

FIRST REGULAR SESSION  
[CORRECTED]  
HOUSE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 262**  
**95TH GENERAL ASSEMBLY**

1516L.05C

D. ADAM CRUMBLISS, Chief Clerk

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**AN ACT**

To repeal sections 1.020, 28.160, 41.950, 66.010, 82.300, 193.087, 193.215, 195.202, 208.040, 208.055, 210.145, 210.150, 210.152, 211.447, 211.462, 211.477, 217.450, 217.460, 229.110, 287.067, 317.001, 317.006, 317.011, 317.013, 317.014, 317.018, 317.019, 347.179, 347.183, 351.047, 351.085, 351.106, 351.120, 351.125, 351.127, 351.145, 351.155, 351.225, 351.484, 351.592, 351.594, 351.598, 351.602, 351.690, 355.016, 355.021, 355.066, 355.071, 355.151, 355.176, 355.576, 355.688, 355.706, 355.796, 355.806, 355.811, 355.821, 355.856, 356.211, 359.681, 393.110, 429.609, 441.065, 441.233, 452.305, 452.310, 452.312, 452.343, 452.377, 452.400, 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, 454.445, 454.500, 455.010, 455.038, 455.040, 456.5-505, 473.543, 473.730, 473.770, 476.055, 476.415, 477.600, 478.003, 478.320, 478.464, 478.513, 478.630, 479.080, 479.260, 483.015, 484.020, 485.077, 487.020, 488.012, 488.429, 488.5025, 511.480, 516.140, 516.200, 517.041, 517.141, 517.151, 535.020, 535.030, 535.120, 545.050, 550.040, 550.050, 550.070, 550.080, 550.090, 556.036, 561.031, 566.226, 595.209, 630.407, and 650.055, RSMo, and section 454.516 as enacted by senate substitute for senate committee substitute for house bill no. 2008, ninety-first general assembly, second regular session and 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 two hundred eight new sections relating to courts and judicial proceedings, with penalty provisions.

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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.

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

Section A. Sections 1.020, 28.160, 41.950, 66.010, 82.300, 193.087, 193.215, 195.202, 208.040, 208.055, 210.145, 210.150, 210.152, 211.447, 211.462, 211.477, 217.450, 217.460, 229.110, 287.067, 317.001, 317.006, 317.011, 317.013, 317.014, 317.018, 317.019, 347.179, 347.183, 351.047, 351.085, 351.106, 351.120, 351.125, 351.127, 351.145, 351.155, 351.225, 351.484, 351.592, 351.594, 351.598, 351.602, 351.690, 355.016, 355.021, 355.066, 355.071, 355.151, 355.176, 355.576, 355.688, 355.706, 355.796, 355.806, 355.811, 355.821, 355.856, 356.211, 359.681, 393.110, 429.609, 441.065, 441.233, 452.305, 452.310, 452.312, 452.343, 452.377, 452.400, 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, 454.445, 454.500, 455.010, 455.038, 455.040, 456.5-505, 473.543, 473.730, 473.770, 476.055, 476.415, 477.600, 478.003, 478.320, 478.464, 478.513, 478.630, 479.080, 479.260, 483.015, 484.020, 485.077, 487.020, 488.012, 488.429, 488.5025, 511.480, 516.140, 516.200, 517.041, 517.141, 517.151, 535.020, 535.030, 535.120, 545.050, 550.040, 550.050, 550.070, 550.080, 550.090, 556.036, 561.031, 566.226, 595.209, 630.407, and 650.055, RSMo, and section 454.516 as enacted by senate substitute for senate committee substitute for house bill no. 2008, ninety-first general assembly, second regular session and 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 are repealed and two hundred eight new sections enacted in lieu thereof, to be known as sections 1.020, 28.160, 41.950, 66.010, 82.300, 173.270, 193.087, 193.215, 195.202, 208.040, 208.055, 210.145, 210.150, 210.152, 211.445, 211.447, 211.462, 211.477, 211.478, 217.450, 217.460, 287.067, 317.001, 317.006, 317.011, 317.013, 317.014, 317.017, 317.018, 317.019, 347.179, 347.183, 351.047, 351.085, 351.106, 351.120, 351.122, 351.125, 351.127, 351.145, 351.155, 351.225, 351.484, 351.592, 351.594, 351.598, 351.602, 351.690, 355.016, 355.021, 355.066, 355.071, 355.151, 355.176, 355.576, 355.688, 355.706, 355.796, 355.806, 355.811, 355.821, 355.856, 355.857, 356.211, 359.681, 376.789, 379.130, 393.110, 429.609, 441.065, 441.233, 441.645, 452.305, 452.310, 452.312, 452.343, 452.356, 452.357, 452.358, 452.377, 452.400, 452.423, 452.426, 452.430, 452.455, 452.615, 452.620, 452.625, 452.630, 452.635, 452.640, 452.645, 452.650, 452.655, 452.660, 452.700, 452.705, 452.710, 452.715, 452.720, 452.725, 452.730, 452.735, 452.740, 452.745, 452.747, 452.750, 452.755, 452.760, 452.762, 452.765, 452.770, 452.775, 452.780, 452.782, 452.785, 452.790, 452.795, 452.800, 452.805, 452.810, 452.815, 452.820, 452.825, 452.830, 452.835, 452.840, 452.845, 452.850, 452.855, 452.860, 452.865, 452.870, 452.875, 452.880, 452.885, 452.890, 452.895, 452.900, 452.905, 452.910, 452.915, 452.920, 452.925, 452.930, 454.445, 454.500, 454.516, 455.010, 455.038, 455.040, 456.4-418, 456.5-505, 473.543, 473.730, 473.770, 475.375, 476.055, 476.415,

36 477.600, 478.003, 478.264, 478.320, 478.325, 478.464, 478.513, 478.575, 478.630, 478.713,  
37 479.015, 479.080, 479.260, 483.015, 484.020, 485.077, 487.020, 488.012, 488.075, 488.429,  
38 488.5025, 488.5032, 509.520, 511.480, 516.140, 516.200, 517.041, 535.020, 535.030, 535.120,  
39 537.055, 537.800, 537.802, 537.804, 537.806, 537.808, 545.050, 550.040, 556.036, 561.031,  
40 566.226, 595.209, 630.407, 650.055, 1, 2, 3, 4, and 5, to read as follows:

1.020. As used in the statutory laws of this state, unless otherwise specially provided or  
2 unless plainly repugnant to the intent of the legislature or to the context thereof:

3 (1) **"Certified mail" or "certified mail with return receipt requested", includes any**  
4 **parcel or letter carried by an overnight, express, or ground delivery service that allows a**  
5 **sender or recipient to electronically track its location;**

6 (2) "County or circuit attorney" means prosecuting attorney;

7 [(2)] (3) "Executor" includes administrator where the subject matter applies to an  
8 administrator;

9 [(3)] (4) "General election" means the election required to be held on the Tuesday  
10 succeeding the first Monday of November, biennially;

11 [(4)] (5) "Guardian", if used in a section in a context relating to property rights or  
12 obligations, means "conservator of the estate" as defined in chapter 475, RSMo. "Guardianship",  
13 if used in a section in a context relating to rights and obligations other than property rights or  
14 obligations, means "guardian of the person" as defined in chapter 475, RSMo;

15 [(5)] (6) "Handicap" means a mental or physical impairment that substantially limits one  
16 or more major life activities, whether the impairment is congenital or acquired by accident,  
17 injury, or disease, and where the impairment is verified by medical findings;

18 [(6)] (7) "Heretofore" means any time previous to the day when the statute containing  
19 it takes effect; and "hereafter" means the time after the statute containing it takes effect;

20 [(7)] (8) "In vacation" includes any adjournment of court for more than one day  
21 whenever any act is authorized to be done by or any power given to a court, or judge thereof in  
22 vacation, or whenever any act is authorized to be done by or any power given to a clerk of any  
23 court in vacation;

24 [(8)] (9) "Incompetent", if used in a section in a context relating to actual occupational  
25 ability without reference to a court adjudication of incompetency, means the actual ability of a  
26 person to perform in that occupation. "Incompetent", if used in a section in a context relating  
27 to the property rights and obligations of a person, means a "disabled person" as defined in  
28 chapter 475, RSMo. "Incompetent", if used in a section in a context relating to the rights and  
29 obligations of a person other than property rights and obligations, means an "incapacitated  
30 person" as defined in chapter 475, RSMo;

31 [(9)] (10) "Justice of the county court" means commissioner of the county commission;

32 [(10)] (11) "Month" and "year". "Month" means a calendar month, and "year" means a  
 33 calendar year unless otherwise expressed, and is equivalent to the words "year of our Lord";

34 [(11)] (12) The word "person" may extend and be applied to bodies politic and corporate,  
 35 and to partnerships and other unincorporated associations;

36 [(12)] (13) "Personal property" includes money, goods, chattels, things in action and  
 37 evidences of debt;

38 [(13)] (14) "Place of residence" means the place where the family of any person  
 39 permanently resides in this state, and the place where any person having no family generally  
 40 lodges;

41 [(14)] (15) "Preceding" and "following", when used by way of reference to any section  
 42 of the statutes, mean the section next preceding or next following that in which the reference is  
 43 made, unless some other section is expressly designated in the reference;

44 [(15)] (16) "Property" includes real and personal property;

45 [(16)] (17) "Real property" or "premises" or "real estate" or "lands" is coextensive with  
 46 lands, tenements and hereditaments;

47 [(17)] (18) "State", when applied to any of the United States, includes the District of  
 48 Columbia and the territories, and the words "United States" includes such district and territories;

49 [(18)] (19) "Under legal disability" includes persons within the age of minority or of  
 50 unsound mind or imprisoned;

51 [(19)] (20) "Ward", if used in a section in a context relating to the property rights and  
 52 obligations of a person, means a "protectee" as defined in chapter 475, RSMo. "Ward", if used  
 53 in a section in a context relating to the rights and obligations of a person other than property  
 54 rights and obligations, means a "ward" as defined in chapter 475, RSMo;

55 [(20)] (21) "Will" includes the words "testament" and "codicil";

56 [(21)] (22) "Written" and "in writing" and "writing word for word" includes printing,  
 57 lithographing, or other mode of representing words and letters, but in all cases where the  
 58 signature of any person is required, the proper handwriting of the person, or his mark, is  
 59 intended.

28.160. 1. The state shall be entitled to fees for services to be rendered by the secretary  
 2 of state as follows:

3 For issuing commission to notary public	\$15.00
4 For countersigning and sealing certificates of	
5 official character	10.00
6 For all other certificates	5.00

7 For copying archive and state library records, papers or documents, for each page 8 ½ x  
8 14 inches and smaller, not to exceed the actual cost of document search and  
9 duplication

10 For duplicating microfilm, for each roll, not to exceed the actual cost of staff time  
11 required for searches and duplication

12 For copying all other records, papers or documents, for each page 8 ½ x 14 inches and  
13 smaller, not to exceed the actual cost of document search and duplication

14 For certifying copies of records and papers or documents 5.00

15 For causing service of process to be made 10.00

16 For electronic telephone transmittal, per page 2.00

17 2. There is hereby established the "Secretary of State's Technology Trust Fund Account"  
18 which shall be administered by the state treasurer. All yield, interest, income, increment, or gain  
19 received from time deposit of moneys in the state treasury to the credit of the secretary of state's  
20 technology trust fund account shall be credited by the state treasurer to the account. The  
21 provisions of section 33.080, RSMo, to the contrary notwithstanding, moneys in the fund shall  
22 not be transferred and placed to the credit of general revenue until the amount in the fund at the  
23 end of a biennium exceeds five million dollars. In any such biennium the amount in the fund in  
24 excess of five million dollars shall be transferred to general revenue.

25 3. The secretary of state may collect an additional fee of ten dollars for the issuance of  
26 new and renewal notary commissions which shall be deposited in the state treasury and credited  
27 to the secretary of state's technology trust fund account.

28 4. The secretary of state may ask the general assembly to appropriate funds from the  
29 technology trust fund for the purposes of establishing, procuring, developing, modernizing and  
30 maintaining:

31 (1) An electronic data processing system and programs capable of maintaining a  
32 centralized database of all registered voters in the state;

33 (2) Library services offered to the citizens of this state;

34 (3) Administrative rules services, equipment and functions;

35 (4) Services, equipment and functions relating to securities;

36 (5) Services, equipment and functions relating to corporations and business  
37 organizations;

38 (6) Services, equipment and functions relating to the Uniform Commercial Code;

39 (7) Services, equipment and functions relating to archives;

40 (8) Services, equipment and functions relating to record services; and

41 (9) Services, equipment and functions relating to state and local elections.

42           5. Notwithstanding any provision of this section to the contrary, the secretary of state  
43 shall not collect fees, for processing apostilles, certifications and authentications prior to the  
44 placement of a child for adoption, in excess of one hundred dollars per child per adoption, or per  
45 multiple children to be adopted at the same time.

46           **6. (1) The secretary of state may promulgate rules to establish fees to be charged**  
47 **and collected for special handling in connection with filing documents, issuing certificates,**  
48 **and other services performed by the office, including expedited filing. Any rule or portion**  
49 **of a rule, as that term is defined in section 536.010, RSMo, that is created under the**  
50 **authority delegated in this section shall become effective only if it complies with and is**  
51 **subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028,**  
52 **RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers**  
53 **vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the**  
54 **effective date, or to disapprove and annul a rule are subsequently held unconstitutional,**  
55 **then the grant of rulemaking authority and any rule proposed or adopted after August 28,**  
56 **2009, shall be invalid and void.**

57           **(2) Fees charged under this subsection shall approximate the estimated cost of**  
58 **special handling and shall not exceed three hundred dollars per document filed or**  
59 **document requested. Requests for special handling or expedited filing may be filed, and**  
60 **the fees under this subsection may be charged, only if the special handling does not cause**  
61 **disruption or delay in the process of normal handling of documents. Such determination**  
62 **shall be at the discretion of the secretary of state or his or her designee, and neither the**  
63 **secretary of state nor his or her designee shall be liable in any manner for the acceptance**  
64 **or rejection of requests for special handling or expedited filing.**

65           **(3) The secretary of state shall, by rule, define the term "special handling in**  
66 **connection with filing documents, issuing certificates, and other services performed by the**  
67 **office, including expedited filing" and the type of filings subject to the special handling fee**  
68 **under this subsection.**

          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:

11 (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.

66.010. 1. Any county, **except in any county with a charter form of government and**  
2 **with more than six hundred thousand but fewer than seven hundred thousand inhabitants,**  
3 framing and adopting a charter for its own government under the provisions of section 18, article  
4 VI of the constitution of this state, may prosecute and punish violations of its county ordinances  
5 in the circuit court of such counties in the manner and to the extent herein provided or in a  
6 county municipal court **if creation of a county municipal court is authorized by such charter.**  
7 In addition, the county may prosecute and punish municipal ordinance violations in the county  
8 municipal court pursuant to a contract with any municipality within the county. Any county  
9 municipal court established pursuant to the provisions of this section shall have jurisdiction over  
10 violations of that county's ordinances and the ordinances of municipalities with which the county  
11 has a contract to prosecute and punish violations of municipal ordinances of the city. Costs and



12 procedures in any such county municipal court shall be governed by the provisions of law  
13 relating to municipal ordinance violations in municipal divisions of circuit courts.

14       2. In any county which has elected to establish a county municipal court pursuant to this  
15 section, the judges for such court shall be appointed by the county executive of such county,  
16 subject to confirmation by the legislative body of such county in the same manner as  
17 confirmation for other county appointed officers. The number of judges appointed, and  
18 qualifications for their appointment, shall be established by ordinance of the county.

19       3. The number of divisions of such county municipal court and its term shall be  
20 established by ordinance of the county.

21       4. [Except in any county with a charter form of government and with more than six  
22 hundred thousand but fewer than seven hundred thousand inhabitants,] the ordinance of the  
23 county shall provide for regular sessions of court in the evening hours after 6:00 p.m. and at  
24 locations outside the county seat. [In any county with a charter form of government and with  
25 more than six hundred thousand but fewer than seven hundred thousand inhabitants, the  
26 ordinance of the county may provide for regular sessions of court in the evening hours after 6:00  
27 p.m. and at locations outside the county seat.]

28       5. Judges of the county municipal court shall be licensed to practice law in this state and  
29 shall be residents of the county in which they serve. Municipal court judges shall not accept or  
30 handle cases in their practice of law which are inconsistent with their duties as a municipal court  
31 judge and shall not be a judge or prosecutor for any other court.

32       6. In establishing the county municipal court, provisions shall be made for appropriate  
33 circumstances whereby defendants may enter not guilty pleas and obtain trial dates by telephone  
34 or written communication without personal appearance, or to plead guilty and deliver by mail  
35 or electronic transfer or other approved method the specified amount of the fine and costs as  
36 otherwise provided by law, within a specified period of time.

37       7. In a county municipal court established pursuant to this section, the county may  
38 provide by ordinance for court costs not to exceed the sum which may be provided by  
39 municipalities for municipal violations before municipal courts. The county municipal judge  
40 may assess costs against a defendant who pleads guilty or is found guilty except in those cases  
41 where the defendant is found by the judge to be indigent and unable to pay the costs. The costs  
42 authorized in this subsection are in addition to service costs, witness fees and jail costs that may  
43 otherwise be authorized to be assessed, but are in lieu of other court or judge costs or fees. Such  
44 costs shall be collected by the authorized clerk and deposited into the county treasury.

45       8. Provisions shall be made for recording of proceedings, except that if such proceedings  
46 are not recorded, then, in that event, a person aggrieved by a judgment of a traffic judge or  
47 commissioner shall have the right of a trial de novo. The procedures for perfecting the right of

48 a trial de novo shall be the same as that provided under sections 512.180 to 512.320, RSMo,  
49 except that the provisions of subsection 2 of section 512.180, RSMo, shall not apply to such  
50 cases. In the event that such proceedings are recorded, all final decisions of the county municipal  
51 court shall be appealable on such record to the appellate court with appropriate jurisdiction.

52 9. Any person charged with the violation of a county ordinance in a county which has  
53 established a county municipal court under the provisions of this section shall, upon request, be  
54 entitled to a trial by jury before a county municipal court judge. Any jury trial shall be heard  
55 with a record being made.

56 10. In the event that a court is established pursuant to this section, the circuit judges of  
57 the judicial circuit with jurisdiction within that county may authorize the judges of the county  
58 municipal court to act as commissioners to hear in the first instance nonfelony violations of state  
59 law involving motor vehicles as provided by local rule.

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.

**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.**

193.087. 1. In addition to the requirements of subsection 2 of section 193.085, when a  
2 birth occurs to an unmarried mother, whether in an institution or en route to an institution, the  
3 person in charge of the institution or a designated representative shall:

4 (1) Provide a form or affidavit prescribed by the state registrar that may be completed  
5 by the child's mother and father to voluntarily acknowledge paternity of the child pursuant to  
6 section 193.215;

7 (2) File the form, when completed, along with the certificate required by this section.  
8 **Such completed form for the voluntary acknowledgment of paternity is not a public**  
9 **record; except that, a copy of such voluntary acknowledgment of paternity shall, upon**  
10 **request, be made available to the child's mother, the father listed on the child's birth**  
11 **record, the attorney representing such mother or father, the child, the guardian ad litem,**  
12 **and the child's attorney and the state and federal government for child support purposes.**  
13 **Upon payment of the fee established by rule by the department under section 454.455,**  
14 **RSMo, a copy of such voluntary acknowledgment of paternity shall be provided by the**

15 **state registrar to the child's mother, the father listed on the child's birth record, the**  
16 **attorney representing such mother or alleged father, the child, the guardian ad litem, and**  
17 **the child's attorney, and the state and federal government for child support purposes; and**

18 (3) Provide oral and written notice to the affiant required by section 193.215.

19 2. Any institution, the person in charge or a designated representative shall be immune  
20 from civil or criminal liability for providing the form or affidavit required by subsection 1 of this  
21 section, the information developed pursuant to that subsection, or otherwise fulfilling the duties  
22 required by subsection 1 of this section.

23 3. The family support division may contract with the department of health and senior  
24 services to provide assistance and training to the hospital staff assigned responsibility for  
25 providing the information, as appropriate, to carry out duties pursuant to this section. The family  
26 support division shall develop and distribute free of charge the information on the rights and  
27 responsibilities of parents that is required to be distributed pursuant to this section. The  
28 department of health and senior services shall provide free of charge to hospitals the  
29 acknowledgment of paternity affidavit, and instructions on the completion of the affidavit.

30 4. If no contract is developed with the department of health and senior services, then the  
31 family support division shall provide the assistance and training activities to hospitals pursuant  
32 to subsection 3 of this section.

33 5. Any affiant who intentionally misidentifies another person as a parent may be  
34 prosecuted for perjury, pursuant to section 575.040, RSMo.

35 6. Due to lack of cooperation by public assistance recipients, the family support division  
36 shall either suspend the entire public assistance cash grant, or remove the needs of the adult  
37 recipient of public assistance from the cash grant, subject to good cause exceptions pursuant to  
38 federal law or regulations.

193.215. 1. A certificate or report registered pursuant to sections 193.005 to 193.325  
2 may be amended only pursuant to the provisions of sections 193.005 to 193.325, and regulations  
3 adopted by the department.

4 2. A certificate or report that is amended pursuant to this section shall be marked  
5 "Amended" except as otherwise provided in this section. The date of amendment and a summary  
6 description of the evidence submitted in support of the amendment shall be endorsed on or made  
7 part of the record.

8 3. Upon receipt of a certified copy of an order of a court of competent jurisdiction  
9 changing the name of a person born in this state and upon request of such person or such person's  
10 parents, guardian, or legal representative, the state registrar shall amend the certificate of birth  
11 to show the new name. The court order shall include such facts as are necessary to locate and  
12 identify the certificate of birth of the person whose name is being changed.

13           4. When an applicant does not submit the minimum documentation required in the  
14 regulations for amending a vital record or when the state registrar has reasonable cause to  
15 question the validity or adequacy of the applicant's sworn statements or the documentary  
16 evidence, and if the deficiencies are not corrected, the state registrar shall not amend the vital  
17 record and shall advise the applicant of the reason for this action and the applicant's right of  
18 appeal to a court of competent jurisdiction.

19           5. When a certificate or report is amended pursuant to this section, the state registrar  
20 shall report the amendment to any other custodians of the vital record and their record shall be  
21 amended accordingly.

22           6. Upon written request of both parents and receipt of a sworn acknowledgment of  
23 paternity notarized and signed by both parents of a child born out of wedlock, the state registrar  
24 shall amend the certificate of birth to show such paternity. The acknowledgment affidavit form  
25 shall be developed by the state registrar and shall include the minimum requirements prescribed  
26 by the secretary of the Department of Health and Human Services pursuant to 42 U.S.C. Section  
27 652(a)(7). The acknowledgment form shall include provisions to allow the parents to change the  
28 surname of the child and such surname shall be changed on the birth record if the parents elect  
29 to change the child's surname. The signature of the parents shall be notarized or the signature  
30 shall be witnessed by at least two disinterested adults whose signatures and addresses shall be  
31 plainly written thereon. The form shall be accompanied by oral notice, which may be provided  
32 through the use of video or audio equipment, and written notice to the mother and putative father  
33 of:

34           (1) The alternatives to, the legal consequences of, and the rights and responsibilities that  
35 arise from signing the acknowledgment;

36           (2) The benefits of having the child's paternity established; and

37           (3) The availability of paternity establishment and child support enforcement services.

38 A rescission of acknowledgment form shall be filed with the bureau of vital records pursuant to  
39 section 210.823, RSMo, to vacate the legal finding of paternity. The bureau shall file all  
40 rescissions and forward a copy of each to the division of child support enforcement. The birth  
41 record shall only be changed pursuant to this subsection upon an order of the court or the  
42 division of child support enforcement.

43

44 **The completed voluntary acknowledgment of paternity is not a public record; except that,**  
45 **a copy of such voluntary acknowledgment of paternity shall, upon request, be made**  
46 **available to the child's mother, the father listed on the child's birth record, the attorney**  
47 **representing such mother or father, the child, the guardian ad litem, and the child's**  
48 **attorney, and the state and federal government for child support purposes. Upon payment**

49 **of the fee established by rule by the department under section 454.445, RSMo, a copy of**  
50 **such acknowledgment shall be provided by the state registrar to the child's mother, the**  
51 **father listed on the child's birth record, and the attorney representing such mother or**  
52 **alleged father.**

53 7. The department shall offer voluntary paternity establishment services.

54 8. Upon receipt of a certified copy of an order of a court of competent jurisdiction  
55 changing the name of a person born in this state and upon request of such person or such person's  
56 parents, guardian or legal representative, the state registrar shall amend the certificate of birth  
57 to show the new name.

58 9. Upon receipt of a certified copy of an order of a court of competent jurisdiction  
59 indicating the sex of an individual born in this state has been changed by surgical procedure and  
60 that such individual's name has been changed, the certificate of birth of such individual shall be  
61 amended.

195.202. 1. Except as authorized by sections 195.005 to 195.425, it is unlawful for any  
2 person to possess or have under his **or her** control a controlled substance.

3 2. Any person who violates this section with respect to any controlled substance except  
4 thirty-five grams or less of marijuana is guilty of a class C felony.

5 3. Any person who violates this section with respect to not more than thirty-five grams  
6 of marijuana is guilty of a class A misdemeanor **and as part of their punishment shall be**  
7 **required to perform ten hours of community service for a first offense and twenty-five of**  
8 **community service for a second or subsequent offense, except in the case of extraordinary**  
9 **circumstances, in which case the judge shall detail such extraordinary circumstances in the**  
10 **record.**

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

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

8 (2) Has been deprived of parental support or care by reason of the death, continued  
9 absence from the home, or physical or mental incapacity of a parent, and who is living with  
10 father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother,  
11 stepsister, uncle, aunt, first cousin, nephew or niece, in a place of residence maintained by one  
12 or more of such relatives as the child's own home, and financial aid for such child is necessary

13 to save the child from neglect and to secure for the child proper care in such home. Physical or  
14 mental incapacity shall be certified to by competent medical or other appropriate authority  
15 designated by the **family support** division [of family services], and such certificate is hereby  
16 declared to be competent evidence in any proceedings concerning the eligibility of such claimant  
17 to receive [aid to families with dependent children] **temporary assistance** benefits. Benefits  
18 may be granted and continued for this reason only while it is the judgment of the **family support**  
19 division [of family services] that a physical or mental defect, illness or disability exists which  
20 prevents the parent from performing any gainful work;

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

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

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

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

28 (2) Shall assign to the **family support** division [of family services] in behalf of the state  
29 any rights to support from any other person such applicant may have in the applicant's own  
30 behalf or in behalf of any other [family member] **person** for whom the applicant is applying for  
31 or receiving [aid] **assistance**. An application for benefits made under this section shall constitute  
32 an assignment of support rights which shall take effect, by operation of law, upon a  
33 determination that the applicant is eligible for assistance under this section. The assignment [is  
34 effective as to both current and accrued support obligations] **shall comply with the**  
35 **requirements of 42 U.S.C. Section 608(a)(3)** and authorizes the **family support** division [of  
36 child support enforcement] of the department of social services to bring any administrative or  
37 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;

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

113

114 The provisions of this subsection shall be subject to compliance by the department with all  
115 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. Public assistance includes programs under the federal Social Security Act including, but not limited to, Part IV-A, as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Public assistance shall not include:

(1) A noncash benefit; or

29 (2) A short term benefit.

210.145. 1. The division shall develop protocols which give priority to:

2 (1) Ensuring the well-being and safety of the child in instances where child abuse or  
3 neglect has been alleged;

4 (2) Promoting the preservation and reunification of children and families consistent with  
5 state and federal law;

6 (3) Providing due process for those accused of child abuse or neglect; and

7 (4) Maintaining an information system operating at all times, capable of receiving and  
8 maintaining reports. This information system shall have the ability to receive reports over a  
9 single, statewide toll-free number. Such information system shall maintain the results of all  
10 investigations, family assessments and services, and other relevant information.

11 2. The division shall utilize structured decision-making protocols for classification  
12 purposes of all child abuse and neglect reports. The protocols developed by the division shall  
13 give priority to ensuring the well-being and safety of the child. All child abuse and neglect  
14 reports shall be initiated within twenty-four hours and shall be classified based upon the reported  
15 risk and injury to the child. The division shall promulgate rules regarding the structured  
16 decision-making protocols to be utilized for all child abuse and neglect reports.

17 3. Upon receipt of a report, the division shall determine if the report merits investigation,  
18 including reports which if true would constitute a suspected violation of any of the following:  
19 section 565.020, 565.021, 565.023, 565.024, or 565.050, RSMo, if the victim is a child less than  
20 eighteen years of age, section 566.030 or 566.060, RSMo, if the victim is a child less than  
21 eighteen years of age, or other crimes under chapter 566, RSMo, if the victim is a child less than  
22 eighteen years of age and the perpetrator is twenty-one years of age or older, section 567.050,  
23 RSMo, if the victim is a child less than eighteen years of age, section 568.020, 568.030, 568.045,  
24 568.050, 568.060, 568.080, or 568.090, RSMo, section 573.025, 573.035, 573.037, or 573.040,  
25 RSMo, or an attempt to commit any such crimes. The division shall immediately communicate  
26 all reports that merit investigation to its appropriate local office and any relevant information as  
27 may be contained in the information system. The local division staff shall determine, through  
28 the use of protocols developed by the division, whether an investigation or the family assessment  
29 and services approach should be used to respond to the allegation. The protocols developed by  
30 the division shall give priority to ensuring the well-being and safety of the child.

31 4. The local office shall contact the appropriate law enforcement agency immediately  
32 upon receipt of a report which division personnel determine merits an investigation and provide  
33 such agency with a detailed description of the report received. In such cases the local division  
34 office shall request the assistance of the local law enforcement agency in all aspects of the

35 investigation of the complaint. The appropriate law enforcement agency shall either assist the  
36 division in the investigation or provide the division, within twenty-four hours, an explanation  
37 in writing detailing the reasons why it is unable to assist.

