly addressed  
11 with first class postage affixed.

12 3. This section does not prescribe the only means, or necessarily the required means, of  
13 serving a corporation.

355.688. A voluntarily dissolved corporation must continue to file the [annual]  
2 **corporate** registration report and pay all required taxes due the state of Missouri until the  
3 effective date of articles of termination.

355.706. The secretary of state may commence a proceeding under section 355.711 to  
2 administratively dissolve a corporation if:

3 (1) The corporation does not pay within thirty days after they are due fees or penalties  
4 imposed by this chapter;

5 (2) The corporation does not deliver its [annual] **corporate registration** report to the  
6 secretary of state within [thirty] **ninety** days after it is due;

7 (3) The corporation is without a registered agent or registered office in this state for thirty  
8 days or more;

9 (4) The corporation does not notify the secretary of state within thirty days that its  
10 registered agent or registered office has been changed, that its registered agent has resigned, or  
11 that its registered office has been discontinued;

12 (5) The corporation's period of duration, if any, stated in its articles of incorporation  
13 expires; or

14 (6) The corporation has procured its charter through fraud practiced upon the state.

355.796. 1. The registered agent of a foreign corporation authorized to transact business  
2 in this state is the corporation's agent for service of process, notice, or demand required or  
3 permitted by law to be served on the foreign corporation.

4 2. A foreign corporation may be served by registered or certified mail, return receipt  
5 requested, addressed to the secretary of the foreign corporation at its principal office shown in  
6 its application for a certificate of authority or in its more recent [annual] **corporate registration**  
7 report filed under section 355.856 if the foreign corporation:

8 (1) Has no registered agent or its registered agent cannot with reasonable diligence be  
9 served;

10 (2) Has withdrawn from transacting business in this state under section 355.801; or

11 (3) Has had its certificate of authority revoked under section 355.811.

12 3. Service is perfected under subsection 2 of this section at the earliest of:

13 (1) The date the foreign corporation receives the mail;

14 (2) The date shown on the return receipt, if signed on behalf of the foreign corporation;

15 or

16 (3) Five days after its deposit in the United States mail, as evidenced by the postmark if  
17 mailed postpaid and correctly addressed.

18 4. This section does not prescribe the only means, or necessarily the required means, of  
19 serving a foreign corporation.

355.806. 1. The secretary of state may commence a proceeding under section 355.811  
2 to revoke the certificate of authority of a foreign corporation authorized to transact business in  
3 this state if:

4 (1) The foreign corporation does not deliver the [annual] **corporate registration** report  
5 to the secretary of state within thirty days after it is due;

6 (2) The foreign corporation does not pay within thirty days after they are due any fees or  
7 penalties imposed by this chapter;

8 (3) The foreign corporation is without a registered agent or registered office in this state  
9 for thirty days or more;

10 (4) The foreign corporation does not inform the secretary of state under section 355.786  
11 or 355.791 that its registered agent or registered office has changed, that its registered agent has

12 resigned, or that its registered office has been discontinued within thirty days of the change,  
13 resignation, or discontinuance;

14 (5) An incorporator, director, officer or agent of the foreign corporation signed a  
15 document such person knew was false in any material respect with intent that the document be  
16 delivered to the secretary of state for filing;

17 (6) The secretary of state receives a duly authenticated certificate from the secretary of  
18 state or other official having custody of corporate records in the state or country under whose law  
19 the foreign corporation is incorporated stating that it has been dissolved or disappeared as the  
20 result of a merger; or

21 (7) The corporation procured its certificate of authority through fraud practiced on the  
22 state.

23 2. The attorney general may commence a proceeding under section 355.811 to revoke  
24 the certificate of authority of a foreign corporation authorized to transact business in this state  
25 if:

26 (1) The corporation has continued to exceed or abuse the authority conferred upon it by  
27 law;

28 (2) The corporation would have been a public benefit corporation other than a church or  
29 convention or association of churches had it been incorporated in this state and that its corporate  
30 assets in this state are being misapplied or wasted; or

31 (3) The corporation would have been a public benefit corporation other than a church or  
32 convention or association of churches had it been incorporated in this state and it is no longer  
33 able to carry out its purposes.

355.811. 1. The secretary of state upon determining that one or more grounds exist  
2 under section 355.806 for revocation of a certificate of authority shall serve the foreign  
3 corporation with written notice of that determination under section 355.796.

4 2. The attorney general upon determining that one or more grounds exist under  
5 subsection 2 of section 355.806 for revocation of a certificate of authority shall request the  
6 secretary of state to serve, and the secretary of state shall serve the foreign corporation with  
7 written notice of that determination under section 355.796.

8 3. If the foreign corporation does not correct each ground for revocation or demonstrate  
9 to the reasonable satisfaction of the secretary of state or attorney general that each ground for  
10 revocation determined by the secretary of state or attorney general does not exist within sixty  
11 days after service of the notice is perfected under section 355.796, the secretary of state may  
12 revoke the foreign corporation's certificate of authority by signing a certificate of revocation that  
13 recites the ground or grounds for revocation and its effective date. The secretary of state shall  
14 file the original of the certificate and serve a copy on the foreign corporation under section  
15 355.796.



16           4. The authority of a foreign corporation to transact business in this state ceases on the  
17 date shown on the certificate revoking its certificate of authority.

18           5. The secretary of state's revocation of a foreign corporation's certificate of authority  
19 appoints the secretary of state the foreign corporation's agent for service of process in any  
20 proceeding based on a cause of action which arose during the time the foreign corporation was  
21 authorized to transact business in this state. Service of process on the secretary of state under  
22 this subsection is service on the foreign corporation. Upon receipt of process, the secretary of  
23 state shall mail a copy of the process to the secretary of the foreign corporation at its principal  
24 office shown in its most recent [annual] **corporate registration** report or in any subsequent  
25 communications received from the corporation stating the current mailing address of its principal  
26 office, or, if none are on file, in its application for a certificate of authority.

27           6. Revocation of a foreign corporation's certificate of authority does not terminate the  
28 authority of the registered agent of the corporation.

          355.821. 1. A corporation shall keep as permanent records minutes of all meetings of  
2 its members and board of directors, a record of all actions taken by the members or directors  
3 without a meeting, and a record of all actions taken by committees of the board of directors as  
4 authorized by subsection 4 of section 355.406.

5           2. A corporation shall maintain appropriate accounting records.

6           3. A corporation or its agent shall maintain a record of its members in a form that  
7 permits preparation of a list of the names and addresses of all members, in alphabetical order by  
8 class showing the number of votes each member is entitled to vote.

9           4. A corporation shall maintain its records in written form or in another form capable of  
10 conversion into written form within a reasonable time.

11          5. A corporation shall keep a copy of the following records at its principal office:

12           (1) Its articles or restated articles of incorporation and all amendments to them currently  
13 in effect;

14           (2) Its bylaws or restated bylaws and all amendments to them currently in effect;

15           (3) Resolutions adopted by its board of directors relating to the characteristics,  
16 qualifications, rights, limitations and obligations of members or any class or category of  
17 members;

18           (4) The minutes of all meetings of members and records of all actions approved by the  
19 members for the past three years;

20           (5) All written communications to all members or any specific class of members  
21 generally within the past three years, including the financial statements furnished for the past  
22 three years under section 355.846;

23           (6) A list of the names and business or home addresses of its current directors and  
24 officers;

25 (7) Its most recent [annual] **corporate registration** report delivered to the secretary of  
26 state under section 355.856; and

27 (8) Appropriate financial statements of all income and expenses. Public benefit  
28 corporations shall not be required, under this chapter, to disclose any information with respect  
29 to donors, gifts, contributions or the purchase or sale of art objects.

355.856. 1. Each domestic corporation, and each foreign corporation authorized  
2 pursuant to this chapter to transact business in this state, shall file with the secretary of state [an  
3 annual] **a** corporate registration report on a form prescribed and furnished by the secretary of  
4 state that sets forth:

5 (1) The name of the corporation and the state or country under whose law it is  
6 incorporated;

7 (2) The address of its registered office and the name of its registered agent at the office  
8 in this state;

9 (3) The address of its principal office;

10 (4) The names and physical business or residence addresses of its directors and principal  
11 officers.

12 2. The information in the [annual] corporate registration report must be current on the  
13 date the [annual] corporate registration report is executed on behalf of the corporation.

14 3. The [first annual] **initial** corporate registration report must be delivered to the  
15 secretary of state no later than August thirty-first of the year following the calendar year in which  
16 a domestic corporation was incorporated or a foreign corporation was authorized to transact  
17 business. Subsequent [annual] corporate registration reports must be delivered to the secretary  
18 of state no later than August thirty-first of the following calendar years, **except as provided in**  
19 **section 355.857**. If [an annual] **a** corporate registration report is not filed within the time limits  
20 prescribed by this section, the secretary of state shall not accept the report unless it is  
21 accompanied by a fifteen dollar fee. Failure to file the [annual] registration report as required  
22 by this section will result in the administrative dissolution of the corporation as set forth in  
23 section 355.706.

24 4. If [an annual] **a** corporate registration report does not contain the information required  
25 by this section, the secretary of state shall promptly notify the reporting domestic or foreign  
26 corporation in writing and return the report to it for correction.

27 5. A corporation may change the corporation's registered office or registered agent with  
28 the filing of the corporation's [annual] registration report. To change the corporation's registered  
29 agent with the filing of the [annual] registration report, the corporation must include the new  
30 registered agent's written consent to the appointment as registered agent and a written consent  
31 stating that such change in registered agents was authorized by resolution duly adopted by the  
32 board of directors. The written consent must be signed by the new registered agent and must

33 include such agent's address. If the [annual] corporate registration report is not completed  
34 correctly, the secretary of state may reject the filing of such report.

35 6. A corporation's [annual] **corporate** registration report must be filed in a format and  
36 medium prescribed by the secretary of state.

37 7. The [annual] **corporate** registration report shall be signed by an officer or authorized  
38 person and pursuant to this section represents that the signer believes the statements are true and  
39 correct to the best knowledge and belief of the person signing, subject to the penalties of section  
40 575.040, RSMo.

**355.857. 1. Notwithstanding the provisions of section 355.856 to the contrary,**  
2 **beginning January 1, 2010, the secretary of state may provide corporations the option of**  
3 **biennially filing corporate registration reports. Any corporation incorporated or qualified**  
4 **in an even-numbered year may file a biennial corporate registration report only in an even-**  
5 **numbered calendar year, and any corporation incorporated or qualified in an odd-**  
6 **numbered year may file a biennial corporate registration report only in an odd-numbered**  
7 **calendar year, subject to the following requirements:**

8 (1) The fee paid at the time of biennial registration shall be that specified in section  
9 355.021;

10 (2) A corporation's biennial corporate registration report shall be filed in a format  
11 as prescribed by the secretary of state;

12 (3) The secretary of state may collect an additional fee of ten dollars on each  
13 biennial corporate registration report filed under this section. Such fee shall be deposited  
14 into the state treasury and credited to the secretary of state's technology trust fund  
15 account.

16 2. Once a corporation chooses the option of biennial registration, such registration  
17 shall be maintained for the full twenty-four month period. Once the twenty-four month  
18 period has expired and another corporate registration report is due, a corporation may  
19 choose to file an annual registration report under section 355.856. However, upon making  
20 such choice the corporation may later only choose to file a biennial corporate registration  
21 report in a year appropriate under subsection 1 of this section, based on the year in which  
22 the corporation was incorporated.

23 3. The secretary of state may promulgate rules for the effective administration of  
24 this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,  
25 that is created under the authority delegated in this section shall become effective only if  
26 it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if  
27 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable  
28 and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,  
29 to review, to delay the effective date, or to disapprove and annul a rule are subsequently

30 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**  
31 **adopted after August 28, 2009, shall be invalid and void.**

356.211. 1. Each professional corporation and each foreign professional corporation  
2 shall file with the secretary of state [an annual corporation] **a corporate** registration report  
3 pursuant to section 351.120, RSMo, **or section 351.122, RSMo.** The corporate registration  
4 report shall set forth the following information: the names and residence or physical business  
5 addresses of all officers, directors and shareholders of that professional corporation as of the date  
6 of the report.

7 2. The report shall be made on a form to be prescribed and furnished by the secretary of  
8 state, and shall be executed by an officer of the corporation or authorized person.

9 3. A filing fee in the amount set out in section 351.125, RSMo, **or section 351.122,**  
10 **RSMo,** shall be paid with the filing of each report, and no other fees shall be charged therefor;  
11 except that, penalty fees may be imposed by the secretary of state for late filings. The report  
12 shall be filed subject to the time requirements of section 351.120, RSMo, **or section 351.122,**  
13 **RSMo.**

14 4. If a professional corporation or foreign professional corporation shall fail to file a  
15 report qualifying with the provisions of this section when such a filing is due, then the  
16 corporation shall be subject to the provisions of chapter 351, RSMo, that are applicable to a  
17 corporation that has failed to timely file the [annual] **corporate registration** report required to  
18 be filed under chapter 351, RSMo.

359.681. In addition to the power and authority given the secretary of state by this  
2 chapter, the secretary of state or his designee shall have such further authority as is reasonably  
3 necessary to enable the secretary of state to administer this chapter efficiently and to perform the  
4 secretary of state's duties. This authority shall consist of, but is not limited to, the following  
5 powers:

6 (1) (a) The power to examine the books and records of any limited partnership to which  
7 this chapter applies, and it shall be the duty of any general partner or agent of such limited  
8 partnership to produce such books and records for examination on demand of the secretary of  
9 state or designated employee; provided, that no person shall be subject to any criminal  
10 prosecution on account of any matter or thing which may be disclosed by the examination of any  
11 limited partnership books, or records, which they may produce or exhibit for examination; or on  
12 account of any matter or thing concerning which they may make any voluntary and truthful  
13 statement in writing to the secretary of state, or designated employee. All facts obtained in the  
14 examination of the books and records of any limited partnership, or through voluntary sworn  
15 statement of any partner, agent, or employee of any limited partnership, shall be treated as  
16 confidential, except insofar as official duty may require the disclosure of same; or when such  
17 facts are material to any issue in any legal proceeding in which the secretary of state or

18 designated employee may be a party or called as a witness, and, if the secretary of state or  
19 designated employee shall, except as herein provided, disclose any information relative to the  
20 private accounts, affairs, and transactions of any such limited partnership, he shall be deemed  
21 guilty of a class C misdemeanor.

22 (b) If any general partner, or registered agent, of any such limited partnership shall refuse  
23 the demand of the secretary of state, or designated employee, to exhibit the books and records  
24 of such limited partnership for examination, he, or they, shall be deemed guilty of a class B  
25 misdemeanor.

26 (2) (a) The power to cancel or disapprove any certificate of limited partnership or other  
27 filing required under this chapter, if the limited partnership fails to comply with the provisions  
28 of this chapter by failing to file required documents under this chapter by failing to maintain a  
29 registered agent, by failing to pay the required filing fees, by using fraud or deception in effecting  
30 any filing, by filing a required document containing a false statement, or by violating any section  
31 or sections of the criminal laws of Missouri, the federal government or any other state of the  
32 United States. Thirty days before such cancellation shall take effect, the secretary of state shall  
33 notify the limited partnership with written notice, either personally or by mail. If mailed, the  
34 notice shall be deemed delivered five days after it is deposited in the United States mail in a  
35 sealed envelope addressed to such limited partnership's last registered agent and office or to one  
36 of the limited partnership's general partners. The written notice of the secretary of state's  
37 proposed cancellation to the limited partnership, domestic or foreign, will specify the reasons for  
38 such action.

39 (b) The limited partnership may appeal this notice of proposed cancellation to the circuit  
40 court of the county in which the registered office of such limited partnership is or is proposed  
41 to be situated by filing with the clerk of such court a petition setting forth a copy of the certificate  
42 of limited partnership or other relevant documents and a copy of the proposed written  
43 cancellation thereof by the secretary of state, such petition to be filed within thirty days after  
44 notice of such cancellation shall have been given, and the matter shall be tried by the court, and  
45 the court shall either sustain the action of the secretary of state or direct him to take such action  
46 as the court may deem proper. An appeal from the circuit court in such a case shall be allowed  
47 as in civil action.

48 (c) The limited partnership may provide information to the secretary of state that would  
49 allow the secretary of state to withdraw the notice of proposed cancellation. This information  
50 may consist of, but need not be limited to, corrected statements and documents, new filings,  
51 affidavits and certified copies of other filed documents.

52 (3) The power to rescind a cancellation provided for in subsection 2 of this section upon  
53 compliance with either of the following:

54 (a) The affected limited partnership provides the necessary documents and affidavits  
55 indicating the limited partnership has corrected the conditions causing the proposed cancellation  
56 or the cancellation;

57 (b) The limited partnership provides the correct statements or documentation that the  
58 limited partnership is not in violation of any section of the criminal code.

59 (4) The power to charge late filing fees for any filing fee required under this chapter.  
60 Late filing fees shall be assessed at a rate of ten dollars for each thirty-day period of delinquency.

61 **(5) (a) The power to administratively cancel a certificate of limited partnership if**  
62 **the limited partnership's period of duration stated in the certificate of limited partnership**  
63 **expires.**

64 **(b) Not less than thirty days before such administrative cancellation shall take**  
65 **effect, the secretary of state shall notify the limited partnership with written notice, either**  
66 **personally or by mail. If mailed, the notice shall be deemed delivered five days after it is**  
67 **deposited in the United States mail in a sealed envelope addressed to such limited**  
68 **partnership's last registered agent and office or to one of the limited partnership's general**  
69 **partners.**

70 **(c) If the limited partnership does not timely file a certificate of amendment in**  
71 **accordance with section 359.101 to extend the duration of the limited partnership, which**  
72 **may be any number of years or perpetual, or demonstrate to the reasonable satisfaction**  
73 **of the secretary of state that the period of duration determined by the secretary of state is**  
74 **incorrect, within sixty days after service of the notice is perfected by posting with the**  
75 **United States Postal Service, then the secretary of state shall cancel the certificate of limited**  
76 **partnership by signing a certificate of administrative cancellation that recites the grounds**  
77 **for cancellation and its effective date. The secretary of state shall file the original of the**  
78 **certificate and serve a copy on the limited partnership as provided in section 359.141.**

79 **(d) A limited partnership whose certificate of limited partnership has been**  
80 **administratively cancelled continues its existence but may not carry on any business except**  
81 **that necessary to wind up and liquidate its business and affairs under section 359.471 and**  
82 **notify claimants under section 359.481.**

83 **(e) The administrative cancellation of a certificate of limited partnership does not**  
84 **terminate the authority of its registered agent.**

85 **(6) (a) The power to rescind an administrative cancellation and reinstate the**  
86 **certificate of limited partnership.**

87 **(b) Except as otherwise provided in the partnership agreement, a limited**  
88 **partnership whose certificate of limited partnership has been administratively cancelled**  
89 **under subdivision (5) of this section may file a certificate of amendment in accordance with**

90 section 359.101 to extend the duration of the limited partnership, which may be any  
91 number or perpetual.