38         5. The local office of the division shall cause an investigation or family assessment and  
39 services approach to be initiated in accordance with the protocols established in subsection 2 of  
40 this section, except in cases where the sole basis for the report is educational neglect. If the  
41 report indicates that educational neglect is the only complaint and there is no suspicion of other  
42 neglect or abuse, the investigation shall be initiated within seventy-two hours of receipt of the  
43 report. If the report indicates the child is in danger of serious physical harm or threat to life, an  
44 investigation shall include direct observation of the subject child within twenty-four hours of the  
45 receipt of the report. Local law enforcement shall take all necessary steps to facilitate such direct  
46 observation. If the parents of the child are not the alleged abusers, a parent of the child must be  
47 notified prior to the child being interviewed by the division. If the abuse is alleged to have  
48 occurred in a school or child-care facility the division shall not meet with the child in any school  
49 building or child-care facility building where abuse of such child is alleged to have occurred.  
50 When the child is reported absent from the residence, the location and the well-being of the child  
51 shall be verified. For purposes of this subsection, child-care facility shall have the same meaning  
52 as such term is defined in section 210.201.

53         6. The director of the division shall name at least one chief investigator for each local  
54 division office, who shall direct the division response on any case involving a second or  
55 subsequent incident regarding the same subject child or perpetrator. The duties of a chief  
56 investigator shall include verification of direct observation of the subject child by the division  
57 and shall ensure information regarding the status of an investigation is provided to the public  
58 school district liaison. The public school district liaison shall develop protocol in conjunction  
59 with the chief investigator to ensure information regarding an investigation is shared with  
60 appropriate school personnel. The superintendent of each school district shall designate a  
61 specific person or persons to act as the public school district liaison. Should the subject child  
62 attend a nonpublic school the chief investigator shall notify the school principal of the  
63 investigation. Upon notification of an investigation, all information received by the public  
64 school district liaison or the school shall be subject to the provisions of the federal Family  
65 Educational Rights and Privacy Act (FERPA), 20 U.S.C., Section 1232g, and federal rule 34  
66 C.F.R., Part 99.

67         7. The investigation shall include but not be limited to the nature, extent, and cause of  
68 the abuse or neglect; the identity and age of the person responsible for the abuse or neglect; the  
69 names and conditions of other children in the home, if any; the home environment and the

70 relationship of the subject child to the parents or other persons responsible for the child's care;  
71 any indication of incidents of physical violence against any other household or family member;  
72 and other pertinent data.

73 8. When a report has been made by a person required to report under section 210.115,  
74 the division shall contact the person who made such report within forty-eight hours of the receipt  
75 of the report in order to ensure that full information has been received and to obtain any  
76 additional information or medical records, or both, that may be pertinent.

77 9. Upon completion of the investigation, if the division suspects that the report was made  
78 maliciously or for the purpose of harassment, the division shall refer the report and any evidence  
79 of malice or harassment to the local prosecuting or circuit attorney.

80 10. Multidisciplinary teams shall be used whenever conducting the investigation as  
81 determined by the division in conjunction with local law enforcement. Multidisciplinary teams  
82 shall be used in providing protective or preventive social services, including the services of law  
83 enforcement, a liaison of the local public school, the juvenile officer, the juvenile court, and  
84 other agencies, both public and private.

85 11. For all family support team meetings involving an alleged victim of child abuse or  
86 neglect, the parents, legal counsel for the parents, foster parents, the legal guardian or custodian  
87 of the child, the guardian ad litem for the child, and the volunteer advocate for the child shall be  
88 provided notice and be permitted to attend all such meetings. Family members, other than  
89 alleged perpetrators, or other community informal or formal service providers that provide  
90 significant support to the child and other individuals may also be invited at the discretion of the  
91 parents of the child. In addition, the parents, the legal counsel for the parents, the legal guardian  
92 or custodian and the foster parents may request that other individuals, other than alleged  
93 perpetrators, be permitted to attend such team meetings. Once a person is provided notice of or  
94 attends such team meetings, the division or the convenor of the meeting shall provide such  
95 persons with notice of all such subsequent meetings involving the child. Families may determine  
96 whether individuals invited at their discretion shall continue to be invited.

97 12. If the appropriate local division personnel determine after an investigation has begun  
98 that completing an investigation is not appropriate, the division shall conduct a family  
99 assessment and services approach. The division shall provide written notification to local law  
100 enforcement prior to terminating any investigative process. The reason for the termination of  
101 the investigative process shall be documented in the record of the division and the written  
102 notification submitted to local law enforcement. Such notification shall not preclude nor prevent  
103 any investigation by law enforcement.

104           13. If the appropriate local division personnel determines to use a family assessment and  
105 services approach, the division shall:

106           (1) Assess any service needs of the family. The assessment of risk and service needs  
107 shall be based on information gathered from the family and other sources;

108           (2) Provide services which are voluntary and time-limited unless it is determined by the  
109 division based on the assessment of risk that there will be a high risk of abuse or neglect if the  
110 family refuses to accept the services. The division shall identify services for families where it  
111 is determined that the child is at high risk of future abuse or neglect. The division shall  
112 thoroughly document in the record its attempt to provide voluntary services and the reasons these  
113 services are important to reduce the risk of future abuse or neglect to the child. If the family  
114 continues to refuse voluntary services or the child needs to be protected, the division may  
115 commence an investigation;

116           (3) Commence an immediate investigation if at any time during the family assessment  
117 and services approach the division determines that an investigation, as delineated in sections  
118 210.109 to 210.183, is required. The division staff who have conducted the assessment may  
119 remain involved in the provision of services to the child and family;

120           (4) Document at the time the case is closed, the outcome of the family assessment and  
121 services approach, any service provided and the removal of risk to the child, if it existed.

122           14. Within [thirty] **forty-five** days of an oral report of abuse or neglect, the local office  
123 shall update the information in the information system. The information system shall contain,  
124 at a minimum, the determination made by the division as a result of the investigation, identifying  
125 information on the subjects of the report, those responsible for the care of the subject child and  
126 other relevant dispositional information. The division shall complete all investigations within  
127 thirty days, unless good cause for the failure to complete the investigation is documented in the  
128 information system. If a child involved in a pending investigation dies, the investigation shall  
129 remain open until the division's investigation surrounding the death is completed. If the  
130 investigation is not completed within [thirty] **forty-five** days, the information system shall be  
131 updated at regular intervals and upon the completion of the investigation. The information in  
132 the information system shall be updated to reflect any subsequent findings, including any  
133 changes to the findings based on an administrative or judicial hearing on the matter.

134           15. **The division shall complete all investigations within forty-five days. If the**  
135 **investigation is not completed in forty-five days, the division shall promptly notify all**  
136 **parties to the investigation of its proposed extension and give reasons why the extension**  
137 **is necessary. Any party may object to the extension by filing an objection with the attorney**  
138 **general's office of the child advocate, which shall rule on the objection within ten working**

139 days, and shall grant the extension if it finds that there is good cause to do so. If the  
140 extension is granted, the division shall set a new deadline for completion of the  
141 investigation which may only be extended by the division applying in writing with written  
142 notice to all parties, before the deadline expires, for its further extension for good cause  
143 shown. Should the extension not be granted, then the investigation will be deemed  
144 completed ten working days after the date the attorney general denies the extension.  
145 Where the division seeks a single extension on the basis that the division is awaiting a  
146 report from law enforcement, a medical report, or information from another state, no  
147 objection to such extension shall be allowed, except for an objection asserting that the  
148 division's grounds for extension are false or have been contrived with the reporting entity  
149 or state. Following the investigation, the division shall make a preliminary determination  
150 by a preponderance of evidence as to whether the alleged perpetrator has committed child  
151 abuse or neglect, and follow the procedures outlined in section 210.152.

152 **16. No determination of the division shall be entered in the central registry until:**

153 **(1) The alleged perpetrator fails to request review by the child abuse and neglect**  
154 **review board or trial de novo in the circuit court within the thirty-day period provided in**  
155 **subsection 3 of section 210.152; or**

156 **(2) A determination is made by the child abuse and neglect review board that the**  
157 **alleged perpetrator has committed child abuse or neglect, subject to subdivisions (2) and**  
158 **(3) of subsection 5 of section 210.152.**

159 **17.** A person required to report under section 210.115 to the division and any person  
160 making a report of child abuse or neglect made to the division which is not made anonymously  
161 shall be informed by the division of his or her right to obtain information concerning the  
162 disposition of his or her report. Such person shall receive, from the local office, if requested,  
163 information on the general disposition of his or her report. Such person may receive, if  
164 requested, findings and information concerning the case. Such release of information shall be  
165 at the discretion of the director based upon a review of the reporter's ability to assist in protecting  
166 the child or the potential harm to the child or other children within the family. The local office  
167 shall respond to the request within forty-five days. The findings shall be made available to the  
168 reporter within five days of the outcome of the investigation. If the report is determined to be  
169 unsubstantiated, the reporter may request that the report be referred by the division to the office  
170 of child advocate for children's protection and services established in sections 37.700 to 37.730,  
171 RSMo. Upon request by a reporter under this subsection, the division shall refer an  
172 unsubstantiated report of child abuse or neglect to the office of child advocate for children's  
173 protection and services.



174 [16.] **18.** In any judicial proceeding involving the custody of a child the fact that a report  
175 may have been made pursuant to sections 210.109 to 210.183 shall not be admissible. However:

176 (1) Nothing in this subsection shall prohibit the introduction of evidence from  
177 independent sources to support the allegations that may have caused a report to have been made;  
178 and

179 (2) The court may on its own motion, or shall if requested by a party to the proceeding,  
180 make an inquiry not on the record with the children's division to determine if such a report has  
181 been made. If a report has been made, the court may stay the custody proceeding until the  
182 children's division completes its investigation.

183 [17.] **19.** In any judicial proceeding involving the custody of a child where the court  
184 determines that the child is in need of services pursuant to subdivision (d) of subsection 1 of  
185 section 211.031, RSMo, and has taken jurisdiction, the child's parent, guardian or custodian shall  
186 not be entered into the registry.

187 [18.] **20.** The children's division is hereby granted the authority to promulgate rules and  
188 regulations pursuant to the provisions of section 207.021, RSMo, and chapter 536, RSMo, to  
189 carry out the provisions of sections 210.109 to 210.183.

190 [19.] **21.** Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,  
191 that is created under the authority delegated in this section shall become effective only if it  
192 complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable,  
193 section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of  
194 the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay  
195 the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then  
196 the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall  
197 be invalid and void.

210.150. 1. The children's division shall ensure the confidentiality of all reports and  
2 records made pursuant to sections 210.109 to 210.183 and maintained by the division, its local  
3 offices, the central registry, and other appropriate persons, officials, and institutions pursuant to  
4 sections 210.109 to 210.183. To protect the rights of the family and the child named in the report  
5 as a victim, the children's division shall establish guidelines which will ensure that any disclosure  
6 of information concerning the abuse and neglect involving that child is made only to persons or  
7 agencies that have a right to such information. The division may require persons to make written  
8 requests for access to records maintained by the division. The division shall only release  
9 information to persons who have a right to such information. The division shall notify persons  
10 receiving information pursuant to subdivisions (2), (7), (8) and (9) of subsection 2 of this section  
11 of the purpose for which the information is released and of the penalties for unauthorized

12 dissemination of information. Such information shall be used only for the purpose for which the  
13 information is released.

14         2. Only the following persons shall have access to investigation records contained in the  
15 central registry:

16         (1) Appropriate federal, state or local criminal justice agency personnel, or any agent of  
17 such entity, with a need for such information under the law to protect children from abuse or  
18 neglect;

19         (2) A physician or a designated agent who reasonably believes that the child being  
20 examined may be abused or neglected;

21         (3) Appropriate staff of the division and of its local offices, including interdisciplinary  
22 teams which are formed to assist the division in investigation, evaluation and treatment of child  
23 abuse and neglect cases or a multidisciplinary provider of professional treatment services for a  
24 child referred to the provider;

25         (4) Any child named in the report as a victim, or a legal representative, or the parent, if  
26 not the alleged perpetrator, or guardian of such person when such person is a minor, or is  
27 mentally ill or otherwise incompetent, but the names of reporters shall not be furnished to  
28 persons in this category. Prior to the release of any identifying information, the division shall  
29 determine if the release of such identifying information may place a person's life or safety in  
30 danger. If the division makes the determination that a person's life or safety may be in danger,  
31 the identifying information shall not be released. The division shall provide a method for  
32 confirming or certifying that a designee is acting on behalf of a subject;

33         (5) Any alleged perpetrator named in the report, but the names of reporters shall not be  
34 furnished to persons in this category. Prior to the release of any identifying information, the  
35 division shall determine if the release of such identifying information may place a person's life  
36 or safety in danger. If the division makes the determination that a person's life or safety may be  
37 in danger, the identifying information shall not be released. However, the investigation reports  
38 will not be released to any alleged perpetrator with pending criminal charges arising out of the  
39 facts and circumstances named in the investigation records until an indictment is returned or an  
40 information filed, **or one year has passed since the division notified the prosecuting attorney**  
41 **in the jurisdiction where the acts forming the basis of the report are alleged to have**  
42 **occurred and the intent by the alleged perpetrator to seek further review is in writing. The**  
43 **prosecuting attorney may petition the circuit court of such jurisdiction to extend the one**  
44 **year period for good cause shown, for such time as the court may determine is necessary**  
45 **to complete the investigation and to file any appropriate charges;**

46 (6) A grand jury, juvenile officer, prosecuting attorney, law enforcement officer involved  
47 in the investigation of child abuse or neglect, juvenile court or other court conducting abuse or  
48 neglect or child protective proceedings or child custody proceedings, and other federal, state and  
49 local government entities, or any agent of such entity, with a need for such information in order  
50 to carry out its responsibilities under the law to protect children from abuse or neglect;

51 (7) Any person engaged in a bona fide research purpose, with the permission of the  
52 director; provided, however, that no information identifying the child named in the report as a  
53 victim or the reporters shall be made available to the researcher, unless the identifying  
54 information is essential to the research or evaluation and the child named in the report as a victim  
55 or, if the child is less than eighteen years of age, through the child's parent, or guardian provides  
56 written permission;

57 (8) Any child-care facility; child-placing agency; residential-care facility, including  
58 group homes; juvenile courts; public or private elementary schools; public or private secondary  
59 schools; or any other public or private agency exercising temporary supervision over a child or  
60 providing or having care or custody of a child who may request an examination of the central  
61 registry from the division for all employees and volunteers or prospective employees and  
62 volunteers, who do or will provide services or care to children. Any agency or business  
63 recognized by the division or business which provides training and places or recommends people  
64 for employment or for volunteers in positions where they will provide services or care to children  
65 may request the division to provide an examination of the central registry. Such agency or  
66 business shall provide verification of its status as a recognized agency. Requests for  
67 examinations shall be made to the division director or the director's designee in writing by the  
68 chief administrative officer of the above homes, centers, public and private elementary schools,  
69 public and private secondary schools, agencies, or courts. The division shall respond in writing  
70 to that officer. The response shall include information pertaining to the nature and disposition  
71 of any report or reports of abuse or neglect revealed by the examination of the central registry.  
72 This response shall not include any identifying information regarding any person other than the  
73 alleged perpetrator of the abuse or neglect;

74 (9) Any parent or legal guardian who inquires about a child abuse or neglect report  
75 involving a specific person or child-care facility who does or may provide services or care to a  
76 child of the person requesting the information. Request for examinations shall be made to the  
77 division director or the director's designee, in writing, by the parent or legal guardian of the child  
78 and shall be accompanied with a signed and notarized release form from the person who does  
79 or may provide care or services to the child. The notarized release form shall include the full  
80 name, date of birth and Social Security number of the person who does or may provide care or

81 services to a child. The response shall include information pertaining to the nature and  
82 disposition of any report or reports of abuse or neglect revealed by the examination of the central  
83 registry. This response shall not include any identifying information regarding any person other  
84 than the alleged perpetrator of the abuse or neglect. The response shall be given within ten  
85 working days of the time it was received by the division;

86 (10) Any person who inquires about a child abuse or neglect report involving a specific  
87 child-care facility, child-placing agency, residential-care facility, public and private elementary  
88 schools, public and private secondary schools, juvenile court or other state agency. The  
89 information available to these persons is limited to the nature and disposition of any report  
90 contained in the central registry and shall not include any identifying information pertaining to  
91 any person mentioned in the report;

92 (11) Any state agency acting pursuant to statutes regarding a license of any person,  
93 institution, or agency which provides care for or services to children;

94 (12) Any child fatality review panel established pursuant to section 210.192 or any state  
95 child fatality review panel established pursuant to section 210.195;

96 (13) Any person who is a tenure-track or full-time research faculty member at an  
97 accredited institution of higher education engaged in scholarly research, with the permission of  
98 the director. Prior to the release of any identifying information, the director shall require the  
99 researcher to present a plan for maintaining the confidentiality of the identifying information.  
100 The researcher shall be prohibited from releasing the identifying information of individual cases.

101 3. Only the following persons shall have access to records maintained by the division  
102 pursuant to section 210.152 for which the division has received a report of child abuse and  
103 neglect and which the division has determined that there is insufficient evidence or in which the  
104 division proceeded with the family assessment and services approach:

105 (1) Appropriate staff of the division;

106 (2) Any child named in the report as a victim, or a legal representative, or the parent or  
107 guardian of such person when such person is a minor, or is mentally ill or otherwise incompetent.  
108 The names or other identifying information of reporters shall not be furnished to persons in this  
109 category. Prior to the release of any identifying information, the division shall determine if the  
110 release of such identifying information may place a person's life or safety in danger. If the  
111 division makes the determination that a person's life or safety may be in danger, the identifying  
112 information shall not be released. The division shall provide for a method for confirming or  
113 certifying that a designee is acting on behalf of a subject;

114 (3) Any alleged perpetrator named in the report, but the names of reporters shall not be  
115 furnished to persons in this category. Prior to the release of any identifying information, the

116 division shall determine if the release of such identifying information may place a person's life  
117 or safety in danger. If the division makes the determination that a person's life or safety may be  
118 in danger, the identifying information shall not be released. However, the investigation reports  
119 will not be released to any alleged perpetrator with pending criminal charges arising out of the  
120 facts and circumstances named in the investigation records until an indictment is returned or an  
121 information filed, **or one year has passed since the division notified the prosecuting attorney**  
122 **in the jurisdiction where the acts forming the basis of the report are alleged to have**  
123 **occurred and the intent by the alleged perpetrator to seek further review is in writing. The**  
124 **prosecuting attorney may petition the circuit court of such jurisdiction to extend the one**  
125 **year period for good cause shown, for such time as the court may determine is necessary**  
126 **to complete the investigation and to file any appropriate charges;**

127 (4) Any child fatality review panel established pursuant to section 210.192 or any state  
128 child fatality review panel established pursuant to section 210.195;

129 (5) Appropriate criminal justice agency personnel or juvenile officer;

130 (6) Multidisciplinary agency or individual including a physician or physician's designee  
131 who is providing services to the child or family, with the consent of the parent or guardian of the  
132 child or legal representative of the child;

133 (7) Any person engaged in bona fide research purpose, with the permission of the  
134 director; provided, however, that no information identifying the subjects of the reports or the  
135 reporters shall be made available to the researcher, unless the identifying information is essential  
136 to the research or evaluation and the subject, or if a child, through the child's parent or guardian,  
137 provides written permission.

138 4. Any person who knowingly violates the provisions of this section, or who permits or  
139 encourages the unauthorized dissemination of information contained in the information system  
140 or the central registry and in reports and records made pursuant to sections 210.109 to 210.183,  
141 shall be guilty of a class A misdemeanor.

142 5. Nothing in this section shall preclude the release of findings or information about  
143 cases which resulted in a child fatality or near fatality. Such release is at the sole discretion of  
144 the director of the department of social services, based upon a review of the potential harm to  
145 other children within the immediate family.

210.152. 1. All identifying information, including telephone reports reported pursuant  
2 to section 210.145, relating to reports of abuse or neglect received by the division shall be  
3 retained by the division and removed from the records of the division as follows:

4 (1) For investigation reports contained in the central registry, identifying information  
5 shall be retained by the division;

6 (2) (a) For investigation reports initiated against a person required to report pursuant to  
7 section 210.115, where insufficient evidence of abuse or neglect is found by the division and  
8 where the division determines the allegation of abuse or neglect was made maliciously, for  
9 purposes of harassment or in retaliation for the filing of a report by a person required to report,  
10 identifying information shall be expunged by the division within forty-five days from the  
11 conclusion of the investigation;

12 (b) For investigation reports, where insufficient evidence of abuse or neglect is found  
13 by the division and where the division determines the allegation of abuse or neglect was made  
14 maliciously, for purposes of harassment or in retaliation for the filing of a report, identifying  
15 information shall be expunged by the division within forty-five days from the conclusion of the  
16 investigation;

17 (c) For investigation reports initiated by a person required to report under section  
18 210.115, where insufficient evidence of abuse or neglect is found by the division, identifying  
19 information shall be retained for five years from the conclusion of the investigation. For all other  
20 investigation reports where insufficient evidence of abuse or neglect is found by the division,  
21 identifying information shall be retained for two years from the conclusion of the investigation.  
22 Such reports shall include any exculpatory evidence known by the division, including  
23 exculpatory evidence obtained after the closing of the case. At the end of such time period, the  
24 identifying information shall be removed from the records of the division and destroyed;

25 (3) For reports where the division uses the family assessment and services approach,  
26 identifying information shall be retained by the division;

27 (4) For reports in which the division is unable to locate the child alleged to have been  
28 abused or neglected, identifying information shall be retained for ten years from the date of the  
29 report and then shall be removed from the records of the division.

30 2. Within ninety days after receipt of a report of abuse or neglect that is investigated, the  
31 alleged perpetrator named in the report and the parents of the child named in the report, if the  
32 alleged perpetrator is not a parent, shall be notified in writing of any determination made by the  
33 division based on the investigation. The notice shall advise either:

34 (1) That the division has determined by a probable cause finding prior to August 28,  
35 2004, or by a preponderance of the evidence after August 28, 2004, that abuse or neglect exists  
36 and that the division shall retain all identifying information regarding the abuse or neglect; that  
37 such information shall remain confidential and will not be released except to law enforcement  
38 agencies, prosecuting or circuit attorneys, or as provided in section 210.150; that the alleged  
39 perpetrator has [sixty] **thirty** days from the date of receipt of the notice to seek reversal of the

40 division's determination through a review by the child abuse and neglect review board as  
41 provided in subsection 3 of this section; or

42 (2) That the division has not made a probable cause finding or determined by a  
43 preponderance of the evidence that abuse or neglect exists.

44 3. Any person named in an investigation as a perpetrator who is aggrieved by a  
45 determination of abuse or neglect by the division as provided in this section may seek an  
46 administrative review by the child abuse and neglect review board pursuant to the provisions of  
47 section 210.153. Such request for review shall be made within [sixty] **thirty** days of notification  
48 of the division's decision under this section. In those cases where criminal charges arising out  
49 of facts of the investigation are pending, the request for review shall be made within [sixty]  
50 **thirty** days from [the court's final disposition or dismissal of the charges] **when an indictment**  
51 **is returned, any information filed, dismissal of the charges, or after the division's release**  
52 **of its investigative report to the alleged perpetrator to this section.**

53 4. In any such action for administrative review, the child abuse and neglect review board  
54 shall sustain the division's determination if such determination was supported by evidence of  
55 probable cause prior to August 28, 2004, or is supported by a preponderance of the evidence after  
56 August 28, 2004, and is not against the weight of such evidence. The child abuse and neglect  
57 review board hearing shall be closed to all persons except the parties, their attorneys and those  
58 persons providing testimony on behalf of the parties.

59 5. If the alleged perpetrator is aggrieved by the decision of the child abuse and neglect  
60 review board, the alleged perpetrator may seek de novo judicial review in the circuit court in the  
61 county in which the alleged perpetrator resides and in circuits with split venue, in the venue in  
62 which the alleged perpetrator resides, or in Cole County. If the alleged perpetrator is not a  
63 resident of the state, proper venue shall be in Cole County. The case may be assigned to the  
64 family court division where such a division has been established. The request for a judicial  
65 review shall be made within [sixty] **thirty** days of notification of the decision of the child abuse  
66 and neglect review board decision. In reviewing such decisions, the circuit court shall provide  
67 the alleged perpetrator the opportunity to appear and present testimony. The alleged perpetrator  
68 may subpoena any witnesses except the alleged victim or the reporter. However, the circuit court  
69 shall have the discretion to allow the parties to submit the case upon a stipulated record.

70 6. In any such action for administrative review, the child abuse and neglect review board  
71 shall notify the child or the parent, guardian or legal representative of the child that a review has  
72 been requested.

**211.445. The juvenile court shall act as trier of all issues in termination of parental  
2 rights actions under sections 211.442 to 211.487, except that as of January 1, 2010, a parent**

3 may request by written demand to the court a trial of the issues of fact by a jury. Such  
4 request must be filed with the court no later than forty-five days following service of the  
5 summons on the parent or guardian whose parental rights are the subject of the  
6 proceeding. Failure to file such request within the forty-five-day period shall constitute  
7 a waiver of the right to a trial by jury under this section, and any subsequent request in the  
8 same proceeding shall be denied by the court unless the request is joined in by all parties  
9 to the proceeding. Upon the request of any party, the court in its discretion may take such  
10 steps in the jury proceeding to preserve the privacy of both the child and the parent or  
11 guardian as it finds to be consistent with the rights of all parties.

211.447. 1. Any information that could justify the filing of a petition to terminate  
2 parental rights may be referred to the juvenile officer by any person. The juvenile officer shall  
3 make a preliminary inquiry and if it does not appear to the juvenile officer that a petition should  
4 be filed, such officer shall so notify the informant in writing within thirty days of the referral.  
5 Such notification shall include the reasons that the petition will not be filed. Thereupon, the  
6 informant may bring the matter directly to the attention of the judge of the juvenile court by  
7 presenting the information in writing, and if it appears to the judge that the information could  
8 justify the filing of a petition, the judge may order the juvenile officer to take further action,  
9 including making a further preliminary inquiry or filing a petition.

10 2. Except as provided for in subsection 4 of this section, a petition to terminate the  
11 parental rights of the child's parent or parents shall be filed by the juvenile officer or the division,  
12 or if such a petition has been filed by another party, the juvenile officer or the division shall seek  
13 to be joined as a party to the petition, when:

14 (1) Information available to the juvenile officer or the division establishes that the child  
15 has been in foster care for at least fifteen of the most recent twenty-two months; or

16 (2) A court of competent jurisdiction has determined the child to be an abandoned infant.  
17 For purposes of this subdivision, an "infant" means any child one year of age or under at the time  
18 of filing of the petition. The court may find that an infant has been abandoned if:

19 (a) The parent has left the child under circumstances that the identity of the child was  
20 unknown and could not be ascertained, despite diligent searching, and the parent has not come  
21 forward to claim the child; or

22 (b) The parent has, without good cause, left the child without any provision for parental  
23 support and without making arrangements to visit or communicate with the child, although able  
24 to do so; or

25 (3) A court of competent jurisdiction has determined that the parent has:

26 (a) Committed murder of another child of the parent; or



- 27 (b) Committed voluntary manslaughter of another child of the parent; or  
28 (c) Aided or abetted, attempted, conspired or solicited to commit such a murder or  
29 voluntary manslaughter; or  
30 (d) Committed a felony assault that resulted in serious bodily injury to the child or to  
31 another child of the parent.
- 32 3. A termination of parental rights petition shall be filed by the juvenile officer or the  
33 division, or if such a petition has been filed by another party, the juvenile officer or the division  
34 shall seek to be joined as a party to the petition, within sixty days of the judicial determinations  
35 required in subsection 2 of this section, except as provided in subsection 4 of this section.  
36 Failure to comply with this requirement shall not deprive the court of jurisdiction to adjudicate  
37 a petition for termination of parental rights which is filed outside of sixty days.
- 38 4. If grounds exist for termination of parental rights pursuant to subsection 2 of this  
39 section, the juvenile officer or the division may, but is not required to, file a petition to terminate  
40 the parental rights of the child's parent or parents if:
- 41 (1) The child is being cared for by a relative; or  
42 (2) There exists a compelling reason for determining that filing such a petition would  
43 not be in the best interest of the child, as documented in the permanency plan which shall be  
44 made available for court review; or  
45 (3) The family of the child has not been provided such services as provided for in section  
46 211.183.
- 47 5. The juvenile officer or the division may file a petition to terminate the parental rights  
48 of the child's parent when it appears that one or more of the following grounds for termination  
49 exist:
- 50 (1) The child has been abandoned. For purposes of this subdivision a "child" means any  
51 child over one year of age at the time of filing of the petition. The court shall find that the child  
52 has been abandoned if, for a period of six months or longer:
- 53 (a) The parent has left the child under such circumstances that the identity of the child  
54 was unknown and could not be ascertained, despite diligent searching, and the parent has not  
55 come forward to claim the child; or  
56 (b) The parent has, without good cause, left the child without any provision for parental  
57 support and without making arrangements to visit or communicate with the child, although able  
58 to do so;
- 59 (2) The child has been abused or neglected. In determining whether to terminate parental  
60 rights pursuant to this subdivision, the court shall consider and make findings on the following  
61 conditions or acts of the parent:

62 (a) A mental condition which is shown by competent evidence either to be permanent  
63 or such that there is no reasonable likelihood that the condition can be reversed and which  
64 renders the parent unable to knowingly provide the child the necessary care, custody and control;

65 (b) Chemical dependency which prevents the parent from consistently providing the  
66 necessary care, custody and control of the child and which cannot be treated so as to enable the  
67 parent to consistently provide such care, custody and control;

68 (c) A severe act or recurrent acts of physical, emotional or sexual abuse toward the child  
69 or any child in the family by the parent, including an act of incest, or by another under  
70 circumstances that indicate that the parent knew or should have known that such acts were being  
71 committed toward the child or any child in the family; or

72 (d) Repeated or continuous failure by the parent, although physically or financially able,  
73 to provide the child with adequate food, clothing, shelter, or education as defined by law, or other  
74 care and control necessary for the child's physical, mental, or emotional health and development;

75 (3) The child has been under the jurisdiction of the juvenile court for a period of one  
76 year, and the court finds that the conditions which led to the assumption of jurisdiction still  
77 persist, or conditions of a potentially harmful nature continue to exist, that there is little  
78 likelihood that those conditions will be remedied at an early date so that the child can be returned  
79 to the parent in the near future, or the continuation of the parent-child relationship greatly  
80 diminishes the child's prospects for early integration into a stable and permanent home. In  
81 determining whether to terminate parental rights under this subdivision, the court shall consider  
82 and make findings on the following:

83 (a) The terms of a social service plan entered into by the parent and the division and the  
84 extent to which the parties have made progress in complying with those terms;

85 (b) The success or failure of the efforts of the juvenile officer, the division or other  
86 agency to aid the parent on a continuing basis in adjusting his circumstances or conduct to  
87 provide a proper home for the child;

88 (c) A mental condition which is shown by competent evidence either to be permanent  
89 or such that there is no reasonable likelihood that the condition can be reversed and which  
90 renders the parent unable to knowingly provide the child the necessary care, custody and control;

91 (d) Chemical dependency which prevents the parent from consistently providing the  
92 necessary care, custody and control over the child and which cannot be treated so as to enable  
93 the parent to consistently provide such care, custody and control; or

94 (4) The parent has been found guilty or pled guilty to a felony violation of chapter 566,  
95 RSMo, when the child or any child in the family was a victim, or a violation of section 568.020,  
96 RSMo, when the child or any child in the family was a victim. As used in this subdivision, a

97 "child" means any person who was under eighteen years of age at the time of the crime and who  
98 resided with such parent or was related within the third degree of consanguinity or affinity to  
99 such parent; or

100 (5) The child was conceived and born as a result of an act of forcible rape. When the  
101 biological father has pled guilty to, or is convicted of, the forcible rape of the birth mother, such  
102 a plea or conviction shall be conclusive evidence supporting the termination of the biological  
103 father's parental rights; or

104 (6) The parent is unfit to be a party to the parent and child relationship because of a  
105 consistent pattern of committing a specific abuse, including but not limited to, abuses as defined  
106 in section 455.010, RSMo, child abuse or drug abuse before the child or of specific conditions  
107 directly relating to the parent and child relationship either of which are determined by the court  
108 to be of a duration or nature that renders the parent unable, for the reasonably foreseeable future,  
109 to care appropriately for the ongoing physical, mental or emotional needs of the child. It is  
110 presumed that a parent is unfit to be a party to the parent-child relationship upon a showing that  
111 within a three-year period immediately prior to the termination adjudication, the parent's parental  
112 rights to one or more other children were involuntarily terminated pursuant to subsection 2 or  
113 4 of this section or subdivisions (1), (2), (3) or (4) of subsection 5 of this section or similar laws  
114 of other states.

115 6. The juvenile court, **as trier of fact or upon a finding by a jury**, may terminate the  
116 rights of a parent to a child upon a petition filed by the juvenile officer or the division, or in  
117 adoption cases, by a prospective parent, if the court **as trier of fact or a jury** finds that the  
118 termination is in the best interest of the child and when it appears by clear, cogent and  
119 convincing evidence that grounds exist for termination pursuant to subsection 2, 4 or 5 of this  
120 section.

121 7. When considering whether to terminate the parent-child relationship pursuant to  
122 subsection 2 or 4 of this section or subdivision (1), (2), (3) or (4) of subsection 5 of this section,  
123 the court **as trier of fact or a jury** shall evaluate and make findings on the following factors,  
124 when appropriate and applicable to the case:

125 (1) The emotional ties to the birth parent;

126 (2) The extent to which the parent has maintained regular visitation or other contact with  
127 the child;

128 (3) The extent of payment by the parent for the cost of care and maintenance of the child  
129 when financially able to do so including the time that the child is in the custody of the division  
130 or other child-placing agency;

(4) Whether additional services would be likely to bring about lasting parental adjustment enabling a return of the child to the parent within an ascertainable period of time;

(5) The parent's disinterest in or lack of commitment to the child;

(6) The conviction of the parent of a felony offense that the court finds is of such a nature that the child will be deprived of a stable home for a period of years; provided, however, that incarceration in and of itself shall not be grounds for termination of parental rights;

(7) Deliberate acts of the parent or acts of another of which the parent knew or should have known that subjects the child to a substantial risk of physical or mental harm.

8. The court **as trier of fact or a jury** may attach little or no weight to infrequent visitations, communications, or contributions. It is irrelevant in a termination proceeding that the maintenance of the parent-child relationship may serve as an inducement for the parent's rehabilitation.

9. In actions for adoption pursuant to chapter 453, RSMo, the court **as trier of fact or a jury** may hear and determine the issues raised in a petition for adoption containing a prayer for termination of parental rights filed with the same effect as a petition permitted pursuant to subsection 2, 4, or 5 of this section.

211.462. 1. In all actions to terminate parental rights, if not previously appointed pursuant to section 210.160, RSMo, a guardian ad litem shall be appointed for the child as soon as practicable after the filing of the petition.

2. The parent or guardian of the person of the child shall be notified **of the right to have a trial of the issues heard by a jury and** of the right to have counsel, and if they request counsel and are financially unable to employ counsel, counsel shall be appointed by the court. Notice of this provision shall be contained in the summons. When the parent is a minor or incompetent the court shall appoint a guardian ad litem to represent such parent.

3. The guardian ad litem shall, during all stages of the proceedings:

(1) Be the legal representative of the child, and may examine, cross-examine, subpoena witnesses and offer testimony. The guardian ad litem may also initiate an appeal of any disposition that he determines to be adverse to the best interests of the child;

(2) Be an advocate for the child during the dispositional hearing and aid in securing a permanent placement plan for the child. To ascertain the child's wishes, feelings, attachments, and attitudes, he shall conduct all necessary interviews with persons, other than the parent, having contact with or knowledge of the child and, if appropriate, with the child;

(3) Protect the rights, interest and welfare of a minor or incompetent parent by exercising the powers and duties enumerated in subdivisions (1) and (2) of this subsection.

19           4. Court costs shall be paid by the county in which the proceeding is instituted, except  
20 that the court may require the agency or person having or receiving legal or actual custody to pay  
21 the costs.

211.477. 1. If, after the dispositional hearing, the court **as trier of fact or a jury** finds  
2 that one or more of the grounds set out in section 211.447 exists or that the parent has consented  
3 to the termination pursuant to section 211.444 and that it is in the best interests of the child, the  
4 court **as trier of fact or upon a finding by a jury** may terminate the rights of the parent in and  
5 to the child. After ordering termination and after consideration of the social study and report,  
6 the court shall transfer legal custody to:

- 7           (1) The division of family services;
- 8           (2) A private child-placing agency;
- 9           (3) A foster parent, relative or other person participating in the proceedings pursuant to  
10 section 211.464; or
- 11           (4) Any other person or agency the court deems suitable to care for the child.

12           2. If only one parent consents or if the conditions specified in section 211.447 are found  
13 to exist as to only one parent, the rights of only that parent with reference to the child may be  
14 terminated and the rights of the other parent shall not be affected.

15           3. The court may order termination whether or not the child is in adoptive placement or  
16 an adoptive placement is available for the child.

17           4. If, after the dispositional hearing, the court **as trier of fact or a jury** finds that one  
18 or more of the grounds set out in section 211.447 exists, but that termination is not in the best  
19 interests of the child because the court **as trier of fact or a jury** finds that the child would  
20 benefit from the continued parent-child relationship or because the child is fourteen or more  
21 years of age and objects to the termination, the court may:

- 22           (1) Dismiss the petition and order that the child be returned to the custody of the parent;
- 23           (2) Retain jurisdiction of the case and order that the child be placed in the legal custody  
24 of the parent, the division, a private child-caring or placing agency, a foster parent, relative or  
25 other suitable person who is able to provide long-term care for the child. Any order of the court,  
26 **as trier of fact or upon recommendation of a jury**, under this subdivision shall designate the  
27 period of time it shall remain in effect, with mandatory review by the court no later than six  
28 months thereafter. The court, **as trier of fact or upon recommendation of a jury**, shall also  
29 specify what residual rights and responsibilities remain with the parent. Any individual granted  
30 legal custody shall exercise the rights and responsibilities personally unless otherwise authorized  
31 by the court; or
- 32           (3) Appoint a guardian under the provisions of chapter 475, RSMo.

33           5. Orders of the court issued pursuant to sections 211.442 to 211.487 shall recite the  
34 jurisdictional facts, factual findings on the existence of grounds for termination and that the best  
35 interests of the child are served by the disposition stated in the order.

36           6. The granting or denial of a petition for termination of parental rights shall be deemed  
37 a final judgment for purposes of appeal.

**211.478. 1. Anything in this chapter to the contrary notwithstanding, where a**  
2 **termination of parental rights case is heard by a jury:**

3           **(1) The jury findings shall have the same legal effect as in other civil proceedings;**  
4 **and**

5           **(2) Determinations of relevance of evidence shall be made on the same basis as in**  
6 **any other civil case.**

7           **2. By November 1, 2009, the Missouri supreme court shall develop appropriate jury**  
8 **instructions for termination of parental rights cases heard by a jury. At least one of the**  
9 **instructions shall direct the jury to find whether the termination of parental rights will or**  
10 **will not be in the best interests of the child.**

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

287.067. 1. In this chapter the term "occupational disease" is hereby defined to mean, unless a different meaning is clearly indicated by the context, an identifiable disease arising with or without human fault out of and in the course of the employment. Ordinary diseases of life to which the general public is exposed outside of the employment shall not be compensable, except where the diseases follow as an incident of an occupational disease as defined in this section. The disease need not to have been foreseen or expected but after its contraction it must appear to have had its origin in a risk connected with the employment and to have flowed from that source as a rational consequence.

2. An injury by occupational disease is compensable only if the occupational exposure was the prevailing factor in causing both the resulting medical condition and disability. The "prevailing factor" is defined to be the primary factor, in relation to any other factor, causing both the resulting medical condition and disability. Ordinary, gradual deterioration, or progressive degeneration of the body caused by aging or by the normal activities of day-to-day living shall not be compensable.

3. An injury due to repetitive motion is recognized as an occupational disease for purposes of this chapter. An occupational disease due to repetitive motion is compensable only if the occupational exposure was the prevailing factor in causing both the resulting medical condition and disability. The "prevailing factor" is defined to be the primary factor, in relation to any other factor, causing both the resulting medical condition and disability. Ordinary, gradual deterioration, or progressive degeneration of the body caused by aging or by the normal activities of day-to-day living shall not be compensable.

4. "Loss of hearing due to industrial noise" is recognized as an occupational disease for purposes of this chapter and is hereby defined to be a loss of hearing in one or both ears due to

24 prolonged exposure to harmful noise in employment. "Harmful noise" means sound capable of  
25 producing occupational deafness.

26 5. "Radiation disability" is recognized as an occupational disease for purposes of this  
27 chapter and is hereby defined to be that disability due to radioactive properties or substances or  
28 to Roentgen rays (X-rays) or exposure to ionizing radiation caused by any process involving the  
29 use of or direct contact with radium or radioactive properties or substances or the use of or direct  
30 exposure to Roentgen rays (X-rays) or ionizing radiation.

31 6. Disease of the lungs or respiratory tract, hypotension, hypertension, or disease of the  
32 heart or cardiovascular system, including carcinoma, may be recognized as occupational diseases  
33 for the purposes of this chapter and are defined to be disability due to exposure to smoke, gases,  
34 carcinogens, inadequate oxygen, of paid firefighters of a paid fire department or paid police  
35 officers of a paid police department certified under chapter 590, RSMo, if a direct causal  
36 relationship is established, or psychological stress of firefighters of a paid fire department **or**  
37 **paid police officers of a paid police department certified under chapter 590, RSMo**, if a  
38 direct causal relationship is established.

39 7. Any employee who is exposed to and contracts any contagious or communicable  
40 disease arising out of and in the course of his or her employment shall be eligible for benefits  
41 under this chapter as an occupational disease.

42 8. With regard to occupational disease due to repetitive motion, if the exposure to the  
43 repetitive motion which is found to be the cause of the injury is for a period of less than three  
44 months and the evidence demonstrates that the exposure to the repetitive motion with the  
45 immediate prior employer was the prevailing factor in causing the injury, the prior employer  
46 shall be liable for such occupational disease.

317.001. As used in sections 317.001 to 317.021, the following words and terms mean:

2 (1) "Amateur", a person who competes in a boxing, wrestling, kickboxing, [or]  
3 full-contact karate, **or mixed martial arts** event who has not competed as a contestant for  
4 valuable consideration in any event in which similar boxing, wrestling, kickboxing, [or]  
5 full-contact karate, **or mixed martial arts** skills were used or allowed;

6 (2) "Bout", one match involving professional boxing, sparring, professional wrestling,  
7 professional kickboxing, [or] professional full-contact karate, [including] **or** professional mixed  
8 martial arts;

9 (3) "Boxing", the sport of attack and defense where contestants are allowed to only use  
10 the fist to attack or strike in competition;

11 (4) "Combative fighting", a bout or contest, with or without gloves or protective  
12 headgear, whereby any part of the contestant's body may be used as a weapon or any other means



13 of fighting may be used with the specific purpose of intentionally injuring the other contestants  
14 in such a manner that they may not defend themselves and in which there is no referee;

15 (5) "Contest", a bout or a group of bouts involving licensed contestants competing in  
16 professional boxing, sparring, professional wrestling, professional kickboxing, [or] professional  
17 full-contact karate, **or professional mixed martial arts**;

18 (6) "Contestant", a person who competes in any boxing, wrestling, kickboxing, [or]  
19 full-contact karate, **or mixed martial arts** event;

20 (7) "Director", the director of the division of professional registration;

21 (8) "Division", the division of professional registration;

22 (9) "Exhibition", a boxing, wrestling, kickboxing, [or] full-contact karate, **or mixed**  
23 **martial arts** engagement in which persons are participating to show or display their boxing,  
24 wrestling, kickboxing, [or] full-contact karate, **or mixed martial arts** skill and in which no  
25 decision is rendered;

26 (10) "Full-contact karate", any form of full-contact martial arts including, but not limited  
27 to, full-contact kungfu, full-contact tae kwon do, or any form of martial arts, [mixed martial arts,]  
28 combat or self-defense conducted on a full-contact basis in a match where contestants are  
29 allowed to deliver blows or strikes;

30 (11) "Fund", the athletic fund established pursuant to sections 317.001 to 317.021;

31 (12) "Kickboxing", any match in which contestants are allowed to use any form of  
32 boxing and are also allowed to use any part of the fist, foot, or leg, with or without shin guards  
33 or protective gear, or any combination thereof to deliver strikes above the waist and which does  
34 not constitute mixed martial arts as defined by this section;

35 (13) "Mixed martial arts", any [match in which any form of martial arts or self-defense  
36 is conducted on a full-contact basis and where other combative techniques or tactics are allowed  
37 in competition including, but not limited to, kicking, striking, chokeholds, boxing, wrestling,  
38 kickboxing, grappling, or joint manipulation. Professional mixed martial arts is a form of  
39 full-contact karate] **competition in which contestants use interdisciplinary forms of fighting,**  
40 **including various forms of martial arts involving:**

41 (a) **Strikes with hands, feet, knees, or elbows; and**

42 (b) **Grappling by take-downs, throws, submissions, or choke holds;**

43 (14) "Office", the division of professional registration, office of athletics;

44 (15) "Professional", a wrestling, boxing, kickboxing, [or] full-contact karate, **or mixed**  
45 **martial arts** bout or contest where the participants compete for any valuable consideration or  
46 a person who competes in any wrestling, boxing, kickboxing, [or] full-contact karate, **or mixed**  
47 **martial arts** bout or contest for any such consideration;

48 (16) "Sparring", any boxing, wrestling, kickboxing, [or] full-contact karate, **or mixed**  
49 **martial arts** conducted for practice and for which admission or other similar consideration, in  
50 any form, is charged to any member of the public;

51 (17) "Wrestling", any performance of wrestling skills and techniques by two or more  
52 individuals. Participating wrestlers may perform without being required to use their best efforts  
53 in order to win and the winner may have been selected before the performance commences;

54 (18) "**Youth**", **any person less than eighteen years of age.**

317.006. 1. The division shall have general charge and supervision of all professional  
2 boxing, sparring, professional wrestling, professional kickboxing [and] , professional full-contact  
3 karate, **and professional and youth mixed martial arts** contests held in the state of Missouri,  
4 and it shall have the power, and it shall be its duty:

5 (1) To make and publish rules governing in every particular professional boxing,  
6 sparring, professional wrestling, professional kickboxing [and] , professional full-contact karate,  
7 **and professional and youth mixed martial arts** contests;

8 (2) To make and publish rules governing the approval of amateur sanctioning bodies;

9 (3) To accept applications for and issue licenses to contestants in professional boxing,  
10 sparring, professional wrestling, professional kickboxing [and] , professional full-contact karate,  
11 **and professional mixed martial arts** contests held in the state of Missouri, and referees, judges,  
12 matchmakers, managers, promoters, seconds, announcers, timekeepers and physicians involved  
13 in professional boxing, sparring, professional wrestling, professional kickboxing [and] ,  
14 professional full-contact karate, **and professional mixed martial arts** contests held in the state  
15 of Missouri, as authorized herein. Such licenses shall be issued in accordance with rules duly  
16 adopted by the division;

17 (4) To charge fees to be determined by the director and established by rule for every  
18 license issued and to assess a tax of five percent of the gross receipts of any person, organization,  
19 corporation, partnership, limited liability company, or association holding a promoter's license  
20 and permit under sections 317.001 to 317.021, derived from admission charges connected with  
21 or as an incident to the holding of any professional boxing, sparring, professional wrestling,  
22 professional kickboxing [or] , professional full-contact karate, **or professional mixed martial**  
23 **arts** contest in the state of Missouri. Such funds shall be paid to the division of professional  
24 registration which shall pay said funds into the Missouri state treasury to be set apart into a fund  
25 to be known as the "Athletic Fund" which is hereby established;

26 (5) To assess a tax of five percent of the gross receipts of any person, organization,  
27 corporation, partnership, limited liability company or association holding a promoter's license  
28 under sections 317.001 to 317.021 derived from the sale, lease or other exploitation in this state

29 of broadcasting, television, pay-per-view, closed-circuit telecast, and motion picture rights for  
30 any professional boxing, sparring, professional wrestling, professional kickboxing [or] ,  
31 professional full-contact karate, **or professional mixed martial arts** contest. Such funds shall  
32 be paid to the division which shall pay said funds into the Missouri state treasury to be set apart  
33 into a fund to be known as the "Athletic Fund";

34 (6) Each cable television system operator whose pay-per-view or closed-circuit facilities  
35 are utilized to telecast a bout or contest shall, within thirty calendar days following the date of  
36 the telecast, file a report with the office stating the number of orders sold and the price per order.

37 2. All fees established pursuant to sections 317.001 to 317.021 shall be determined by  
38 the director by rule in such amount as to produce sufficient revenue to fund the necessary  
39 expenses and operating costs incurred in the administration of the provisions of sections 317.001  
40 to 317.021. All expenses shall be paid as otherwise provided by law.

317.011. 1. The division shall have the power, and it shall be its duty, to accept  
2 application for and issue permits to hold professional boxing, sparring, professional wrestling,  
3 professional kickboxing [or] , professional full-contact karate, **or professional mixed martial**  
4 **arts** contests in the state of Missouri, and to charge a fee for the issuance of same in an amount  
5 established by rule; such funds to be paid to the division which shall pay such funds into the  
6 Missouri state treasury to be set apart into the athletic fund.

7 2. The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in  
8 this fund shall not be transferred and placed to the credit of general revenue until the amount in  
9 the fund at the end of the biennium exceeds two times the amount of the appropriation from the  
10 fund for the preceding fiscal year or, if the division requires by rule renewal **of the permits** less  
11 frequently than yearly then three times the appropriation from the fund for the preceding fiscal  
12 year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds  
13 the appropriate multiple of the appropriations from the fund for the preceding fiscal year.

14 3. The division shall not grant any permit to hold professional boxing, sparring,  
15 professional wrestling, professional kickboxing [or] , professional full-contact karate, **or**  
16 **professional mixed martial arts** contests in the state of Missouri except:

17 (1) Where such professional boxing, sparring, professional wrestling, professional  
18 kickboxing [or] , professional full-contact karate, **or professional mixed martial arts** contest  
19 is to be held under the auspices of a promoter duly licensed by the division; and

20 (2) Where a fee has been paid for such permit, in an amount established by rule.

21 4. In such contests a decision shall be rendered by three judges licensed by the division.

22 5. Specifically exempted from the provisions of this chapter are contests or exhibitions  
23 for amateur boxing, amateur kickboxing, amateur wrestling and amateur full-contact karate.

24 However, all amateur boxing, amateur kickboxing, amateur wrestling and amateur full-contact  
25 karate must be sanctioned by a nationally recognized amateur sanctioning body approved by the  
26 office.

317.013. 1. In order to protect the health and welfare of the contestants, there shall be  
2 a mandatory medical suspension of any contestant, not to exceed one hundred eighty days, who  
3 loses consciousness or who has been injured as a result of blows received to the head or body  
4 during a professional boxing, professional wrestling, professional kickboxing, [or] professional  
5 full-contact karate, **or professional mixed martial arts** contest. The determination of  
6 consciousness is to be made only by a physician licensed by the board of healing arts and the  
7 division. Medical suspensions issued in accordance with this section shall not be reviewable by  
8 any tribunal.

9 2. No license shall be issued to any person who has been injured in such a manner that  
10 they may not continue to participate in boxing, wrestling, kickboxing, [or] full-contact karate,  
11 **or mixed martial arts** contests in the future. Such a person shall be deemed medically retired.  
12 No person with a status of medically retired shall compete in any events governed by this  
13 chapter. Medical retirements issued in accordance with this section shall not be reviewable by  
14 any tribunal.

317.014. 1. Upon proper application by the director, or the director of the office, a court  
2 of competent jurisdiction may grant an injunction, restraining order or any other order as may  
3 be appropriate to enjoin a person, partnership, organization, corporation, limited liability  
4 company or association from:

5 (1) Promoting or offering to promote any professional boxing, sparring, professional  
6 wrestling, professional kickboxing [and] , professional full-contact karate, **and professional**  
7 **mixed martial arts** contests in Missouri;

8 (2) Advertising or offering to advertise any professional boxing, sparring, professional  
9 wrestling, professional kickboxing [and] , professional full-contact karate, **and professional**  
10 **mixed martial arts** contests in Missouri;

11 (3) Conducting or offering to conduct any professional boxing, sparring, professional  
12 wrestling, professional kickboxing [and] , professional full-contact karate, **and professional**  
13 **mixed martial arts** contests in Missouri; or

14 (4) Competing or offering to compete in any professional boxing, sparring, professional  
15 wrestling, professional kickboxing [and] , professional full-contact karate, **and professional**  
16 **mixed martial arts** contests in Missouri.

17 2. Any such actions shall be commenced either in the county in which such conduct  
18 occurred or in the county in which the defendant resides.

19           3. Any action brought under this section shall be in addition to, and not in lieu of, any  
20 penalty provided by law and may be brought concurrently with other actions to enforce this  
21 chapter.

**317.017. 1. No person shall promote, participate, or allow a youth participant in  
2 a mixed martial arts contest or sparring event to compete in any cage or other type of  
3 enclosure that would inhibit general access to the participants for the purpose of rendering  
4 medical care or assistance to the participant.**

**2. Any person who violates the provisions of this section is guilty of a class A  
6 misdemeanor.**

          317.018. 1. Combative fighting is prohibited in the state of Missouri.

          2. Anyone who promotes or participates in combative fighting, or anyone who serves as  
3 an agent, principal partner, publicist, vendor, producer, referee, or contractor of or for combative  
4 fighting is guilty of a class D felony.

          3. Any medical personnel who administers to, treats or assists any participants of  
6 combative fighting shall not be subject to the provisions of this section.

          4. Nothing in section 317.001 or this section is intended to regulate, or interfere with or  
8 make illegal, traditional, sanctioned amateur or scholastic boxing, amateur or scholastic  
9 wrestling, amateur or scholastic kickboxing, or amateur or scholastic full-contact karate or  
10 amateur or scholastic mixed martial arts.

          317.019. 1. The promoter of a professional boxing, professional kickboxing, [and]  
2 professional full-contact karate, **and professional mixed martial arts** contest shall sign written  
3 bout contracts with each professional contestant. Original bout contracts shall be filed with the  
4 division prior to the event as required by the rules of the office. The bout contract shall be on  
5 a form supplied by the division and contain at least the following:

- 6           (1) The weight required of the contestant at weigh-in;
- 7           (2) The amount of the purse to be paid for the contest;
- 8           (3) The date and location of the contest;
- 9           (4) The glove size allotted for each contestant;
- 10          (5) Any other payment or consideration provided to the contestant;
- 11          (6) List of all fees, charges, and expenses including training expenses that will be  
12 assessed to the contestant or deducted from the contestant's purse;
- 13          (7) Any advances paid to the contestant before the bout;
- 14          (8) The amount of any compensation or consideration that a promoter has contracted to  
15 receive in connection with the bout or contest;
- 16          (9) The signature of the promoter and contestant;

17 (10) The date signed by both the promoter and the contestant; and

18 (11) Any information required by the office.

19 2. If the bout contract between a contestant and promoter is changed, the promoter shall  
20 provide the division with the amended contract containing all contract changes at least two hours  
21 prior to the event's scheduled start time. The amended contract shall comply with all  
22 requirements for original bout contracts and shall contain the signature of the promoter and  
23 contestant.

24 3. A promoter of an event shall not be a manager for a contestant who is contracted for  
25 ten rounds or more at the event.

26 4. The promoter of an event shall provide payments for the event official's fees to the  
27 office prior to the start of the event. The form of payment shall be at the discretion of the office  
28 provided that payments remitted by check or money order shall be made payable directly to the  
29 applicable official.

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;

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

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

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

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

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

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

(7) Subdivision (6) of this section shall apply to any limited liability company whose articles of organization was cancelled because such limited liability company's period of 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 documents required or permitted to be filed by this chapter. The use of the following forms is mandatory:

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

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

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

351.085. A corporation may amend its articles of incorporation at any time to add or  
2 change a provision that is required or permitted in the articles of incorporation or to delete a  
3 provision not required in the articles of incorporation[, provided that the name of an incorporator  
4 shall not be changed]. Whether a provision is required or permitted in the articles of  
5 incorporation is determined as of the effective date of the amendment.

351.106. A domestic corporation may at any time restate its articles of incorporation as  
2 theretofore amended, in the following manner:

3 (1) The board of directors of the corporation may at any time adopt a resolution setting  
4 forth restated articles of incorporation correctly setting forth without change the corresponding  
5 provisions of the articles of incorporation as theretofore amended and, upon the approval of a  
6 majority of the directors, adopting the same on behalf of the corporation;

7 (2) Proposed restated articles of incorporation need not be adopted by the directors and  
8 may be submitted directly to any annual or special meeting of the shareholders. Written or  
9 printed notice stating that the purpose, or one of the purposes, of the meeting is to consider the  
10 restatement of the articles of incorporation shall be given to each shareholder of record entitled  
11 to vote at the meeting within the time and in the manner and upon the conditions provided in this  
12 chapter for the giving of notice of meetings of shareholders. The proposed restated articles of  
13 incorporation need not be included in the notice of the meeting;

14 (3) If the restatement of the articles is proposed to be adopted by the shareholders, such  
15 restated articles shall be adopted upon receiving the affirmative vote of a majority of the  
16 outstanding shares entitled to vote, but dissenting shareholders shall not have the rights provided  
17 for in this chapter;

18 (4) Upon such approval, restated articles of incorporation shall be executed by an officer  
19 of the corporation, and shall contain a statement that the restated articles of incorporation  
20 correctly set forth without change the corresponding provisions of the articles of incorporation  
21 as theretofore amended, and that the restated articles of incorporation supersede the original  
22 articles of incorporation and all amendments thereto;

23 (5) The original copy of the restated articles of incorporation shall be delivered to the  
24 secretary of state. If the secretary of state finds that the restated articles of incorporation conform  
25 to this chapter he or she shall, when the required taxes or fees have been paid, file the same, and  
26 the original shall be retained by the secretary of state as a permanent record;

27 (6) The secretary of state shall then issue a restated certificate of incorporation under the  
28 seal of the state that the articles of incorporation of the corporation as amended have been duly  
29 restated; the certificate shall set forth the name of the corporation. The secretary of state shall

30 attach the certificate to the other copy of the restated articles of incorporation so filed with him  
31 and shall deliver them to the corporation or its representative;

32 (7) Upon the issuance of the restated certificate of incorporation by the secretary of state,  
33 the restated articles of incorporation shall become effective and shall supersede the original  
34 articles of incorporation and all amendments;

35 (8) **A restated articles of incorporation may omit:**

36 (a) **Such provisions of the original articles of incorporation which named the**  
37 **incorporator or incorporators, and the names and addresses of the initial board of**  
38 **directors; and**

39 (b) **Such provisions contained in any amendment to the articles of incorporation**  
40 **as were necessary to effect a change, reclassification, subdivision, combination, or**  
41 **cancellation of stock, if such change, exchange, reclassification, subdivision, combination,**  
42 **or cancellation has become effective. Any such omission shall not be deemed a further**  
43 **amendment.**

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] corporate registration report is due to each corporation in this state required to register. The notice shall be directed to its registered office as disclosed originally by its articles of incorporation or by its application for a certificate of authority to transact business in this state and thereafter as disclosed by its **immediately preceding corporate** registration [for the year preceding] **report**, as provided by law. The secretary of state may provide a form of the [annual] corporate registration report for filing in a format and medium prescribed by the secretary of state.