92 (c) A limited partnership whose certificate of limited partnership has been  
93 administratively cancelled under subdivision (5) of this section may apply to the secretary  
94 of state for reinstatement. The applicant shall:

95 a. Recite the name of the limited partnership and the effective date of its  
96 administrative cancellation;

97 b. State that the grounds for cancellation either did not exist or have been  
98 eliminated, as applicable, and be accompanied by documentation satisfactory to the  
99 secretary of state evidencing the same;

100 c. State that the limited partnership's name satisfies the requirements of section  
101 359.021;

102 d. Be accompanied by a reinstatement fee in the amount of one hundred dollars,  
103 or such greater amount as required by state regulation, plus any delinquent fees, penalties,  
104 and other charges as determined by the secretary of state to then be due.

105 (d) If the secretary of state determines that the application contains the information  
106 and is accompanied by the fees required in paragraph (c) of this subdivision and that the  
107 information and fees are correct, the secretary of state shall rescind the certificate of  
108 administrative cancellation and prepare a certificate of reinstatement that recites his or her  
109 determination and the effective date of reinstatement, file the original of the certificate, and  
110 serve a copy on the limited partnership as provided in section 359.141.

111 (e) When the reinstatement is effective, it shall relate back to and take effect as of  
112 the effective date of the administrative cancellation of the certificate of limited partnership  
113 and the limited partnership may continue carrying on its business as if the administrative  
114 cancellation had never occurred.

115 (f) In the event the name of the limited partnership was reissued by the secretary  
116 of state to another entity prior to the time application for reinstatement was filed, the  
117 limited partnership applying for reinstatement may elect to reinstate using a new name  
118 that complies with the requirements of section 359.021 and that has been approved by  
119 appropriate action of the limited partnership for changing the name thereof.

120 (g) If the secretary of state denies a limited partnership's application for  
121 reinstatement following administrative cancellation of the certificate of limited  
122 partnership, he or she shall serve the limited partnership as provided in section 359.141  
123 with a written notice that explains the reason or reasons for denial.

124 (h) The limited partnership may appeal a denial of reinstatement as provided for  
125 in paragraph (b) of subdivision (2) of this section.

126           (7) Subdivision (6) of this section shall apply to any limited partnership whose  
127 certificate of limited partnership was cancelled because such limited partnership's period  
128 of duration stated in the certificate of limited partnership expired on or after August 28,  
129 2003.

          376.789. 1. (1) This section applies to an individual or a group specified disease  
2 insurance policy issued to any person that contains the terms "actual charge" or "actual  
3 fee" without containing an express definition of the term.

4           (2) "Actual charge" or "actual fee" when used in an individual specified disease  
5 insurance policy in connection with the benefits payable for services rendered by a health  
6 care provider or other designated person or entity, means the amount the health care  
7 provider or other designated person or entity:

8           (a) Agrees to accept under a network or other participation agreement with the  
9 health insurer, third-party administrator, or other third-party payor, or other person,  
10 including the insured, as payment in full for the treatment, goods, or services provided to  
11 the insured; or

12           (b) Agrees, or as obligated by operation of law, to accept as payment in full for the  
13 treatment, goods, or services provided to the insured under a provider, participation, or  
14 supplier agreement under Medicare, Medicaid, or any other government administered  
15 health care program where the insured is covered or reimbursed by this program.

16           (3) "Payment in full" includes the actual charge or actual fee that was actually paid  
17 for the health care provider's treatment, goods, or services on behalf of the insured by  
18 Medicare, Medicaid, any other government administered health care program, any other  
19 health insurer, third-party administrator, or other third-party payor and, where  
20 applicable, any remaining portion of the actual charge or actual fee that was applied or  
21 assessed against the insured by Medicare, Medicaid, any other government administered  
22 health care program, any other health insurer, third-party administrator, or other third-  
23 party payor for the applicable deductions, co-insurance requirements, or co-pay  
24 requirements.

25           (4) If paragraphs (a) and (b) of subdivision (2) of this subsection apply, the actual  
26 charge or actual fee shall be the lesser of the amounts determined under such paragraphs.

27           2. Notwithstanding any other provision of law, after the effective date of this  
28 section, an insurer or issuer of an individual or group specified disease insurance policy  
29 shall not pay a claim of benefit under the applicable policy in an amount in excess of the  
30 actual charge or actual fee as defined in this section.

          379.130. 1. When investigating an accident or settling an automobile insurance  
2 policy claim, no insurer, agent, producer, or claims adjuster of an insurer shall assign a



3 **percentage of fault to a party based upon the sole fact that the party was operating a**  
4 **motorcycle in an otherwise legal manner.**

5 **2. A violation of this section shall be an unfair trade practice as defined by sections**  
6 **375.930 to 375.948, RSMo, and shall be subject to all of the provisions and penalties**  
7 **provided by such sections.**

8 **3. As used in this section, the term "insurer" shall mean any insurance company,**  
9 **association or exchange authorized to issue policies of automobile insurance in the state of**  
10 **Missouri. The term "automobile insurance policy" shall mean a policy providing**  
11 **automobile liability coverage, uninsured motorists coverage, automobile medical payments**  
12 **coverage or automobile physical damage coverage insuring a private passenger automobile**  
13 **owned by an individual or partnership.**

452.305. 1. The court shall enter a judgment of dissolution of marriage if:

2 (1) The court finds that one of the parties has been a resident of this state, or is a member  
3 of the armed services who has been stationed in this state, for ninety days immediately preceding  
4 the commencement of the proceeding and that thirty days have elapsed since the filing of the  
5 petition; and

6 (2) The court finds that there remains no reasonable likelihood that the marriage can be  
7 preserved and that therefore the marriage is irretrievably broken; and

8 (3) To the extent it has jurisdiction, the court has considered and made provision for  
9 child custody, the support of each child, the maintenance of either spouse and the disposition of  
10 property.

11 2. The court shall enter a judgment of legal separation if:

12 (1) The court finds that one of the parties has been a resident of this state, or is a member  
13 of the armed services who has been stationed in this state, for ninety days immediately preceding  
14 the commencement of the proceeding and that thirty days have elapsed since the filing of the  
15 petition; and

16 (2) The court finds that there remains a reasonable likelihood that the marriage can be  
17 preserved and that therefore the marriage is not irretrievably broken; and

18 (3) To the extent it has jurisdiction, the court has considered and made provision for the  
19 custody and the support of each child, the maintenance of either spouse and the disposition of  
20 property.

21 3. Any judgment of dissolution of marriage or legal separation shall include the **last four**  
22 **digits of the Social Security numbers of the parties. The full Social Security number of each**  
23 **party and each child shall be retained in the manner required under section 509.520,**  
24 **RSMo.**

452.310. 1. In any proceeding commenced pursuant to this chapter, the petition, a  
2 motion to modify, a motion for a family access order and a motion for contempt shall be verified.

3 The petition in a proceeding for dissolution of marriage shall allege that the marriage is  
4 irretrievably broken and that therefore there remains no reasonable likelihood that the marriage  
5 can be preserved. The petition in a proceeding for legal separation shall allege that the marriage  
6 is not irretrievably broken and that therefore there remains a reasonable likelihood that the  
7 marriage can be preserved.

8 2. The petition in a proceeding for dissolution of marriage or legal separation shall set  
9 forth:

10 (1) The residence of each party, including the county, and the length of residence of each  
11 party in this state and in the county of residence;

12 (2) The date of the marriage and the place at which it is registered;

13 (3) The date on which the parties separated;

14 (4) The name, [date of birth] **age**, and address of each child, and the parent with whom  
15 each child has primarily resided for the sixty days immediately preceding the filing of the petition  
16 for dissolution of marriage or legal separation;

17 (5) Whether the wife is pregnant;

18 (6) The **last four digits of the** Social Security number of the petitioner, respondent and  
19 each child;

20 (7) Any arrangements as to the custody and support of the children and the maintenance  
21 of each party; and

22 (8) The relief sought.

23 3. Upon the filing of the petition in a proceeding for dissolution of marriage or legal  
24 separation, each child shall immediately be subject to the jurisdiction of the court in which the  
25 proceeding is commenced, unless a proceeding involving allegations of abuse or neglect of the  
26 child is pending in juvenile court. Until permitted by order of the court, neither parent shall  
27 remove any child from the jurisdiction of the court or from any parent with whom the child has  
28 primarily resided for the sixty days immediately preceding the filing of a petition for dissolution  
29 of marriage or legal separation.

30 4. The mere fact that one parent has actual possession of the child at the time of filing  
31 shall not create a preference in favor of such parent in any judicial determination regarding  
32 custody of the child.

33 5. The respondent shall be served in the manner provided by the rules of the supreme  
34 court and applicable court rules and, to avoid an interlocutory judgment of default, shall file a  
35 verified answer within thirty days of the date of service which shall not only admit or deny the  
36 allegations of the petition, but shall also set forth:

37 (1) The **last four digits of the** Social Security number of the petitioner, respondent and  
38 each child;

39 (2) Any arrangements as to the custody and support of the child and the maintenance of  
40 each party; and

41 (3) The relief sought.

42 6. Previously existing defenses to divorce and legal separation, including but not limited  
43 to condonation, connivance, collusion, recrimination, insanity, and lapse of time, are abolished.

44 7. **The full Social Security number of each party and each child and the date of**  
45 **birth of each child shall be provided in the manner required under section 509.520, RSMo.**

46 8. The petitioner and respondent shall submit a proposed parenting plan, either  
47 individually or jointly, within thirty days after service of process or the filing of the entry of  
48 appearance, whichever event first occurs of a motion to modify or a petition involving custody  
49 or visitation issues. The proposed parenting plan shall set forth the arrangements that the party  
50 believes to be in the best interest of the minor children and shall include but not be limited to:

51 (1) A specific written schedule detailing the custody, visitation and residential time for  
52 each child with each party including:

53 (a) Major holidays stating which holidays a party has each year;

54 (b) School holidays for school-age children;

55 (c) The child's birthday, Mother's Day and Father's Day;

56 (d) Weekday and weekend schedules and for school-age children how the winter, spring,  
57 summer and other vacations from school will be spent;

58 (e) The times and places for transfer of the child between the parties in connection with  
59 the residential schedule;

60 (f) A plan for sharing transportation duties associated with the residential schedule;

61 (g) Appropriate times for telephone access;

62 (h) Suggested procedures for notifying the other party when a party requests a temporary  
63 variation from the residential schedule;

64 (i) Any suggested restrictions or limitations on access to a party and the reasons such  
65 restrictions are requested;

66 (2) A specific written plan regarding legal custody which details how the  
67 decision-making rights and responsibilities will be shared between the parties including the  
68 following:

69 (a) Educational decisions and methods of communicating information from the school  
70 to both parties;

71 (b) Medical, dental and health care decisions including how health care providers will  
72 be selected and a method of communicating medical conditions of the child and how emergency  
73 care will be handled;

74 (c) Extracurricular activities, including a method for determining which activities the  
75 child will participate in when those activities involve time during which each party is the  
76 custodian;

77 (d) Child care providers, including how such providers will be selected;

78 (e) Communication procedures including access to telephone numbers as appropriate;

79 (f) A dispute resolution procedure for those matters on which the parties disagree or in  
80 interpreting the parenting plan;

81 (g) If a party suggests no shared decision-making, a statement of the reasons for such a  
82 request;

83 (3) How the expenses of the child, including child care, educational and extraordinary  
84 expenses as defined in the child support guidelines established by the supreme court, will be paid  
85 including:

86 (a) The suggested amount of child support to be paid by each party;

87 (b) The party who will maintain or provide health insurance for the child and how the  
88 medical, dental, vision, psychological and other health care expenses of the child not paid by  
89 insurance will be paid by the parties;

90 (c) The payment of educational expenses, if any;

91 (d) The payment of extraordinary expenses of the child, if any;

92 (e) Child care expenses, if any;

93 (f) Transportation expenses, if any.

94 [8.] **9.** If the proposed parenting plans of the parties differ and the parties cannot resolve  
95 the differences or if any party fails to file a proposed parenting plan, upon motion of either party  
96 and an opportunity for the parties to be heard, the court shall enter a temporary order containing  
97 a parenting plan setting forth the arrangements specified in subsection [7] **8** of this section which  
98 will remain in effect until further order of the court. The temporary order entered by the court  
99 shall not create a preference for the court in its adjudication of final custody, child support or  
100 visitation.

101 [9.] **10.** Within one hundred twenty days after August 28, 1998, the Missouri supreme  
102 court shall have in effect guidelines for a parenting plan form which may be used by the parties  
103 pursuant to this section in any dissolution of marriage, legal separation or modification  
104 proceeding involving issues of custody and visitation relating to the child.

105 [10.] **11.** The filing of a parenting plan for any child over the age of eighteen for whom  
106 custody, visitation, or support is being established or modified by a court of competent  
107 jurisdiction is not required. Nothing in this section shall be construed as precluding the filing  
108 of a parenting plan upon agreement of the parties or if ordered to do so by the court for any child  
109 over the age of eighteen for whom custody, visitation, or support is being established or modified  
110 by a court of competent jurisdiction.

452.312. 1. Every petition for dissolution of marriage or legal separation, every motion  
2 for modification of a decree respecting maintenance or support, and every petition or motion for  
3 support of a minor child shall contain the [name and address of the current employer and the]  
4 **last four digits of the** Social Security number of the petitioner or movant, if a person, [and, if  
5 known to petitioner or movant, the name and address of the current employer] and **the last four**  
6 **digits of the** Social Security number of the respondent. **The name and address of the**  
7 **petitioner's and respondent's current employer shall be provided and retained in the same**  
8 **manner as required under section 509.520, RSMo.**

9 2. Every responsive pleading to a petition for dissolution of marriage or legal separation,  
10 motion for modification of a decree respecting maintenance or support, and petition or motion  
11 for support of a minor child shall contain the name and address of the current employer and the  
12 **last four digits of the** Social Security number of the respondent, if the respondent is a person.

13 3. Every decree dissolving a marriage, every order modifying a previous decree of  
14 dissolution or divorce, and every order for support of a minor child shall contain the **last four**  
15 **digits of the** Social Security numbers of the parties, if disclosed by the pleadings.

16 **4. The full Social Security number of each party and each child shall be retained**  
17 **in the manner required by section 509.520, RSMo.**

452.343. Notwithstanding any provision of law to the contrary, every judgment or order  
2 issued in this state which, in whole or in part, affects child custody, child support, visitation,  
3 modification of custody, support or visitation, or is issued pursuant to section 454.470 or  
4 454.475, RSMo, shall contain the **last four digits of the** Social Security number of the parties  
5 to the action which gives rise to such judgment or order. **The full Social Security number of**  
6 **each party and each child shall be retained in the manner required by section 509.520,**  
7 **RSMo.**

452.423. 1. In all proceedings for child custody or for dissolution of marriage or legal  
2 separation where custody, visitation, or support of a child is a contested issue, the court may  
3 appoint a guardian ad litem. Disqualification of a guardian ad litem shall be ordered in any legal  
4 proceeding only pursuant to this chapter, upon the filing of a written application by any party  
5 within ten days of appointment, or within ten days of August 28, 1998, if the appointment occurs  
6 prior to August 28, 1998. Each party shall be entitled to one disqualification of a guardian ad  
7 litem appointed under this subsection in each proceeding, except a party may be entitled to  
8 additional disqualifications of a guardian ad litem for good cause shown.

9 2. The court shall appoint a guardian ad litem in any proceeding in which child abuse  
10 or neglect is alleged.

11 3. The guardian ad litem shall:

12 (1) Be the legal representative of the child at the hearing, and may examine,  
13 cross-examine, subpoena witnesses and offer testimony;

14 (2) Prior to the hearing, conduct all necessary interviews with persons having contact  
15 with or knowledge of the child in order to ascertain the child's wishes, feelings, attachments and  
16 attitudes. If appropriate, the child should be interviewed;

17 (3) Request the juvenile officer to cause a petition to be filed in the juvenile division of  
18 the circuit court if the guardian ad litem believes the child alleged to be abused or neglected is  
19 in danger.

20 4. The appointing judge shall require the guardian ad litem to faithfully discharge such  
21 guardian ad litem's duties, and upon failure to do so shall discharge such guardian ad litem and  
22 appoint another. The judge in making appointments pursuant to this section shall give preference  
23 to persons who served as guardian ad litem for the child in the earlier proceeding, unless there  
24 is a reason on the record for not giving such preference.

25 5. The guardian ad litem shall be awarded a reasonable fee for such services to be set by  
26 the court. The court, in its discretion, may:

27 (1) Issue a direct payment order to the parties. If a party fails to comply with the court's  
28 direct payment order, the court may find such party to be in contempt of court; or

29 (2) Award such fees as a judgment to be paid by any party to the proceedings or from  
30 public funds. Such an award of guardian fees shall constitute a final judgment in favor of the  
31 guardian ad litem. Such final judgment shall be enforceable against the parties in accordance  
32 with chapter 513, RSMo.

33 [6. The court may designate volunteer advocates, who may or may not be attorneys  
34 licensed to practice law, to assist in the performance of the guardian ad litem duties for the court.  
35 The volunteer advocate shall be provided with all reports relevant to the case made to or by any  
36 agency or person and shall have access to all records of such agencies or persons relating to the  
37 child or such child's family members. Any such designated person shall receive no compensation  
38 from public funds. This shall not preclude reimbursement for reasonable expenses.]