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

351.225. 1. **(1)** Meetings of shareholders may be held at such place, either within or without this state, as may be provided in the bylaws. In the absence of any such provisions, all meetings shall be held at the registered office of the corporation in this state.

**(2) If authorized by the board of directors in its sole discretion, and subject to such guidelines and procedures as the board of directors may adopt, shareholders and proxyholders not physically present at a meeting of shareholders may, by means of remote communication:**

**(a) Participate in a meeting of shareholders; and**

**(b) Be deemed present in person and vote at a meeting of shareholders, whether such meeting is to be held at a designated place or solely by means of remote communication, provided that:**

**a. The corporation shall implement reasonable measures to verify that each person deemed present and permitted to vote at the meeting by means of remote communication is a shareholder or proxyholder;**

**b. The corporation shall implement reasonable measures to provide such shareholders and proxyholders a reasonable opportunity to participate in the meeting and to vote on matters submitted to the shareholders, including an opportunity to read or hear the proceedings of the meeting substantially concurrently with such proceedings; and**

**c. If any shareholder or proxyholder votes or takes other action at the meeting by means of remote communication, a record of such vote or other action shall be maintained by the corporation.**

2. An annual meeting of shareholders for the election of directors shall be held on a day which each corporation shall fix by its bylaws; and if no day be so provided, then on the second

24 Monday in the month of January. Failure to hold the annual meeting at the designated time shall  
25 not work a forfeiture or dissolution of the corporation.

26 3. Special meetings of the shareholders may be called by the board of directors or by  
27 such other person or persons as may be authorized by the articles of incorporation or the bylaws.

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

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

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

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

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

22 or

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

25 4. This section does not prescribe the only means, or necessarily the required means, of  
26 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.

355.576. 1. A corporation's board of directors may restate its articles of incorporation  
2 at any time with or without approval by members or any other person.

3          2. The restatement may include one or more amendments to the articles. If the  
4 restatement includes an amendment requiring approval by the members or any other person, it  
5 must be adopted as provided in section 355.561.

6          3. If the restatement includes an amendment requiring approval by members, the board  
7 must submit the restatement to the members for their approval.

8          4. If the board seeks to have the restatement approved by the members at a membership  
9 meeting, the corporation shall notify each of its members of the proposed membership meeting  
10 in writing in accordance with section 355.251. The notice must also state that the purpose, or  
11 one of the purposes, of the meeting is to consider the proposed restatement and contain or be  
12 accompanied by a copy or summary of the restatement that identifies any amendments or other  
13 change it would make in the articles.

14          5. A restatement requiring approval by the members must be approved by the same vote  
15 as an amendment to articles under section 355.561.

16          6. If the restatement includes an amendment requiring approval pursuant to section  
17 355.606, the board must submit the restatement for such approval.

18          7. **A restated articles of incorporation may omit:**

19          **(1) Such provisions of the original articles of incorporation which named the**  
20 **incorporator or incorporators, and the names and addresses of the initial board of**  
21 **directors; and**

22          **(2) Such provisions contained in any amendment to the articles of incorporation**  
23 **as were necessary to effect a change, reclassification, subdivision, combination, or**  
24 **cancellation of stock, if such change, exchange, reclassification, subdivision, combination,**  
25 **or cancellation has become effective. Any such omission shall not be deemed a further**  
26 **amendment.**

27          8. A corporation restating its articles shall deliver to the secretary of state articles of  
28 restatement setting forth the name of the corporation and the text of the restated articles of  
29 incorporation together with a certificate setting forth:

30 (1) Whether the restatement contains an amendment to the articles requiring approval by  
31 the members or any other person other than the board of directors and, if it does not, that the  
32 board of directors adopted the restatement; or

33 (2) If the restatement contains an amendment to the articles requiring approval by the  
34 members, the information required by section 355.571; and

35 (3) If the restatement contains an amendment to the articles requiring approval by a  
36 person whose approval is required pursuant to section 355.606, a statement that such approval  
37 was obtained.

38 [8.] **9.** Duly adopted restated articles of incorporation supersede the original articles of  
39 incorporation and all amendments to them.

40 [9.] **10.** The secretary of state may certify restated articles of incorporation, as the articles  
41 of incorporation currently in effect, without including the certificate information required by  
42 subsection [7] **8** of this section.

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 pursuant to this chapter to transact business in this state, shall file with the secretary of state [an annual] a corporate registration report on a form prescribed and furnished by the secretary of state that sets forth:

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

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

(3) The address of its principal office;

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

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

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

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

5. A corporation may change the corporation's registered office or registered agent with the filing of the corporation's [annual] registration report. To change the corporation's registered agent with the filing of the [annual] registration report, the corporation must include the new registered agent's written consent to the appointment as registered agent and a written consent stating that such change in registered agents was authorized by resolution duly adopted by the board of directors. The written consent must be signed by the new registered agent and must include such agent's address. If the [annual] corporate registration report is not completed 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.**

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

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

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

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

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

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

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

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

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

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

**393.110. [1.] Sections 393.110 to 393.285 shall apply to the manufacture and furnishing**  
2 **of gas for light, heat or power and the furnishing of natural gas for light, heat or power, and the**  
3 **generation, furnishing and transmission of electricity for light, heat or power, the supplying and**  
4 **distributing of water for any purpose whatsoever, and the furnishing of a sewer system for the**  
5 **collection, carriage, treatment or disposal of sewage for municipal, domestic or other beneficial**  
6 **or necessary purpose.**

7           **[2. Notwithstanding any provision in chapter 386, RSMo, or this chapter to the contrary,**  
8 **the public service commission shall not have jurisdiction over the rates, financing, accounting,**  
9 **or management of any electrical corporation which is required by its bylaws to operate on the**  
10 **not-for-profit cooperative business plan, with its consumers who receive service as the**  
11 **stockholders of such corporation, and which holds a certificate of public convenience and**  
12 **necessity to serve a majority of its consumer-owners in counties of the third classification as of**  
13 **August 28, 2003. Nothing in this section shall be construed as amending or superseding the**  
14 **commission's authority granted in and pursuant to subsection 1 of section 386.310, RSMo, in**  
15 **section 386.800, RSMo, section 393.106, and section 394.312, RSMo.]**

429.609. A real estate broker's lien authorized by sections 429.600 to 429.627 attaches  
2 to the commercial real estate, or an interest in the commercial real estate, when:

3 (1) The real estate broker procures a person or entity ready, willing and able to purchase,  
4 lease or otherwise accept a conveyance of such property upon the terms set forth in the written  
5 agreement with the owner or terms otherwise acceptable to the owner or owner's agent, or the  
6 real estate broker is entitled to a fee or commission pursuant to a written agreement signed by  
7 the owner or the owner's agent; and

8 (2) The real estate broker records a notice of the lien in the office of the recorder of deeds  
9 of the county in which the real property, or any interest in the real property, is located, if such  
10 lien is filed prior to the actual conveyance or transfer of the commercial real estate subject to  
11 such real estate broker's lien, except that:

12 (a) If payment to a real estate broker is due in installments and a portion of the payment  
13 is due after the conveyance or transfer of the commercial real estate, any claim for a lien for  
14 installment payments due after the transfer or conveyance of such real estate may be recorded  
15 any time after the transfer or conveyance of the commercial real estate but must be recorded  
16 before the date on which the payment is due. Such lien shall only be effective as a lien against  
17 the commercial real estate to the extent moneys are still owed to the transferor by the transferee.  
18 A single claim for a lien recorded before the transfer or conveyance of the commercial real  
19 estate, claiming all moneys due under an installment payment agreement, is not valid or  
20 enforceable to the extent of the payments due after the transfer or conveyance. The lien attaches  
21 for purposes of this paragraph when the claim for lien is recorded;

22 (b) In the case of a lease, the claim for lien must be recorded within ninety days after the  
23 [tenant takes possession of the leased property] **date of occupancy or the date of rent**  
24 **commencement as stipulated in the lease, whichever is later**, unless written notice of the  
25 intention to sign the lease is personally served on the real estate broker entitled to claim a lien  
26 at least ten days before the date of the intended signing of the lease, then the claim for lien must  
27 be recorded before the date indicated for the signing of the lease. The lien attaches for purposes  
28 of this paragraph when the claim for lien is recorded; or

29 (c) If the real estate broker has a written agreement with a prospective buyer as provided  
30 in subsection 2 of section 429.605, then the lien attaches when the prospective buyer purchases  
31 or otherwise accepts a conveyance or transfer of the commercial real estate and records a notice  
32 of the lien within ninety days after the purchase or other conveyance or transfer to the buyer in  
33 the office of the recorder of deeds in the county in which the commercial real estate, or any  
34 interest in the commercial real estate, is located.

441.065. Any property of a tenant remaining in or at the premises, after the tenant  
2 abandons the premises, may be removed or disposed of by the landlord without liability to the  
3 tenant for such removal or disposition. The premises shall be deemed abandoned if:

4 (1) The landlord has a reasonable belief that the tenant has vacated the premises and  
5 intends not to return;

6 (2) The rent is due and has been unpaid for thirty days; and

7 (3) The landlord posts written notice on the premises and mails to the last known address  
8 of the tenant by both first class mail and certified mail, return receipt requested, a notice of the  
9 landlord's belief of abandonment. The notice shall include the following, where appropriate:  
10 "The rent on this property has been due and unpaid for thirty consecutive days and the landlord  
11 believes that you have moved out and abandoned the property. The landlord may declare this  
12 property abandoned and remove your possessions from this unit and dispose of them unless you  
13 write to the landlord stating that you have not abandoned this unit within ten days of the landlord  
14 having both posted this notice on your door and mailing this notice to you. You should mail  
15 your statement by regular first class mail and, if you so choose, by certified mail, return receipt  
16 requested, to this address . . . . . (here insert landlord's name and street address)"; and

17 (4) The tenant fails to either pay rent or respond in writing to the landlord's notice within  
18 ten days after [both] the date of the posting [and deposit of such notice by either first class mail  
19 or certified mail, return receipt requested,] stating the tenant's intention not to abandon the  
20 premises.

441.233. 1. Except as provided in section 441.065, a landlord or its agent who removes  
2 or excludes a tenant or the tenant's personal property from the premises without judicial process  
3 and court order, or causes such removal or exclusion, or causes the removal of the doors or locks  
4 to such premises, shall be deemed guilty of forcible entry and detainer as described in chapter  
5 534, RSMo.

6 2. Any landlord or its agent who willfully diminishes services to a tenant by interrupting  
7 or causing the interruption of essential services, including but not limited to electric, gas, water,  
8 or sewer service, to the tenant or to the premises shall be deemed guilty of forcible entry and  
9 detainer as described in chapter 534, RSMo; provided however, this section shall not be  
10 applicable if a landlord or its agent takes such action for health or safety reasons **or if the**  
11 **utilities are thirty days delinquent.**

**441.645. If a residence is destroyed by an act of God, including but not limited to**  
2 **fire or a tornado, or other natural disaster or man-made disaster, so long as the tenant was**  
3 **not the person who caused the disaster, the tenant shall not be liable to the landlord for**  
4 **rent during the remainder of the term of the lease agreement.**



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 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.**

452.356. 1. If a person ordered to pay child support under a judicial or  
2 administrative support order fails or refuses to comply with such order, and if an order of  
3 income withholding is inapplicable or unsuccessful, a recipient of child support or the  
4 family support division may, in the circuit court of the county in which the child support  
5 order is filed or registered, commence a civil contempt proceeding by filing a motion for  
6 an order to show cause why the delinquent obligor should not be held in contempt. If the  
7 obligor fails to appear in response to an order to show cause, the court shall do one or more  
8 of the following:

9       (1) Find the obligor in contempt for failure to appear and issue a warrant;

10       (2) Find the obligor in contempt for the reasons stated in the motion for the show  
11 cause hearing.

12       2. If a warrant is issued under this section, the court shall decree that the obligor  
13 is subject to arrest if apprehended or detained anywhere in this state and shall require  
14 that, upon arrest, unless the obligor deposits a cash performance bond, the obligor shall  
15 remain in custody until the time of the hearing. The court shall specify in the bench  
16 warrant the cash performance bond amount. The bond shall:

17           (1) Require the obligor to furnish an address to the court at which the obligor can  
18 be notified when to appear for a hearing;

19           (2) Notify the obligor that if he or she fails to appear when notified by the court the  
20 bond shall be forfeited and transferred to the family support payment center for payment  
21 towards any child support arrearages of the obligor. In addition, the bond shall inform  
22 the obligor that if he or she does not appear when notified, the court shall determine to  
23 whom the bond shall be paid.

24

25 If bond is posted by the obligor, the court shall schedule a hearing within thirty days.

          452.357. 1. The court may find an obligor in contempt if the court finds that the  
2 obligor is in arrears in his or her child support obligation and if the court is satisfied that  
3 the obligor has the capacity to pay out of currently available resources all or a portion of  
4 the amount due under the child support order. In the absence of proofs to the contrary  
5 introduced by the obligor, the court shall presume that the obligor has currently available  
6 resources equal to four weeks of payments under the child support order. The court shall  
7 not find that the obligor has currently available resources of more than one month of  
8 payment without proof of such resources. Upon finding an obligor in contempt of court  
9 under this section, the court may immediately order one or more of the following until the  
10 contemnor purges himself or herself of contempt:

11           (1) Committing the obligor to county jail;

12           (2) Committing the obligor to county jail with the privilege of leaving jail during  
13 the hours the court determines and under the supervision the court deems necessary for  
14 the purpose of allowing the obligor to travel to and from his or her place of employment;

15           (3) If the obligor holds an occupational license, driver's license, or hunting or  
16 fishing license, conditioning a suspension of the obligor's license or any combination of  
17 licenses upon noncompliance with an order for payment of the arrearage or additional  
18 scheduled installments of a sum certain;

19           (4) Ordering the obligor to participate in a work activity.

20           2. If the court enters an order under subdivision (3) of subsection 1 of this section  
21 and the obligor fails to comply with the arrearage payment schedule, the court shall, after  
22 notice and opportunity for hearing, order suspension of the obligor's license or licenses  
23 with respect to which the order under subdivision (3) of subsection 1 of this section was  
24 entered.

25           **3. Notwithstanding the length of commitment imposed under this section, the court**  
26 **may release an obligor who is unemployed if committed to a county jail under this section**  
27 **and who finds employment if either of the following applies:**

28           **(1) The obligor is self-employed, completes two consecutive weeks at his or her**  
29 **employment, and makes a child support payment as required by the court; or**

30           **(2) The obligor is employed and completes two consecutive weeks at his or her**  
31 **employment and an order of income withholding is effective.**

**452.358. 1. An order of commitment under section 452.357 shall be entered only**  
2 **if other remedies are deemed unlikely to correct the obligor's failure or refusal to pay child**  
3 **support.**

4           **2. An order of commitment shall separately state both of the following:**

5           **(1) The amount of the arrearage under the child support order; and**

6           **(2) The amount to be paid by the obligor in order to be released from the order of**  
7 **commitment.**

8           **3. A commitment shall continue until the amount ordered to be paid under**  
9 **subdivision (2) of subsection 2 of this section is paid, but shall not exceed forty-five days**  
10 **for the first adjudication of contempt or ninety days for any second or subsequent**  
11 **adjudication of contempt.**

**452.377. 1. For purposes of this section and section 452.375, "relocate" or "relocation"**  
2 **means a change in the principal residence of a child for a period of ninety days or more, but does**  
3 **not include a temporary absence from the principal residence.**

4           **2. Notice of a proposed relocation of the residence of the child, or any party entitled to**  
5 **custody or visitation of the child, shall be given in writing by certified mail, return receipt**  
6 **requested, to any party with custody or visitation rights. Absent exigent circumstances as**  
7 **determined by a court with jurisdiction, written notice shall be provided at least sixty days in**  
8 **advance of the proposed relocation. The notice of the proposed relocation shall include the**  
9 **following information:**

10           **(1) The intended new residence, including the specific address and mailing address, if**  
11 **known, and if not known, the city;**

12           **(2) The home telephone number of the new residence, if known;**

13           **(3) The date of the intended move or proposed relocation;**

14           **(4) A brief statement of the specific reasons for the proposed relocation of a child, if**  
15 **applicable; [and]**

16           **(5) A proposal for a revised schedule of custody or visitation with the child, if**  
17 **applicable; and**

18           **(6) Notice that if a parent objects to the proposed relocation of the child, such**  
19           **parent shall file a motion and affidavit with the court within the time prescribed by law.**

20           3. A party required to give notice of a proposed relocation pursuant to subsection 2 of  
21 this section has a continuing duty to provide a change in or addition to the information required  
22 by this section as soon as such information becomes known.

23           4. In exceptional circumstances where the court makes a finding that the health or safety  
24 of any adult or child would be unreasonably placed at risk by the disclosure of the required  
25 identifying information concerning a proposed relocation of the child, the court may order that:

26           (1) The specific residence address and telephone number of the child, parent or person,  
27 and other identifying information shall not be disclosed in the pleadings, notice, other documents  
28 filed in the proceeding or the final order except for an in camera disclosure;

29           (2) The notice requirements provided by this section shall be waived to the extent  
30 necessary to protect the health or safety of a child or any adult; or

31           (3) Any other remedial action the court considers necessary to facilitate the legitimate  
32 needs of the parties and the best interest of the child.

33           5. The court shall consider a failure to provide notice of a proposed relocation of a child  
34 as:

35           (1) A factor in determining whether custody and visitation should be modified;

36           (2) A basis for ordering the return of the child if the relocation occurs without notice;  
37 and

38           (3) Sufficient cause to order the party seeking to relocate the child to pay reasonable  
39 expenses and attorneys fees incurred by the party objecting to the relocation.

40           6. If the parties agree to a revised schedule of custody and visitation for the child, which  
41 includes a parenting plan, they may submit the terms of such agreement to the court with a  
42 written affidavit signed by all parties with custody or visitation assenting to the terms of the  
43 agreement, and the court may order the revised parenting plan and applicable visitation schedule  
44 without a hearing.

45           7. The residence of the child may be relocated sixty days after providing notice, as  
46 required by this section, unless a parent files a motion seeking an order to prevent the relocation  
47 within thirty days after receipt of such notice. Such motion shall be accompanied by an affidavit  
48 setting forth the specific factual basis supporting a prohibition of the relocation. The person  
49 seeking relocation shall file a response to the motion within fourteen days, unless extended by  
50 the court for good cause, and include a counter-affidavit setting forth the facts in support of the  
51 relocation as well as a proposed revised parenting plan for the child.



52           8. If relocation of the child is proposed, a third party entitled by court order to legal  
53 custody of or visitation with a child and who is not a parent may file a cause of action to obtain  
54 a revised schedule of legal custody or visitation, but shall not prevent a relocation.

55           9. The party seeking to relocate shall have the burden of proving that the proposed  
56 relocation is made in good faith and is in the best interest of the child.

57           10. If relocation is permitted:

58           (1) The court shall order contact with the nonrelocating party including custody or  
59 visitation and telephone access sufficient to assure that the child has frequent, continuing and  
60 meaningful contact with the nonrelocating party unless the child's best interest warrants  
61 otherwise; and

62           (2) The court shall specify how the transportation costs will be allocated between the  
63 parties and adjust the child support, as appropriate, considering the costs of transportation.

64           11. After August 28, 1998, every court order establishing or modifying custody or  
65 visitation shall include the following language: "Absent exigent circumstances as determined  
66 by a court with jurisdiction, you, as a party to this action, are ordered to notify, in writing by  
67 certified mail, return receipt requested, and at least sixty days prior to the proposed relocation,  
68 each party to this action of any proposed relocation of the principal residence of the child,  
69 including the following information:

70           (1) The intended new residence, including the specific address and mailing address, if  
71 known, and if not known, the city;

72           (2) The home telephone number of the new residence, if known;

73           (3) The date of the intended move or proposed relocation;

74           (4) A brief statement of the specific reasons for the proposed relocation of the child;

75 [and]

76           (5) A proposal for a revised schedule of custody or visitation with the child; **and**

77           **(6) Notice that if a parent objects to the proposed relocation of the child, such**  
78 **parent shall file a motion and affidavit with the court within the time prescribed by law.**

79

80 Your obligation to provide this information to each party continues as long as you or any other  
81 party by virtue of this order is entitled to custody of a child covered by this order. Your failure  
82 to obey the order of this court regarding the proposed relocation may result in further litigation  
83 to enforce such order, including contempt of court. In addition, your failure to notify a party of  
84 a relocation of the child may be considered in a proceeding to modify custody or visitation with  
85 the child. Reasonable costs and attorney fees may be assessed against you if you fail to give the  
86 required notice. **The residence of the child may be relocated sixty days after providing**

87 **notice, as required in this section, unless a parent files a motion seeking an order to prevent**  
88 **the relocation within thirty days after receipt of such notice. Such motion shall be**  
89 **accompanied by an affidavit setting forth the specific factual basis supporting a prohibition**  
90 **of the relocation. The person seeking relocation shall file a response to the motion within**  
91 **fourteen days, unless extended by the court for good cause, and include a counter-affidavit**  
92 **setting forth the facts in support of the relocation as well as a proposed revised parenting**  
93 **plan for the child."**

94 12. Violation of the provisions of this section or a court order under this section may be  
95 deemed a change of circumstance under section 452.410, allowing the court to modify the prior  
96 custody decree. In addition, the court may utilize any and all powers relating to contempt  
97 conferred on it by law or rule of the Missouri supreme court.

98 13. Any party who objects in good faith to the relocation of a child's principal residence  
99 shall not be ordered to pay the costs and attorney's fees of the party seeking to relocate.

452.400. 1. (1) A parent not granted custody of the child is entitled to reasonable  
2 visitation rights unless the court finds, after a hearing, that visitation would endanger the child's  
3 physical health or impair his or her emotional development. The court shall enter an order  
4 specifically detailing the visitation rights of the parent without physical custody rights to the  
5 child and any other children for whom such parent has custodial or visitation rights. In  
6 determining the granting of visitation rights, the court shall consider evidence of domestic  
7 violence. If the court finds that domestic violence has occurred, the court may find that granting  
8 visitation to the abusive party is in the best interests of the child.

9 (2) (a) The court shall not grant visitation to the parent not granted custody if such  
10 parent or any person residing with such parent has been found guilty of or pled guilty to any of  
11 the following offenses when a child was the victim:

12 a. A felony violation of section 566.030, 566.032, 566.040, 566.060, 566.062, 566.064,  
13 566.067, 566.068, 566.070, 566.083, 566.090, 566.100, 566.111, 566.151, 566.203, 566.206,  
14 566.209, 566.212, or 566.215, RSMo;

15 b. A violation of section 568.020, RSMo;

16 c. A violation of subdivision (2) of subsection 1 of section 568.060, RSMo;

17 d. A violation of section 568.065, RSMo;

18 e. A violation of section 568.080, RSMo;

19 f. A violation of section 568.090, RSMo; or

20 g. A violation of section 568.175, RSMo.

21 (b) For all other violations of offenses in chapters 566 and 568, RSMo, not specifically  
22 listed in paragraph (a) of this subdivision or for a violation of an offense committed in another

23 state when a child is the victim that would be a violation of chapter 566 or 568, RSMo, if  
24 committed in Missouri, the court may exercise its discretion in granting visitation to a parent not  
25 granted custody if such parent or any person residing with such parent has been found guilty of,  
26 or pled guilty to, any such offense.

27 (3) The court shall consider the parent's history of inflicting, or tendency to inflict,  
28 physical harm, bodily injury, assault, or the fear of physical harm, bodily injury, or assault on  
29 other persons and shall grant visitation in a manner that best protects the child and the parent or  
30 other family or household member who is the victim of domestic violence, and any other  
31 children for whom the parent has custodial or visitation rights from any further harm.

32 (4) The court, if requested by a party, shall make specific findings of fact to show that  
33 the visitation arrangements made by the court best protect the child or the parent or other family  
34 or household member who is the victim of domestic violence, or any other child for whom the  
35 parent has custodial or visitation rights from any further harm.

36 2. (1) The court may modify an order granting or denying visitation rights whenever  
37 modification would serve the best interests of the child, but the court shall not restrict a parent's  
38 visitation rights unless it finds that the visitation would endanger the child's physical health or  
39 impair his or her emotional development.

40 (2) (a) In any proceeding modifying visitation rights, the court shall not grant  
41 unsupervised visitation to a parent if the parent or any person residing with such parent has been  
42 found guilty of or pled guilty to any of the following offenses when a child was the victim:

43 a. A felony violation of section 566.030, 566.032, 566.040, 566.060, 566.062, 566.064,  
44 566.067, 566.068, 566.070, 566.083, 566.090, 566.100, 566.111, 566.151, 566.203, 566.206,  
45 566.209, 566.212, or 566.215, RSMo;

46 b. A violation of section 568.020, RSMo;

47 c. A violation of subdivision (2) of subsection 1 of section 568.060, RSMo;

48 d. A violation of section 568.065, RSMo;

49 e. A violation of section 568.080, RSMo;

50 f. A violation of section 568.090, RSMo; or

51 g. A violation of section 568.175, RSMo.

52 (b) For all other violations of offenses in chapters 566 and 568, RSMo, not specifically  
53 listed in paragraph (a) of this subdivision or for a violation of an offense committed in another  
54 state when a child is the victim that would be a violation of chapter 566 or 568, RSMo, if  
55 committed in Missouri, the division may exercise its discretion regarding the placement of a  
56 child taken into the custody of the state in which a parent or any person residing in the home has  
57 been found guilty of, or pled guilty to, any such offense.

58 (3) When a court restricts a parent's visitation rights or when a court orders supervised  
59 visitation because of allegations of abuse or domestic violence, a showing of proof of treatment  
60 and rehabilitation shall be made to the court before unsupervised visitation may be ordered.  
61 "Supervised visitation", as used in this section, is visitation which takes place in the presence of  
62 a responsible adult appointed by the court for the protection of the child.

63 3. The court shall mandate compliance with its order by all parties to the action,  
64 including parents, children and third parties. In the event of noncompliance, the aggrieved  
65 person may file a verified motion for contempt. If custody, visitation or third-party custody is  
66 denied or interfered with by a parent or third party without good cause, the aggrieved person may  
67 file a family access motion with the court stating the specific facts which constitute a violation  
68 of the judgment of dissolution or legal separation. **A family access order may be filed for any**  
69 **order relating to the establishment or modification of custody or visitation of a minor child,**  
70 **including but not limited to any order for dissolution of marriage, modification, third-**  
71 **party custody or visitation, or paternity.** The state courts administrator shall develop a simple  
72 form for pro se motions to the aggrieved person, which shall be provided to the person by the  
73 circuit clerk. Clerks, under the supervision of a circuit clerk, shall explain to aggrieved parties  
74 the procedures for filing the form. Notice of the fact that clerks will provide such assistance  
75 shall be conspicuously posted in the clerk's offices. The location of the office where the family  
76 access motion may be filed shall be conspicuously posted in the court building. The performance  
77 of duties described in this section shall not constitute the practice of law as defined in section  
78 484.010, RSMo. Such form for pro se motions shall not require the assistance of legal counsel  
79 to prepare and file. The cost of filing the motion shall be the standard court costs otherwise due  
80 for instituting a civil action in the circuit court.

81 4. Within five court days after the filing of the family access motion pursuant to  
82 subsection 3 of this section, the clerk of the court shall issue a summons pursuant to applicable  
83 state law, and applicable local or supreme court rules. A copy of the motion shall be personally  
84 served upon the respondent by personal process server as provided by law or by any sheriff.  
85 Such service shall be served at the earliest time and shall take priority over service in other civil  
86 actions, except those of an emergency nature or those filed pursuant to chapter 455, RSMo. The  
87 motion shall contain the following statement in boldface type: "PURSUANT TO SECTION  
88 452.400, RSMO, YOU ARE REQUIRED TO RESPOND TO THE CIRCUIT CLERK WITHIN  
89 TEN DAYS OF THE DATE OF SERVICE. FAILURE TO RESPOND TO THE CIRCUIT  
90 CLERK MAY RESULT IN THE FOLLOWING:

91 (1) AN ORDER FOR A COMPENSATORY PERIOD OF CUSTODY, VISITATION  
92 OR THIRD-PARTY CUSTODY AT A TIME CONVENIENT FOR THE AGGRIEVED  
93 PARTY NOT LESS THAN THE PERIOD OF TIME DENIED;

94 (2) PARTICIPATION BY THE VIOLATOR IN COUNSELING TO EDUCATE THE  
95 VIOLATOR ABOUT THE IMPORTANCE OF PROVIDING THE CHILD WITH A  
96 CONTINUING AND MEANINGFUL RELATIONSHIP WITH BOTH PARENTS;

97 (3) ASSESSMENT OF A FINE OF UP TO FIVE HUNDRED DOLLARS AGAINST  
98 THE VIOLATOR;

99 (4) REQUIRING THE VIOLATOR TO POST BOND OR SECURITY TO ENSURE  
100 FUTURE COMPLIANCE WITH THE COURT'S ORDERS;

101 (5) ORDERING THE VIOLATOR TO PAY THE COST OF COUNSELING TO  
102 REESTABLISH THE PARENT-CHILD RELATIONSHIP BETWEEN THE AGGRIEVED  
103 PARTY AND THE CHILD; AND

104 (6) A JUDGMENT IN AN AMOUNT NOT LESS THAN THE REASONABLE  
105 EXPENSES, INCLUDING ATTORNEY'S FEES AND COURT COSTS ACTUALLY  
106 INCURRED BY THE AGGRIEVED PARTY AS A RESULT OF THE DENIAL OF  
107 CUSTODY, VISITATION OR THIRD-PARTY CUSTODY."