2 **452.426. If the judge determines that there is potential risk of international**  
3 **abduction of the child by either party, the judge may place any restraints on the parties or**  
4 **grant any remedies to either party that is necessary.**

5 **452.430. Any pleadings, other than the interlocutory or final judgment, in a**  
6 **dissolution of marriage or legal separation filed prior to August 28, 2009, shall be subject**  
7 **to inspection only by the parties or an attorney of record or upon order of the court for**  
8 **good cause shown, or by the family support division within the department of social**  
9 **services when services are being provided under section 454.400, RSMo. The clerk shall**  
10 **redact the Social Security number from any judgment or pleading before releasing the**  
11 **interlocutory or final judgment to the public.**

12 **452.700. Sections 452.700 to 452.930 may be cited as the "Uniform Child Custody**  
13 **Jurisdiction and Enforcement Act".**

## ARTICLE I

## GENERAL PROVISIONS

**452.705. As used in sections 452.700 to 452.930:**

(1) "Abandoned" means left without provision for reasonable and necessary care or supervision;

(2) "Child" means an individual who has not attained eighteen years of age;

(3) "Child custody determination" means a judgment, decree, or other order of a court providing for the legal custody, physical custody, or visitation with respect to a child. The term includes a permanent, temporary, initial, or modification order. The term shall not include an order relating to child support or other monetary obligation of an individual;

(4) "Child custody proceeding" means a proceeding in which legal custody, physical custody, or visitation with respect to a child is an issue. The term includes a proceeding for divorce, separation, neglect, abuse, dependency, guardianship, paternity, termination of parental rights, and protection from domestic violence in which the issue may appear. The term shall not include a proceeding involving juvenile delinquency, contractual emancipation, or enforcement under sections 452.850 to 452.915;

(5) "Commencement" means the filing of the first pleading in a proceeding;

(6) "Court" means an entity authorized under the law of a state to establish, enforce, or modify a child custody determination;

(7) "Decree" or "custody decree" means a custody determination contained in a judicial decree or order made in a custody proceeding, and includes an initial decree and a modification decree;

(8) "Home state" means the state in which a child has lived with a parent or a person acting as a parent for at least six consecutive months immediately prior to the commencement of a child custody proceeding. In the case of a child less than six months of age, the term means the state in which the child has lived from birth with any of the persons mentioned. A period of temporary absence of any of the mentioned persons is part of such period;

(9) "Initial determination" means the first child custody determination concerning a particular child;

(10) "Issuing court" means the court making a child custody determination for which enforcement is sought under sections 452.700 to 452.930;

(11) "Issuing state" means the state in which a child custody determination is made;

(12) "Litigant" means a person, including a parent, grandparent, or stepparent, who claims a right to custody or visitation with respect to a child;

36           (13) "Modification" means a child custody determination that changes, replaces,  
37 supersedes or is otherwise made after a previous determination concerning the same child,  
38 whether or not it is made by the court that made the previous determination;

39           (14) "Person" includes government, a governmental subdivision, agency or  
40 instrumentality, or any other legal or commercial entity;

41           (15) "Person acting as a parent" means a person, other than a parent, who:

42           (a) Has physical custody of the child or has had physical custody for a period of six  
43 consecutive months, including any temporary absence, within one year immediately prior  
44 to the commencement of a child custody proceeding; and

45           (b) Has been awarded legal custody by a court or claims a right to legal custody  
46 under the law of this state;

47           (16) "Physical custody" means the physical care and supervision of a child;

48           (17) "State" means a state of the United States, the District of Columbia, Puerto  
49 Rico, the United States Virgin Islands, or any territory or insular possession subject to the  
50 jurisdiction of the United States;

51           (18) "Warrant" means an order issued by a court authorizing law enforcement  
52 officers to take physical custody of a child.

          452.710. Sections 452.700 to 452.930 shall not govern:

2           (1) An adoption proceeding; or

3           (2) A proceeding pertaining to the authorization of emergency medical care for a  
4 child.

          452.715. 1. A child custody proceeding that pertains to an Indian child, as defined  
2 in the Indian Child Welfare Act, 25 U.S.C. Section 1901, et seq., is not subject to sections  
3 452.700 to 452.930 to the extent that it is governed by the Indian Child Welfare Act.

4           2. A court of this state shall treat a tribe as a state of the United States for purposes  
5 of sections 452.700 to 452.930.

6           3. A child custody determination made by a tribe under factual circumstances in  
7 substantial conformity with the jurisdictional standards of sections 452.700 to 452.930 shall  
8 be recognized and enforced under the provisions of sections 452.850 to 452.915.

          452.720. 1. A court of this state shall treat a foreign country as a state of the United  
2 States for purposes of applying sections 452.700 to 452.785.

3           2. A child custody determination made in a foreign country under factual  
4 circumstances in substantial conformity with the jurisdictional standards of sections  
5 452.700 to 452.930 shall be recognized and enforced under sections 452.850 to 452.915.

6           3. The court need not apply the provisions of sections 452.700 to 452.930 when the  
7 child custody law of the other country violates fundamental principles of human rights.



**452.725. 1. A party to a child custody proceeding who is not subject to personal jurisdiction in this state and is a responding party under sections 452.740 to 452.785, a party in a proceeding to modify a child custody determination under sections 452.740 to 452.785, or a petitioner in a proceeding to enforce or register a child custody determination under sections 452.850 to 452.915 may appear and participate in such proceeding without submitting to personal jurisdiction over the party for another proceeding or purpose.**

**2. A party is not subject to personal jurisdiction in this state solely by being physically present for the purpose of participating in a proceeding under sections 452.700 to 452.930. If a party is subject to personal jurisdiction in this state on a basis other than physical presence, the party may be served with process in this state. If a party present in this state is subject to the jurisdiction of another state, service of process permissible under the laws of the other state may be accomplished in this state.**

**3. The immunity granted by this section shall not extend to civil litigation based on acts unrelated to the participation in a proceeding under sections 452.700 to 452.930 committed by an individual while present in this state.**

**452.730. 1. A court of this state may communicate with a court in another state concerning a proceeding arising under sections 452.700 to 452.930.**

**2. The court may allow the parties to participate in the communication. If the parties are not able to participate in the communication, the parties shall be given the opportunity to present facts and legal arguments before a decision on jurisdiction is made.**

**3. A communication between courts on schedules, calendars, court records, and similar matters may occur without informing the parties. A record need not be made of such communication.**

**4. Except as provided in subsection 3 of this section, a record shall be made of the communication. The parties shall be informed promptly of the communication and granted access to the record.**

**5. For the purposes of this section, "record" means information that is inscribed on a tangible medium, or that which is stored in an electronic or other medium and is retrievable in perceivable form. A record includes notes or transcripts of a court reporter who listened to a conference call between the courts, an electronic recording of a telephone call, a memorandum or an electronic record of the communication between the courts, or a memorandum or an electronic record made by a court after the communication.**

**452.735. 1. A court of this state may request the appropriate court of another state to:**

**(1) Hold an evidentiary hearing;**

**(2) Order a person to produce or give evidence under procedures of that state;**

5           (3) Order that an evaluation be made with respect to the custody of a child involved  
6 in a pending proceeding;

7           (4) Forward to the court of this state a certified copy of the transcript of the record  
8 of the hearing, the evidence otherwise presented and any evaluation prepared in  
9 compliance with the request; and

10          (5) Order a party to a child custody proceeding or any person having physical  
11 custody of the child to appear in the proceeding with or without the child.

12          2. Upon request of a court of another state, a court of this state may hold a hearing  
13 or enter an order described in subsection 1 of this section.

14          3. Travel and other necessary and reasonable expenses incurred under subsection  
15 1 or 2 of this section may be assessed against the parties according to the law of this state.

16          4. A court of this state shall preserve the pleadings, orders, decrees, records of  
17 hearings, evaluations, and other pertinent records with respect to a child custody  
18 proceeding until the child attains eighteen years of age. Upon appropriate request by a  
19 court or law enforcement official of another state, the court shall forward a certified copy  
20 of such records.

21                                   **ARTICLE II**  
22                                   **JURISDICTION**

**452.740. 1.** Except as otherwise provided in section 452.755, a court of this state has  
2 jurisdiction to make an initial child custody determination only if:

3           (1) This state is the home state of the child on the date of the commencement of the  
4 proceeding, or was the home state of the child within six months prior to the  
5 commencement of the proceeding and the child is absent from this state but a parent or  
6 person acting as a parent continues to live in this state;

7           (2) A court of another state does not have jurisdiction under subdivision (1) of this  
8 subsection, or a court of the home state of the child has declined to exercise jurisdiction on  
9 the ground that this state is the more appropriate forum under section 452.770 or 452.775,  
10 and:

11           (a) The child and the child's parents, or the child and at least one parent or person  
12 acting as a parent have a significant connection with this state other than mere physical  
13 presence; and

14           (b) Substantial evidence is available in this state concerning the child's care,  
15 protection, training and personal relationships;

16           (3) All courts having jurisdiction under subdivisions (1) and (2) of this subsection  
17 have declined to exercise jurisdiction on the ground that a court of this state is the more  
18 appropriate forum to determine the custody of the child under section 452.770 or 452.775;  
19 or

20           (4) No state would have jurisdiction under subdivision (1), (2) or (3) of this  
21 subsection.

22           2. Subsection 1 of this section is the exclusive jurisdictional basis for making a child  
23 custody determination by a court of this state.

24           3. Physical presence of, or personal jurisdiction over, a party or a child is not  
25 necessary or sufficient to make a child custody determination.

          452.745. 1. Except as otherwise provided in section 452.755, a court of this state  
2 that has made a child custody determination consistent with section 452.740 or 452.750 has  
3 exclusive continuing jurisdiction over the determination until:

4           (1) A court of this state determines that neither the child, the child and one parent,  
5 nor the child and a person acting as a parent have a significant connection with this state,  
6 and that substantial evidence is no longer available in this state concerning the child's care,  
7 protection, training and personal relationships; or

8           (2) A court of this state or a court of another state determines that neither the child,  
9 nor a parent, nor any person acting as a parent presently resides in this state.

10          2. A court of this state that has exclusive continuing jurisdiction under this section  
11 may decline to exercise its jurisdiction if the court determines that it is an inconvenient  
12 forum under section 452.770.

13          3. A court of this state that has made a child custody determination and does not  
14 have exclusive continuing jurisdiction under this section may modify that determination  
15 only if it has jurisdiction to make an initial determination under section 452.740.

          452.747. 1. Any petition for modification of child custody decrees filed under the  
2 provisions of section 452.410 or sections 452.700 to 452.930 shall be verified and, if the  
3 original proceeding originated in the state of Missouri, shall be filed in that original case,  
4 but service shall be obtained and responsive pleadings may be filed as in any original  
5 proceeding.

6          2. Before making a decree under section 452.410 or sections 452.700 to 452.930, the  
7 litigants, any parent whose parental rights have not been previously terminated, and any  
8 person who has physical custody of the child shall be served in the manner provided by the  
9 rules of civil procedure and applicable court rules and may within thirty days after the  
10 date of service (forty-five days if service by publication) file a verified answer. If any such  
11 persons are outside this state, notice and opportunity to be heard shall be given under  
12 section 452.740.

          452.750. Except as otherwise provided in section 452.755, a court of this state shall  
2 not modify a child custody determination made by a court of another state unless a court  
3 of this state has jurisdiction to make an initial determination under subdivision (1) or (2)  
4 of subsection 1 of section 452.740 and:

5           (1) The court of the other state determines it no longer has exclusive continuing  
6 jurisdiction under section 452.745 or that a court of this state would be a more convenient  
7 forum under section 452.770; or

8           (2) A court of this state or a court of the other state determines that neither the  
9 child, nor a parent, nor any person acting as a parent presently resides in the other state.

**452.755. 1.** A court of this state has temporary emergency jurisdiction if the child  
2 is present in this state and the child has been abandoned, or it is necessary in an emergency  
3 to protect the child because the child, or a sibling or parent of the child, is subjected to or  
4 threatened with mistreatment or abuse.

5           **2.** If there is no previous child custody determination that is entitled to be enforced  
6 under sections 452.700 to 452.930, and if no child custody proceeding has been commenced  
7 in a court of a state having jurisdiction under sections 452.740 to 452.750, a child custody  
8 determination made under this section remains in effect until an order is obtained from a  
9 court of a state having jurisdiction under sections 452.740 to 452.750. If a child custody  
10 proceeding has not been or is not commenced in a court of a state having jurisdiction under  
11 sections 452.740 to 452.750, a child custody determination made under this section becomes  
12 a final determination if:

13           (1) It so provides; and

14           (2) This state becomes the home state of the child.

15           **3.** If there is a previous child custody determination that is entitled to be enforced  
16 under sections 452.700 to 452.930, or a child custody proceeding has been commenced in  
17 a court of a state having jurisdiction under sections 452.740 to 452.750, any order issued  
18 by a court of this state under this section shall specify in the order a period of time which  
19 the court considers adequate to allow the person seeking an order to obtain an order from  
20 the state having jurisdiction under sections 452.740 to 452.750. The order issued in this  
21 state remains in effect until an order is obtained from the other state within the period  
22 specified or the period expires.

23           **4.** A court of this state that has been asked to make a child custody determination  
24 under this section, upon being informed that a child custody proceeding has been  
25 commenced, or a child custody determination has been made, by a court of a state having  
26 jurisdiction under sections 452.740 to 452.750, shall immediately communicate with the  
27 other court. A court of this state that is exercising jurisdiction under sections 452.740 to  
28 452.750, upon being informed that a child custody proceeding has been commenced, or a  
29 child custody determination has been made by a court of another state under a statute  
30 similar to this section shall immediately communicate with the court of that state. The  
31 purpose of such communication is to resolve the emergency, protect the safety of the parties  
32 and the child, and determine a period for the duration of the temporary order.

**452.760. 1. Before a child custody determination is made under sections 452.700 to 452.930, notice and an opportunity to be heard in accordance with the standards of section 452.762 shall be given to:**

**(1) All persons entitled to notice under the provisions of the law of this state as in child custody proceedings between residents of this state;**

**(2) Any parent whose parental rights have not been previously terminated; and**

**(3) Any person having physical custody of the child.**

**2. Sections 452.700 to 452.930 shall not govern the enforceability of a child custody determination made without notice and an opportunity to be heard.**

**3. The obligation to join a party and the right to intervene as a party in a child custody proceeding under sections 452.700 to 452.930 are governed by the law of this state as in child custody proceedings between residents of this state.**

**452.762. 1. Notice required for the exercise of jurisdiction when a person is outside this state may be given in a manner prescribed by the law of this state for the service of process or by the law of the state in which the service is made. Notice must be given in a manner reasonably calculated to give actual notice, but may be by publication if other means are not effective.**

**2. Proof of service may be made in the manner prescribed by law of this state or by the law of the state in which the service is made.**

**3. Notice is not required for the exercise of jurisdiction with respect to a person who submits to the jurisdiction of the court.**

**452.765. 1. Except as otherwise provided in section 452.755, a court of this state shall not exercise its jurisdiction under sections 452.740 to 452.785 if, at the time of the commencement of the proceeding, a proceeding concerning the custody of the child had been previously commenced in a court of another state having jurisdiction substantially in conformity with sections 452.700 to 452.930, unless the proceeding has been terminated or is stayed by the court of the other state because a court of this state is a more convenient forum under section 452.770.**

**2. Except as otherwise provided in section 452.755, a court of this state, prior to hearing a child custody proceeding, shall examine the court documents and other information supplied by the parties under section 452.780. If the court determines that a child custody proceeding was previously commenced in a court in another state having jurisdiction substantially in accordance with sections 452.700 to 452.930, the court of this state shall stay its proceeding and communicate with the court of the other state. If the court of the state having jurisdiction substantially in accordance with sections 452.700 to 452.930 does not determine that the court of this state is a more appropriate forum, the court of this state shall dismiss the proceeding.**

17           **3. In a proceeding to modify a child custody determination, a court of this state**  
18 **shall determine if a proceeding to enforce the determination has been commenced in**  
19 **another state. If a proceeding to enforce a child custody determination has been**  
20 **commenced in another state, the court may:**

21           **(1) Stay the proceeding for modification pending the entry of an order of a court**  
22 **of the other state enforcing, staying, denying or dismissing the proceeding for enforcement;**

23           **(2) Enjoin the parties from continuing with the proceeding for enforcement; or**

24           **(3) Proceed with the modification under conditions it considers appropriate.**

**452.770. 1. A court of this state that has jurisdiction under sections 452.700 to**  
2 **452.930 to make a child custody determination may decline to exercise its jurisdiction at**  
3 **any time if the court determines that it is an inconvenient forum under the circumstances**  
4 **and that a court of another state is a more appropriate forum. The issue of inconvenient**  
5 **forum may be raised upon the court's own motion, at the request of another court or upon**  
6 **motion of a party.**

7           **2. Before determining whether the court is an inconvenient forum, a court of this**  
8 **state shall consider whether it is appropriate that a court of another state exercise**  
9 **jurisdiction. For this purpose, the court shall allow the parties to submit information and**  
10 **shall consider all relevant factors, including:**

11           **(1) Whether domestic violence has occurred and is likely to continue in the future**  
12 **and which state could best protect the parties and the child;**

13           **(2) The length of time the child has resided outside this state;**

14           **(3) The distance between the court in this state and the court in the state that would**  
15 **assume jurisdiction;**

16           **(4) The relative financial circumstances of the parties;**

17           **(5) Any agreement of the parties as to which state should assume jurisdiction;**

18           **(6) The nature and location of the evidence required to resolve the pending**  
19 **litigation, including the testimony of the child;**

20           **(7) The ability of the court of each state to decide the issue expeditiously and the**  
21 **procedures necessary to present the evidence; and**

22           **(8) The familiarity of the court of each state with the facts and issues of the pending**  
23 **litigation.**

24           **3. If a court of this state determines that it is an inconvenient forum and that a**  
25 **court of another state is a more appropriate forum, the court shall stay the proceedings on**  
26 **the condition that a child custody proceeding be promptly commenced in another**  
27 **designated state and may impose any other condition the court considers just and proper.**