108 5. If an alternative dispute resolution program is available pursuant to section 452.372,  
109 the clerk shall also provide information to all parties on the availability of any such services, and  
110 within fourteen days of the date of service, the court may schedule alternative dispute resolution.

111 6. Upon a finding by the court pursuant to a motion for a family access order or a motion  
112 for contempt that its order for custody, visitation or third-party custody has not been complied  
113 with, without good cause, the court shall order a remedy, which may include, but not be limited  
114 to:

115 (1) A compensatory period of visitation, custody or third-party custody at a time  
116 convenient for the aggrieved party not less than the period of time denied;

117 (2) Participation by the violator in counseling to educate the violator about the  
118 importance of providing the child with a continuing and meaningful relationship with both  
119 parents;

120 (3) Assessment of a fine of up to five hundred dollars against the violator payable to the  
121 aggrieved party;

122 (4) Requiring the violator to post bond or security to ensure future compliance with the  
123 court's access orders; and

124 (5) Ordering the violator to pay the cost of counseling to reestablish the parent-child  
125 relationship between the aggrieved party and the child.

7. The reasonable expenses incurred as a result of denial or interference with custody or visitation, including attorney's fees and costs of a proceeding to enforce visitation rights, custody or third-party custody, shall be assessed, if requested and for good cause, against the parent or party who unreasonably denies or interferes with visitation, custody or third-party custody. In addition, the court may utilize any and all powers relating to contempt conferred on it by law or rule of the Missouri supreme court.

8. Final disposition of a motion for a family access order filed pursuant to this section shall take place not more than sixty days after the service of such motion, unless waived by the parties or determined to be in the best interest of the child. Final disposition shall not include appellate review.

9. Motions filed pursuant to this section shall not be deemed an independent civil action from the original action pursuant to which the judgment or order sought to be enforced was entered.

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

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

3. The guardian ad litem shall:

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

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

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

4. The appointing judge shall require the guardian ad litem to faithfully discharge such guardian ad litem's duties, and upon failure to do so shall discharge such guardian ad litem and 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.]

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

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

452.455. 1. Any petition for modification of child custody decrees filed under the  
2 provisions of section 452.410, or sections 452.440 to 452.450, shall be verified and, if the  
3 original proceeding originated in the state of Missouri, shall be filed in that original case, but  
4 service shall be obtained and responsive pleadings may be filed as in any original proceeding.

5 2. Before making a decree under the provisions of section 452.410, or sections 452.440  
6 to 452.450, the litigants, any parent whose parental rights have not been previously terminated,  
7 and any person who has physical custody of the child must be served in the manner provided by  
8 the rules of civil procedure and applicable court rules and may within thirty days after the date  
9 of service (forty-five days if service by publication) file a verified answer. If any of these persons

10 is outside this state, notice and opportunity to be heard shall be given pursuant to section  
11 452.460.

12 3. In any case in which the paternity of a child has been determined by a court of  
13 competent jurisdiction and where the noncustodial parent is delinquent in the payment of child  
14 support in an amount in excess of ten thousand dollars, the custodial parent shall have the right  
15 to petition a court of competent jurisdiction for the termination of the parental rights of the  
16 noncustodial parent.

17 4. When a person filing a petition for modification of a child custody decree owes past  
18 due child support to a custodial parent in an amount in excess of ten thousand dollars, [such  
19 person shall] **the judge may require the party to** post a bond [in] **up to** the amount of past due  
20 child support owed as ascertained by the division of child support enforcement and/or reasonable  
21 legal fees of the custodial parent[, whichever is greater, before the filing of the petition]. The  
22 court shall hold the bond in escrow until the modification proceedings pursuant to this section  
23 have been concluded wherein such bond shall be transmitted to the division of child support  
24 enforcement for disbursement to the custodial parent.

**452.615. Sections 452.615 to 452.660 shall be known and may be cited as the**  
2 **"Uniform Premarital Agreement Act".**

**452.620. As used in sections 452.615 to 452.660, the following terms shall mean:**

2 **(1) "Premarital agreement", an agreement between prospective spouses made in**  
3 **contemplation of marriage and to be effective upon marriage;**

4 **(2) "Property", an interest, present or future, legal or equitable, vested or**  
5 **contingent, in real or personal property, including income and earnings.**

**452.625. A premarital agreement shall be in writing and signed by both parties.**  
2 **Such agreement is enforceable without consideration.**

**452.630. 1. Parties to a premarital agreement may contract with respect to:**

2 **(1) The rights and obligations of each of the parties in any of the property of either**  
3 **or both of them whenever and wherever acquired or located;**

4 **(2) The right to buy, sell, use, transfer, exchange, abandon, lease, consume, expend,**  
5 **assign, create a security interest in, mortgage, encumber, dispose of, or otherwise manage**  
6 **and control property;**

7 **(3) The disposition of property upon separation, marital dissolution, death, or the**  
8 **occurrence or nonoccurrence of any other event;**

9 **(4) The modification or elimination of spousal support;**

10 **(5) The making of a will, trust, or other arrangement to carry out the provisions**  
11 **of the agreement;**



12           (6) The ownership rights in and disposition of the death benefit from a life  
13 insurance policy;

14           (7) The choice of law governing the construction of the agreement; and

15           (8) Any other matter, including their personal rights and obligations, not in  
16 violation of public policy or a statute imposing a criminal penalty.

17           2. The right of a child to support shall not be adversely affected by a premarital  
18 agreement.

          452.635. A premarital agreement becomes effective upon marriage.

          452.640. After a marriage, a premarital agreement may be amended or revoked  
2 only by a written agreement signed by the parties. The amended agreement or the  
3 revocation is enforceable without consideration.

          452.645. 1. A premarital agreement is not enforceable if the party against whom  
2 enforcement is sought proves that:

3           (1) That party did not execute the agreement voluntarily; or

4           (2) The agreement was unconscionable when it was executed or, before execution  
5 of the agreement, that party:

6           (a) Was not provided a fair and reasonable disclosure of the property or financial  
7 obligations of the other party; or

8           (b) Did not voluntarily and expressly waive, in writing, any right to disclosure of  
9 the property or financial obligations of the other party beyond the disclosure provided; or

10           (c) Did not have, or reasonably could not have had, an adequate knowledge of the  
11 property or financial obligations of the other party.

12           2. If a provision of the premarital agreement modifies or eliminates spousal support  
13 and that modification or elimination causes one party to the agreement to be eligible for  
14 support under a program of public assistance at the time of separation or marital  
15 dissolution, a court, notwithstanding the terms of the agreement, may require the other  
16 party to provide support to the extent necessary to avoid that eligibility.

17           3. An issue of unconscionability of a premarital agreement shall be decided by the  
18 court as a matter of law.

          452.650. If a marriage is determined to be void, an agreement that would otherwise  
2 have been a premarital agreement is enforceable only to the extent necessary to avoid an  
3 inequitable result.

          452.655. Any statute of limitations applicable to an action asserting a claim for  
2 relief under a premarital agreement is tolled during the marriage of the parties to the

3 agreement. However, equitable defenses limiting the time for enforcement, including  
4 laches and estoppel, are available to either party.

2 452.660. 1. Sections 452.615 to 452.660 shall be applied and construed to effectuate  
3 its general purpose to make uniform the law with respect to the subject of sections 452.615  
4 to 452.660 among states enacting it.

4 2. Sections 452.615 to 452.660 apply to any premarital agreement executed on or  
5 after the effective date of sections 452.615 to 452.660.

## 6 ARTICLE I

### 7 GENERAL PROVISIONS

2 452.700. Sections 452.700 to 452.930 may be cited as the "Uniform Child Custody  
3 Jurisdiction and Enforcement Act".

2 452.705. As used in sections 452.700 to 452.930:

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

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

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

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

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

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

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

22 (8) "Home state" means the state in which a child has lived with a parent or a  
23 person acting as a parent for at least six consecutive months immediately prior to the  
24 commencement of a child custody proceeding. In the case of a child less than six months

25 of age, the term means the state in which the child has lived from birth with any of the  
26 persons mentioned. A period of temporary absence of any of the mentioned persons is part  
27 of such period;

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

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

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

34 (12) "Litigant" means a person, including a parent, grandparent, or stepparent,  
35 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**  
2 **jurisdiction in this state and is a responding party under sections 452.740 to 452.785, a**  
3 **party in a proceeding to modify a child custody determination under sections 452.740 to**  
4 **452.785, or a petitioner in a proceeding to enforce or register a child custody determination**  
5 **under sections 452.850 to 452.915 may appear and participate in such proceeding without**  
6 **submitting to personal jurisdiction over the party for another proceeding or purpose.**

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

13           **3. The immunity granted by this section shall not extend to civil litigation based on**  
14 **acts unrelated to the participation in a proceeding under sections 452.700 to 452.930**  
15 **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**  
2 **concerning a proceeding arising under sections 452.700 to 452.930.**

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

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

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

12           **5. For the purposes of this section, "record" means information that is inscribed**  
13 **on a tangible medium, or that which is stored in an electronic or other medium and is**  
14 **retrievable in perceivable form. A record includes notes or transcripts of a court reporter**  
15 **who listened to a conference call between the courts, an electronic recording of a telephone**  
16 **call, a memorandum or an electronic record of the communication between the courts, or**  
17 **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**  
2 **to:**

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

4           **(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  
2 to 452.930, notice and an opportunity to be heard in accordance with the standards of  
3 section 452.762 shall be given to:

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

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

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

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

10 3. The obligation to join a party and the right to intervene as a party in a child  
11 custody proceeding under sections 452.700 to 452.930 are governed by the law of this state  
12 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.**

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

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

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

**(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 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.



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

2       **452.840.** If a custody decree has been rendered in another state concerning a child  
3 involved in a custody proceeding pending in a court of this state, the court of this state,  
4 upon taking jurisdiction of the case, shall request of the court of the other state a certified  
5 copy of the transcript of any court record and other documents mentioned in section  
452.835.

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

#### 4       **ARTICLE III**

#### 5       **ENFORCEMENT**

2       **452.850.** As used in sections 452.850 to 452.915:

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

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

2       **452.855. 1.** Sections 452.850 to 452.915 may be invoked to enforce:

3       (1) A child custody determination; and

4       (2) An order for the return of the child made under the Hague Convention on the  
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.

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

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

2 452.865. If a proceeding for enforcement under sections 452.850 to 452.915 has been  
3 or is commenced in this state and a court of this state determines that a proceeding to  
4 modify the determination has been commenced in another state having jurisdiction to  
5 modify the determination under sections 452.740 to 452.845, the enforcing court shall  
6 immediately communicate with the modifying court. The proceeding for enforcement  
7 continues unless the enforcing court, after consultation with the modifying court, stays or  
8 dismisses the proceeding.

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

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

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

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

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

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

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

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

2       **452.915.** If the respondent is not the prevailing party, the court may assess against  
3       the respondent all direct expenses and costs incurred by the prosecutor or other  
4       appropriate public official and law enforcement officers under sections 452.905 and  
5       452.910.

#### 5       **ARTICLE IV**

#### 6       **MISCELLANEOUS PROVISIONS**

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

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

2       **452.930.** A motion or other request for relief made in a child custody or  
3       enforcement proceeding which was commenced before August 28, 2009, is governed by the  
4       law in effect at the time the motion or other request was made.

2       454.445. 1. No deposit or other filing fee, court fee, library fee, or fee for making copies  
3       of documents shall be required to be paid by the division of child support enforcement, or any  
4       attorney bringing action pursuant to a referral by the division of child support enforcement, by  
5       any circuit clerk or other county or state officer for the filing of any action or document necessary  
6       to establish paternity, or to establish, modify or enforce a child support obligation.

7       2. Notwithstanding any other provision of law, a copy of an affidavit  
8       acknowledging paternity shall, upon request, be made available to the child's mother, the  
9       father listed on the child's birth record, the attorney representing such mother or father,  
10      the child, the guardian ad litem, and the child's attorney and the state and federal  
11      government for child support purposes. The department of health and senior services shall  
12      establish by rule the fee for making a copy of an affidavit acknowledging paternity. Any  
13      rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created  
14      under the authority delegated in this section shall become effective only if it complies with  
15      and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section

15 **536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the**  
16 **powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to**  
17 **delay the effective date, or to disapprove and annul a rule are subsequently held**  
18 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**  
19 **after August 28, 2009, shall be invalid and void.**

454.500. 1. At any time after the entry of an order pursuant to sections 454.470 and  
2 454.475, the obligated parent, the division, or the person or agency having custody of the  
3 dependent child may file a motion for modification with the director. Such motion shall be in  
4 writing, shall set forth the reasons for modification, and shall state the address of the moving  
5 party. The motion shall be served by the moving party in the manner provided for in subsection  
6 5 of section 454.465 upon the obligated parent or the party holding the support rights, as  
7 appropriate. In addition, if the support rights are held by the division of family services on behalf  
8 of the state, a true copy of the motion shall be mailed by the moving party by certified mail to  
9 the person having custody of the dependent child at the last known address of that person. A  
10 hearing on the motion shall then be provided in the same manner, and determinations shall be  
11 based on considerations set out in section 454.475, unless the party served fails to respond within  
12 thirty days, in which case the director may enter an order by default. If the child for whom the  
13 order applies is no longer in the custody of a person receiving public assistance or receiving  
14 support enforcement services from the department, or a division thereof, pursuant to section  
15 454.425, the director may certify the matter for hearing to the circuit court in which the order was  
16 filed pursuant to section 454.490 in lieu of holding a hearing pursuant to section 454.475. If the  
17 director certifies the matter for hearing to the circuit court, service of the motion to modify shall  
18 be had in accordance with the provisions of subsection 5 of section 452.370, RSMo. If the  
19 director does not certify the matter for hearing to the circuit court, service of the motion to  
20 modify shall be considered complete upon personal service, or on the date of mailing, if sent by  
21 certified mail. For the purpose of 42 U.S.C. 666(a)(9)(C), the director shall be considered the  
22 "appropriate agent" to receive the notice of the motion to modify for the obligee or the obligor,  
23 but only in those instances in which the matter is not certified to circuit court for hearing, and  
24 only when service of the motion is attempted on the obligee or obligor by certified mail.

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

28 3. Only payments accruing subsequent to the service of the motion for modification upon  
29 all named parties to the motion may be modified. Modification may be granted only upon a  
30 showing of a change of circumstances so substantial and continuing as to make the terms

31 unreasonable. In a proceeding for modification of any child support award, the director, in  
32 determining whether or not a substantial change in circumstances has occurred, shall consider  
33 all financial resources of both parties, including the extent to which the reasonable expenses of  
34 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.**

454.516. 1. The director or IV-D agency may cause a lien pursuant to subsections 2 and  
2 3 of this section or the obligee may cause a lien pursuant to subsection 8 of this section for  
3 unpaid and delinquent child support to block the issuance of a certificate of ownership for motor  
4 vehicles, motor boats, outboard motors, manufactured homes and trailers that are registered in  
5 the name of a delinquent child support obligor.

6 2. The director or IV-D agency shall notify the department of revenue with the required  
7 information necessary to impose a lien pursuant to this section by filing a notice of lien.

8 3. The director or IV-D agency shall not notify the department of revenue and the  
9 department of revenue shall not register lien except as provided in this subsection. After the  
10 director or IV-D agency decide that such lien qualifies pursuant to this section and forward it to  
11 the department of revenue, the director of revenue or the director's designee shall only file such  
12 lien against the obligor's certificate of ownership when:



13 (1) The obligor has unpaid child support which exceeds [one thousand] **twenty-five**  
14 **hundred** dollars;

15 (2) The property has a value of more than three thousand dollars as determined by  
16 current industry publications that provide such estimates to dealers in the business, and the  
17 property's year of manufacture is within seven years of the date of filing of the lien except in the  
18 case of a motor vehicle that has been designated a historic vehicle;

19 (3) The property has no more than two existing liens for child support;

20 (4) The property has had no more than three prior liens for child support in the same  
21 calendar year.

22 4. In the event that a lien is placed and the obligor's total support obligation is  
23 eliminated, the director shall notify the department of revenue that the lien shall be removed.

24 5. Upon notification that a lien exists pursuant to this section, the department of revenue  
25 shall register the lien on the records of the department of revenue. Such registration shall contain  
26 the type and model of the property and the serial number of the property.

27 6. Upon notification by the director that the lien shall be removed pursuant to subsection  
28 4 of this section, the department of revenue shall register such removal of lien on its database,  
29 that shall contain the type and model of the property and the serial number of the property.

30 7. A good faith purchaser for value without notice of the lien or a lender without notice  
31 of the lien takes free of the lien.

32 8. In cases which are not IV-D cases, to cause a lien pursuant to the provisions of this  
33 section the obligee or the obligee's attorney shall file notice of the lien with the department of  
34 revenue. This notice shall have attached a certified copy of the court order with all modifications  
35 and a sworn statement by the obligee or a certified statement from the court attesting to or  
36 certifying the amount of arrearages.

37 9. Notwithstanding any other law to the contrary, the department of revenue shall  
38 maintain a child support lien database that may be collected against the owner on a certificate  
39 of ownership provided for by chapters 301, 306 and 700, RSMo. To determine any existing liens  
40 for child support pursuant to this section, the lienholder, dealer or buyer may inquire  
41 electronically into the database. A good faith purchaser for value without notice of the lien or  
42 a lender without notice of the lien takes free of the lien.

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.]

      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.

455.038. Every circuit clerk shall be responsible for providing information to individuals  
2 petitioning for ex parte orders of protection regarding notification of service of these orders of  
3 protection. Such notification to the petitioner is required if the petitioner has registered a  
4 telephone number with the victim notification system, established under subsection 3 of section  
5 650.310, RSMo. The petitioner shall be informed of his or her option to receive notification of  
6 service of an ex parte order of protection on the respondent by the circuit clerk and shall be  
7 provided information on how to receive notification of service of ex parte orders of protection.  
8 The local law enforcement agency or any other government agency responsible for serving ex  
9 parte orders of protection shall **enter service information into the Missouri uniform law**  
10 **enforcement system (MULES) or future secure electronic databases that are intended only**  
11 **for law enforcement use within twenty-four hours after the ex parte order of protection is**  
12 **served on the respondent or shall** notify the circuit clerk when no more service attempts are  
13 planned by that agency. The provisions of this section shall only apply to those circuit clerks

14 able to access a statewide victim notification system designed to provide notification of service  
15 of orders of protection.

455.040. 1. Not later than fifteen days after the filing of a petition pursuant to sections  
2 455.010 to 455.085 a hearing shall be held unless the court deems, for good cause shown, that  
3 a continuance should be granted. At the hearing, if the petitioner has proved the allegation of  
4 abuse or stalking by a preponderance of the evidence, the court shall issue a full order of  
5 protection for a period of time the court deems appropriate, except that the protective order shall  
6 be valid for at least one hundred eighty days and not more than one year. Upon motion by the  
7 petitioner, and after a hearing by the court, the full order of protection may be renewed for a  
8 period of time the court deems appropriate, except that the protective order shall be valid for at  
9 least one hundred eighty days and not more than one year from the expiration date of the  
10 originally issued full order of protection. If for good cause a hearing cannot be held on the  
11 motion to renew the full order of protection prior to the expiration date of the originally issued  
12 full order of protection, an ex parte order of protection may be issued until a hearing is held on  
13 the motion. Upon motion by the petitioner, and after a hearing by the court, the second full order  
14 of protection may be renewed for an additional period of time the court deems appropriate,  
15 except that the protective order shall be valid for at least one hundred eighty days and not more  
16 than one year. For purposes of this subsection, a finding by the court of a subsequent act of  
17 abuse is not required for a renewal order of protection.

18 2. The court shall cause a copy of the petition and notice of the date set for the hearing  
19 on such petition and any ex parte order of protection to be served upon the respondent as  
20 provided by law or by any sheriff or police officer at least three days prior to such hearing. Such  
21 notice shall be served at the earliest time, and service of such notice shall take priority over  
22 service in other actions, except those of a similar emergency nature. The court shall cause a copy  
23 of any full order of protection to be served upon or mailed by certified mail to the respondent at  
24 the respondent's last known address. Failure to serve or mail a copy of the full order of  
25 protection to the respondent shall not affect the validity or enforceability of a full order of  
26 protection.

27 3. A copy of any order of protection granted pursuant to sections 455.010 to 455.085  
28 shall be issued to the petitioner and to the local law enforcement agency in the jurisdiction where  
29 the petitioner resides. The clerk shall also issue a copy of any order of protection to the local law  
30 enforcement agency responsible for maintaining the Missouri uniform law enforcement system  
31 or any other comparable law enforcement system the same day the order is granted. The law  
32 enforcement agency responsible for maintaining MULES shall enter information contained in  
33 the order for purposes of verification within twenty-four hours from the time the order is granted.

34 A notice of expiration or of termination of any order of protection shall be issued to the local law  
35 enforcement agency and to the law enforcement agency responsible for maintaining MULES or  
36 any other comparable law enforcement system. The law enforcement agency responsible for  
37 maintaining the applicable law enforcement system shall enter such information in the system  
38 **within twenty-four hours of receipt of information evidencing such expiration or**  
39 **termination.** The information contained in an order of protection may be entered in the  
40 Missouri uniform law enforcement system or comparable law enforcement system using a direct  
41 automated data transfer from the court automated system to the law enforcement system.

**456.4-418. 1. During any period of time that this section applies to an irrevocable**  
2 **trust, the trustee shall have the authority in its discretion to distribute trust income or**  
3 **principal to a qualified remainder beneficiary of the trust. For purposes of this section, a**  
4 **"qualified remainder beneficiary" is a descendant of a permissible distributee who will be**  
5 **eligible to receive distributions of trust income or principal, whether mandatory or**  
6 **discretionary, upon the termination of the interest of such permissible distributee or upon**  
7 **the termination of the trust.**

8 **2. This section shall apply to an irrevocable trust that is administered in this state**  
9 **if:**

10 **(1) The trustee may distribute trust income or principal to one or more permissible**  
11 **distributees;**

12 **(2) No distributions of trust income or principal have been made to any permissible**  
13 **distributee during the ten-year period preceding the notice required by subsection 5 of this**  
14 **section;**

15 **(3) The trustee determines that there will be sufficient assets in the trust for the**  
16 **trustee to meet its obligations to the permissible distributees after any distributions**  
17 **authorized by this section;**

18 **(4) The trustee determines that the application of this section to the trust is not**  
19 **inconsistent with a material purpose of the trust;**

20 **(5) The trustee determines that the application of this section to a trust that is**  
21 **exempt from the federal generation-skipping transfer tax will not cause the trust to become**  
22 **subject to such tax; and**

23 **(6) The trust became irrevocable on or before September 25, 1985.**

24 **3. After the trustee determines that this section applies to a trust, this section shall**  
25 **continue to apply to the trust until the first to occur of the following:**

26 **(1) The termination of the interests of all the beneficiaries who were permissible**  
27 **distributees on the date of the notice required by subsection 5 of this section;**

- 28           (2) **The termination of the trust; or**  
29           (3) **The trustee determines that additional distributions under this section will**  
30 **impair the ability of the trustee to meet its obligation to the permissible distributees.**  
31           **4. A spendthrift provision in the terms of a trust is not presumed inconsistent with**  
32 **the application of this section to the trust.**  
33           **5. The trustee shall notify the qualified beneficiaries of the trustee that the trustee**  
34 **has determined that this section applies to a trust not less than sixty days before**  
35 **distributing trust income or principal to any qualified remainder beneficiary.**  
36           **6. A trustee acting in good faith shall not be liable to any beneficiary for acting or**  
37 **failing to act under this section.**

456.5-505. 1. Whether or not the terms of a trust contain a spendthrift provision, during  
2 the lifetime of the settlor, the property of a revocable trust is subject to claims of the settlor's  
3 creditors.

4           2. With respect to an irrevocable trust without a spendthrift provision, a creditor or  
5 assignee of the settlor may reach the maximum amount that can be distributed to or for the  
6 settlor's benefit. If a trust has more than one settlor, the amount the creditor or assignee of a  
7 particular settlor may reach may not exceed the settlor's interest in the portion of the trust  
8 attributable to that settlor's contribution.

9           3. With respect to an irrevocable trust with a spendthrift provision, a spendthrift  
10 provision will prevent the settlor's creditors from satisfying claims from the trust assets except:

11           (1) Where the conveyance of assets to the trust was fraudulent as to creditors pursuant  
12 to the provisions of chapter 428, RSMo; or

13           (2) To the extent of the settlor's beneficial interest in the trust assets, if at the time the  
14 trust became irrevocable:

15           (a) The settlor was the sole beneficiary of either the income or principal of the trust or  
16 retained the power to amend the trust; or

17           (b) The settlor was one of a class of beneficiaries and retained a right to receive a  
18 specific portion of the income or principal of the trust that was determinable solely from the  
19 provisions of the trust instrument.

20           4. Any trustee who has a duty or power to pay the debts of a deceased settlor may publish  
21 a notice in [some] a newspaper published in the county **designated in subdivision (3) of this**  
22 **subsection** once a week for four consecutive weeks in substantially the following form:

23           To all persons interested in the estate of ....., decedent. The undersigned .....  
24 is acting as Trustee under a trust the terms of which provide that the debts of the decedent may

25 be paid by the Trustee(s) upon receipt of proper proof thereof. The address of the Trustee is  
26 .....

27

28 All creditors of the decedent are noticed to present their claims to the undersigned within six (6)  
29 months from the date of the first publication of this notice or be forever barred.

30

31 .....

32 Trustee

33 (1) If such publication is duly made by the trustee, any debts not presented to the trustee  
34 within six months from the date of the first publication of the preceding notice shall be forever  
35 barred as against the trustee and the trust property.

36 (2) A trustee shall not be liable to account to the decedent's personal representative under  
37 the provisions of section 461.300, RSMo, by reason of any debt barred under the provisions of  
38 this subsection.

39 **(3) Such publication shall be in a newspaper published in:**

40 **(a) The county in which the domicile of the settlor at the time of his or her death**  
41 **is situated;**

42 **(b) If the settlor had no domicile in this state at the time of his or her death, any**  
43 **county wherein trust assets are located; except that, when the major part of the trust assets**  
44 **in this state consist of real estate, the notice shall be published in the county in which the**  
45 **real estate or the major part thereof is located; or**

46 **(c) If the settlor had no domicile in this state at the time of his or her death and no**  
47 **trust assets are located therein, the county wherein the principal place of administration**  
48 **of the trust is located.**

49 **(4) For purposes of this subsection, the term "domicile" means the place in which**  
50 **the settlor voluntarily fixed his or her abode, not for a mere special or temporary purpose,**  
51 **but with a present intention of remaining there permanently or for an indefinite term.**

52 5. For purposes of this section:

53 (1) During the period the power may be exercised, the holder of a power of withdrawal  
54 is treated in the same manner as the settlor of a revocable trust to the extent of the property  
55 subject to the power; and

56 (2) Upon the lapse, release, or waiver of the power, the holder is treated as the settlor of  
57 the trust only to the extent the value of the property affected by the lapse, release, or waiver  
58 exceeds the greater of the amount specified in Sections 2041(b)(2), 2514(e) or 2503(b) of the  
59 Internal Revenue Code.



60           6. This section shall not apply to a spendthrift trust described, defined, or established in  
61 section 456.014.

473.543. 1. Each settlement filed by a personal representative shall state the period for  
2 which it is made and, among other things, shall contain a just and true account of all moneys [by  
3 him] collected **by such personal representative**, the date when collected, from whom collected  
4 and on what account collected, whether on claims charged in the inventory or for property sold  
5 or otherwise; and it shall show the exact amount of principal and interest collected on each  
6 claim, and also the amount and date of each expenditure or distribution, and to whom and for  
7 what paid. Such settlement shall also show what interest has been obtained by the personal  
8 representative upon any funds in his **or her** hands, and when obtained, on what amounts, for  
9 what time and at what rate percent. Each expenditure of more than seventy-five dollars for  
10 which a personal representative claims credit in any settlement shall be supported by vouchers  
11 executed by the person to whom the disbursement was made **or other documentation, such as**  
12 **an electronic copy of a check or a bank statement, which establishes to the court's**  
13 **satisfaction that the payment claimed in the settlement was actually made to the payee to**  
14 **whom it is claimed to have been made.** The court has discretion to require [vouchers]  
15 **documentation** for expenditures of less than seventy-five dollars. Every settlement shall be  
16 signed by the personal representative.

17           2. When the law, local probate rule or practice requires the production of original  
18 canceled checks or drafts as part of any interim or final settlements of any kind by personal  
19 representatives, conservators, or other persons, such information may be retained and reproduced  
20 in a form permitted under section 362.413, RSMo; and, provided such information meets the  
21 requirements of section 362.413, RSMo, no court may require the production of the original  
22 checks and drafts.

473.730. 1. Every county in this state, and the city of St. Louis, shall elect a public  
2 administrator at the general election in the year 1880, and every four years thereafter, who shall  
3 be ex officio public guardian and conservator in and for the public administrator's county. A  
4 candidate for public administrator shall be at least twenty-one years of age and a resident of the  
5 state of Missouri and the county in which he or she is a candidate for at least one year prior to  
6 the date of the general election for such office. The candidate shall also be a registered voter  
7 [and] , shall be current in the payment of all personal and business taxes, **and shall not be or**  
8 **have been a debtor in a bankruptcy proceeding.** Before entering on the duties of the public  
9 administrator's office, the public administrator shall take the oath required by the constitution,  
10 and enter into bond to the state of Missouri in a sum not less than ten thousand dollars, with two  
11 or more securities, approved by the court and conditioned that the public administrator will

12 faithfully discharge all the duties of the public administrator's office, which bond shall be given  
13 and oath of office taken on or before the first day of January following the public administrator's  
14 election, and it shall be the duty of the judge of the court to require the public administrator to  
15 make a statement annually, under oath, of the amount of property in the public administrator's  
16 hands or under the public administrator's control as such administrator, for the purpose of  
17 ascertaining the amount of bond necessary to secure such property; and such court may from time  
18 to time, as occasion shall require, demand additional security of such administrator, and, in  
19 default of giving the same within twenty days after such demand, may remove the administrator  
20 and appoint another.