28           **4. A court of this state may decline to exercise its jurisdiction under sections**  
29 **452.700 to 452.930 if a child custody determination is incidental to an action for divorce or**  
30 **another proceeding while still retaining jurisdiction over the divorce or other proceeding.**

**452.775. 1. Except as otherwise provided in section 452.755, if a court of this state**  
2 **has jurisdiction under sections 452.700 to 452.930 because a person invoking the**  
3 **jurisdiction has engaged in unjustifiable conduct, the court shall decline to exercise its**  
4 **jurisdiction unless:**

5           **(1) The parents and all persons acting as parents have acquiesced in the exercise**  
6 **of jurisdiction;**

7           **(2) A court of the state otherwise having jurisdiction under sections 452.740 to**  
8 **452.750 determines that this state is a more appropriate forum under section 452.770; or**

9           **(3) No other state would have jurisdiction under sections 452.740 to 452.750.**

10          **2. If a court of this state declines to exercise its jurisdiction under subsection 1 of**  
11 **this section, the court may fashion an appropriate remedy to ensure the safety of the child**  
12 **and prevent a repetition of the wrongful conduct, including staying the proceeding until**  
13 **a child custody proceeding is commenced in a court having jurisdiction under sections**  
14 **452.740 to 452.750.**

15          **3. If a court dismisses a petition or stays a proceeding because it declines to exercise**  
16 **its jurisdiction under subsection 1 of this section, the court shall charge the party invoking**  
17 **the jurisdiction of the court with necessary and reasonable expenses including costs,**  
18 **communication expenses, attorney's fees, investigative fees, expenses for witnesses, travel**  
19 **expenses and child care during the course of the proceedings, unless the party from whom**  
20 **fees are sought establishes that the award would be clearly inappropriate. The court may**  
21 **not assess fees, costs or expenses against this state except as otherwise provided by law**  
22 **other than sections 452.700 to 452.930.**

**452.780. 1. Subject to local law providing for the confidentiality of procedures,**  
2 **addresses, and other identifying information, in a child custody proceeding, each party, in**  
3 **its first pleading or in an attached affidavit, shall give information, if reasonably**  
4 **ascertainable, under oath as to the child's present address, the places where the child has**  
5 **lived during the last five years, and the names and present addresses of the persons with**  
6 **whom the child has lived during such period. The pleading or affidavit shall state whether**  
7 **the party:**

8           **(1) Has participated, as a party or witness or in any other capacity, in any other**  
9 **proceeding concerning the custody of or visitation with the child and, if so, identify the**  
10 **court, case number of the proceeding and date of the child custody determination, if any;**

11          **(2) Knows of any proceeding that could affect the current proceeding, including**  
12 **proceedings for enforcement and proceedings relating to domestic violence, protective**

13 orders, termination of parental rights, and adoptions and, if so, identify the court and case  
14 number and nature of the proceeding; and

15 (3) Knows the names and addresses of any person not a party to the proceeding  
16 who has physical custody of the child or claims rights of legal custody or physical custody  
17 of, or visitation with, the child and, if so, the names and addresses of such persons.

18 2. If the information required by subsection 1 of this section is not furnished, the  
19 court, upon its own motion or that of a party, may stay the proceeding until the  
20 information is furnished.

21 3. If the declaration as to any of the items described in subdivisions (1) to (3) of  
22 subsection 1 of this section is in the affirmative, the declarant shall give additional  
23 information under oath as required by the court. The court may examine the parties under  
24 oath as to details of the information furnished and other matters pertinent to the court's  
25 jurisdiction and the disposition of the case.

26 4. Each party has a continuing duty to inform the court of any proceeding in this  
27 or any other state that could affect the current proceeding.

28 5. If a party alleges in an affidavit or a pleading under oath that the health, safety,  
29 or liberty of a party or child would be put at risk by the disclosure of identifying  
30 information, that information shall be sealed and not disclosed to the other party or the  
31 public unless the court orders the disclosure to be made after a hearing in which the court  
32 takes into consideration the health, safety, or liberty of the party or child and determines  
33 that the disclosure is in the interest of justice.

452.782. If the court learns from information furnished by the parties under section  
2 452.800 or from other sources that a person not a party to the custody proceeding has  
3 physical custody of the child or claims to have custody or visitation rights with respect to  
4 the child, it may order that person to be joined as a party and to be duly notified of the  
5 pendency of the proceeding and of his or her joinder as a party. If the person joined as a  
6 party is outside this state, such person shall be served with process or otherwise notified  
7 in accordance with section 452.762.

452.785. 1. The court may order any party to the proceeding who is in this state  
2 to appear before the court personally. If the court finds the physical presence of the child  
3 to be in the best interest of the child, the court may order that the party who has physical  
4 custody of the child to appear physically with the child.

5 2. If a party to a child custody proceeding whose presence is desired by the court  
6 is outside this state, with or without the child, the court may order that a notice given  
7 under section 452.762 include a statement directing the party to appear personally with or  
8 without the child.



9           **3. If a party to the proceeding who is outside this state is directed to appear under**  
10 **subsection 1 of this section or desires to appear personally before the court with or without**  
11 **the child, the court may require another party to pay to the clerk of the court travel and**  
12 **other necessary expenses of the party so appearing and of the child, if this is just and**  
13 **proper under the circumstances.**

14           **4. If the court finds it to be in the best interest of the child that a guardian ad litem**  
15 **be appointed, the court may appoint a guardian ad litem for the child. The guardian ad**  
16 **litem so appointed shall be an attorney licensed to practice law in the state of Missouri.**  
17 **Disqualification of a guardian ad litem shall be ordered in any legal proceeding under this**  
18 **chapter upon the filing of a written application by any party within ten days of**  
19 **appointment. Each party shall be entitled to one disqualification of a guardian ad litem**  
20 **appointed under this subsection in each proceeding, except a party may be entitled to**  
21 **additional disqualifications of a guardian ad litem for good cause shown. The guardian**  
22 **ad litem may, for the purpose of determining custody of the child only, participate in the**  
23 **proceeding as if such guardian ad litem were a party. The court shall enter judgment**  
24 **allowing a reasonable fee to the guardian ad litem.**

25           **5. The court shall appoint a guardian ad litem in any proceeding in which child**  
26 **abuse or neglect is alleged.**

27           **6. The court may enter any orders necessary to ensure the safety of the child and**  
28 **of any person ordered to appear under this section.**

**452.790. A child custody determination made by a court of this state that had**  
2 **jurisdiction under sections 452.700 to 452.930 binds all persons who have been served in**  
3 **accordance with the laws of this state or notified in accordance with section 452.762 or who**  
4 **have submitted to the jurisdiction of the court, and who have been given an opportunity**  
5 **to be heard. The determination is conclusive as to them as to all decided issues of law and**  
6 **fact except to the extent the determination is modified.**

**452.795. A court of this state shall accord full faith and credit to an order made**  
2 **consistently with sections 452.700 to 452.930 which enforces a child custody determination**  
3 **by a court of another state unless the order has been vacated, stayed, or modified by a**  
4 **court authorized to do so under sections 452.740 to 452.845.**

**452.800. Except as otherwise provided in section 452.755, a court of this state may**  
2 **not modify a child custody determination made by a court of another state unless a court**  
3 **of this state has jurisdiction to make an initial determination under subdivision (1) or (2)**  
4 **of subsection 1 of section 452.740 and:**

5           **(1) The court of the other state determines that it no longer has exclusive,**  
6 **continuing jurisdiction under section 452.745 or that a court of this state would be a more**  
7 **convenient forum under section 452.770; or**

8           (2) A court of this state or a court of the other state determines that neither child,  
9 nor a parent, nor any person acting as a parent presently resides in the other state.

          452.805. 1. A certified copy of a custody decree of another state may be filed in the  
2 office of the clerk of any circuit court of this state. The clerk shall treat the decree in the  
3 same manner as a custody decree of the circuit court of this state. A custody decree so filed  
4 has the same effect and shall be enforced in like manner as a custody decree rendered by  
5 a court of this state.

6           2. A person violating a custody decree of another state which makes it necessary  
7 to enforce the decree in this state may be required to pay necessary travel and other  
8 expenses, including attorneys' fees, incurred by the party entitled to the custody or the  
9 party's witnesses.

10          3. A court of this state shall recognize and enforce a child custody determination  
11 of a court of another state if the latter court exercised jurisdiction that was in substantial  
12 conformity with sections 452.700 to 452.930 or the determination was made under factual  
13 circumstances meeting the jurisdictional standards of sections 452.700 to 452.930 and the  
14 determination has not been modified in accordance with sections 452.700 to 452.930.

15          4. A court may utilize any remedy available under other law of this state to enforce  
16 a child custody determination made by a court of another state. The procedure provided  
17 by sections 452.740 to 452.845 does not affect the availability of other remedies to enforce  
18 a child custody determination.

          452.810. 1. A child custody determination issued by a court of another state may  
2 be registered in this state, with or without a simultaneous request for enforcement, by  
3 sending to the appropriate court in this state:

4           (1) A letter or other document requesting registration;

5           (2) Two copies, including one certified copy, of the determination sought to be  
6 registered, and a statement under penalty of perjury that to the best of the knowledge and  
7 belief of the person seeking registration the order has not been modified; and

8           (3) Except as otherwise provided in section 452.780, the name and address of the  
9 person seeking registration and any parent or person acting as a parent who has been  
10 awarded custody or visitation in the child custody determination sought to be registered.

11          2. On receipt of the documents required in subsection 1 of this section, the  
12 registering court shall:

13           (1) Cause the determination to be filed as a foreign judgment, together with one  
14 copy of any accompanying documents and information, regardless of their form; and

15           (2) Serve notice upon the persons named under subdivision (3) of subsection 1 of  
16 this section and provide them with an opportunity to contest the registration in accordance  
17 with this section.

18           **3. The notice required by subdivision (2) of subsection 2 of this section must state:**

19           **(1) That a registered determination is enforceable as of the date of the registration**  
20 **in the same manner as a determination issued by a court of this state;**

21           **(2) That a hearing to contest the validity of the registered determination must be**  
22 **requested within twenty days after service of notice; and**

23           **(3) That failure to contest the registration will result in confirmation of the child**  
24 **custody determination and preclude further contest of that determination with respect to**  
25 **any matter that could have been asserted.**

26           **4. A person seeking to contest the validity of a registered order must request a**  
27 **hearing within twenty days after service of the notice. At that hearing, the court shall**  
28 **confirm the registered order unless the person contesting registration establishes that:**

29           **(1) The issuing court did not have jurisdiction under sections 452.740 to 452.845;**

30           **(2) The child custody determination sought to be registered has been vacated,**  
31 **stayed, or modified by a court of a state having jurisdiction to do so under sections 452.740**  
32 **to 452.845; or**

33           **(3) The person contesting registration was entitled to notice, but notice was not**  
34 **given in accordance with the standards of section 452.740 in the proceedings before the**  
35 **court that issued the order for which registration is sought.**

36           **5. If a timely request for a hearing to contest the validity of the registration is not**  
37 **made, the registration is confirmed as a matter of law and the person requesting**  
38 **registration and all persons served must be notified of the confirmation.**

39           **6. Confirmation of a registered order, whether by operation of law or after notice**  
40 **and hearing, precludes further contest of the order with respect to any matter which could**  
41 **have been asserted at the time of registration.**

**452.815. The clerk of the circuit court of this state, at the request of the court of**  
2 **another state or at the request of any person who is affected by or has a legitimate interest**  
3 **in a custody decree, may, upon payment therefor, certify and forward a copy of the decree**  
4 **to that court or person.**

**452.820. 1. In addition to other procedures available to a party, a party to a child**  
2 **custody proceeding may offer testimony of witnesses who are located in another state,**  
3 **including testimony of the parties and the child, by deposition or other means allowable**  
4 **in this state for testimony taken in another state. The court on its own motion may order**  
5 **that the testimony of a person be taken in another state and may prescribe the manner in**  
6 **which and the terms upon which the testimony is taken.**

7           **2. A court of this state may permit an individual residing in another state to be**  
8 **deposed or to testify by telephone, audiovisual means, or other electronic means before a**  
9 **designated court or at another location in that state. A court of this state shall cooperate**

10 with courts of other states in designating an appropriate location for the deposition or  
11 testimony.

12 3. Documentary evidence transmitted from another state to a court of this state by  
13 technological means that do not produce an original writing may not be excluded from  
14 evidence on an objection based on the means of transmission.

452.825. 1. A court of this state may request the appropriate court of another state  
2 to hold a hearing to obtain evidence, to order persons within that state to produce or give  
3 evidence under other procedures of that state, or to have social studies made with respect  
4 to the custody of a child involved in proceedings pending in the court of this state; and to  
5 forward to the court of this state certified copies of the transcript of the record of the  
6 hearing, the evidence otherwise obtained, or any social studies prepared in compliance with  
7 the request. The cost of the services may be assessed against the parties.

8 2. A court of this state may request the appropriate court of another state to order  
9 a party to custody proceedings pending in the court of this state to appear in the  
10 proceedings and, if that party has physical custody of the child, to appear with the child.  
11 The request may state that travel and other necessary expenses of the party and of the  
12 child whose appearance is desired will be assessed against the appropriate party.

452.830. 1. Upon request of the court of another state, the courts of this state which  
2 are competent to hear custody matters may order a person in this state to appear at a  
3 hearing to obtain evidence or to produce or give evidence under other procedures available  
4 in this state for use in a custody proceeding in another state. A certified copy of the  
5 transcript of the record of the hearing or the evidence otherwise obtained may, in the  
6 discretion of the court and upon payment therefor, be forwarded to the requesting court.

7 2. A person within this state may voluntarily give his testimony or statement in this  
8 state for use in a custody proceeding outside this state.

9 3. Upon request of the court of another state, a competent court of this state may  
10 order a person in this state to appear alone or with the child in a custody proceeding in  
11 another state. The court may condition compliance with the request upon assurance by  
12 the other state that travel and other necessary expenses will be advanced or reimbursed.

452.835. A court of this state shall preserve the pleadings, orders, decrees, records  
2 of hearings, evaluations, and other pertinent records with respect to a child custody  
3 proceeding until the child reaches eighteen years of age. Upon appropriate request by the  
4 court or law enforcement official of another state, the court shall forward certified copies  
5 of these records.

452.840. If a custody decree has been rendered in another state concerning a child  
2 involved in a custody proceeding pending in a court of this state, the court of this state,  
3 upon taking jurisdiction of the case, shall request of the court of the other state a certified

4 copy of the transcript of any court record and other documents mentioned in section  
5 452.835.

452.845. If a question of existence or exercise of jurisdiction under sections 452.700  
2 to 452.930 is raised in a child custody proceeding, the question, upon request of a party,  
3 must be given priority on the calendar and handled expeditiously.

4 ARTICLE III  
5 ENFORCEMENT

452.850. As used in sections 452.850 to 452.915:

2 (1) "Petitioner" means a person who seeks enforcement of a child custody  
3 determination or enforcement of an order for the return of the child under the Hague  
4 Convention on the Civil Aspects of International Child Abduction;

5 (2) "Respondent" means a person against whom a proceeding has been commenced  
6 for enforcement of a child custody determination or enforcement of an order for the return  
7 of the child under the Hague Convention on the Civil Aspects of International Child  
8 Abduction.

452.855. 1. Sections 452.850 to 452.915 may be invoked to enforce:

2 (1) A child custody determination; and

3 (2) An order for the return of the child made under the Hague Convention on the  
4 Civil Aspects of International Child Abduction.

5 2. A court of this state which does not have jurisdiction to modify a child custody  
6 determination may issue a temporary order enforcing:

7 (1) A visitation schedule made by a court of another state; or

8 (2) The visitation provisions of a child custody determination of another state that  
9 does not provide for a specific visitation schedule.

10 3. If a court of this state makes an order under subdivision (2) of subsection 2 of  
11 this section, the court shall specify in the order a period of time which it considers adequate  
12 to allow the person seeking the order to obtain an order from the state having jurisdiction  
13 under sections 452.740 to 452.845. The order remains in effect until an order is obtained  
14 from the other state or the period expires.

452.860. 1. A court of this state may grant any relief normally available under the  
2 provisions of the laws of this state to enforce a registered child custody determination made  
3 by a court of another state.

4 2. A court of this state shall recognize and enforce, but shall not modify, except in  
5 accordance with sections 452.740 to 452.845, a registered child custody determination of  
6 another state.

452.865. If a proceeding for enforcement under sections 452.850 to 452.915 has been  
2 or is commenced in this state and a court of this state determines that a proceeding to

3 modify the determination has been commenced in another state having jurisdiction to  
4 modify the determination under sections 452.740 to 452.845, the enforcing court shall  
5 immediately communicate with the modifying court. The proceeding for enforcement  
6 continues unless the enforcing court, after consultation with the modifying court, stays or  
7 dismisses the proceeding.

452.870. 1. A petition under sections 452.850 to 452.915 shall be verified. Certified  
2 copies of all orders sought to be enforced and of the order confirming registration, if any,  
3 shall be attached to the petition. A copy of a certified copy of an order may be attached  
4 instead of the original.

5 2. A petition for enforcement of a child custody determination shall state:

6 (1) Whether the court that issued the determination identified the jurisdictional  
7 basis it relied upon in exercising jurisdiction and, if so, what the basis was;

8 (2) Whether the determination for which enforcement is sought has been vacated,  
9 stayed or modified by a court whose decision shall be enforced under sections 452.700 to  
10 452.930 or federal law and, if so, identify the court, case number of the proceeding and  
11 action taken;

12 (3) Whether any proceeding has been commenced that could affect the current  
13 proceeding, including proceedings relating to domestic violence, protective orders,  
14 termination of parental rights and adoptions, and, if so, identify the court, and the case  
15 number and nature of the proceeding;

16 (4) The present physical address of the child and respondent, if known; and

17 (5) Whether relief in addition to the immediate physical custody of the child and  
18 attorney's fees is sought, including a request for assistance from law enforcement officials  
19 and, if so, the relief sought.

20 3. If the child custody determination has been registered and confirmed under  
21 section 452.810, the petition shall also state the date and place of registration.

22 4. The court shall issue an order directing the respondent to appear with or without  
23 the child at a hearing and may enter any orders necessary to ensure the safety of the  
24 parties and the child.

25 5. The hearing shall be held on the next judicial day following service of process  
26 unless such date is impossible. In such event, the court shall hold the hearing on the first  
27 day possible. The court may extend the date of hearing at the request of the petitioner.

28 6. The order shall state the time and place of the hearing, and shall advise the  
29 respondent that at the hearing the court will order the delivery of the child and payment  
30 of fees, costs and expenses under section 452.890, and may set an additional hearing to  
31 determine if further relief is appropriate, unless the respondent appears and establishes  
32 that:

33           **(1) The child custody determination is not registered and confirmed under section**  
34 **452.810, and:**

35           **(a) The issuing court did not have jurisdiction under sections 452.740 to 452.845;**

36           **(b) The child custody determination for which enforcement is sought has been**  
37 **vacated, stayed or modified by a court of a state having jurisdiction to do so under sections**  
38 **452.740 to 452.845 or federal law; or**

39           **(c) The respondent was entitled to notice, but notice was not given in accordance**  
40 **with the standards of section 452.762 in the proceedings before the court that issued the**  
41 **order for which enforcement is sought; or**

42           **(2) The child custody determination for which enforcement is sought was registered**  
43 **and confirmed under section 452.810, but has been vacated, stayed or modified by a court**  
44 **of a state having jurisdiction to do so under sections 452.740 to 452.845 or federal law.**

**452.875. Except as otherwise provided in section 452.885, the petition and order**  
2 **shall be served by any method authorized by the laws of this state upon the respondent and**  
3 **any person who has physical custody of the child.**

**452.880. 1. Unless the court enters a temporary emergency order under section**  
2 **452.755, upon a finding that a petitioner is entitled to the physical custody of the child**  
3 **immediately, the court shall order the child delivered to the petitioner unless the**  
4 **respondent establishes that:**

5           **(1) The child custody determination has not been registered and confirmed under**  
6 **section 452.810, and that:**

7           **(a) The issuing court did not have jurisdiction under sections 452.740 to 452.845;**

8           **(b) The child custody determination for which enforcement is sought has been**  
9 **vacated, stayed or modified by a court of a state having jurisdiction to do so under sections**  
10 **452.740 to 452.845 or federal law; or**

11           **(c) The respondent was entitled to notice, but notice was not given in accordance**  
12 **with the standards of section 452.762 in the proceedings before the court that issued the**  
13 **order for which enforcement is sought; or**

14           **(2) The child custody determination for which enforcement is sought was registered**  
15 **and confirmed under section 452.810, but has been vacated, stayed or modified by a court**  
16 **of a state having jurisdiction to do so under sections 452.740 to 452.845 or federal law.**

17           **2. The court shall award the fees, costs and expenses authorized under section**  
18 **452.890 and may grant additional relief, including a request for the assistance of law**  
19 **enforcement officials, and set a further hearing to determine if additional relief is**  
20 **appropriate.**

21           **3. If a party called to testify refuses to answer on the grounds that the testimony**  
22 **may be self-incriminating, the court may draw an adverse inference from such refusal.**

23           **4. A privilege against disclosure of communications between spouses and a defense**  
24 **of immunity based on the relationship of husband and wife, or parent and child shall not**  
25 **be invoked in a proceeding under sections 452.850 to 452.915.**

**452.885. 1. Upon the filing of a petition seeking enforcement of a child custody**  
2 **determination, the petitioner may file a verified application for the issuance of a warrant**  
3 **to take physical custody of the child if the child is likely to suffer serious imminent physical**  
4 **harm or removal from this state.**

5           **2. If the court, upon the testimony of the petitioner or other witnesses, finds that**  
6 **the child is likely to suffer serious imminent physical harm or be imminently removed from**  
7 **this state, the court may issue a warrant to take physical custody of the child. The petition**  
8 **shall be heard on the next judicial day after the warrant is executed. The warrant shall**  
9 **include the statements required under subsection 2 of section 452.870.**

10          **3. A warrant to take physical custody of a child shall:**

11           **(1) Recite the facts which a conclusion of serious imminent physical harm or**  
12 **removal from the jurisdiction is based;**

13           **(2) Direct law enforcement officers to take physical custody of the child**  
14 **immediately; and**

15           **(3) Provide for the placement of the child pending final relief.**

16          **4. The respondent shall be served with the petition, warrant and order immediately**  
17 **after the child is taken into physical custody.**

18          **5. A warrant to take physical custody of a child is enforceable throughout this state.**  
19 **If the court finds on the basis of the testimony of the petitioner or other witness that a less**  
20 **intrusive remedy is not effective, the court may authorize law enforcement officers to enter**  
21 **private property to take physical custody of the child. If required by the exigency of the**  
22 **case, the court may authorize law enforcement officers to make a forcible entry at any**  
23 **hour.**

24          **6. The court may impose conditions on the placement of a child to ensure the**  
25 **appearance of the child and the child's custodian.**

**452.890. 1. The court shall award the prevailing party, including a state, necessary**  
2 **and reasonable expenses incurred by or on behalf of the party, including costs,**  
3 **communication expenses, attorney's fees, investigative fees, expenses for witnesses, travel**  
4 **expenses and child care during the course of the proceedings, unless the party from whom**  
5 **fees or expenses are sought establishes that the award would be clearly inappropriate.**

6           **2. The court shall not assess fees, costs or expenses against a state except as**  
7 **otherwise provided by law other than sections 452.700 to 452.930.**

**452.895. A court of this state shall accord full faith and credit to an order made**  
2 **consistently with sections 452.700 to 452.930 which enforces a child custody determination**



3 by a court of another state unless the order has been vacated, stayed or modified by a court  
4 authorized to do so under sections 452.740 to 452.845.

452.900. An appeal may be taken from a final order in a proceeding under sections  
2 452.850 to 452.915 in accordance with appellate procedures in other civil cases. Unless the  
3 court enters a temporary emergency order under section 452.755, the enforcing court shall  
4 not stay an order enforcing a child custody determination pending appeal.

452.905. 1. In a case arising under sections 452.700 to 452.930 or involving the  
2 Hague Convention on the Civil Aspects of International Child Abduction, the appropriate  
3 public official may take any lawful action, including resort to a proceeding under sections  
4 452.850 to 452.915 or any other available civil proceeding to locate a child, obtain the  
5 return of a child or enforce a child custody determination if there is:

- 6 (1) An existing child custody determination;
- 7 (2) A request from a court in a pending child custody case;
- 8 (3) A reasonable belief that a criminal statute has been violated; or
- 9 (4) A reasonable belief that the child has been wrongfully removed or retained in  
10 violation of the Hague Convention on the Civil Aspects of International Child Abduction.

11 2. A prosecutor or an appropriate public official shall act on behalf of the court and  
12 shall not represent any party to a child custody determination.

452.910. At the request of a prosecutor or other appropriate public official acting  
2 under section 452.905, a law enforcement officer may take any lawful action reasonably  
3 necessary to locate a child or a party and assist such prosecutor or public official with  
4 responsibilities under section 452.905.

452.915. If the respondent is not the prevailing party, the court may assess against  
2 the respondent all direct expenses and costs incurred by the prosecutor or other  
3 appropriate public official and law enforcement officers under sections 452.905 and  
4 452.910.

## 5 ARTICLE IV

### 6 MISCELLANEOUS PROVISIONS

452.920. In applying and construing sections 452.700 to 452.930, consideration must  
2 be given to the need to promote uniformity of the law with respect to its subject matter  
3 among states that enact it.

452.925. If any provision of sections 452.700 to 452.930 or its application to any  
2 person or circumstance is held invalid, the invalidity shall not affect other provisions or  
3 applications of sections 452.700 to 452.930 which can be given effect without the invalid  
4 provision or application, and to this end the provisions of sections 452.700 to 452.930 are  
5 severable.

**452.930. A motion or other request for relief made in a child custody or enforcement proceeding which was commenced before August 28, 2009, is governed by the law in effect at the time the motion or other request was made.**

454.500. 1. At any time after the entry of an order pursuant to sections 454.470 and 454.475, the obligated parent, the division, or the person or agency having custody of the dependent child may file a motion for modification with the director. Such motion shall be in writing, shall set forth the reasons for modification, and shall state the address of the moving party. The motion shall be served by the moving party in the manner provided for in subsection 5 of section 454.465 upon the obligated parent or the party holding the support rights, as appropriate. In addition, if the support rights are held by the division of family services on behalf of the state, a true copy of the motion shall be mailed by the moving party by certified mail to the person having custody of the dependent child at the last known address of that person. A hearing on the motion shall then be provided in the same manner, and determinations shall be based on considerations set out in section 454.475, unless the party served fails to respond within thirty days, in which case the director may enter an order by default. If the child for whom the order applies is no longer in the custody of a person receiving public assistance or receiving support enforcement services from the department, or a division thereof, pursuant to section 454.425, the director may certify the matter for hearing to the circuit court in which the order was filed pursuant to section 454.490 in lieu of holding a hearing pursuant to section 454.475. If the director certifies the matter for hearing to the circuit court, service of the motion to modify shall be had in accordance with the provisions of subsection 5 of section 452.370, RSMo. If the director does not certify the matter for hearing to the circuit court, service of the motion to modify shall be considered complete upon personal service, or on the date of mailing, if sent by certified mail. For the purpose of 42 U.S.C. 666(a)(9)(C), the director shall be considered the "appropriate agent" to receive the notice of the motion to modify for the obligee or the obligor, but only in those instances in which the matter is not certified to circuit court for hearing, and only when service of the motion is attempted on the obligee or obligor by certified mail.

2. A motion for modification made pursuant to this section shall not stay the director from enforcing and collecting upon the existing order pending the modification proceeding unless so ordered by the court.

3. Only payments accruing subsequent to the service of the motion for modification upon all named parties to the motion may be modified. Modification may be granted only upon a showing of a change of circumstances so substantial and continuing as to make the terms unreasonable. In a proceeding for modification of any child support award, the director, in determining whether or not a substantial change in circumstances has occurred, shall consider all financial resources of both parties, including the extent to which the reasonable expenses of either party are, or should be, shared by a spouse or other person with whom he or she cohabits,

35 and the earning capacity of a party who is not employed. If the application of the guidelines and  
36 criteria set forth in supreme court rule 88.01 to the financial circumstances of the parties would  
37 result in a change of child support from the existing amount by twenty percent or more, then a  
38 prima facie showing has been made of a change of circumstances so substantial and continuing  
39 as to make the present terms unreasonable.

40 4. The circuit court may, upon such terms as may be just, relieve a parent from an  
41 administrative order entered against that parent because of mistake, inadvertence, surprise, or  
42 excusable neglect.

43 5. No order entered pursuant to section 454.476 shall be modifiable pursuant to this  
44 section, except that an order entered pursuant to section 454.476 shall be amended by the director  
45 to conform with any modification made by the court that entered the court order upon which the  
46 director based his or her order.

47 6. When the party seeking modifications has met the burden of proof set forth in  
48 subsection 3 of this section, then the child support shall be determined in conformity with the  
49 criteria set forth in supreme court rule 88.01.

50 7. The **last four digits of the** Social Security number of the parents shall be recorded on  
51 any order entered pursuant to this section. **The full Social Security number of each party and**  
52 **each child shall be retained in the manner required by section 509.520, RSMo.**

455.010. As used in sections 455.010 to 455.085, unless the context clearly indicates  
2 otherwise, the following terms shall mean:

3 (1) "Abuse" includes but is not limited to the occurrence of any of the following acts,  
4 attempts or threats against a person who may be protected pursuant to sections 455.010 to  
5 455.085:

6 (a) "Assault", purposely or knowingly placing or attempting to place another in fear of  
7 physical harm;

8 (b) "Battery", purposely or knowingly causing physical harm to another with or without  
9 a deadly weapon;

10 (c) "Coercion", compelling another by force or threat of force to engage in conduct from  
11 which the latter has a right to abstain or to abstain from conduct in which the person has a right  
12 to engage;

13 (d) "Harassment", engaging in a purposeful or knowing course of conduct involving  
14 more than one incident that alarms or causes distress to another adult and serves no legitimate  
15 purpose. The course of conduct must be such as would cause a reasonable adult to suffer  
16 substantial emotional distress and must actually cause substantial emotional distress to the  
17 petitioner. Such conduct might include, but is not limited to:

18 a. Following another about in a public place or places;

19           b. Peering in the window or lingering outside the residence of another; but does not  
20 include constitutionally protected activity;

21           (e) "Sexual assault", causing or attempting to cause another to engage involuntarily in  
22 any sexual act by force, threat of force, or duress;

23           (f) "Unlawful imprisonment", holding, confining, detaining or abducting another person  
24 against that person's will;

25           (2) "Adult", any person [eighteen] **seventeen** years of age or older or otherwise  
26 emancipated;

27           (3) "Court", the circuit or associate circuit judge or a family court commissioner;

28           (4) "Ex parte order of protection", an order of protection issued by the court before the  
29 respondent has received notice of the petition or an opportunity to be heard on it;

30           (5) "Family" or "household member", spouses, former spouses, adults related by blood  
31 or marriage, adults who are presently residing together or have resided together in the past, an  
32 adult who is or has been in a continuing social relationship of a romantic or intimate nature with  
33 the victim, and adults who have a child in common regardless of whether they have been married  
34 or have resided together at any time;

35           (6) "Full order of protection", an order of protection issued after a hearing on the record  
36 where the respondent has received notice of the proceedings and has had an opportunity to be  
37 heard;

38           (7) "Order of protection", either an ex parte order of protection or a full order of  
39 protection;

40           (8) "Petitioner", a family or household member or an adult who has been the victim of  
41 stalking, who has filed a verified petition pursuant to the provisions of section 455.020;

42           (9) "Respondent", the family or household member or adult alleged to have committed  
43 an act of stalking, against whom a verified petition has been filed;

44           (10) "Stalking" is when an adult purposely and repeatedly engages in an unwanted course  
45 of conduct that causes alarm to another person when it is reasonable in that person's situation to  
46 have been alarmed by the conduct. As used in this subdivision:

47           (a) "Course of conduct" means a pattern of conduct composed of repeated acts over a  
48 period of time, however short, that serves no legitimate purpose. Such conduct may include, but  
49 is not limited to, following the other person or unwanted communication or unwanted contact;

50           (b) "Repeated" means two or more incidents evidencing a continuity of purpose; and

51           (c) "Alarm" means to cause fear of danger of physical harm.

          473.743. It shall be the duty of the public administrator to take into his or her charge and  
2 custody the estates of all deceased persons, and the person and estates of all minors, and the  
3 estates or person and estate of all incapacitated persons in his or her county, in the following  
4 cases:

- 5 (1) When a stranger dies intestate in the county without relations, or dies leaving a will,  
6 and the personal representative named is absent, or fails to qualify;  
7 (2) When persons die intestate without any known heirs;  
8 (3) When persons unknown die or are found dead in the county;  
9 (4) When money, property, papers or other estate are left in a situation exposed to loss  
10 or damage, and no other person administers on the same;  
11 (5) When any estate of any person who dies intestate therein, or elsewhere, is left in the  
12 county liable to be injured, wasted or lost, when the intestate does not leave a known husband,  
13 widow or heirs in this state;  
14 (6) The persons of all minors under the age of fourteen years, whose parents are dead,  
15 and who have no legal guardian or conservator;  
16 (7) The estates of all minors whose parents are dead, or, if living, refuse or neglect to  
17 qualify as conservator, or, having qualified have been removed, or are, from any cause,  
18 incompetent to act as such conservator, and who have no one authorized by law to take care of  
19 and manage their estate;  
20 (8) The estates or person and estate of all disabled or incapacitated persons in his or her  
21 county who have no legal guardian or conservator, and no one competent to take charge of such  
22 estate, or to act as such guardian or conservator, can be found, or is known to the court having  
23 jurisdiction, who will qualify;  
24 (9) Where from any other good cause, the court shall order him to take possession of any  
25 estate to prevent its being injured, wasted, purloined or lost;  
26 (10) When moneys are delivered to the public administrator from the county coroner;  
27 (11) **The public administrator shall act as trustee when appointed by the circuit**  
28 **court or the probate division of the circuit court.**

**475.375. 1. Any individual over the age of eighteen years who has been adjudged**  
2 **incapacitated under this chapter or who has been involuntarily committed under chapter**  
3 **632, RSMo, may file a petition for the removal of the disqualification to purchase, possess,**  
4 **or transfer a firearm when:**

- 5 (1) **The individual no longer suffers from the condition that resulted in the**  
6 **individual's incapacity or involuntary commitment;**  
7 (2) **The individual no longer poses a danger to self or others for purposes of the**  
8 **purchase, possession, or transfer of firearms under 18 U.S.C. Section 922; and**  
9 (3) **Granting relief under this section is not contrary to the public interest.**

10

11 **No individual who has been found guilty by reason of mental disease or defect may petition**  
12 **a court for restoration under this section.**

13           **2. The petition shall be filed in the circuit court that entered the letters of**  
14 **guardianship or the most recent order for involuntary commitment, whichever is later.**  
15 **Upon receipt of the petition, the clerk shall schedule a hearing and provide notice of the**  
16 **hearing to the petitioner.**

17           **3. The burden is on the petitioner to establish by clear and convincing evidence**  
18 **that:**

19           **(1) The petitioner no longer suffers from the condition that resulted in the**  
20 **incapacity or the involuntary commitment;**

21           **(2) The individual no longer poses a danger to self or others for purposes of the**  
22 **purchase, possession, or transfer of firearms under 18 U.S.C. Section 922; and**

23           **(3) Granting relief under this section is not contrary to the public interest.**