21         2. The public administrator in all counties, in the performance of the duties required by  
22 chapters 473, 474, RSMo, and 475, RSMo, is a public officer. The duties specified by section  
23 475.120, RSMo, are discretionary. The county shall defend and indemnify the public  
24 administrator against any alleged breach of duty, provided that any such alleged breach of duty  
25 arose out of an act or omission occurring within the scope of duty or employment.

26         3. After January 1, 2001, all salaried public administrators shall be considered county  
27 officials for purposes of section 50.333, RSMo, subject to the minimum salary requirements set  
28 forth in section 473.742.

473.770. 1. Whenever, in the judgment of any public administrator in any county of the  
2 first class, it is necessary for the proper and efficient conduct of the business of the public  
3 administrator's office that the public administrator appoint any deputies, **or any paid**  
4 **representatives of the office who are not and have not been debtors in bankruptcy**  
5 **proceedings to assist, counsel, or represent** the public administrator in the performance of his  
6 or her official duties as public administrator or as executor, administrator, personal  
7 representative, guardian, or conservator in any estates wherein the public administrator has been  
8 specially appointed, the public administrator may appoint one or more deputies to assist him or  
9 her in the performance of his or her duties as public administrator and as executor, administrator,  
10 personal representative, guardian, or conservator in the estates wherein the public administrator  
11 has been specially appointed. The appointment shall be in writing and shall be filed with the  
12 court, and, upon the filing, the court shall issue under its seal a certificate of the appointment for  
13 each deputy, stating that the appointee is vested with the powers and duties conferred by this  
14 section. The certificate shall be valid for one year from date, unless terminated prior thereto, and  
15 shall be renewed from year to year as long as the appointment remains in force, and may be taken  
16 as evidence of the authority of the deputy. The appointment and authority of any deputy may at  
17 any time be terminated by the public administrator by notice of the termination filed in the court,

18 and upon termination the deputy shall surrender the public administrator's certificate of  
19 appointment.

20         2. In all counties of the first classification not having a charter form of government and  
21 containing a portion of a city having a population of three hundred thousand or more inhabitants,  
22 the compensation of each such deputy shall be set by the public administrator, with the approval  
23 of the governing body of the county, and shall be paid in equal monthly installments out of the  
24 county treasury. In all other counties of the first classification the compensation of each such  
25 deputy shall be prescribed and paid by the public administrator out of the fees to which he or she  
26 is legally entitled, and no part of such compensation shall be paid out of any public funds or  
27 assessed as costs or allowed in any estate.

28         3. Each deputy so appointed shall be authorized to perform such ministerial and  
29 nondiscretionary duties as may be delegated to him or her by the public administrator, including:

30             (1) Assembling, taking into possession, and listing moneys, checks, notes, stocks, bonds  
31 and other securities, and all other personal property of any and all estates in the charge of the  
32 public administrator;

33             (2) Depositing all moneys, checks, and other instruments for the payment of money in  
34 the bank accounts maintained by the public administrator for the deposit of such funds;

35             (3) Signing or countersigning any and all checks and other instruments for the payment  
36 of moneys out of such bank accounts, in pursuance of general authorization by the public  
37 administrator to the bank in which the same are deposited, as long as such authorization remains  
38 in effect;

39             (4) Entering the safe deposit box of any person or decedent whose estate is in the charge  
40 of the public administrator and any safe deposit box maintained by the public administrator for  
41 the safekeeping of assets in his or her charge, as a deputy of the public administrator, pursuant  
42 to general authorization given by the public administrator to the bank or safe deposit company  
43 in charge of any such safe deposit box, as long as such deputy-authorization remains in effect,  
44 and withdrawing therefrom and depositing therein such assets as may be determined by the  
45 public administrator. The bank or safe deposit company shall not be charged with notice or  
46 knowledge or any limitation of authority of the authorized deputy, unless specially notified in  
47 writing thereof by the public administrator, and may allow the deputy access to the safe deposit  
48 box, in the absence of notice, to the full extent allowable to the public administrator in person.

49         4. The enumeration of the foregoing powers shall not operate as an exclusion of any  
50 powers not specifically conferred. No authorized deputy shall exercise any power, other than as  
51 prescribed in this section, which shall require the exercise of a discretion enjoined by law to be

52 exercised personally by the executor, administrator, personal representative, guardian, or  
53 conservator in charge of the estate to which the discretionary power refers.

54         5. Notwithstanding the provisions of subsections 3 and 4 of this section to the contrary,  
55 a public administrator in a county of the first classification having a charter form of government  
56 and containing all or part of a city with a population of at least three hundred thousand  
57 inhabitants, and a public administrator in any county of the first classification may delegate to  
58 any deputy appointed by the public administrator any of the duties of the public administrator  
59 enumerated in section 473.743, and sections 475.120 and 475.130, RSMo. Such public  
60 administrator may also delegate to a deputy who is a licensed attorney the authority to execute  
61 inventories, settlements, surety bonds, pleadings and other documents filed in any court in the  
62 name of the public administrator, and the same shall have the force and effect as if executed by  
63 the public administrator.

**475.375. 1. Any individual over the age of eighteen who has been adjudged  
2 incompetent 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 the individual no longer suffers from the condition that resulted  
5 in the individual's incapacity or involuntary commitment and no longer poses a danger to  
6 self or others for purposes of the purchase, possession, or transfer of firearms under 18  
7 U.S.C. Section 922 and that granting relief under this section is not contrary to the public  
8 interest. No individual who has been found not guilty by reason of mental defect may  
9 petition a court for restoration under this section.**

10         2. The petition shall be filed in the circuit court which entered the letters of  
11 guardianship or the most recent order for involuntary commitment, whichever is later.  
12 Upon receipt of the petition, the clerk shall schedule a hearing and provide notice of the  
13 hearing to the petitioner and the attorney general. Copies of the petition must be served  
14 on the director of the treatment facility and the attorney general.

15         3. The burden is on the petitioner to establish by clear and convincing evidence that  
16 the petitioner no longer suffers from the condition that resulted in the incapacity or the  
17 involuntary commitment and no longer poses a danger to self or others for purposes of the  
18 purchase, possession, or transfer of firearms under 18 U.S.C. Section 922 and that granting  
19 relief under this section is not contrary to the public interest. The attorney general may  
20 present any and all relevant information to the contrary. For these purposes, the attorney  
21 general may access and use any and all mental health records, juvenile records, and  
22 criminal history of the petitioner wherever maintained.

23           **4. Upon the filing of the petition, the court shall endeavor whenever possible to**  
24 **review the petition and determine if the petition is based upon frivolous grounds and if so**  
25 **may deny the petition without a hearing.**

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

34           **6. The court shall enter an order that the petitioner does or does not continue to**  
35 **suffer from the condition that resulted in commitment and does or does not continue to**  
36 **pose a danger to self or others for purposes of the purchase, possession, or transfer of**  
37 **firearms under 18 U.S.C. Section 922 and that granting relief under this section is not**  
38 **contrary to the public interest. The court shall include in its order the specific findings of**  
39 **fact on which it based its decision.**

40           **7. Upon a judicial determination to grant a petition under this section, the clerk in**  
41 **the county where the petition was granted shall forward the order to the Missouri state**  
42 **highway patrol for updating of the petitioner's record with the National Instant Criminal**  
43 **Background Check System (NICS).**

44           **8. (1) Any person who has been denied a petition for the removal of the**  
45 **disqualification to purchase, possess, or transfer a firearm under this section shall not be**  
46 **eligible to file another petition for the removal of the disqualification to purchase, possess,**  
47 **or transfer a firearm until the expiration of one year from such denial.**

48           **(2) If a person has previously filed a petition for the removal of the disqualification**  
49 **to purchase, possess, or transfer a firearm and the court determined either upon review**  
50 **of the petition or following a hearing that the petitioner's petition was frivolous or that the**  
51 **petitioner's condition had not so changed such that the person continued to suffer from the**  
52 **condition that resulted in the individual's incapacity or involuntary commitment and**  
53 **continued to pose a danger to self or others for purposes of purchase, possession, or**  
54 **transfer of firearms under 18 U.S.C. Section 922 and that granting relief under this section**  
55 **would be contrary to the public interest, the court shall deny the subsequent petition unless**  
56 **the petition contains additional facts upon which the court could find the condition of the**  
57 **petitioner had so changed that a hearing was warranted.**

476.055. 1. There is hereby established in the state treasury the "Statewide Court Automation Fund". All moneys collected pursuant to section 488.027, RSMo, as well as gifts, contributions, devises, bequests, and grants received relating to automation of judicial record keeping, and moneys received by the judicial system for the dissemination of information and sales of publications developed relating to automation of judicial record keeping, shall be credited to the fund. Moneys credited to this fund may only be used for the purposes set forth in this section and as appropriated by the general assembly. Any unexpended balance remaining in the statewide court automation fund at the end of each biennium shall not be subject to the provisions of section 33.080, RSMo, requiring the transfer of such unexpended balance to general revenue; except that, any unexpended balance remaining in the fund on September 1, [2009] **2013**, shall be transferred to general revenue.

2. The statewide court automation fund shall be administered by a court automation committee consisting of the following: the chief justice of the supreme court, a judge from the court of appeals, four circuit judges, four associate circuit judges, four employees of the circuit court, the commissioner of administration, two members of the house of representatives appointed by the speaker of the house, two members of the senate appointed by the president pro tem of the senate and two members of the Missouri Bar. The judge members and employee members shall be appointed by the chief justice. The commissioner of administration shall serve ex officio. The members of the Missouri Bar shall be appointed by the board of governors of the Missouri Bar. Any member of the committee may designate another person to serve on the committee in place of the committee member.

3. The committee shall develop and implement a plan for a statewide court automation system. The committee shall have the authority to hire consultants, review systems in other jurisdictions and purchase goods and services to administer the provisions of this section. The committee may implement one or more pilot projects in the state for the purposes of determining the feasibility of developing and implementing such plan. The members of the committee shall be reimbursed from the court automation fund for their actual expenses in performing their official duties on the committee.

4. Any purchase of computer software or computer hardware that exceeds five thousand dollars shall be made pursuant to the requirements of the office of administration for lowest and best bid. Such bids shall be subject to acceptance by the office of administration. The court automation committee shall determine the specifications for such bids.

5. The court automation committee shall not require any circuit court to change any operating system in such court, unless the committee provides all necessary personnel, funds and equipment necessary to effectuate the required changes. No judicial circuit or county may be

36 reimbursed for any costs incurred pursuant to this subsection unless such judicial circuit or  
37 county has the approval of the court automation committee prior to incurring the specific cost.

38         6. Any court automation system, including any pilot project, shall be implemented,  
39 operated and maintained in accordance with strict standards for the security and privacy of  
40 confidential judicial records. Any person who knowingly releases information from a  
41 confidential judicial record is guilty of a class B misdemeanor. Any person who, knowing that  
42 a judicial record is confidential, uses information from such confidential record for financial gain  
43 is guilty of a class D felony.

44         7. On the first day of February, May, August and November of each year, the court  
45 automation committee shall file a report on the progress of the statewide automation system with  
46 the joint legislative committee on court automation. Such committee shall consist of the  
47 following:

48             (1) The chair of the house budget committee;  
49             (2) The chair of the senate appropriations committee;  
50             (3) The chair of the house judiciary committee;  
51             (4) The chair of the senate judiciary committee;  
52             (5) One member of the minority party of the house appointed by the speaker of the house  
53 of representatives; and

54             (6) One member of the minority party of the senate appointed by the president pro  
55 tempore of the senate.

56         8. The members of the joint legislative committee shall be reimbursed from the court  
57 automation fund for their actual expenses incurred in the performance of their official duties as  
58 members of the joint legislative committee on court automation.

59         9. Section 488.027, RSMo, shall expire on September 1, [2009] **2013**. The court  
60 automation committee established pursuant to this section may continue to function until  
61 completion of its duties prescribed by this section, but shall complete its duties prior to  
62 September 1, [2011] **2015**.

63         10. This section shall expire on September 1, [2011] **2015**.

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.

477.600. 1. There is hereby created within the judicial department a "Judicial Finance  
2 Commission". The commission shall be composed of seven members appointed by the supreme  
3 court. At least one member of the commission shall be a member of a county governing body  
4 from a county of the third class, one member of the commission shall be a member of the county  
5 governing body of a county of the first class, and one member of the commission shall be a  
6 member of a county governing body from any class of county. The supreme court shall designate  
7 one member to serve as chairman and one member as vice chairman. The vice chairman shall  
8 preside in the absence of the chairman.

9 2. The members of the commission shall serve for terms of three years and until their  
10 successors are appointed and qualified; except that of the initial members appointed, three shall  
11 serve for terms of one year, two shall serve for terms of two years and two shall serve for terms  
12 of three years, as designated by the court.

13 3. If a vacancy occurs the court shall appoint a replacement. The replacement shall serve  
14 the unexpired portion of the term and may be appointed to successive terms.

15 4. The commission shall promulgate rules of procedure which shall become effective  
16 upon approval by the supreme court. The supreme court may adopt such other rules as it deems  
17 appropriate to govern the procedures of the commission.

18 5. The commission shall:

19 (1) Examine the budget request of the circuit court upon the petition by the county  
20 governing body as provided in section 50.640, RSMo, or any budget or item in the budget  
21 estimated by the court including, but not limited to, compensation of deputy sheriffs and  
22 assistants, as set forth in section 57.250, RSMo;

23 (2) Issue a written opinion addressed to the presiding circuit judge and the presiding  
24 officer of the county. The opinion shall state the conclusions of the commission as to the  
25 reasonableness of the circuit court budget request. The opinion of the commission shall state

26 clearly the reasons for its decision. Any member of the commission who disagrees with the  
27 commission's findings may file a minority report;

28 (3) Maintain accurate records of the cost and expenses of the judicial and law  
29 enforcement agencies for each county;

30 (4) Submit an annual report to the governor, general assembly, and supreme court on the  
31 finances of the judicial department. The report shall examine both the revenues of the  
32 department and the expenses of the department. The report shall include the information from  
33 all divisions of the circuit court of each county including the circuit, associate circuit, probate,  
34 juvenile and municipal divisions. The information shall be reported separately except where the  
35 divisions are combined or consolidated. **In lieu of separate publication, the supreme court  
36 may direct the annual report described in this subdivision to be consolidated with any  
37 annual report prepared by the supreme court or the office of state courts administrator,  
38 provided that such report is distributed to the parties described in this subdivision.**

39 6. In discharging its responsibilities, the commission may:

40 (1) Conduct public hearings, take testimony, summon witnesses, and subpoena records  
41 and documents;

42 (2) Conduct surveys and collect data from county governments and the circuit courts on  
43 the operations of the judicial and law enforcement agencies in each county. The commission and  
44 its staff shall be granted access at any reasonable time to all books, records, and data the  
45 commission deems necessary for the administration of its duties;

46 (3) Within the limits of appropriations made for the purpose, appoint special committees,  
47 accept and expend grant funds, and employ consultants and others to assist the commission in  
48 its work.

49 7. Upon receipt of the written opinion of the commission or upon refusal of the  
50 commission to accept a petition for review, the circuit court or the county governing body may  
51 seek a review by the supreme court by filing a petition for review in the supreme court within  
52 thirty days of the receipt of the commission's opinion. If a petition for review is not filed in the  
53 supreme court, then the recommendation of the commission shall take effect notwithstanding the  
54 provisions of section 50.600, RSMo. If the commission refused to review a petition and no  
55 petition is filed in the supreme court, the circuit court budget is approved as submitted to the  
56 county governing body. The supreme court shall consider the petition for review de novo.

57 8. The commission shall meet as necessary at the call of the chairman or on written  
58 request of four members. Four members constitute a quorum for the transaction of business.  
59 Upon request of the chairman, the supreme court may appoint a temporary replacement for any  
60 commissioner who is unable to hear a case or who is disqualified from any case. No member

61 of the commission shall participate in any proceeding involving the county or circuit where the  
62 member resides.

63 9. Members of the commission shall receive no compensation for their services but shall  
64 be reimbursed out of funds appropriated for this purpose for their actual and necessary expenses  
65 incurred in the performance of their duties.

66 10. The clerk of the supreme court shall provide suitable staff for the commission out  
67 of any funds appropriated for this purpose. The commission may also employ court reporters  
68 as necessary to take testimony at hearings held pursuant to section 50.640, RSMo. The reporters  
69 shall be compensated at a rate established by the commission out of any funds appropriated for  
70 this purpose.

478.003. 1. In any judicial circuit of this state, a majority of the judges of the circuit  
2 court may designate a judge to hear cases arising in the circuit subject to the provisions of  
3 sections 478.001 to 478.006. In lieu thereof and subject to appropriations or other funds  
4 available for such purpose, a majority of the judges of the circuit court may appoint a person or  
5 persons to act as drug court commissioners. Each commissioner shall be appointed for a term  
6 of four years, but may be removed at any time by a majority of the judges of the circuit court.  
7 The qualifications and compensation of the commissioner shall be the same as that of an  
8 associate circuit judge. If the compensation of a commissioner appointed pursuant to this section  
9 is provided from other than state funds, the source of such fund shall pay to and reimburse the  
10 state for the actual costs of the salary and benefits of the commissioner. The commissioner shall  
11 have all the powers and duties of a circuit judge, except that any order, judgment or decree of the  
12 commissioner shall be confirmed or rejected by an associate circuit or circuit judge by order of  
13 record entered within the time the judge could set aside such order, judgment or decree had the  
14 same been made by the judge. If so confirmed, the order, judgment or decree shall have the same  
15 effect as if made by the judge on the date of its confirmation.

16 2. A drug court commissioner may under the provisions of section 487.020, RSMo,  
17 also be appointed to serve as a family court commissioner.

478.264. Beginning January 1, 2010, no new probate commissioners or deputy  
2 commissioners shall be appointed under sections 478.265 to 478.267 to serve in the thirty-  
3 first judicial circuit. All probate commissioners and deputy commissioners serving in the  
4 thirty-first judicial circuit on January 1, 2010, shall complete their current term as a  
5 probate commissioner or deputy commissioner. Upon completion of the current term, such  
6 positions shall convert to associate circuit judge positions and shall be subject to election  
7 at the general election immediately preceding the end of the current commissioner term,  
8 or if applicable, shall be appointed under the nonpartisan court plan.

478.320. 1. In counties having a population of thirty thousand or less, there shall be **at least** one associate circuit judge. In counties having a population of more than thirty thousand and less than one hundred thousand, there shall be **at least** two associate circuit judges. In counties having a population of one hundred thousand or more, there shall be **at least** three associate circuit judges and **at least** one additional associate circuit judge for each additional one hundred thousand inhabitants.

2. For purposes of this section, notwithstanding the provisions of section 1.100, RSMo, population of a county shall be determined on the basis of the last previous decennial census of the United States; and, beginning after certification of the year 2000 decennial census, on the basis of annual population estimates prepared by the United States Bureau of the Census, provided that the number of associate circuit judge positions in a county shall be adjusted only after population estimates for three consecutive years indicate population change in the county to a level provided by subsection 1 of this section.

3. Except in circuits where associate circuit judges are selected under the provisions of sections 25(a) to (g) of article V of the constitution, the election of associate circuit judges shall in all respects be conducted as other elections and the returns made as for other officers.

4. In counties not subject to sections 25(a) to (g) of article V of the constitution, associate circuit judges shall be elected by the county at large.

5. No associate circuit judge shall practice law, or do a law business, nor shall he **or she** accept, during his **or her** term of office, any public appointment for which he **or she** receives compensation for his **or her** services.

6. No person shall be elected as an associate circuit judge unless [he] **such person** has resided in the county for which he **or she** is to be elected at least one year prior to the date of his **or her** election; provided that, a person who is appointed by the governor to fill a vacancy may file for election and be elected notwithstanding the provisions of this subsection.

**478.325. 1. Beginning January 1, 2010, no new state-funded probate commissioners or deputy commissioners shall be appointed to the thirty-first judicial circuit and no drug commissioner or deputy commissioner shall be appointed to any judicial circuit. All probate commissioners in the thirty-first judicial circuit and all drug commissioners and deputy commissioners serving in any judicial circuit on January 1, 2010, shall complete their current term as a probate or drug commissioner or deputy commissioner. Upon completion of the current term, such positions shall convert to associate circuit judge positions and shall be subject to election at the general election immediately preceding the end of the current commissioner term; except that, two drug court commissioner positions in the twenty-second judicial circuit and one drug court commissioner position in each of**

11 **the twelfth, thirty-third, and thirty-fifth judicial circuits shall be transferred and converted**  
12 **as follows:**

13 **(1) One commissioner position shall be transferred and converted to a circuit judge**  
14 **position in the thirty-eighth judicial circuit as provided for in section 478.575;**

15 **(2) One commissioner position shall be transferred and converted to an associate**  
16 **circuit judge position in the sixteenth judicial circuit as provided for in subsection 3 of**  
17 **section 478.464;**

18 **(3) One commissioner position shall be transferred and converted to an associate**  
19 **circuit judge position in the twentieth judicial circuit as provided for in subsection 3 of**  
20 **section 478.630;**

21 **(4) One commissioner position shall be transferred and converted to an associate**  
22 **circuit judge position in the thirty-first judicial circuit as provided for in subsection 3 of**  
23 **section 478.513; and**

24 **(5) One commissioner position shall be transferred and converted to an associate**  
25 **circuit judge position in the fortieth judicial circuit as provided for in section 478.713.**

26 **2. In circuits where there is more than one county, the county with the largest**  
27 **population will receive the new converted associate circuit judge as provided in this section.**

478.464. 1. In the sixteenth judicial circuit, associate circuit divisions shall hereafter be  
2 numbered beginning with the number 25:

3 (1) Division 101 shall hereafter be division 25;

4 (2) Division 102 shall hereafter be division 26;

5 (3) Division 103 shall hereafter be division 27;

6 (4) Division 104 shall hereafter be division 28;

7 (5) Division 105 shall hereafter be division 29;

8 (6) Division 106 shall hereafter be division 30;

9 (7) Division 107 shall hereafter be division 31; and

10 (8) Division 108 shall hereafter be division 32.

11 2. Twelve months after construction of two new courtrooms in Independence is  
12 completed, there shall be one additional associate circuit judge in the sixteenth judicial circuit,  
13 to be known as division 33. The presiding judge of such circuit shall certify to the state of  
14 administration office the actual date of completion of said construction.

15 3. **Upon the conversion of a commissioner position to an associate circuit judge**  
16 **position for the sixteenth judicial circuit as set forth in section 478.325, there shall be one**  
17 **additional associate circuit judge in the sixteenth judicial circuit, to be known as division**  
18 **34.**

19           **4.** Divisions 25, 26, 27, 29, and 31 shall sit in Kansas City and divisions 28, 30, 32, [and]  
20 33, **and 34** shall sit in Independence.

          478.513. 1. There shall be five circuit judges in the thirty-first judicial circuit consisting  
2 of the county of Greene. These judges shall sit in divisions numbered one, two, three, four and  
3 five.

4           2. The circuit judge in division three shall be elected in 1980. The circuit judges in  
5 divisions one, four and five shall be elected in 1982. The circuit judge in division two shall be  
6 elected in 1984.

7           **3.** Upon the conversion of a commissioner position to an associate circuit judge  
8 position for the thirty-first judicial circuit as set forth in section 478.325, there shall be one  
9 additional associate circuit judge in the thirty-first judicial circuit.

          478.575. 1. Beginning January 1, 2011, there shall be two circuit judges in the  
2 thirty-eighth judicial circuit consisting of the counties of Christian and Taney. The judges  
3 shall sit in divisions numbered one and two. Division one shall sit in Christian County and  
4 division two shall sit in Taney County.

5           2. The circuit judge sitting as the only circuit judge in the thirty-eighth judicial  
6 circuit prior to the election of the circuit judge for division two under subsection 3 of this  
7 section shall, beginning January 1, 2011, be the circuit judge in division one and shall hold  
8 office for the remainder of the term to which he or she was elected or appointed, and until  
9 his or her successor is elected and qualified.

10          **3.** The circuit judge in division two shall be elected in 2010.

          478.630. 1. There shall be two circuit judges in the twentieth judicial circuit consisting  
2 of the counties of Franklin, Gasconade and Osage. These judges shall sit in divisions numbered  
3 one and two.

4           2. The circuit judge in division two shall be elected in 1980. The circuit judge in  
5 division one shall be elected in 1982.

6           **3.** Upon the conversion of a commissioner position to an associate circuit judge  
7 position for the twentieth judicial circuit as set forth in section 478.325, there shall be one  
8 additional associate circuit judge in the twentieth judicial circuit.

          478.713. Upon the conversion of a commissioner position to an associate circuit  
2 judge position for the fortieth judicial circuit as set forth in section 478.325, there shall be  
3 one additional associate circuit judge to sit in Newton County in the fortieth judicial circuit  
4 consisting of the counties of McDonald and Newton.

          479.015. Violations of municipal ordinances shall be punished by fine or  
2 imprisonment, or by both fine and imprisonment; but no fine shall exceed one thousand

3 **dollars nor imprisonment exceed twelve months for any such offense, except as provided**  
4 **in subsection 2 of section 82.300, RSMo.**

479.080. 1. In the prosecution of violations of municipal ordinances before a municipal  
2 judge, all fines and costs shall be paid to and deposited not less frequently than monthly into the  
3 municipal treasury.

4 2. In the prosecution of violations of municipal ordinances before an associate circuit  
5 judge, all fines shall be paid to and deposited not less frequently than monthly into the municipal  
6 treasury and all court costs shall be accounted for and remitted to the state treasury in the same  
7 manner as provided by law for costs in misdemeanor cases.

8 3. The supreme court by administrative rule may provide for uniform procedure, and  
9 reporting forms for the collection and transmittal of fines and costs. Until modified or otherwise  
10 provided by such administrative rule, the municipal judge, or associate circuit judge hearing and  
11 determining violations of municipal ordinances, shall cause the clerk serving [his] **the judge's**  
12 division, within the first ten days of every month, to [make out a list of all the cases heard or tried  
13 before the judge] **provide the total number of cases filed, heard, or tried before the judge**  
14 **and total cases disposed** during the preceding month, giving in each case the name of the  
15 defendant, the fine imposed, if any, the amount of costs, the names of defendants committed and  
16 the cases in which there was an application for trial de novo, respectively. Such clerk or the  
17 judge shall verify such lists and statements by affidavit, and file the same forthwith with the clerk  
18 of the municipality, who shall lay the same before the governing body or the municipality at its  
19 first session thereafter. The official collecting fines shall, within the ten days aforesaid, pay to  
20 the municipal treasurer the full amount of all fines collected by him during the preceding month  
21 if not previously paid to the municipal treasurer.

479.260. 1. Municipalities by ordinance may provide for fees in an amount per case to  
2 be set pursuant to sections 488.010 to 488.020, RSMo, for each municipal ordinance violation  
3 case filed before a municipal judge, and in the event a defendant pleads guilty or is found guilty,  
4 the judge may assess costs against the defendant except in those cases where the defendant is  
5 found by the judge to be indigent and unable to pay the costs. **In the event the case is dismissed**  
6 **before the defendant pleads guilty or is found guilty, the municipal judge may assess**  
7 **municipal court costs as determined by section 488.012, RSMo, against the defendant if the**  
8 **defendant consents to paying the costs except in those cases where the defendant is found**  
9 **by the judge to be indigent and unable to pay the costs.** The fees authorized in this  
10 subsection are in addition to service charges, witness fees and jail costs that may otherwise be  
11 authorized to be assessed, but are in lieu of other court costs. The fees provided by this  
12 subsection shall be collected by the municipal division clerk in municipalities electing or

13 required to have violations of municipal ordinances tried before a municipal judge pursuant to  
14 section 479.020, or to employ judicial personnel pursuant to section 479.060, and disbursed as  
15 provided in subsection 1 of section 479.080. Any other court costs required in connection with  
16 such cases shall be collected and disbursed as provided in sections 488.010 to 488.020, RSMo;  
17 provided that, each municipal court may establish a judicial education fund in an account under  
18 the control of the municipal court to retain one dollar of the fees collected on each case and to  
19 use the fund only to pay for:

20 (1) The continuing education and certification required of the municipal judges by law  
21 or supreme court rule; and

22 (2) Judicial education and training for the court administrator and clerks of the municipal  
23 court.

24

25 Provided further, that no municipal court shall retain more than one thousand five hundred  
26 dollars in the fund for each judge, administrator or clerk of the municipal court. Any excess  
27 funds shall be transmitted quarterly to the general revenue fund of the county or municipal  
28 treasury.

29 2. In municipal ordinance violation cases which are filed in the associate circuit division  
30 of the circuit court, fees shall be assessed in each case in an amount to be set pursuant to sections  
31 488.010 to 488.020, RSMo. In the event a defendant pleads guilty or is found guilty, the judge  
32 shall assess costs against the defendant except in those cases where the defendant is found by the  
33 judge to be indigent and unable to pay the costs. In the event a defendant is acquitted or the case  
34 is dismissed, the judge shall not assess costs against the municipality. The costs authorized in  
35 this subsection are in addition to service charges, witness fees and jail costs that may otherwise  
36 be authorized to be assessed, but are in lieu of other court costs. The costs provided by this  
37 subsection shall be collected by the municipal division clerk in municipalities electing or  
38 required to have violations of municipal ordinances tried before a municipal judge pursuant to  
39 section 479.020, or to employ judicial personnel pursuant to section 479.060, and disbursed as  
40 provided in subsection 2 of section 479.080. Any other court costs required in connection with  
41 such cases shall be collected and disbursed as provided in sections 488.010 to 488.020, RSMo.

42 3. A municipality, when filing cases before an associate circuit judge, shall not be  
43 required to pay fees.