24           **4. Upon the filing of the petition the court shall review the petition and determine**  
25 **if the petition is based upon frivolous grounds and if so may deny the petition without a**  
26 **hearing. in order to determine whether petitioner has met the burden pursuant to this**  
27 **section, the court may request the local prosecuting attorney, circuit attorney, or attorney**  
28 **general to provide a written recommendation as to whether relief should be granted. in**  
29 **any order requiring such review the court may grant access to any and all mental health**  
30 **records, juvenile records, and criminal history of the petitioner wherever maintained. The**  
31 **court may allow presentation of evidence at the hearing if requested by the local**  
32 **prosecuting attorney, circuit attorney, or attorney general.**

33           **5. If the petitioner is filing the petition as a result of an involuntary commitment**  
34 **under chapter 632, RSMo, the hearing and records shall be closed to the public, unless the**  
35 **court finds that public interest would be better served by conducting the hearing in public.**  
36 **If the court determines the hearing should be open to the public, upon motion by the**  
37 **petitioner, the court may allow for the in-camera inspection of mental health records. The**  
38 **court may allow the use of the record but shall restrict from public disclosure, unless it**  
39 **finds that the public interest would be better served by making the record public.**

40           **6. The court shall enter an order that:**

41           **(1) The petitioner does or does not continue to suffer from the condition that**  
42 **resulted in commitment;**

43           **(2) The individual does or does not continue to pose a danger to self or others for**  
44 **purposes of the purchase, possession, or transfer of firearms under 18 U.S.C. Section 922;**  
45 **and**

46           **(3) Granting relief under this section is not contrary to the public interest. The**  
47 **court shall include in its order the specific findings of fact on which it bases its decision.**

48           **7. Upon a judicial determination to grant a petition under this section, the clerk in**  
49 **the county where the petition was granted shall forward the order to the Missouri state**

50 **highway patrol for updating of the petitioner's record with the national Instant Criminal**  
51 **Background Check System (NICS).**

52 **8. (1) Any person who has been denied a petition for the removal of the**  
53 **disqualification to purchase, possess, or transfer a firearm pursuant to this section shall**  
54 **not be eligible to file another petition for removal of the disqualification to purchase,**  
55 **possess, or transfer a firearm until the expiration of one year from the date of such denial.**

56 **(2) If a person has previously filed a petition for the removal of the disqualification**  
57 **to purchase, possess, or transfer a firearm and the court determined that:**

58 **(a) The petitioner's petition was frivolous; or**

59 **(b) The petitioner's condition had not so changed such that the person continued**  
60 **to suffer from the condition that resulted in the individual's incapacity or involuntary**  
61 **commitment and continued to pose a danger to self or others for purposes of the purchase,**  
62 **possession, or transfer of firearms under 18 U.S.C. Section 922; or**

63 **(3) Granting relief under this section would be contrary to the public interest, then**  
64 **the court shall deny the subsequent petition unless the petition contains the additional facts**  
65 **upon which the court could find the condition of the petitioner had so changed that a**  
66 **hearing was warranted.**

476.415. 1. There is hereby created a "Commission on Judicial Resources", to be  
2 comprised of the following persons:

3 (1) A circuit court judge elected by the circuit court judges of the state;

4 (2) A judge of the court of appeals elected by the judges of the court of appeals of the  
5 state;

6 (3) An associate circuit judge elected by the associate circuit judges of the state;

7 (4) [A municipal court judge appointed by the supreme court;

8 (5)] A senior judge under the provisions of section 476.001 appointed by the supreme  
9 court;

10 [(6)] (5) An attorney appointed by the board of governors of the Missouri Bar;

11 [(7)] (6) The chairman of the judiciary committee of the senate;

12 [(8)] (7) The chairman of the judiciary committee of the house of representatives;

13 [(9)] (8) A member of the appropriations committee of the senate, appointed by the  
14 president pro tem;

15 [(10)] (9) A member of the budget committee of the house of representatives, appointed  
16 by the speaker;

17 [(11)] (10) The executive director of the public defender commission; and

18 [(12)] (11) One prosecuting or circuit attorney elected by the prosecuting and circuit  
19 attorneys of this state.

20           2. The legislative members of the commission shall serve during the period they hold  
21 the committee assignments qualifying them for the office. The appointed and elective members  
22 shall serve for two years and until their successors are appointed and qualified. If a vacancy  
23 occurs in any of the appointed or elected members, a successor shall be appointed or elected by  
24 the body originally appointing or electing the position for whom the vacancy occurs for the  
25 remainder of the unexpired term. The commission shall meet within sixty days after the  
26 appointment of the members at the call of the chief justice of the supreme court and shall meet  
27 subsequently at the call of the chairman. The commission shall elect its own officers as  
28 necessary. The members of the commission shall receive no compensation for their services, but  
29 shall be reimbursed for their actual and necessary expenses paid out of appropriations made for  
30 that purpose except that senior judges shall be credited for time actually spent in the performance  
31 of duties according to section 476.682.

32           3. The commission shall have full access to the reports filed pursuant to section 476.412,  
33 examine and prepare a digest of such reports, conduct a comprehensive study of the state's  
34 judicial system, assess the needs, priorities, workload, case management and general  
35 performance of the court system and for the judges thereof. The commission shall make an  
36 annual report to the supreme court and the general assembly before the convening of each session  
37 of the general assembly in which they shall detail the true state of the judicial system in this state,  
38 its success or inability to handle the caseload, and the efficiency of disposition of judicial  
39 business and the administration of justice. The report shall detail the utilization of judges  
40 transferred between circuits and of senior judges as provided in section 476.681, including an  
41 appraisal of the effect that the appointment of senior judges and transfer of judges has on the  
42 efficiency of the courts and the reduction of caseloads. The report shall include a detailed  
43 breakdown of the needs of specific courts and the commission's recommendations.

44           4. [The commission may employ consultants and other staff within the limits of any  
45 appropriations made for that purpose, or may employ senior judges who may be compensated  
46 pursuant to section 476.682, and may call upon the committee on legislative research, the state  
47 courts administrator, and the research staffs of the house and the senate for staff necessary to  
48 carry out the duties of the commission] **The clerk of the supreme court shall provide suitable**  
49 **staff for the commission out of any funds appropriated for this purpose.** The commission  
50 may seek and receive gifts, donations and grants in aid from private or other sources to defray  
51 expenses incurred in its assessment of judicial resources.

485.077. 1. No judge of any court in this state shall appoint an official court reporter  
2 who is not a court reporter certified by the board of certified court reporter examiners, as  
3 provided in Supreme Court Rule 14. In the absence of an official court reporter due to illness,  
4 physical incapacity, death, dismissal or resignation, a judge may appoint a temporary court



5 reporter, but such temporary court reporter shall not serve more than six months without  
6 obtaining a certificate pursuant to the provisions of Supreme Court Rule 14.

7       2. No testimony taken in this state by deposition shall be given in any court in this state,  
8 and no record on appeal from an administrative agency of this state shall include testimony taken  
9 in this state by deposition, unless the deposition is prepared and certified by a certified court  
10 reporter, except as provided in Supreme Court Rule 57.03(c).

11       3. Deposition testimony taken outside the state shall be deemed to be in conformity with  
12 this section if the testimony was prepared and certified by a court reporter authorized to prepare  
13 and certify deposition testimony in the jurisdiction in which the testimony was taken.

14       4. This section shall not apply to depositions taken in this state in connection with cases  
15 not pending in a Missouri state court or administrative agency at the time the deposition was  
16 taken.

17       [5. A deposition prepared by a person who is not a certified court reporter may be used  
18 to give testimony in any court in this state under the following circumstances:

19       (1) All parties must consent in writing to using an uncertified court reporter prior to the  
20 deposition. Such consent shall be filed as a memo with the court no later than seven days prior  
21 to the date of the deposition unless the time is shortened by the court;

22       (2) All parties involved in any cause of action wherein the deposition is to be used certify  
23 by their signatures or by the signatures of their attorneys that such deposition is a true and correct  
24 copy of the testimony given;

25       (3) The uncertified court reporter shall state on the record that he or she is an uncertified  
26 court reporter appearing by consent of the parties;

27       (4) The uncertified court reporter shall keep a voice recording of the deposition for two  
28 years. Upon written request by a party, a copy of the voice recording shall be provided to the  
29 requesting party within fourteen days;

30       (5) The uncertified court reporter shall have made application for the certified court  
31 reporter examination and shall have paid all required application fees;

32       (6) The notice of deposition shall contain a statement that an uncertified court reporter  
33 will be used. Such statement shall be in bold fourteen typeface on the notice; and

34       (7) An uncertified court reporter granted privileges under this subsection shall be deemed  
35 operating under a temporary certificate.

36       6. The provisions of subsection 5 of this section shall expire on December 31, 2012.]

**509.520. 1. Notwithstanding any provision of law to the contrary, beginning  
2 August 28, 2009, pleadings, attachments, or exhibits filed with the court in any case, as well  
3 as any judgments issued by the court, shall not include:**

4       **(1) The full Social Security number of any party or any child who is the subject to  
5 an order of custody or support;**

6           (2) The full credit card number or other financial account number of any party.

7           2. Contemporaneously with the filing of every petition for dissolution of marriage,  
8 legal separation, motion for modification, action to establish paternity, and petition or  
9 motion for support or custody of a minor child, the filing party shall file a confidential case  
10 filing sheet with the court which shall not be subject to public inspection and which  
11 provides:

12           (1) The name and address of the current employer and the Social Security number  
13 of the petitioner or movant, if a person;

14           (2) If known to the petitioner or movant, the name and address of the current  
15 employer and the Social Security number of the respondent; and

16           (3) The names, dates of birth, and Social Security numbers of any children subject  
17 to the action.

18           3. Contemporaneously with the filing of every responsive pleading petition for  
19 dissolution of marriage, legal separation, motion for modification, action to establish  
20 paternity, and petition or motion for support or custody of a minor child, the responding  
21 party shall file a confidential case filing sheet with the court which shall not be subject to  
22 public inspection and which provides:

23           (1) The name and address of the current employer and the Social Security number  
24 of the responding party, if a person;

25           (2) If known to the responding party, the name and address of the current  
26 employer and the Social Security number of the petitioner or movant; and

27           (3) The names, dates of birth, and Social Security numbers of any children subject  
28 to the action.

29           4. The full Social Security number of any party or child subject to an order of  
30 custody or support shall be retained by the court on the confidential case filing sheet or  
31 other confidential record maintained in conjunction with the administration of the case.  
32 The full credit card number or other financial account number of any party may be  
33 retained by the court on a confidential record if it is necessary to maintain the number in  
34 conjunction with the administration of the case.

35           5. Any document described in subsection 1 of this section shall, in lieu of the full  
36 number, include only the last four digits of any such number.

37           6. Except as provided in section 452.430, RSMo, the clerk shall not be required to  
38 redact any document described in subsection 1 of this section issued or filed before August  
39 28, 2009, prior to releasing the document to the public.

40           7. For good cause shown, the court may release information contained on the  
41 confidential case filing sheet; except that, any state agency acting under authority of

42 **chapter 454, RSMo, shall have access to information contained herein without court order**  
43 **in carrying out their official duty.**

516.200. If at any time when any cause of action herein specified accrues against any  
2 person who is a resident of this state, and he is absent therefrom, such action may be commenced  
3 within the times herein respectively limited, after the return of such person into the state[; and  
4 if, after such cause of action shall have accrued, such person depart from and reside out of this  
5 state, the time of his absence shall not be deemed or taken as any part of the time limited for the  
6 commencement of such action].

517.041. 1. The process in all cases shall be a summons with a copy of the petition of  
2 the plaintiff attached, directed to the sheriff or other proper person for service on the defendant.  
3 The summons shall command the defendant to appear before the court on a date and time, not  
4 less than ten days nor more than [thirty] **sixty** days from the date of service of the summons.

5 2. If process is not timely served, the plaintiff may request further process be issued to  
6 any defendant not timely served with the case being continued, or the plaintiff may dismiss as  
7 to any such defendant and proceed with the case.

8 [3. A petition filed which states a claim or claims that in the aggregate exceeds the  
9 jurisdictional limit of the division shall be certified to presiding judge for assignment.]

535.030. 1. Such summons shall be served as in other civil cases at least four days  
2 before the court date in the summons. The summons shall include a court date which shall not  
3 be more than twenty-one business days from the date the summons is issued unless at the time  
4 of filing the affidavit the plaintiff or plaintiff's attorney consents in writing to a later date.

5 2. In addition to attempted personal service, the plaintiff may request, and thereupon the  
6 clerk of the court shall make an order directing that the officer, or other person empowered to  
7 execute the summons, shall also serve the same by securely affixing a copy of such summons and  
8 the complaint in a conspicuous place on the dwelling of the premises in question at least ten days  
9 before the court date in such summons, and by also mailing a copy of the summons and  
10 complaint to the defendant at the defendant's last known address by ordinary mail at least ten  
11 days before the court date. If the officer, or other person empowered to execute the summons,  
12 shall return that the defendant is not found, or that the defendant has absconded or vacated his  
13 or her usual place of abode in this state, and if proof be made by affidavit of the posting and of  
14 the mailing of a copy of the summons and complaint, the judge shall at the request of the plaintiff  
15 proceed to hear the case as if there had been personal service, and judgment shall be rendered  
16 and proceedings had as in other cases, except that no money judgment shall be granted the  
17 plaintiff where the defendant is in default and service is by the posting and mailing procedure  
18 set forth in this section.

19 3. If the plaintiff does not request service of the original summons by posting and  
20 mailing as provided in subsection 2 of this section, and if the officer, or other person empowered

21 to execute the summons, makes return that the defendant is not found, or that the defendant has  
22 absconded or vacated the defendant's usual place of abode in this state, the plaintiff may request  
23 the issuance of an alias summons and service of the same by posting and mailing in the time and  
24 manner provided in subsection 2 of this section. In addition, the plaintiff or an agent of the  
25 plaintiff who is at least eighteen years of age may serve the summons by posting and mailing a  
26 copy of the summons in the time and manner provided in subsection 2 of this section. Upon  
27 proof by affidavit of the posting and of the mailing of a copy of the summons or alias summons  
28 and the complaint, the judge shall proceed to hear the case as if there had been personal service,  
29 and judgment shall be rendered and proceedings had as in other cases, except that no money  
30 judgment shall be granted the plaintiff where the defendant is in default and service is by the  
31 posting and mailing procedure provided in subsection 2 of this section.

32 4. On the date judgment is rendered as provided in this section where the defendant is  
33 in default, the clerk of the court shall mail to the defendant at the defendant's last known address  
34 by [certified mail, with a request for return receipt and with directions to deliver to the addressee  
35 only,] **ordinary mail** a notice informing the defendant of the judgment and the date it was  
36 entered, and stating that the defendant has ten days from the date of the judgment to file a motion  
37 to set aside the judgment or to file an application for a trial de novo in the circuit court, as the  
38 case may be, and that unless the judgment is set aside or an application for a trial de novo is filed  
39 within ten days, the judgment will become final and the defendant will be subject to eviction  
40 from the premises without further notice.

535.120. Whenever [a half year's] **one month's** rent or more is in arrear from a tenant,  
2 the landlord, if he has a subsisting right by law to reenter for the nonpayment of such rent, may  
3 bring an action to recover the possession of the demised premises.

**537.055. In any action to recover damages arising out of the ownership, common  
2 maintenance, or operation of a motor vehicle, the fact that one of the parties was operating  
3 a motorcycle shall not, in and of itself, be considered evidence of comparative negligence.**

**537.296. In any action for private nuisance where the amount in controversy  
2 exceeds one million dollars, if any party requests the court or jury to visit the property  
3 alleged to be affected by the nuisance, the court or jury shall visit the property.**

537.610. 1. The commissioner of administration, through the purchasing division, and  
2 the governing body of each political subdivision of this state, notwithstanding any other  
3 provision of law, may purchase liability insurance for tort claims, made against the state or the  
4 political subdivision, but the maximum amount of such coverage shall not exceed two million  
5 dollars for all claims arising out of a single occurrence and shall not exceed three hundred  
6 thousand dollars for any one person in a single accident or occurrence, except for those claims  
7 governed by the provisions of the Missouri workers' compensation law, chapter 287, RSMo, and  
8 no amount in excess of the above limits shall be awarded or settled upon. Sovereign immunity

9 for the state of Missouri and its political subdivisions is waived only to the maximum amount  
10 of and only for the purposes covered by such policy of insurance purchased pursuant to the  
11 provisions of this section and in such amount and for such purposes provided in any  
12 self-insurance plan duly adopted by the governing body of any political subdivision of the state.

13 2. The liability of the state and its public entities on claims within the scope of sections  
14 537.600 to 537.650, shall not exceed two million dollars for all claims arising out of a single  
15 accident or occurrence and shall not exceed three hundred thousand dollars for any one person  
16 in a single accident or occurrence, except for those claims governed by the provisions of the  
17 Missouri workers' compensation law, chapter 287, RSMo.

18 3. No award for damages on any claim against a public entity within the scope of  
19 sections 537.600 to 537.650, shall include punitive or exemplary damages.

20 4. If the amount awarded to or settled upon multiple claimants exceeds two million  
21 dollars, any party may apply to any circuit court to apportion to each claimant his proper share  
22 of the total amount limited by subsection 1 of this section. The share apportioned each claimant  
23 shall be in the proportion that the ratio of the award or settlement made to him bears to the  
24 aggregate awards and settlements for all claims arising out of the accident or occurrence, but the  
25 share shall not exceed three hundred thousand dollars.

26 5. The limitation on awards for liability provided for in this section shall be increased  
27 or decreased on an annual basis effective January first of each year in accordance with the  
28 Implicit Price Deflator for Personal Consumption Expenditures as published by the Bureau of  
29 Economic Analysis of the United States Department of Commerce. The current value of the  
30 limitation shall be calculated by the director of the department of insurance, financial institutions  
31 and professional registration, who shall furnish that value to the secretary of state, who shall  
32 publish such value in the Missouri Register as soon after each January first as practicable, but  
33 it shall otherwise be exempt from the provisions of section 536.021, RSMo.

34 6. Any claim filed against any public entity under this section shall be subject to the  
35 penalties provided by supreme court rule 55.03, **or any successor rule.**

545.050. [1.] No indictment for any trespass against the person or property of another,  
2 not amounting to a felony, except for petit larceny, and no indictment for the disturbance of the  
3 peace of a person, or for libel or slander, shall be preferred unless the name of a prosecutor is  
4 affixed thereto, thus: "A B, prosecutor", except where the same is preferred upon the  
5 information and testimony of one or more grand jurors, or of some public officer in the necessary  
6 discharge of his **or her** duty.