44 4. No fees for a judge, city attorney or prosecutor shall be assessed as costs in a  
45 municipal ordinance violation case.

46 5. In municipal ordinance violation cases, when there is an application for a trial de  
47 novo, there shall be an additional fee in an amount to be set pursuant to sections 488.010 to



48 488.020, RSMo, which shall be assessed in the same manner as provided in subsection 2 of this  
49 section.

50 6. Municipalities by ordinance may provide for a schedule of costs to be paid in  
51 connection with pleas of guilty which are processed in a traffic violations bureau. If a  
52 municipality files its municipal ordinance violation cases before a municipal judge, such costs  
53 shall not exceed the court costs authorized by subsection 1 of this section. If a municipality files  
54 its municipal ordinance violations cases in the associate circuit division of the circuit court, such  
55 costs shall not exceed the court costs authorized by subsection 2 of this section.

483.015. 1. At the general election in the year 1982, and every four years thereafter,  
2 except as herein provided and except as otherwise provided by law, circuit clerks shall be elected  
3 by the qualified voters of each county [and of the city of St. Louis], who shall be commissioned  
4 by the governor, and shall enter upon the discharge of their duties on the first day in January next  
5 ensuing their election, and shall hold their offices for the term of four years, and until their  
6 successors shall be duly elected and qualified, unless sooner removed from office.

7 2. The court administrator for Jackson County provided by the charter of Jackson County  
8 shall be selected as provided in the county charter and shall exercise all of the powers and duties  
9 of the circuit clerk of Jackson County. The director of judicial administration and the circuit  
10 clerk of St. Louis County shall be selected as provided in the charter of St. Louis County. **The**  
11 **court administrator for the twenty-second judicial circuit as provided by local rule shall**  
12 **have and exercise all of the powers and duties of the circuit clerk of the city of St. Louis.**  
13 **Insofar as this subsection pertains to the circuit clerk of the city of St. Louis, this**  
14 **subsection shall become effective on January 1, 2011. The circuit clerk of the city of St.**  
15 **Louis in office on the effective date of this subsection shall continue to hold such position**  
16 **until the expiration of his or her current term.**

17 3. When provision is made in a county charter for the appointment of a court  
18 administrator to perform the duties of a circuit clerk or for the appointment of a circuit clerk,  
19 such provisions shall prevail over the provisions of this chapter providing for a circuit clerk to  
20 be elected. The persons appointed to fill any such appointive positions shall be paid by the  
21 counties as provided by the county charter or ordinance; provided, however, that if provision is  
22 now or hereafter made by law for the salaries of circuit clerks to be paid by the state, the state  
23 shall pay over to the county a sum which is equivalent to the salary that would be payable by law  
24 by the state to an elected circuit clerk in such county if such charter provision was not in effect.  
25 The sum shall be paid in semimonthly or monthly installments, as designated by the  
26 commissioner of administration.

27           4. The circuit clerk in the sixth judicial circuit and in the seventh judicial circuit shall  
28 be appointed by a majority of the circuit judges and associate circuit judges of the circuit court,  
29 en banc. The circuit clerk in those circuits shall be removable for cause by a majority of the  
30 circuit judges and associate circuit judges of such circuit, en banc, in accordance with supreme  
31 court administrative rules governing court personnel. This subsection shall become effective on  
32 January 1, 2004, and the elected circuit clerks in those circuits in office at that time shall  
33 continue to hold such office for the remainder of their elected terms as if they had been appointed  
34 pursuant to the terms of this subsection.

          484.020. 1. No person shall engage in the practice of law or do law business, as defined  
2 in section 484.010, or both, unless he **or she** shall have been duly licensed therefor and while his  
3 license therefor is in full force and effect, nor shall any association, partnership, limited liability  
4 company or corporation, except a professional corporation organized pursuant to the provisions  
5 of chapter 356, RSMo, a limited liability company organized and registered pursuant to the  
6 provisions of chapter 347, RSMo, or a limited liability partnership organized or registered  
7 pursuant to the provisions of chapter 358, RSMo, engage in the practice of the law or do law  
8 business as defined in section 484.010, or both.

          2. Any person, association, partnership, limited liability company or corporation who  
10 shall violate the foregoing prohibition of this section [shall be] **is in violation of chapter 407,**  
11 **RSMo, and the remedies contained thereunder and is** guilty of a misdemeanor and upon  
12 conviction therefor shall be punished by a fine not exceeding one hundred dollars and costs of  
13 prosecution and shall be subject to be sued for treble the amount which shall have been paid him  
14 or it for any service rendered in violation hereof by the person, firm, association, partnership,  
15 limited liability company or corporation paying the same within two years from the date the same  
16 shall have been paid and if within said time such person, firm, association, partnership, limited  
17 liability company or corporation shall neglect and fail to sue for or recover such treble amount,  
18 then the state of Missouri shall have the right to and shall sue for such treble amount and recover  
19 the same and upon the recovery thereof such treble amount shall be paid into the treasury of the  
20 state of Missouri.

          3. **Any person adversely affected by the actions defined in section 484.010 may file**  
22 **an action under chapter 407, RSMo.** It is hereby made the duty of the attorney general of the  
23 state of Missouri or the prosecuting attorney of any county or city in which service of process  
24 may be had upon the person, firm, association, partnership, limited liability company or  
25 corporation liable hereunder, to institute all suits necessary, **including but not limited to an**  
26 **action under chapter 407, RSMo,** for the recovery by the state of Missouri of such amounts in  
27 the name and on behalf of the state.

485.077. 1. No judge of any court in this state shall appoint an official court reporter who is not a court reporter certified by the board of certified court reporter examiners, as provided in Supreme Court Rule 14. In the absence of an official court reporter due to illness, physical incapacity, death, dismissal or resignation, a judge may appoint a temporary court reporter, but such temporary court reporter shall not serve more than six months without obtaining a certificate pursuant to the provisions of Supreme Court Rule 14.

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

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

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

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

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

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

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

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

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

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

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

- 36           6. The provisions of subsection 5 of this section shall expire on December 31, 2012.]  
487.020. 1. In each circuit or a county having a family court, a majority of the circuit  
2 and associate circuit judges en banc, in the circuit, may appoint commissioners, subject to  
3 appropriations, to hear family court cases and make findings as provided for in sections 487.010  
4 to 487.190. Any person serving as a commissioner of the juvenile division of the circuit court  
5 on August 28, 1993, shall become a commissioner of the family court. In each circuit or a  
6 county therein having a family court, a majority of the circuit and associate circuit judges en banc  
7 may appoint, in addition to those commissioners serving as commissioners of the juvenile  
8 division and becoming commissioners of the family court pursuant to the provisions of sections  
9 487.020 to 487.040, no more than three additional commissioners to hear family court cases and  
10 make findings and recommendations as provided in sections 487.010 to 487.190. The number  
11 of additional commissioners added as a result of the provisions of sections 487.010 to 487.190  
12 may be appointed only to the extent that the state is reimbursed for the salaries of the  
13 commissioners as provided in sections 487.010 to 487.190 or by federal or county funds or by  
14 gifts or grants made for such purposes. A commissioner shall be appointed for a term of four  
15 years. Commissioners appointed pursuant to sections 487.020 to 487.040 shall serve in addition  
16 to circuit judges, associate circuit court judges and commissioners authorized to hear actions  
17 classified under section 487.080.
- 18           2. The circuit court in the eleventh judicial circuit may, in substitution of a family court  
19 commissioner currently appointed pursuant to this section whose salary is reimbursable, appoint  
20 one family court commissioner whose compensation shall be payable by the state without  
21 necessity of reimbursement. The provisions of this subsection shall not be construed to allow  
22 appointment of a family court commissioner in addition to the number of such family court  
23 commissioners holding office in the eleventh judicial circuit as of January 1, 1999, and the  
24 appointment of the state-paid commissioner shall be subject to appropriations for such purpose.
- 25           3. Each commissioner of the family court shall possess the same qualifications as a  
26 circuit judge. The compensation and retirement benefits of each commissioner shall be the same  
27 as that of an associate circuit judge, payable in the same manner and from the same source as that  
28 of an associate circuit judge.
- 29           **4. In each circuit or a county having a family court established under this chapter**  
30 **and a drug court commissioner appointed under chapter 478, RSMo, a majority of the**  
31 **circuit and associate circuit judges en banc, in the circuit, may appoint the drug court**  
32 **commissioner, if available and needed, to serve additional duty as a family court**  
33 **commissioner at no additional compensation. Such drug court commissioner shall meet**  
34 **all of the qualifications and possess all of the powers of a regular family court**

35 **commissioner under this chapter in all cases in which such commissioner is sitting as a**  
36 **family court commissioner. Prior to any such appointment, the circuit court shall obtain**  
37 **certification from the Drug Court Coordinating Commission, on an annual basis, that the**  
38 **drug court commissioner is available for additional duty. In granting such certification**  
39 **the Drug Court Coordinating Commission shall consider the drug court commissioner's**  
40 **primary purpose is operation of drug courts.**

488.012. 1. Beginning July 1, 1997, the clerk of each court of this state responsible for  
2 collecting court costs shall collect the court costs authorized by statute, in such amounts as are  
3 authorized by supreme court rule adopted pursuant to sections 488.010 to 488.020. Court costs  
4 due and payable prior to July 1, 1997, shall not be affected by the adoption of this rule.

5 2. The supreme court shall set the amount of court costs authorized by statute, at levels  
6 to produce revenue which shall not substantially exceed the total of the proportion of the costs  
7 associated with administration of the judicial system defrayed by fees, miscellaneous charges and  
8 surcharges.

9 3. Prior to adjustment by the supreme court, the following fees, costs and charges shall  
10 be collected:

11 (1) Five dollars for the filing of a lien, pursuant to section 429.090, RSMo;

12 (2) Ten dollars for maintaining child support enforcement records, pursuant to section  
13 452.345, RSMo;

14 (3) Ten dollars for a notice to a judgment creditor of a distributee, pursuant to section  
15 473.618, RSMo;

16 (4) Three dollars for receiving and keeping a will, pursuant to section 474.510, RSMo;

17 (5) Seven dollars for the statewide court automation fund, pursuant to section 476.053,  
18 RSMo;

19 (6) Twelve dollars for municipal court costs, fifteen dollars for municipal ordinance  
20 violations filed before an associate circuit judge and thirty dollars for applications for a trial de  
21 novo of a municipal ordinance violation, pursuant to section 479.260, RSMo;

22 (7) Five dollars for small claims court cases where less than one hundred dollars is in  
23 dispute, and ten dollars in all other small claims court cases, pursuant to section 482.345, RSMo;

24 (8) Fifty dollars for appeals, pursuant to section 483.500, RSMo;

25 (9) Fifteen dollars in misdemeanor cases where there is no application for trial de novo,  
26 pursuant to section 483.530, RSMo;

27 (10) Forty-five dollars for applications for a trial de novo for misdemeanor cases,  
28 pursuant to section 483.530, RSMo;

- 29 (11) Fifteen dollars for each preliminary hearing in felony cases, pursuant to section  
30 483.530, RSMo;
- 31 (12) Thirty dollars for each information or indictment filed in felony cases, pursuant to  
32 section 483.530, RSMo;
- 33 (13) Fifteen dollars for each associate circuit court case filed, and one dollar for each  
34 additional summons issued in such cases, pursuant to section 483.530, RSMo;
- 35 (14) Forty-five dollars for applications for trial de novo from small claims court and  
36 associate circuit court and forty-five dollars for filing of other cases, pursuant to section 483.530,  
37 RSMo;
- 38 (15) One dollar and fifty cents for a certificate of naturalization, pursuant to section  
39 483.535, RSMo;
- 40 (16) When letters are applied for in probate proceedings, pursuant to section 483.580,  
41 RSMo, when the value of the estate is:
- |  |         |
|--|---------|
| 42 (a) Less than \$10,000 .....          | \$75.00 |
| 43 (b) From \$10,000 to \$25,000 .....   | 115.00  |
| 44 (c) From \$25,000 to \$50,000 .....   | 155.00  |
| 45 (d) From \$50,000 to \$100,000 .....  | 245.00  |
| 46 (e) From \$100,000 to \$500,000 ..... | 305.00  |
| 47 (f) More than \$500,000 .....         | 365.00; |
- 48 (17) Thirty dollars for each additional twelve months a decedent's estate remains open,  
49 pursuant to section 483.580, RSMo;
- 50 (18) In proceedings regarding guardianships and conservatorships, pursuant to section  
51 483.580, RSMo:
- 52 (a) Twenty-five dollars for each grant of letters for guardianship of a minor;
- 53 (b) Fifty dollars for each grant of letters for guardianship of an incapacitated person;
- 54 (c) Sixty dollars for each grant of letters for guardianship of the person and  
55 conservatorship of the estate of a minor;
- 56 (d) Twenty-five dollars for each additional twelve months a conservatorship of a minor's  
57 estate case remains open;
- 58 (e) Seventy-five dollars for each grant of letters in guardianship and conservatorship of  
59 incapacitated persons and their estates;
- 60 (f) Thirty dollars for each additional twelve months an incapacitated person's case  
61 remains open;

- 62 (19) Fifteen dollars for issuing orders refusing to grant letters to a spouse or an  
63 unmarried minor child and thirty dollars for a certified copy of such orders, pursuant to section  
64 483.580, RSMo;
- 65 (20) In probate proceedings, pursuant to section 483.580, RSMo:
- 66 (a) Thirty-five dollars for the collection of small estates;
- 67 (b) Thirty-five dollars for involuntary hospitalization proceedings;
- 68 (c) Thirty dollars for proceedings to determine heirship;
- 69 (d) Fifteen dollars for assessment of estate taxes where no letters are granted;
- 70 (e) Fifty dollars for proceedings for the sale of real estate by a nonresident conservator;
- 71 (f) Forty dollars for proceedings to dispense with administration;
- 72 (g) Twenty dollars for proceedings to dispense with conservatorship;
- 73 (h) Twenty-five dollars for admitting a will to probate;
- 74 (i) One dollar per copied page and one dollar and fifty cents per certificate;
- 75 (21) One dollar and fifty cents per page for testimony transcription, pursuant to section  
76 485.100, RSMo;
- 77 (22) Fifteen dollars for court reporters, pursuant to section 485.120, RSMo;
- 78 (23) Three dollars for witness fees per day, and four dollars when the witness must travel  
79 to another county, pursuant to section 491.280, RSMo;
- 80 **(24) Three dollars for the circuit clerk's record preservation fund under section**  
81 **488.075.**

**488.075. 1. In addition to all other court costs provided by law, in all civil cases**  
2 **filed in the circuit courts of this state and in all criminal cases, including violations of any**  
3 **municipal or county ordinance heard by an associate circuit judge, or any violation of**  
4 **criminal traffic laws of this state, including an infraction, a fee in the amount of three**  
5 **dollars shall be assessed as costs under subdivision (24) of subsection 3 of section 488.012;**  
6 **except that, no such fee shall be collected in any proceeding involving a violation of an**  
7 **ordinance or state law when a criminal proceeding or defendant has been dismissed by the**  
8 **court or when costs are waived or are paid by the state, county, or municipality.**

9 **2. Two dollars of each fee collected by the clerks of the court under this section**  
10 **shall be retained by the circuit clerk and deposited in a circuit clerk fund to be used for**  
11 **record storage, microfilming, preservation, and public access of circuit court records,**  
12 **including anything necessarily pertaining thereto. The circuit clerk's record preservation**  
13 **fund shall be budgeted and expended by the circuit clerk and shall not be used to substitute**  
14 **for or subsidize any allocation of general revenue for the operation of the circuit clerk's**  
15 **office without the express consent of the circuit clerk. The circuit clerk's record**

16 preservation fund may be audited by the appropriate auditing agency, and any  
17 unexpended balance shall be left in the fund to accumulate from year-to-year with interest.

18       **3. One dollar of each fee collected by the clerks of the court under this section shall**  
19 **be forwarded to the office of the secretary of state to be utilized for additional preservation**  
20 **of local records. The state treasurer and the commissioner of administration shall establish**  
21 **an appropriate account within the state treasury and in accordance with the state's**  
22 **accounting methods.**

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

11       2. In addition, such fund may also be applied and expended for that county's or circuit's  
12 family services and justice fund.

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

488.5025. 1. In addition to any other assessment authorized by law, a court may assess  
2 a fee of twenty-five dollars on each person who pays a court-ordered judgment, penalty, fine,  
3 sanction, or court costs on a time-payment basis, including restitution and juvenile monetary  
4 assessments. A time-payment basis shall be any judgment, penalty, fine, sanction, or court cost  
5 not paid, in full, within thirty days of the date the court imposed the judgment, penalty fine,  
6 sanction, or court cost. Imposition of the time-payment fee shall be in addition to any other  
7 enforcement provisions authorized by law.

8       2. Ten dollars of the time-payment fee collected pursuant to this section shall be payable  
9 to the clerk of the court of the county, **or clerk of the court of the municipality**, from which  
10 such fee was collected, or to such person as is designated by local circuit court rule as treasurer  
11 of said fund, and said fund shall be applied and expended under the direction and order of the  
12 court en banc of any such county to be utilized by the court **where such fine is collected** to  
13 improve, maintain, and enhance the ability to collect and manage moneys assessed or received



14 by the courts, to improve case processing, enhance court security, preservation of the record, or  
15 to improve the administration of justice. Eight dollars of the time-payment fee shall be deposited  
16 in the statewide court automation fund pursuant to section 476.055, RSMo. Seven dollars of the  
17 time-payment fee shall be paid to the director of revenue, to be deposited to the general revenue  
18 fund.

**488.5032. In the event a criminal case is dismissed in a circuit court in this state  
2 before the defendant pleads guilty or is found guilty, the circuit judge may assess costs as  
3 determined by section 488.012, RSMo, against any defendant if the defendant consents to  
4 paying the costs except in those cases where the defendant is found by the judge to be  
5 indigent and unable to pay the costs.**

**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.

511.480. [1. Sections 511.460 to 511.480 shall be deemed to authorize the court where  
2 such transcript shall be filed to issue executions on such judgment or decree and to exercise all  
3 powers incident to the judgment including judgment debtor proceedings, and a scire facias to  
4 revive such judgment or decree or lien.

5           2.] Transcripts of judgments described in section 511.440 shall not authorize the courts  
6 where such transcripts shall be filed to issue executions thereon or to issue a scire facias to revive  
7 such judgments, but they shall issue and be sued out of the court where the original judgment or  
8 decree was rendered.

516.140. Within two years: An action for libel, slander, **injurious falsehood**, assault,  
2 battery, false imprisonment, criminal conversation, malicious prosecution or actions brought  
3 under section 290.140, RSMo. An action by an employee for the payment of unpaid minimum  
4 wages, unpaid overtime compensation or liquidated damages by reason of the nonpayment of  
5 minimum wages or overtime compensation, and for the recovery of any amount under and by  
6 virtue of the provisions of the Fair Labor Standards Act of 1938 and amendments thereto, such  
7 act being an act of Congress, shall be brought within two years after the cause accrued.

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

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

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

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

535.020. Whenever any rent has become due and payable, and payment has been demanded by the landlord or the landlord's agent from the lessee or person occupying the premises, and payment thereof has not been made, the landlord or agent may file a statement, verified by affidavit, with any associate circuit judge in the county in which the property is situated, setting forth the terms on which such property was rented, and the amount of rent actually due to such landlord; that the rent has been demanded from the tenant, lessee or person occupying the premises, and that payment has not been made, and substantially describing the property rented or leased. Giving the notice provided in section 441.060, RSMo, is not required prior to filing a statement or obtaining the relief provided in this chapter. In such case, the clerk of the court shall immediately issue a summons directed to such tenant or lessee and to all persons occupying the premises, by name, requiring them to appear before the judge upon a day to be therein named, and show cause why possession of the property should not be restored to the plaintiff. The landlord or agent may, in such an action for unpaid rent, join a claim for any other unpaid sums, other than property damages, regardless of how denominated or defined in the lease, to be paid by or on behalf of a tenant to a landlord for any purpose set forth in the lease; provided that such other sums shall not be considered rent for purposes of this chapter, and judgment for the landlord for recovery of such other sums shall not by itself entitle the landlord to an order for recovery of possession of the premises. **The court shall adopt a local court rule providing for the centralized filing of such cases and shall provide that such cases may be filed at any time that the court is open and shall require that such cases be recorded and**

21 **scheduled to be heard no later than thirty days after the date of filing.** The provisions of  
22 this section providing for the filing of a statement before an associate circuit judge shall not  
23 preclude [adoption of a local circuit court rule providing for the centralized filing of such cases,  
24 nor] the assignment of such cases to particular circuit or associate circuit judges pursuant to local  
25 circuit court rule or action by the presiding judge of the circuit. The case shall be heard and  
26 determined under the practice and procedure provided in the Missouri rules of civil procedure,  
27 except where otherwise provided by this chapter.

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.**

**537.800. Sections 537.800 to 537.808 shall be known as the "Missouri False Claims  
2 Act".**

**537.802. 1. As used in this section the following terms shall mean:**

2 (1) "Claim", includes any request or demand, whether under a contract or  
3 otherwise, for money or property which is made to a contractor, grantee, or other recipient  
4 if the government provides any portion of the money or property which is requested or  
5 demanded, or if the government will reimburse such contractor, grantee, or other recipient  
6 for any portion of the money or property which is requested or demanded;

7 (2) "Government", the state of Missouri, or political subdivision, including but not  
8 limited to any public school district, public charter school of the state, or municipal  
9 corporation;

10 (3) "Knowing" and "knowingly", that a person, with respect to information:

11 (a) Has actual knowledge of the information;

12 (b) Acts in deliberate ignorance of the truth or falsity of the information; or

13 (c) Acts in reckless disregard of the truth or falsity of the information;

14

15 and no proof of specific intent to defraud is required;

16           (4) "Person", any individual, entity, corporation, partnership or association, officer  
17 or employee of any state or private entity.

18           2. Any person who:

19           (1) Knowingly presents, or causes to be presented, false or fraudulent claim for  
20 payment or approval to an officer or employee of the state of Missouri, or political  
21 subdivision, or public school district, or public charter school of the state;

22           (2) Knowingly makes, uses, or causes to be made or used, a false record or  
23 statement to get a false or fraudulent claim paid or approved by the government;

24           (3) Conspires to defraud the government by getting a false or fraudulent claim  
25 allowed or paid;

26           (4) Has possession, custody, or control of property or money used, or to be used,  
27 by the government and, intending to defraud the government or willfully to conceal the  
28 property, delivers, or causes to be delivered, less property than the amount for which the  
29 person receives a certificate or receipt;

30           (5) Authorized to make or deliver a document certifying receipt of property used,  
31 or to be used, by the government and, intending to defraud the government, makes or  
32 delivers the receipt without completely knowing that the information on the receipt is true;

33           (6) Knowingly buys, or receives as a pledge of an obligation or debt, public  
34 property from an officer, employee, or agent of the government who lawfully may not sell  
35 or pledge the property;

36           (7) Knowingly makes, uses, or causes to be made or used, a false record or  
37 statement to conceal, avoid, or decrease an obligation to pay or transmit money or property  
38 to the government; or

39           (8) Violates section 105.452, 105.454, 576.010, 576.020, 576.030, 576.040, 576.050,  
40 or 576.080, RSMo;

41  
42 is liable to the state of Missouri, or political subdivision, or public school district, or public  
43 charter school of the state effected for a civil penalty of not less than ten thousand dollars  
44 and not more than one hundred thousand dollars, plus three times the amount of damages  
45 which the government sustains because of the act of that person, except that if the court  
46 finds that:

47           (a) The person committing the violation of this subsection furnished officials of the  
48 government entity responsible for investigating false claims violations with all information  
49 known to such person about the violation within thirty days after the date on which the  
50 defendant first obtained the information;

51           (b) Such person fully cooperated with any government investigation of such  
52 violation; and

53           (c) At the time such person furnished the government with the information about  
54 the violation, no criminal prosecution, civil action, or administrative action had  
55 commenced under this act with respect to such violation, and the person did not have  
56 actual knowledge of the existence of an investigation into such violation;

57

58 the court may assess not less than two times the amount of damages which the government  
59 sustains because of the act of the person. A person violating this subsection shall also be  
60 liable to the government for the costs of a civil action brought to recover any such penalty  
61 or damages.

62           3. Any information furnished under paragraphs (a) to (c) of subdivision (8) of  
63 subsection 2 of this section shall be exempt from disclosure under this section.

64           4. This section does not apply to claims, records, or statements made under the  
65 Internal Revenue Code of 1986, as amended.

          537.804. 1. The attorney general of Missouri diligently shall investigate a violation  
2 under section 537.802. If the attorney general finds that a person has violated or is  
3 violating section 537.802, the attorney general may bring a civil action under this section  
4 against the person.

5           2. (1) A person may bring a civil action for a violation of section 537.802 for the  
6 person and for the government. The action shall be brought in the name of the  
7 government. The action may be dismissed only if the court and the attorney general give  
8 written consent to the dismissal and their reasons for consenting.

9           (2) A copy of the complaint and written disclosure of substantially all material  
10 evidence and information the person possesses shall be served on the government under  
11 the Missouri Supreme Court rules of civil procedure. The complaint shall be filed in  
12 camera, shall remain under seal for at least sixty days, and shall not be served on the  
13 defendant until the court so orders. The government may elect to intervene and proceed  
14 with the action within sixty days after it receives both the complaint and material evidence  
15 information.

16           (3) The government may, for good cause shown, move the court for extensions of  
17 time during which the complaint remains under seal under subdivision (2) of this  
18 subsection. Any such motions may be supported by affidavits or other submissions in  
19 camera. The defendant shall not be required to respond to any complaint filed under this

20 section until thirty days after the complaint is unsealed and served upon the defendant  
21 under the Missouri Supreme Court rules of civil procedure.

22 (4) Before expiration of the sixty-day period or any extensions obtained under  
23 subdivision (3) of this subsection, the government shall:

24 (a) Proceed with the action, in which case the action shall be conducted by the  
25 government; or

26 (b) Notify the court that it declines to take over the action, in which case the person  
27 bringing the action shall have the right to conduct the action.

28 (5) When a person brings an action under this subsection, no person other than the  
29 government may intervene or bring a related action based on the facts underlying the  
30 pending action.

31 3. If the government proceeds with the action, it shall have the primary  
32 responsibility for prosecuting the action, and shall not be bound by an act of the person  
33 bringing the action. Such person shall have the right to continue as a party to the action,  
34 subject to the limitations set forth in subsection 4 of this section.

35 4. (1) The government may dismiss the action notwithstanding the objections of  
36 the person initiating the action if the person has been notified by the government of the  
37 filing of the motion and the court has provided the person with an opportunity for a  
38 hearing on the motion.

39 (2) The government may settle the action with the defendant notwithstanding the  
40 objections of the person initiating the action if the court determines, after a hearing, that  
41 the proposed settlement is fair, adequate, and reasonable under all the circumstances.  
42 Upon a showing of good cause, such hearing may be held in camera.

43 (3) Upon a showing by the government that unrestricted participation during the  
44 course of the litigation by the person initiating the action would interfere with or unduly  
45 delay the government's prosecution of the case, or would be repetitious, irrelevant, or for  
46 purposes of harassment, the court may, in its discretion, impose limitations on the person's  
47 participation, such as:

48 (a) Limiting the number of witnesses the person may call;

49 (b) Limiting the length of the testimony of such witnesses;

50 (c) Limiting the person's cross-examination of witnesses; or

51 (d) Otherwise limiting the participation by the person in the litigation.

52 (4) Upon a showing by the defendant that unrestricted participation during the  
53 course of the litigation by the person initiating the action would be for purposes of



54 harassment or would cause the defendant undue burden or unnecessary expense, the court  
55 may limit the participation by the person in the litigation.

56       5. If the government elects not to proceed with the action, the person who initiated  
57 the action shall have the right to conduct the action. If the government so requests, it shall  
58 be served with copies of all pleadings filed in the action and shall be supplied with copies  
59 of all deposition transcripts, at the government's expense. When a person proceeds with  
60 the action, the court, without limiting the status and rights of the person initiating the  
61 action, may nevertheless permit the government to intervene at a later date upon a showing  
62 of good cause.

63       6. Whether or not the government proceeds with the action, upon a showing by the  
64 government that certain actions of discovery by the person initiating the action would  
65 interfere with the government's investigation or prosecution of a criminal or civil matter  
66 arising out of the same facts, the court may stay such discovery for a period of not more  
67 than sixty days. Such showing shall be conducted in camera. The court may extend the  
68 sixty-day period upon a further showing in camera that the government has pursued the  
69 criminal or civil investigation or proceedings with reasonable diligence and any proposed  
70 discovery in the civil action will interfere with the ongoing criminal or civil investigation  
71 or proceedings.

72       7. Notwithstanding subsection 2 of this section, the government may elect to pursue  
73 its claim through any alternate remedy available to the government, including any  
74 administrative proceeding to determine a civil money penalty. If any such alternate  
75 remedy is pursued in another proceeding, the person initiating the action shall have the  
76 same rights in such proceeding as such person would have had if the action had continued  
77 under this section. Any finding of fact or conclusion of law made in such other proceeding  
78 that has become final shall be conclusive on all parties to an action under this section. For  
79 purposes of the preceding sentence, a finding or conclusion is final if it has been finally  
80 determined on appeal to the appropriate court of the United States, if all time for filing  
81 such an appeal with respect to the finding or conclusion has expired, or if the finding or  
82 conclusion is not subject to judicial review.