7 [2. If the defendant be acquitted or the prosecution fails, judgment shall be entered  
8 against such prosecutor for the costs.]

561.031. 1. In the following proceedings, the provisions of section 544.250, 544.270,  
2 544.275, RSMo, 546.030, RSMo, or of any other statute, or the provisions of supreme court rules

3 21.10, 22.07, 24.01, 24.02, 27.01, 29.07, 31.02, 31.03, 36.01, 37.16, 37.47, 37.48, 37.50, 37.57,  
4 37.58, 37.59, and 37.64 to the contrary notwithstanding, when the physical appearance in person  
5 in court is required of any person [held in a place of custody or confinement], such personal  
6 appearance may be made by means of two-way audio-visual communication, including but not  
7 limited to, closed circuit television or computerized video conferencing; provided that such  
8 audio-visual communication facilities provide two-way audio-visual communication between  
9 the court and the [place of custody or confinement and that a full record of such proceedings be  
10 made by split-screen imaging and recording of the proceedings in the courtroom and the place  
11 of confinement or custody in addition to such other record as may be required] **person:**

- 12 (1) First appearance before an associate circuit judge on a criminal complaint;  
13 (2) Waiver of preliminary hearing **and preliminary hearing with consent of the**  
14 **defendant;**  
15 (3) Arraignment on an information or indictment where a plea of not guilty is entered;  
16 (4) Arraignment on an information or indictment where a plea of guilty is entered upon  
17 waiver of any right such person might have to be physically present;  
18 (5) Any pretrial or posttrial criminal proceeding not allowing the cross-examination of  
19 witnesses;  
20 (6) Sentencing after conviction at trial upon waiver of any right such person might have  
21 to be physically present;  
22 (7) Sentencing after entry of a plea of guilty; [and]  
23 (8) Any civil proceeding other than trial by jury;  
24 (9) **Any civil or criminal proceeding which is not required to be a matter of record;**  
25 **and**  
26 (10) **Any civil or criminal proceeding by the consent of the parties.**

27 2. This section shall not prohibit other appearances via closed circuit television upon  
28 waiver of any right such person held in custody or confinement might have to be physically  
29 present.

30 3. Nothing contained in this section shall be construed as establishing a right for any  
31 person held in custody to appear on television or as requiring that any governmental entity or  
32 place of custody or confinement provide a two-way audio-visual communication system.

630.407. 1. The department may recognize providers as administrative entities under  
2 the following circumstances:

- 3 (1) Vendors operated or funded pursuant to sections 205.975 to 205.990, RSMo;  
4 (2) Vendors operated or funded pursuant to sections 205.968 to 205.973, RSMo;  
5 (3) Providers of a consortium of treatment services to the clients of the division of  
6 comprehensive psychiatric services as an agent of the division in a service area, except that such  
7 providers may not exceed thirty-six in number;

8           **(4) Providers of targeted case management services to the clients of the division of**  
9           **developmental disabilities as an agent of the division in a defined region that has not**  
10          **established a board as set forth in sections 205.968 to 205.973, RSMo.**

11           2. Notwithstanding any other provision of law to the contrary, the department may  
12          contract directly with vendors recognized as administrative entities without competitive bids.

13           3. Notwithstanding any other provision of law to the contrary, the commissioner of  
14          administration shall delegate the authority to administrative entities which are state facilities to  
15          subcontract with other vendors in order to provide a full consortium of treatment services for the  
16          service area.

17           4. When state contracts allow, the department may authorize administrative entities to  
18          use state contracts for pharmaceuticals or other medical supplies for the purchase of these items.

19           5. A designation as an administrative entity does not entitle a provider to coverage under  
20          sections 105.711 to 105.726, RSMo, the state legal expense fund, or other state statutory  
21          protections or requirements.

22           6. The department shall promulgate regulations within twelve months of August 28,  
23          1990, regulating the manner in which they will contract and designate and revoke designations  
24          of providers under this section. Such regulations shall not be required when the parties to such  
25          contracts are both governmental entities.

            650.055. 1. Every individual, in a Missouri circuit court, who pleads guilty to or is  
2          found guilty of a felony or any offense under chapter 566, RSMo, or has been determined  
3          [beyond a reasonable doubt] to be a sexually violent predator pursuant to sections 632.480 to  
4          632.513, RSMo, shall have a blood or scientifically accepted biological sample collected for  
5          purposes of DNA profiling analysis:

6           (1) Upon entering or before release from the department of corrections reception and  
7          diagnostic centers; or

8           (2) Upon entering or before release from a county jail or detention facility, state  
9          correctional facility, or any other detention facility or institution, whether operated by private,  
10          local, or state agency, or any mental health facility if committed as a sexually violent predator  
11          pursuant to sections 632.480 to 632.513, RSMo; or

12          (3) When the state accepts a person from another state under any interstate compact, or  
13          under any other reciprocal agreement with any county, state, or federal agency, or any other  
14          provision of law, whether or not the person is confined or released, the acceptance is conditional  
15          on the person providing a DNA sample if the person was convicted of, pleaded guilty to, or  
16          pleaded nolo contendere to an offense in any other jurisdiction which would be considered a  
17          qualifying offense as defined in this section if committed in this state, or if the person was  
18          convicted of, pleaded guilty to, or pleaded nolo contendere to any equivalent offense in any other  
19          jurisdiction; or

20 (4) If such individual is under the jurisdiction of the department of corrections. Such  
21 jurisdiction includes persons currently incarcerated, persons on probation, as defined in section  
22 217.650, RSMo, and on parole, as also defined in section 217.650, RSMo.

23 2. The Missouri state highway patrol and department of corrections shall be responsible  
24 for ensuring adherence to the law. Any person required to provide a DNA sample pursuant to  
25 this section shall be required to provide such sample, without the right of refusal, at a collection  
26 site designated by the Missouri state highway patrol and the department of corrections.  
27 Authorized personnel collecting or assisting in the collection of samples shall not be liable in any  
28 civil or criminal action when the act is performed in a reasonable manner. Such force may be  
29 used as necessary to the effectual carrying out and application of such processes and operations.  
30 The enforcement of these provisions by the authorities in charge of state correctional institutions  
31 and others having custody or jurisdiction over those who have been convicted of, pleaded guilty  
32 to, or pleaded nolo contendere to felony offenses which shall not be set aside or reversed is  
33 hereby made mandatory. The board of probation or parole shall recommend that an individual  
34 who refuses to provide a DNA sample have his or her probation or parole revoked. In the event  
35 that a person's DNA sample is not adequate for any reason, the person shall provide another  
36 sample for analysis.

37 3. The procedure and rules for the collection, analysis, storage, expungement, use of  
38 DNA database records and privacy concerns shall not conflict with procedures and rules  
39 applicable to the Missouri DNA profiling system and the Federal Bureau of Investigation's DNA  
40 databank system.

41 4. Unauthorized uses or dissemination of individually identifiable DNA information in  
42 a database for purposes other than criminal justice or law enforcement is a class A misdemeanor.

43 5. Implementation of sections 650.050 to 650.100 shall be subject to future  
44 appropriations to keep Missouri's DNA system compatible with the Federal Bureau of  
45 Investigation's DNA databank system.

46 6. All DNA records and biological materials retained in the DNA profiling system are  
47 considered closed records pursuant to chapter 610, RSMo. All records containing any  
48 information held or maintained by any person or by any agency, department, or political  
49 subdivision of the state concerning an individual's DNA profile shall be strictly confidential and  
50 shall not be disclosed, except to:

51 (1) Peace officers, as defined in section 590.010, RSMo, and other employees of law  
52 enforcement agencies who need to obtain such records to perform their public duties;

53 (2) The attorney general or any assistant attorneys general acting on his or her behalf, as  
54 defined in chapter 27, RSMo;

55 (3) Prosecuting attorneys or circuit attorneys as defined in chapter 56, RSMo, and their  
56 employees who need to obtain such records to perform their public duties; or



57 (4) Associate circuit judges, circuit judges, judges of the courts of appeals, supreme court  
58 judges, and their employees who need to obtain such records to perform their public duties.

59 7. Any person who obtains records pursuant to the provisions of this section shall use  
60 such records only for investigative and prosecutorial purposes, including but not limited to use  
61 at any criminal trial, hearing, or proceeding; or for law enforcement identification purposes,  
62 including identification of human remains. Such records shall be considered strictly confidential  
63 and shall only be released as authorized by this section.

64 8. An individual may request expungement of his or her DNA sample and DNA profile  
65 through the court issuing the reversal or dismissal. A certified copy of the court order  
66 establishing that such conviction has been reversed or guilty plea or plea of nolo contendere has  
67 been set aside shall be sent to the Missouri state highway patrol crime laboratory. Upon receipt  
68 of the court order, the laboratory will determine that the requesting individual has no other  
69 qualifying offense as a result of any separate plea or conviction prior to expungement.

70 (1) A person whose DNA record or DNA profile has been included in the state DNA  
71 database in accordance with this section, section 488.5050, RSMo, and sections 650.050,  
72 650.052, and 650.100 may request expungement on the grounds that the conviction has been  
73 reversed, or the guilty plea or plea of nolo contendere on which the authority for including that  
74 person's DNA record or DNA profile was based has been set aside.

75 (2) Upon receipt of a written request for expungement, a certified copy of the final court  
76 order reversing the conviction or setting aside the plea and any other information necessary to  
77 ascertain the validity of the request, the Missouri state highway patrol crime laboratory shall  
78 expunge all DNA records and identifiable information in the database pertaining to the person  
79 and destroy the DNA sample of the person, unless the Missouri state highway patrol determines  
80 that the person is otherwise obligated to submit a DNA sample. Within thirty days after the  
81 receipt of the court order, the Missouri state highway patrol shall notify the individual that it has  
82 expunged his or her DNA sample and DNA profile, or the basis for its determination that the  
83 person is otherwise obligated to submit a DNA sample.

84 (3) The Missouri state highway patrol is not required to destroy any item of physical  
85 evidence obtained from a DNA sample if evidence relating to another person would thereby be  
86 destroyed.

87 (4) Any identification, warrant, arrest, or evidentiary use of a DNA match derived from  
88 the database shall not be excluded or suppressed from evidence, nor shall any conviction be  
89 invalidated or reversed or plea set aside due to the failure to expunge or a delay in expunging  
90 DNA records.

**Section 1. In all proceedings for the modification of child support where the state  
2 is a party, the court may, upon motion, award court costs and reasonable attorney fees to  
3 the state.**

**Section 2. All public advertisements and orders of publication required by law to be made, including but not limited to amendments to the Missouri Constitution, legal publications affecting all sales of real estate under a power of sale contained in any mortgage or deed of trust, and other legal publications affecting the title to real estate, shall be published in a newspaper of general circulation, qualified under the provisions of section 493.050, RSMo, and persons responsible for orders of publication described in sections 443.310 and 443.320, RSMo, shall be subject to the prohibitions in sections 493.130 and 493.140, RSMo.**

**Section 3. No political subdivision of the state nor any local government, city or county, or any agency, authority, board, commission, department or officer thereof, shall enact any ordinance or promulgate or issue any regulation, rule, policy, guideline or proclamation describing the relationship between persons and domestic animals as other than persons may or can own domestic animals.**

**Section 4. Nothing in sections 320.350 to 320.374, RSMo, shall be interpreted or applied to permit non-compliance with other applicable statutes and case law.**

[229.110. 1. Every person owning a hedge fence situated along or near the right-of-way of any public road shall between the first days of May and August of each year cut the same down to a height of not more than five feet, and any owner of such fence failing to comply with this section shall forfeit and pay to the capital school fund of the county wherein such fence is situated not less than fifty nor more than five hundred dollars, to be recovered in a civil action in the name of the county upon the relation of the prosecuting attorney, and any judgment of forfeiture obtained shall be a lien upon the real estate of the owner of such fence upon which same is situated, and a special execution shall issue against said real estate and no exemption shall be allowed.

2. Any prosecuting attorney who shall fail or refuse to institute suit as herein provided within thirty days after being notified by any road overseer, county or state highway engineer, that any hedge fence has not been cut down to the height herein required within the time required, shall be removed from office by the governor and some other person appointed to fill the vacancy thus created. The cutting of any such fence after the time herein required shall not be a defense to the action herein provided for.]

[452.440. Sections 452.440 to 452.550 may be cited as the "Uniform Child Custody Jurisdiction Act".]

[452.445. As used in sections 452.440 to 452.550:

(1) "Custody determination" means a court decision and court orders and instructions providing for the custody of a child, including visitation rights. This term does not include a decision relating to child support or any other monetary obligation of any person; but the court shall have the right in any custody

determination where jurisdiction is had pursuant to section 452.460 and where it is in the best interest of the child to adjudicate the issue of child support;

(2) "Custody proceeding" includes proceedings in which a custody determination is one of several issues, such as an action for dissolution of marriage, legal separation, separate maintenance, appointment of a guardian of the person, child neglect or abandonment, but excluding actions for violation of a state law or municipal ordinance;

(3) "Decree" or "custody decree" means a custody determination contained in a judicial decree or order made in a custody proceeding, and includes an initial decree and a modification decree;

(4) "Home state" means the state in which, immediately preceding the filing of custody proceeding, the child lived with his parents, a parent, an institution; or a person acting as parent, for at least six consecutive months; or, in the case of a child less than six months old, the state in which the child lived from birth with any of the persons mentioned. Periods of temporary absence of any of the named persons are counted as part of the six-month or other period;

(5) "Initial decree" means the first custody decree concerning a particular child;

(6) "Litigant" means a person, including a parent, grandparent, or step-parent, who claims a right to custody or visitation with respect to a child.]

[452.450. 1. A court of this state which is competent to decide child custody matters has jurisdiction to make a child custody determination by initial or modification decree if:

(1) This state:

(a) Is the home state of the child at the time of commencement of the proceeding; or

(b) Had been the child's home state within six months before commencement of the proceeding and the child is absent from this state for any reason, and a parent or person acting as parent continues to live in this state; or

(2) It is in the best interest of the child that a court of this state assume jurisdiction because:

(a) The child and his parents, or the child and at least one litigant, have a significant connection with this state; and

(b) There is available in this state substantial evidence concerning the child's present or future care, protection, training, and personal relationships; or

(3) The child is physically present in this state and:

(a) The child has been abandoned; or

(b) It is necessary in an emergency to protect the child because he has been subjected to or threatened with mistreatment or abuse, or is otherwise being neglected; or

(4) It appears that no other state would have jurisdiction under prerequisites substantially in accordance with subdivision (1), (2), or (3), or another state has declined to exercise jurisdiction on the ground that this state is

the more appropriate forum to determine the custody of the child, and it is in the best interest of the child that this court assume jurisdiction.

2. Except as provided in subdivisions (3) and (4) of subsection 1 of this section, physical presence of the child, or of the child and one of the litigants, in this state is not sufficient alone to confer jurisdiction on a court of this state to make a child custody determination.

3. Physical presence of the child, while desirable, is not a prerequisite for jurisdiction to determine his custody.]

[452.455. 1. Any petition for modification of child custody decrees filed under the provisions of section 452.410, or sections 452.440 to 452.450, shall be verified and, if the original proceeding originated in the state of Missouri, shall be filed in that original case, but service shall be obtained and responsive pleadings may be filed as in any original proceeding.

2. Before making a decree under the provisions of section 452.410, or sections 452.440 to 452.450, the litigants, any parent whose parental rights have not been previously terminated, and any person who has physical custody of the child must be served in the manner provided by the rules of civil procedure and applicable court rules and may within thirty days after the date of service (forty-five days if service by publication) file a verified answer. If any of these persons is outside this state, notice and opportunity to be heard shall be given pursuant to section 452.460.

3. In any case in which the paternity of a child has been determined by a court of competent jurisdiction and where the noncustodial parent is delinquent in the payment of child support in an amount in excess of ten thousand dollars, the custodial parent shall have the right to petition a court of competent jurisdiction for the termination of the parental rights of the noncustodial parent.

4. When a person filing a petition for modification of a child custody decree owes past due child support to a custodial parent in an amount in excess of ten thousand dollars, such person shall post a bond in the amount of past due child support owed as ascertained by the division of child support enforcement or reasonable legal fees of the custodial parent, whichever is greater, before the filing of the petition. The court shall hold the bond in escrow until the modification proceedings pursuant to this section have been concluded wherein such bond shall be transmitted to the division of child support enforcement for disbursement to the custodial parent.]

[452.460. 1. The notice required for the exercise of jurisdiction over a person outside this state shall be given in a manner reasonably calculated to give actual notice, and may be given in any of the following ways:

(1) By personal delivery outside this state in the manner prescribed for service of process within this state;

(2) In the manner prescribed by the law of the place in which the service is made for service of process in that place in an action in any of its courts of general jurisdiction;

9 (3) By certified or registered mail; or  
10 (4) As directed by the court, including publication, if any other means of  
11 notification are ineffective.

12 2. Proof of service outside this state may be made by affidavit of the  
13 individual who made the service, or in the manner prescribed by the law of this  
14 state, the order pursuant to which the service is made, or the law of the place in  
15 which the service is made. If service is made by mail, proof of service may be  
16 a receipt signed by the addressee or other evidence of delivery to the addressee.

17 3. The notice provided for in this section is not required for a person who  
18 submits to the jurisdiction of the court.]  
19

2 [452.465. 1. A court of this state shall not exercise its jurisdiction under  
3 sections 452.440 to 452.550 if, at the time of filing the petition, a proceeding  
4 concerning the custody of the child was pending in a court of another state  
5 exercising jurisdiction substantially in conformity with sections 452.440 to  
6 452.550, unless the proceeding is stayed by the court of that other state for any  
7 reason.

8 2. Before hearing the petition in a custody proceeding, the court shall  
9 examine the pleadings and other information supplied by the parties under section  
10 452.480 and shall consult the child custody registry established under section  
11 452.515 concerning the pendency of proceedings with respect to the child in  
12 other states. If the court has reason to believe that proceedings may be pending  
13 in another state, it shall direct an inquiry to the state court administrator or other  
14 appropriate official of that state.

15 3. If the court is informed during the course of the proceeding that a  
16 proceeding concerning the custody of the child was pending in another state  
17 before the court assumed jurisdiction, it shall stay the proceeding and  
18 communicate with the court in which the other proceeding is pending in order  
19 that the issue may be litigated in the more appropriate forum and that information  
20 may be exchanged in accordance with sections 452.530 to 452.550. If a court of  
21 this state has made a custody decree before being informed of a pending  
22 proceeding in a court of another state, it shall immediately inform that court of  
23 the fact. If the court is informed that a proceeding was commenced in another  
24 state after it assumed jurisdiction, it shall likewise inform the other court in order  
25 that the issues may be litigated in the more appropriate forum.]

2 [452.470. 1. A court which has jurisdiction under this act to make an  
3 initial or modification decree may decline to exercise its jurisdiction any time  
4 before making a decree if it finds that it is an inconvenient forum to make a  
5 custody determination under the circumstances of the case and that a court of  
6 another state is a more appropriate forum.

7 2. A finding that a court is an inconvenient forum under subsection 1  
8 above may be made upon the court's own motion or upon the motion of a party  
or a guardian ad litem or other representative of the child. In determining if it is

9 an inconvenient forum, the court shall consider if it is in the interest of the child  
10 that another state assume jurisdiction.

11 3. Before determining whether to decline or retain jurisdiction the court  
12 may communicate with a court of another state and exchange information  
13 pertinent to the assumption of jurisdiction by either court, with a view to assuring  
14 that jurisdiction will be exercised by the more appropriate court and that a forum  
15 will be available to the parties.

16 4. If the court finds that it is an inconvenient forum and that a court of  
17 another state is a more appropriate forum, it may dismiss the proceedings, or it  
18 may stay the proceedings upon condition that a custody proceeding be promptly  
19 commenced in another named state or upon any other conditions which may be  
20 just and proper, including the condition that a moving party stipulate his consent  
21 and submission to the jurisdiction of the other forum.

22 5. The court may decline to exercise its jurisdiction under this act if a  
23 custody determination is incidental to an action for dissolution of marriage or  
24 another proceeding while retaining jurisdiction over the dissolution of marriage  
25 or other proceeding.

26 6. If it appears to the court that it is clearly an inappropriate forum, it may  
27 require the party who commenced the proceedings to pay, in addition to the costs  
28 of the proceedings in this state, necessary travel and other expenses, including  
29 attorneys' fees, incurred by other parties or their witnesses. Payment is to be  
30 made to the clerk of the court for remittance to the proper party.

31 7. Upon dismissal or stay of proceedings under this section, the court  
32 shall inform the court found to be the more appropriate forum of this fact or, if  
33 the court which would have jurisdiction in the other state is not certainly known,  
34 shall transmit the information to the court administrator or other appropriate  
35 official for forwarding to the appropriate court.

36 8. Any communication received from another state informing this state  
37 of a finding that a court of this state is the more appropriate forum shall be filed  
38 in the custody registry of the appropriate court. Upon assuming jurisdiction the  
39 court of this state shall inform the original court of this fact.]  
40

2 [452.475. 1. If the petitioner for an initial decree has wrongfully taken  
3 the child from another state or has engaged in similar reprehensible conduct, the  
4 court may decline to exercise jurisdiction if this is just and proper under the  
5 circumstances.

6 2. Unless required in the interest of the child, the court shall not exercise  
7 its jurisdiction to modify a custody decree of another state if the petitioner,  
8 without consent of the person entitled to custody, has improperly removed the  
9 child from the physical custody of the person entitled to custody or has  
10 improperly retained the child after a visit or other temporary relinquishment of  
11 physical custody. If the petitioner has violated any other provision of a custody  
12 decree of another state, the court may decline to exercise its jurisdiction if this is  
just and proper under the circumstances.

13           3. In appropriate cases a court dismissing a petition under this section  
14 may charge the petitioner with necessary travel and other expenses, including  
15 attorneys' fees, incurred by other parties or their witnesses.]  
16

          [452.480. 1. In his first pleading, or in an affidavit attached to that  
2 pleading, every party in a custody proceeding shall give information under oath  
3 as to the child's present address, with whom the child is presently living and with  
4 whom and where the child lived, other than on a temporary basis, within the past  
5 six months. In this pleading or affidavit every party shall further declare under  
6 oath whether:

7           (1) He has participated in any capacity in any other litigation concerning  
8 the custody of the same child in this or any other state;

9           (2) He has information of any custody proceeding concerning the child  
10 pending in a court of this or any other state; and

11           (3) He knows of any person not a party to the proceedings who has  
12 physical custody of the child or claims to have custody or visitation rights with  
13 respect to the child.

14           2. If the declaration as to any of the items listed in subdivisions (1)  
15 through (3) of subsection 1 above is in the affirmative, the declarant shall give  
16 additional information under oath as required by the court. The court may  
17 examine the parties under oath as to details of the information furnished and as  
18 to other matters pertinent to the court's jurisdiction and the disposition of the  
19 case.

20           3. Each party has a continuing duty to inform the court of any change in  
21 information required by subsection 1 of this section.]  
22

          [452.485. If the court learns from information furnished by the parties  
2 pursuant to section 452.480 or from other sources that a person not a party to the  
3 custody proceeding has physical custody of the child or claims to have custody  
4 or visitation rights with respect to the child, it may order that person to be joined  
5 as a party and to be duly notified of the pendency of the proceeding and of his  
6 joinder as a party. If the person joined as a party is outside this state he shall be  
7 served with process or otherwise notified in accordance with section 452.460.]  
8

          [452.490. 1. The court may order any party to the proceeding who is in  
2 this state to appear personally before the court. If the court finds the physical  
3 presence of the child in court to be in the best interests of the child, the court may  
4 order that the party who has physical custody of the child appear personally with  
5 the child.

6           2. If a party to the proceeding whose presence is desired by the court is  
7 outside this state, with or without the child, the court may order that the notice  
8 given under section 452.460 include a statement directing that party to appear  
9 personally with or without the child.

10           3. If a party to the proceeding who is outside this state is directed to  
11 appear under subsection 1 of this section or desires to appear personally before

12 the court with or without the child, the court may require another party to pay to  
13 the clerk of the court travel and other necessary expenses of the party so  
14 appearing and of the child, if this is just and proper under the circumstances.

15 4. If the court finds it to be in the best interest of the child that a guardian  
16 ad litem be appointed, the court may appoint a guardian ad litem for the child.  
17 The guardian ad litem so appointed shall be an attorney licensed to practice law  
18 in the state of Missouri. Disqualification of a guardian ad litem shall be ordered  
19 in any legal proceeding pursuant to this chapter, upon the filing of a written  
20 application by any party within ten days of appointment. Each party shall be  
21 entitled to one disqualification of a guardian ad litem appointed under this  
22 subsection in each proceeding, except a party may be entitled to additional  
23 disqualifications of a guardian ad litem for good cause shown. The guardian ad  
24 litem may, for the purpose of determining custody of the child only, participate  
25 in the proceedings as if such guardian ad litem were a party. The court shall enter  
26 judgment allowing a reasonable fee to the guardian ad litem.

27 5. The court shall appoint a guardian ad litem in any proceeding in which  
28 child abuse or neglect is alleged.]  
29

2 [452.495. A custody decree rendered by a court of this state which had  
3 jurisdiction under section 452.450 binds all parties who have been served in this  
4 state or notified in accordance with section 452.460, or who have submitted to  
5 the jurisdiction of the court, and who have been given an opportunity to be heard.  
6 As to these parties the custody decree is conclusive as to all issues of law and fact  
7 decided and as to the custody determination made, unless and until that  
8 determination is modified pursuant to law, including the provisions of section  
9 452.410 and sections 452.440 to 452.550.]

2 [452.500. The courts of this state shall recognize and enforce an initial  
3 or modification decree of a court of another state which had assumed jurisdiction  
4 under statutory provisions substantially in accordance with sections 452.440 to  
5 452.550, or which was made under factual circumstances meeting the  
6 jurisdictional standards of sections 452.440 to 452.550, so long as this decree has  
7 not been modified in accordance with jurisdictional standards substantially  
8 similar to those of sections 452.440 to 452.550.]

2 [452.505. If a court of another state has made a custody decree, a court  
3 of this state shall not modify that decree unless it appears to the court of this state  
4 that the court which rendered the decree does not now have jurisdiction under  
5 jurisdictional prerequisites substantially in accordance with sections 452.440 to  
6 452.550 or has declined to assume jurisdiction to modify the decree and the court  
7 of this state has jurisdiction.]

2 [452.510. 1. A certified copy of a custody decree of another state may  
3 be filed in the office of the clerk of any circuit court of this state. The clerk shall  
4 treat the decree in the same manner as a custody decree of the circuit court of this



4 state. A custody decree so filed has the same effect and shall be enforced in like  
5 manner as a custody decree rendered by a court of this state.

6 2. A person violating a custody decree of another state which makes it  
7 necessary to enforce the decree in this state may be required to pay necessary  
8 travel and other expenses, including attorneys' fees, incurred by the party entitled  
9 to the custody or his witnesses.]

10 [452.515. The clerk of each circuit court shall maintain a registry in  
2 which he shall enter the following:

- 3 (1) Certified copies of custody decrees of other states received for filing;  
4 (2) Communications as to the pendency of custody proceedings in other  
5 states;  
6 (3) Communications concerning findings of inconvenient forum under  
7 section 452.470 by a court of another state; and  
8 (4) Other communications or documents concerning custody proceedings  
9 in another state which in the opinion of the circuit judge may affect the  
10 jurisdiction of a court of this state or the disposition to be made by it in a custody  
11 proceeding.]  
12

2 [452.520. The clerk of the circuit court of this state, at the request of the  
3 court of another state or at the request of any person who is affected by or has a  
4 legitimate interest in a custody decree, may, upon payment therefor, certify and  
5 forward a copy of the decree to that court or person.]

2 [452.525. In addition to other procedural devices available to a party, any  
3 party to the proceeding or a guardian ad litem or other representative of the child  
4 may obtain the testimony of witnesses, including parties and the child, by  
5 deposition or otherwise, in another state. The court on its own motion may direct  
6 that the testimony of a person be taken in another state and may prescribe the  
7 manner in which and the terms upon which the testimony shall be taken.]

2 [452.530. 1. A court of this state may request the appropriate court of  
3 another state to hold a hearing to obtain evidence, to order persons within that  
4 state to produce or give evidence under other procedures of that state, or to have  
5 social studies made with respect to the custody of a child involved in proceedings  
6 pending in the court of this state; and to forward to the court of this state certified  
7 copies of the transcript of the record of the hearing, the evidence otherwise  
8 obtained, or any social studies prepared in compliance with the request. The cost  
9 of the services may be assessed against the parties.

10 2. A court of this state may request the appropriate court of another state  
11 to order a party to custody proceedings pending in the court of this state to appear  
12 in the proceedings and, if that party has physical custody of the child, to appear  
with the child. The request may state that travel and other necessary expenses of

13 the party and of the child whose appearance is desired will be assessed against the  
14 appropriate party.]  
15

2 [452.535. 1. Upon request of the court of another state, the courts of this  
3 state which are competent to hear custody matters may order a person in this state  
4 to appear at a hearing to obtain evidence or to produce or give evidence under  
5 other procedures available in this state for use in a custody proceeding in another  
6 state. A certified copy of the transcript of the record of the hearing or the  
7 evidence otherwise obtained may, in the discretion of the court and upon payment  
therefor, be forwarded to the requesting court.

8 2. A person within this state may voluntarily give his testimony or  
9 statement in this state for use in a custody proceeding outside this state.

10 3. Upon request of the court of another state, a competent court of this  
11 state may order a person in this state to appear alone or with the child in a  
12 custody proceeding in another state. The court may condition compliance with  
13 the request upon assurance by the other state that travel and other necessary  
14 expenses will be advanced or reimbursed.]  
15

2 [452.540. In any custody proceeding in this state the court shall preserve  
3 the pleadings, orders and decrees, any record that has been made of its hearings,  
4 social studies, and other pertinent documents until the child reaches eighteen  
5 years of age. When requested by the court of another state the court may, upon  
6 payment therefor, forward to the other court certified copies of any or all of such  
7 documents.]

2 [452.545. If a custody decree has been rendered in another state  
3 concerning a child involved in a custody proceeding pending in a court of this  
4 state, the court of this state, upon taking jurisdiction of the case, shall request of  
5 the court of the other state a certified copy of the transcript of any court record  
6 and other documents mentioned in section 452.540.]

2 [452.550. Upon the request of a party to a custody proceeding which  
3 raises a question of existence or exercise of jurisdiction under sections 452.440  
4 to 452.550, determination of jurisdiction shall be given calendar priority and  
5 handled expeditiously.]  
6

2 [454.516. 1. The director or IV-D agency may cause a lien pursuant to  
3 subsections 2 and 3 of this section or the obligee may cause a lien pursuant to  
4 subsection 7 of this section for unpaid and delinquent child support to block the  
5 issuance of a certificate of ownership for motor vehicles, motor boats, outboard  
6 motors, manufactured homes and trailers that are registered in the name of a  
delinquent child support obligor.

7           2. The director or IV-D agency shall notify the department of revenue  
8 with the required information necessary to impose a lien pursuant to this section  
9 by filing a notice of lien.

10           3. The director or IV-D agency shall not notify the department of revenue  
11 and the department of revenue shall not register such lien except as provided in  
12 this subsection. After the director or IV-D agency decides that such lien qualifies  
13 pursuant to this section and forward it to the department of revenue, the director  
14 of revenue or the director's designee shall only file such lien against the obligor's  
15 certificate of ownership when:

16           (1) The obligor has unpaid child support which exceeds one thousand  
17 dollars;

18           (2) The property has a value of more than three thousand dollars as  
19 determined by current industry publications that provide such estimates to dealers  
20 in the business, and the property's year of manufacture is within seven years of  
21 the date of filing of the lien except in the case of a motor vehicle that has been  
22 designated a historic vehicle;

23           (3) The property has no more than two existing liens for child support;

24           (4) The property has had no more than three prior liens for child support  
25 in the same calendar year.

26           4. In the event that a lien is placed and the obligor's total support  
27 obligation is eliminated, the director shall notify the department of revenue that  
28 the lien shall be removed.

29           5. Upon notification that a lien exists pursuant to this section, the  
30 department of revenue shall register the lien on the records of the department of  
31 revenue. Such registration shall contain the type and model of the property and  
32 the serial number of the property.

33           6. Upon notification by the director that the lien shall be removed  
34 pursuant to subsection 4 of this section, the department of revenue shall register  
35 such removal of lien on its datebank, that shall contain the type and model of the  
36 property and the serial number of the property. The division or IV-D agency may  
37 hold any satisfaction of the registered lien until the child support obligation is  
38 satisfied, or levy and execute on the motor vehicle, motor boat, outboard motor,  
39 manufactured home or trailer and sell same, at public sale, in order to satisfy the  
40 debt.

41           7. In cases which are not IV-D cases, to cause a lien pursuant to the  
42 provisions of this section the obligee or the obligee's attorney shall file notice of  
43 the lien with the department of revenue. This notice shall have attached a  
44 certified copy of the court order with all modifications and a sworn statement by  
45 the obligee or a certified statement from the court attesting to or certifying the  
46 amount of arrearages.

47           8. Notwithstanding any other law to the contrary, the department of  
48 revenue shall maintain a child support lien database for outstanding child support

49 liens against the owner's certificate of ownership provided for by chapters 301,  
50 306, and 700, RSMo. To determine any existing liens for child support pursuant  
51 to this section, the lienholder, dealer, or buyer may inquire electronically into the  
52 database. A good faith purchaser for value without notice of the lien in the  
53 database or a lender without notice of the lien in the database takes free of the  
54 lien.]  
55

2 [550.050. 1. Every person who shall institute any prosecution to recover  
a fine, penalty or forfeiture shall be adjudged to pay all costs if the defendant is  
3 acquitted although he may not be entitled to any part of the same.

4 2. When such prosecutions are commenced by a public officer whose  
5 duty it is to institute the same, and the defendant is acquitted, the county shall pay  
6 the costs; if he is convicted, and unable to pay the costs, the county shall pay all  
7 the costs, except such as were incurred on the part of the defendant.]  
8

2 [550.070. If a person, charged with a felony, shall be discharged by the  
officer taking his examination, the costs shall be paid by the prosecutor or person  
3 on whose oath the prosecution was instituted, and the officer taking such  
4 examination shall enter judgment against such person for the same, and issue  
5 execution therefor immediately; and in no such case shall the state or county pay  
6 the costs.]  
7

2 [550.080. If, upon the trial of any indictment or information, the  
defendant shall be acquitted or discharged, and the prosecutor or prosecuting  
3 witness shall be liable to pay the costs according to law, judgment shall be  
4 rendered against such prosecutor for the costs in the case, and in no such case  
5 shall the same be paid by either the county or state.]  
6

2 [550.090. When the proceedings are prosecuted before any associate  
circuit judge, at the instance of the injured party, for the disturbance of the peace  
3 of a person, or for libel or slander, or for any trespass against the person or  
4 property of another, not amounting to a felony, except for petit larceny, the name  
5 of such injured party shall be entered by the associate circuit judge on his record  
6 as a prosecutor; and if the defendant shall be discharged or acquitted, such  
7 prosecutor shall be adjudged to pay the costs not otherwise adjudged; and in  
8 every other case of acquittal, if the associate circuit judge or jury trying the case  
9 shall state in the finding that the prosecution was malicious or without probable  
10 cause, the associate circuit judge shall enter judgment for costs against the  
11 prosecution or party at whose instance the information was filed, and shall issue  
12 execution therefor; but in no case shall the prosecuting attorney be liable for  
13 costs. In other cases of discharge or acquittal the costs shall be paid by the  
14 county, except when the prosecution is commenced by complaint and the

15 prosecuting attorney declines to file information thereon, in which case the  
16 proceedings shall be dismissed at the cost of the party filing the complaint.]

✓