537.806. 1. If the government proceeds with an action brought by a person under  
2 subsection 2 of section 537.804, such person shall, subject to the second sentence of this  
3 subsection, receive at least fifteen percent but not more than twenty-five percent of the  
4 proceeds of the action or settlement of the claim, depending upon the extent to which the  
5 person substantially contributed to the prosecution of the action. Where the action is one  
6 which the court finds to be based primarily on disclosures of specific information, other

7 than information provided by the person bringing the action, relating to allegations or  
8 transactions in a criminal, civil, or administrative hearing, in a congressional,  
9 administrative, or government report, hearing, audit, or investigation, or from the news  
10 media, the court may award such sums as it considers appropriate, but in no case more  
11 than ten percent of the proceeds, taking into account the significance of the information  
12 and the role of the person bringing the action in advancing the case to litigation. Any  
13 payment to a person under the first or second sentence of this subsection shall be made  
14 from the proceeds. Any such person shall also receive an amount for reasonable expenses  
15 which the court finds to have been necessarily incurred, plus reasonable attorneys' fees and  
16 costs. All such expenses, fees, and costs shall be awarded against the defendant.

17       2. If the government does not proceed with an action under subsection 2 of section  
18 537.804, the person bringing the action or settling the claim shall receive an amount which  
19 the court decides is reasonable for collecting the civil penalty and damages. The amount  
20 shall not be less than twenty-five percent and not more than thirty percent of the proceeds  
21 of the action or settlement and shall be paid out of such proceeds. Such person shall also  
22 receive an amount for reasonable expenses which the court finds to have been necessarily  
23 incurred, plus reasonable attorneys' fees and costs. All such expenses, fees, and costs shall  
24 be awarded against the defendant.

25       3. Whether or not the government proceeds with the action, if the court finds that  
26 the action was brought by a person who planned and initiated the violation of section  
27 537.802 upon which the action was brought, then the court may, to the extent the court  
28 considers appropriate, reduce the share of the proceeds of the action which the person  
29 would otherwise receive under subsection 1 or 2 of this section, taking into account the role  
30 of that person in advancing the case to litigation and any relevant circumstances pertaining  
31 to the violation. If the person bringing the action is convicted of criminal conduct arising  
32 from his or her role in the violation of section 537.802, that person shall be dismissed from  
33 the civil action and shall not receive any share of the proceeds of the action. Such dismissal  
34 shall not prejudice the right of the government to continue the action, represented by the  
35 attorney general.

36       4. If the government does not proceed with the action and the person bringing the  
37 action conducts the action, the court may award to the defendant its reasonable attorneys'  
38 fees and expenses if the defendant prevails in the action and the court finds that the claim  
39 of the person bringing the action was clearly frivolous, clearly vexatious, or brought  
40 primarily for purposes of harassment.

41           **5. (1) No court shall have jurisdiction over an action brought by a former or**  
42 **present member of the armed forces under subsection 2 of section 537.804 against a**  
43 **member of the armed forces arising out of such person's service in the armed forces.**

44           **(2) No court shall have jurisdiction over an action brought under subsection 2 of**  
45 **section 537.804 against a member of the legislature, a member of the judiciary, or a senior**  
46 **executive branch official if the action is based on evidence or information known to the**  
47 **government when the action was brought.**

48           **(3) In no event may a person bring an action under subsection 2 of section 537.804**  
49 **which is based upon allegations or transactions which are the subject of a civil suit or an**  
50 **administrative civil money penalty proceeding in which the government is already a party.**

51           **(4) No court shall have jurisdiction over an action under section 537.804 based**  
52 **upon the public disclosure of allegations or transactions in a criminal, civil, or**  
53 **administrative hearing, in a legislative, administrative, or government report, hearing,**  
54 **audit, or investigation, or from the news media, unless the action is brought by the attorney**  
55 **general or the person bringing the action is an original source of the information.**

56           **6. As used in this section "original source" means an individual who has direct and**  
57 **independent knowledge of the information on which the allegations are based and has**  
58 **voluntarily provided the information to the government before filing an action under**  
59 **section 537.804 which is based on the information.**

60           **7. The government is not liable for expenses which a person incurs in bringing an**  
61 **action under section 537.804.**

**537.808. 1. In civil actions brought under section 537.804 by the state of Missouri**  
2 **the provisions of sections 537.800 to 537.808 shall apply.**

3           **2. Any employee who is discharged, demoted, suspended, threatened, harassed, or**  
4 **in any other manner discriminated against in the terms and conditions of employment by**  
5 **his or her employer because of lawful acts done by the employee on behalf of the employee**  
6 **or others in furtherance of an action under this section, including investigation for,**  
7 **initiation of, testimony for, or assistance in an action filed or to be filed under section**  
8 **537.804, shall be entitled to all relief necessary to make the employee whole. Such relief**  
9 **shall include reinstatement with the same seniority status such employee would have had**  
10 **but for the discrimination, two times the amount of back pay, interest on the back pay, and**  
11 **compensation for any special damages sustained as a result of the discrimination, including**  
12 **litigation costs and reasonable attorneys' fees. An employee may bring an action in the**  
13 **appropriate circuit court for the relief provided in this subsection.**

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.]

550.040. In all capital cases, and those in which imprisonment in the penitentiary is the  
2 sole punishment for the offense, if the defendant is acquitted, the costs shall be paid by the state;  
3 and in all other trials on indictments or information, if the defendant is acquitted, the costs shall  
4 be paid by the county in which the indictment was found or information filed[, except when the  
5 prosecutor shall be adjudged to pay them or it shall be otherwise provided by law].

556.036. 1. A prosecution for murder, forcible rape, attempted forcible rape, forcible  
2 sodomy, attempted forcible sodomy, or any class A felony may be commenced at any time.

3 2. Except as otherwise provided in this section, prosecutions for other offenses must be  
4 commenced within the following periods of limitation:

5 (1) For any felony, three years;

6 (2) For any misdemeanor, one year;

7 (3) For any infraction, six months.

8 3. If the period prescribed in subsection 2 of this section has expired, a prosecution may  
9 nevertheless be commenced for:

10 (1) Any offense a material element of which is either fraud or a breach of fiduciary  
11 obligation within one year after discovery of the offense by an aggrieved party or by a person  
12 who has a legal duty to represent an aggrieved party and who is himself or herself not a party to  
13 the offense, but in no case shall this provision extend the period of limitation by more than three  
14 years. As used in this subdivision, the term "person who has a legal duty to represent an  
15 aggrieved party" shall mean the attorney general or the prosecuting or circuit attorney having  
16 jurisdiction pursuant to section 407.553, RSMo, for purposes of offenses committed pursuant  
17 to sections 407.511 to 407.556, RSMo; and

18 (2) Any offense based upon misconduct in office by a public officer or employee at any  
19 time when the defendant is in public office or employment or within two years thereafter, but in  
20 no case shall this provision extend the period of limitation by more than three years; [and]

21 (3) Any offense based upon an intentional and willful fraudulent claim of child support  
22 arrearage to a public servant in the performance of his or her duties within one year after

23 discovery of the offense, but in no case shall this provision extend the period of limitation by  
24 more than three years; **and**

25 **(4) Any violation of sections 569.010 to 569.055, RSMo, within five years.**

26 4. An offense is committed either when every element occurs, or, if a legislative purpose  
27 to prohibit a continuing course of conduct plainly appears, at the time when the course of  
28 conduct or the defendant's complicity therein is terminated. Time starts to run on the day after  
29 the offense is committed.

30 5. A prosecution is commenced for a misdemeanor or infraction when the information  
31 is filed and for a felony when the complaint or indictment is filed.

32 6. The period of limitation does not run:

33 (1) During any time when the accused is absent from the state, but in no case shall this  
34 provision extend the period of limitation otherwise applicable by more than three years; or

35 (2) During any time when the accused is concealing himself from justice either within  
36 or without this state; or

37 (3) During any time when a prosecution against the accused for the offense is pending  
38 in this state; or

39 (4) During any time when the accused is found to lack mental fitness to proceed pursuant  
40 to section 552.020, RSMo.

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.

566.226. 1. After August 28, 2007, any information contained in any court record,  
2 whether written or published on the Internet, that could be used to identify or locate any victim  
3 of sexual assault, domestic assault, stalking, or forcible rape shall be closed and redacted from  
4 such record prior to disclosure to the public. Identifying information shall include the name,  
5 home or temporary address, telephone number, Social Security number or physical  
6 characteristics.

7 2. If the court determines that a person or entity who is requesting identifying  
8 information of a victim has a legitimate interest in obtaining such information, the court may  
9 allow access to the information, but only if the court determines that disclosure to the person or  
10 entity would not compromise the welfare or safety of such victim.

11 **3. Notwithstanding the provisions of subsection 1 of this section, the judge**  
12 **presiding over a domestic assault case shall have the discretion to publicly disclose**  
13 **identifying information regarding the defendant which could be used to identify or locate**  
14 **the victim of the crime. The victim may provide a statement to the court regarding**  
15 **whether he or she desires such information to remain closed. When making the decision**  
16 **to disclose such information, the judge shall consider the welfare and safety of the victim**  
17 **and any statement to the court received by the victim regarding the disclosure.**

595.209. 1. The following rights shall automatically be afforded to victims of dangerous  
2 felonies, as defined in section 556.061, RSMo, victims of murder in the first degree, as defined  
3 in section 565.020, RSMo, victims of voluntary manslaughter, as defined in section 565.023,

4 RSMo, and victims of an attempt to commit one of the preceding crimes, as defined in section  
5 564.011, RSMo; and, upon written request, the following rights shall be afforded to victims of  
6 all other crimes and witnesses of crimes:

7 (1) For victims, the right to be present at all criminal justice proceedings at which the  
8 defendant has such right, including juvenile proceedings where the offense would have been a  
9 felony if committed by an adult, even if the victim is called to testify or may be called to testify  
10 as a witness in the case;

11 (2) For victims, the right to information about the crime, as provided for in subdivision  
12 (5) of this subsection;

13 (3) For victims and witnesses, to be informed, in a timely manner, by the prosecutor's  
14 office of the filing of charges, preliminary hearing dates, trial dates, continuances and the final  
15 disposition of the case. Final disposition information shall be provided within five days;

16 (4) For victims, the right to confer with and to be informed by the prosecutor regarding  
17 bail hearings, guilty pleas, pleas under chapter 552, RSMo, or its successors, hearings, sentencing  
18 and probation revocation hearings and the right to be heard at such hearings, including juvenile  
19 proceedings, unless in the determination of the court the interests of justice require otherwise;

20 (5) The right to be informed by local law enforcement agencies, the appropriate juvenile  
21 authorities or the custodial authority of the following:

22 (a) The status of any case concerning a crime against the victim, including juvenile  
23 offenses;

24 (b) The right to be informed by local law enforcement agencies or the appropriate  
25 juvenile authorities of the availability of victim compensation assistance, assistance in obtaining  
26 documentation of the victim's losses, including, but not limited to and subject to existing law  
27 concerning protected information or closed records, access to copies of complete, unaltered,  
28 unedited investigation reports of motor vehicle, pedestrian, and other similar accidents upon  
29 request to the appropriate law enforcement agency by the victim or the victim's representative,  
30 and emergency crisis intervention services available in the community;

31 (c) Any release of such person on bond or for any other reason;

32 (d) Within twenty-four hours, any escape by such person from a municipal detention  
33 facility, county jail, a correctional facility operated by the department of corrections, mental  
34 health facility, or the division of youth services or any agency thereof, and any subsequent  
35 recapture of such person;

36 (6) For victims, the right to be informed by appropriate juvenile authorities of probation  
37 revocation hearings initiated by the juvenile authority and the right to be heard at such hearings  
38 or to offer a written statement, video or audio tape, **counsel** or a [statement by counsel or a]

39 representative designated by the victim [on behalf of the victim] in lieu of a personal appearance,  
40 the right to be informed by the board of probation and parole of probation revocation hearings  
41 initiated by the board and of parole hearings, the right to be present at each and every phase of  
42 parole hearings, the right to be heard at probation revocation and parole hearings or to offer a  
43 written statement, video or audio tape, **counsel or a representative designated by the victim**  
44 in lieu of a personal appearance, and the right to have, upon written request of the victim, a  
45 partition set up in the probation or parole hearing room in such a way that the victim is shielded  
46 from the view of the probationer or parolee, and the right to be informed by the custodial mental  
47 health facility or agency thereof of any hearings for the release of a person committed pursuant  
48 to the provisions of chapter 552, RSMo, the right to be present at such hearings, the right to be  
49 heard at such hearings or to offer a written statement, video or audio tape, **counsel** or a  
50 [statement by counsel or a] representative designated by the victim in lieu of personal  
51 appearance;

52 (7) For victims and witnesses, upon their written request, the right to be informed by the  
53 appropriate custodial authority, including any municipal detention facility, juvenile detention  
54 facility, county jail, correctional facility operated by the department of corrections, mental health  
55 facility, division of youth services or agency thereof if the offense would have been a felony if  
56 committed by an adult, postconviction or commitment pursuant to the provisions of chapter 552,  
57 RSMo, of the following:

58 (a) The projected date of such person's release from confinement;

59 (b) Any release of such person on bond;

60 (c) Any release of such person on furlough, work release, trial release, electronic  
61 monitoring program, or to a community correctional facility or program or release for any other  
62 reason, in advance of such release;

63 (d) Any scheduled parole or release hearings, including hearings under section 217.362,  
64 RSMo, regarding such person and any changes in the scheduling of such hearings. No such  
65 hearing shall be conducted without thirty days' advance notice;

66 (e) Within twenty-four hours, any escape by such person from a municipal detention  
67 facility, county jail, a correctional facility operated by the department of corrections, mental  
68 health facility, or the division of youth services or any agency thereof, and any subsequent  
69 recapture of such person;

70 (f) Any decision by a parole board, by a juvenile releasing authority or by a circuit court  
71 presiding over releases pursuant to the provisions of chapter 552, RSMo, or by a circuit court  
72 presiding over releases under section 217.362, RSMo, to release such person or any decision by  
73 the governor to commute the sentence of such person or pardon such person;



74 (g) Notification within thirty days of the death of such person;

75 (8) For witnesses who have been summoned by the prosecuting attorney and for victims,  
76 to be notified by the prosecuting attorney in a timely manner when a court proceeding will not  
77 go on as scheduled;

78 (9) For victims and witnesses, the right to reasonable protection from the defendant or  
79 any person acting on behalf of the defendant from harm and threats of harm arising out of their  
80 cooperation with law enforcement and prosecution efforts;

81 (10) For victims and witnesses, on charged cases or submitted cases where no charge  
82 decision has yet been made, to be informed by the prosecuting attorney of the status of the case  
83 and of the availability of victim compensation assistance and of financial assistance and  
84 emergency and crisis intervention services available within the community and information  
85 relative to applying for such assistance or services, and of any final decision by the prosecuting  
86 attorney not to file charges;

87 (11) For victims, to be informed by the prosecuting attorney of the right to restitution  
88 which shall be enforceable in the same manner as any other cause of action as otherwise  
89 provided by law;

90 (12) For victims and witnesses, to be informed by the court and the prosecuting attorney  
91 of procedures to be followed in order to apply for and receive any witness fee to which they are  
92 entitled;

93 (13) When a victim's property is no longer needed for evidentiary reasons or needs to be  
94 retained pending an appeal, the prosecuting attorney or any law enforcement agency having  
95 possession of the property shall, upon request of the victim, return such property to the victim  
96 within five working days unless the property is contraband or subject to forfeiture proceedings,  
97 or provide written explanation of the reason why such property shall not be returned;

98 (14) An employer may not discharge or discipline any witness, victim or member of a  
99 victim's immediate family for honoring a subpoena to testify in a criminal proceeding, attending  
100 a criminal proceeding, or for participating in the preparation of a criminal proceeding, or require  
101 any witness, victim, or member of a victim's immediate family to use vacation time, personal  
102 time, or sick leave for honoring a subpoena to testify in a criminal proceeding, attending a  
103 criminal proceeding, or participating in the preparation of a criminal proceeding;

104 (15) For victims, to be provided with creditor intercession services by the prosecuting  
105 attorney if the victim is unable, as a result of the crime, temporarily to meet financial obligations;

106 (16) For victims and witnesses, the right to speedy disposition of their cases, and for  
107 victims, the right to speedy appellate review of their cases, provided that nothing in this  
108 subdivision shall prevent the defendant from having sufficient time to prepare such defendant's

109 defense. The attorney general shall provide victims, upon their written request, case status  
110 information throughout the appellate process of their cases. The provisions of this subdivision  
111 shall apply only to proceedings involving the particular case to which the person is a victim or  
112 witness;

113 (17) For victims and witnesses, to be provided by the court, a secure waiting area during  
114 court proceedings and to receive notification of the date, time and location of any hearing  
115 conducted by the court for reconsideration of any sentence imposed, modification of such  
116 sentence or recall and release of any defendant from incarceration;

117 **(18) For victims, the right to receive upon request from the department of**  
118 **corrections a photograph taken of the defendant prior to release from incarceration.**

119 2. The provisions of subsection 1 of this section shall not be construed to imply any  
120 victim who is incarcerated by the department of corrections or any local law enforcement agency  
121 has a right to be released to attend any hearing or that the department of corrections or the local  
122 law enforcement agency has any duty to transport such incarcerated victim to any hearing.

123 3. Those persons entitled to notice of events pursuant to the provisions of subsection 1  
124 of this section shall provide the appropriate person or agency with their current addresses and  
125 telephone numbers or the addresses or telephone numbers at which they wish notification to be  
126 given.

127 4. Notification by the appropriate person or agency utilizing the statewide automated  
128 crime victim notification system as established in section 650.310, RSMo, shall constitute  
129 compliance with the victim notification requirement of this section. If notification utilizing the  
130 statewide automated crime victim notification system cannot be used, then written notification  
131 shall be sent by certified mail to the most current address provided by the victim.

132 5. Victims' rights as established in section 32 of article I of the Missouri Constitution or  
133 the laws of this state pertaining to the rights of victims of crime shall be granted and enforced  
134 regardless of the desires of a defendant and no privileges of confidentiality shall exist in favor  
135 of the defendant to exclude victims or prevent their full participation in each and every phase of  
136 parole hearings or probation revocation hearings. The rights of the victims granted in this section  
137 are absolute and the policy of this state is that the victim's rights are paramount to the defendant's  
138 rights. The victim has an absolute right to be present at any hearing in which the defendant is  
139 present before a probation and parole hearing officer.

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 to the clients of the division of**  
9 **developmental disabilities as an agent of the division in a defined region.**

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

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

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

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

21 6. The department shall promulgate regulations within twelve months of August 28,  
22 1990, regulating the manner in which they will contract and designate and revoke designations  
23 of providers under this section. Such regulations shall not be required when the parties to such  
24 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. Notwithstanding any other provision of law to the contrary, in any  
2 proceeding for modification of child support, the state or any political subdivision of the  
3 state shall not be required to represent any party to such proceeding if such party's income  
4 equals or exceeds three hundred percent of the federal poverty level.**

**Section 2. 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 3. The department of agriculture shall not retain, contract, or otherwise use  
2 the services or personnel of any nonprofit organization for the purpose of inspection or  
3 licensing of any animal shelter, pound or dog pound, boarding kennel, commercial kennel,  
4 contract kennel, pet shop, or exhibition facility, or for any purpose regarding the  
5 administration of sections 273.325 to 273.357, RSMo. No person employed, affiliated with,  
6 or who is a former or current member of a nonprofit organization organized for the  
7 purposes of promoting animal rights or welfare shall be employed or appointed as the state  
8 veterinarian's designee or animal welfare official, or otherwise be affiliated in any manner  
9 with the department of agriculture.**

**Section 4. Sections 537.800 to 537.808, RSMo, shall not apply to hospitals and  
2 medical providers governed under sections 191.900 to 191.910 or section 208.164, RSMo.**

**Section 5. All public advertisements and orders of publication required by law to  
2 be made, including but not limited to amendments to the Missouri Constitution, legal  
3 publications affecting all sales of real estate under a power of sale contained in any  
4 mortgage or deed of trust, and other legal publications affecting the title to real estate, shall  
5 be published in a newspaper of general circulation, qualified under the provisions of  
6 section 493.050, RSMo, and persons responsible for orders of publication described in  
7 sections 443.310 and 443.320, RSMo, shall be subject to the prohibitions in sections 493.130  
8 and 493.140, RSMo.**

2 [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

3 August of each year cut the same down to a height of not more than five feet, and  
4 any owner of such fence failing to comply with this section shall forfeit and pay  
5 to the capital school fund of the county wherein such fence is situated not less  
6 than fifty nor more than five hundred dollars, to be recovered in a civil action in  
7 the name of the county upon the relation of the prosecuting attorney, and any  
8 judgment of forfeiture obtained shall be a lien upon the real estate of the owner  
9 of such fence upon which same is situated, and a special execution shall issue  
10 against said real estate and no exemption shall be allowed.

11 2. Any prosecuting attorney who shall fail or refuse to institute suit as  
12 herein provided within thirty days after being notified by any road overseer,  
13 county or state highway engineer, that any hedge fence has not been cut down to  
14 the height herein required within the time required, shall be removed from office  
15 by the governor and some other person appointed to fill the vacancy thus created.  
16 The cutting of any such fence after the time herein required shall not be a defense  
17 to the action herein provided for.]  
18

2 [452.440. Sections 452.440 to 452.550 may be cited as the "Uniform  
3 Child Custody Jurisdiction Act".]

2 [452.445. As used in sections 452.440 to 452.550:

3 (1) "Custody determination" means a court decision and court orders and  
4 instructions providing for the custody of a child, including visitation rights. This  
5 term does not include a decision relating to child support or any other monetary  
6 obligation of any person; but the court shall have the right in any custody  
7 determination where jurisdiction is had pursuant to section 452.460 and where  
8 it is in the best interest of the child to adjudicate the issue of child support;

9 (2) "Custody proceeding" includes proceedings in which a custody  
10 determination is one of several issues, such as an action for dissolution of  
11 marriage, legal separation, separate maintenance, appointment of a guardian of  
12 the person, child neglect or abandonment, but excluding actions for violation of  
13 a state law or municipal ordinance;

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

17 (4) "Home state" means the state in which, immediately preceding the  
18 filing of custody proceeding, the child lived with his parents, a parent, an  
19 institution; or a person acting as parent, for at least six consecutive months; or,  
20 in the case of a child less than six months old, the state in which the child lived  
21 from birth with any of the persons mentioned. Periods of temporary absence of  
22 any of the named persons are counted as part of the six-month or other period;

23 (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.]

[452.460. 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;



6 (2) In the manner prescribed by the law of the place in which the service  
7 is made for service of process in that place in an action in any of its courts of  
8 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  
before making a decree if it finds that it is an inconvenient forum to make a

4 custody determination under the circumstances of the case and that a court of  
5 another state is a more appropriate forum.

6 2. A finding that a court is an inconvenient forum under subsection 1  
7 above may be made upon the court's own motion or upon the motion of a party  
8 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

[452.475. 1. If the petitioner for an initial decree has wrongfully taken  
2 the child from another state or has engaged in similar reprehensible conduct, the  
3 court may decline to exercise jurisdiction if this is just and proper under the  
4 circumstances.

5           2. Unless required in the interest of the child, the court shall not exercise  
6 its jurisdiction to modify a custody decree of another state if the petitioner,  
7 without consent of the person entitled to custody, has improperly removed the  
8 child from the physical custody of the person entitled to custody or has  
9 improperly retained the child after a visit or other temporary relinquishment of  
10 physical custody. If the petitioner has violated any other provision of a custody  
11 decree of another state, the court may decline to exercise its jurisdiction if this is  
12 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

2           [452.480. 1. In his first pleading, or in an affidavit attached to that  
3 pleading, every party in a custody proceeding shall give information under oath  
4 as to the child's present address, with whom the child is presently living and with  
5 whom and where the child lived, other than on a temporary basis, within the past  
6 six months. In this pleading or affidavit every party shall further declare under  
7 oath whether:

8           (1) He has participated in any capacity in any other litigation concerning  
9 the custody of the same child in this or any other state;

10           (2) He has information of any custody proceeding concerning the child  
11 pending in a court of this or any other state; and

12           (3) He knows of any person not a party to the proceedings who has  
13 physical custody of the child or claims to have custody or visitation rights with  
14 respect to the child.

15           2. If the declaration as to any of the items listed in subdivisions (1)  
16 through (3) of subsection 1 above is in the affirmative, the declarant shall give  
17 additional information under oath as required by the court. The court may  
18 examine the parties under oath as to details of the information furnished and as  
19 to other matters pertinent to the court's jurisdiction and the disposition of the  
20 case.

21           3. Each party has a continuing duty to inform the court of any change in  
22 information required by subsection 1 of this section.]

2           [452.485. If the court learns from information furnished by the parties  
3 pursuant to section 452.480 or from other sources that a person not a party to the  
4 custody proceeding has physical custody of the child or claims to have custody  
5 or visitation rights with respect to the child, it may order that person to be joined  
6 as a party and to be duly notified of the pendency of the proceeding and of his  
7 joinder as a party. If the person joined as a party is outside this state he shall be  
8 served with process or otherwise notified in accordance with section 452.460.]

[452.490. 1. The court may order any party to the proceeding who is in this state to appear personally before the court. If the court finds the physical presence of the child in court to be in the best interests of the child, the court may order that the party who has physical custody of the child appear personally with the child.

2. If a party to the proceeding whose presence is desired by the court is outside this state, with or without the child, the court may order that the notice given under section 452.460 include a statement directing that party to appear personally with or without the child.

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

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

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

[452.495. A custody decree rendered by a court of this state which had jurisdiction under section 452.450 binds all parties who have been served in this state or notified in accordance with section 452.460, or who have submitted to the jurisdiction of the court, and who have been given an opportunity to be heard. As to these parties the custody decree is conclusive as to all issues of law and fact decided and as to the custody determination made, unless and until that determination is modified pursuant to law, including the provisions of section 452.410 and sections 452.440 to 452.550.]

[452.500. The courts of this state shall recognize and enforce an initial or modification decree of a court of another state which had assumed jurisdiction under statutory provisions substantially in accordance with sections 452.440 to 452.550, or which was made under factual circumstances meeting the

5 jurisdictional standards of sections 452.440 to 452.550, so long as this decree has  
6 not been modified in accordance with jurisdictional standards substantially  
7 similar to those of sections 452.440 to 452.550.]  
8

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  
5 state. A custody decree so filed has the same effect and shall be enforced in like  
6 manner as a custody decree rendered by a court of this state.

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

2 [452.515. The clerk of each circuit court shall maintain a registry in  
3 which he shall enter the following:

4 (1) Certified copies of custody decrees of other states received for filing;  
5 (2) Communications as to the pendency of custody proceedings in other  
6 states;

7 (3) Communications concerning findings of inconvenient forum under  
8 section 452.470 by a court of another state; and

9 (4) Other communications or documents concerning custody proceedings  
10 in another state which in the opinion of the circuit judge may affect the  
11 jurisdiction of a court of this state or the disposition to be made by it in a custody  
12 proceeding.]

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  
deposition or otherwise, in another state. The court on its own motion may direct

5 that the testimony of a person be taken in another state and may prescribe the  
6 manner in which and the terms upon which the testimony shall be taken.]  
7

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  
13 with the child. The request may state that travel and other necessary expenses of  
14 the party and of the child whose appearance is desired will be assessed against the  
15 appropriate party.]

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  
8 therefor, be forwarded to the requesting court.

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

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

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  
concerning a child involved in a custody proceeding pending in a court of this

3 state, the court of this state, upon taking jurisdiction of the case, shall request of  
4 the court of the other state a certified copy of the transcript of any court record  
5 and other documents mentioned in section 452.540.]  
6

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.]

2 [517.141. On demand of any person interested therein, whether by  
3 assignment or otherwise, every clerk or officer who shall be in possession of the  
4 record of judgment shall give to such person a certified transcript of such  
5 judgment. Upon production of any such transcript, the clerk of the circuit court  
6 of the county in which the judgment was rendered shall record the same in his  
7 permanent record of circuit court judgments, and note therein the date and hour  
8 of its filing.]

2 [517.151. From the time of filing the transcript, every such judgment  
3 shall have the same lien on the real estate of the defendant in the county as is  
4 given judgments rendered by circuit judges. The circuit clerk shall collect fees  
5 in such amounts as are determined pursuant to sections 488.010 to 488.020,  
6 RSMo, for each transcript filed. The revival of any such lien upon real estate  
7 shall be under the same procedures as with judgments originally rendered by a  
8 circuit judge, shall be made from the record of the transcribed judgment so filed  
9 in the office of circuit clerk, and may be revived under proceedings before either  
10 a circuit or an associate circuit judge. The foregoing provisions shall not apply  
11 with respect to any judgment of a small claims court nor shall any judgment of  
12 a small claims court be a lien upon real estate.]

2 [550.050. 1. Every person who shall institute any prosecution to recover  
3 a fine, penalty or forfeiture shall be adjudged to pay all costs if the defendant is  
4 acquitted although he may not be entitled to any part of the same.

5 2. When such prosecutions are commenced by a public officer whose  
6 duty it is to institute the same, and the defendant is acquitted, the county shall pay  
7 the costs; if he is convicted, and unable to pay the costs, the county shall pay all  
8 the costs, except such as were incurred on the part of the defendant.]

2 [550.070. If a person, charged with a felony, shall be discharged by the  
3 officer taking his examination, the costs shall be paid by the prosecutor or person  
4 on whose oath the prosecution was instituted, and the officer taking such  
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  
3 defendant shall be acquitted or discharged, and the prosecutor or prosecuting  
4 witness shall be liable to pay the costs according to law, judgment shall be  
5 rendered against such prosecutor for the costs in the case, and in no such case  
6 shall the same be paid by either the county or state.]

2 [550.090. When the proceedings are prosecuted before any associate  
3 circuit judge, at the instance of the injured party, for the disturbance of the peace  
4 of a person, or for libel or slander, or for any trespass against the person or  
5 property of another, not amounting to a felony, except for petit larceny, the name  
6 of such injured party shall be entered by the associate circuit judge on his record  
7 as a prosecutor; and if the defendant shall be discharged or acquitted, such  
8 prosecutor shall be adjudged to pay the costs not otherwise adjudged; and in  
9 every other case of acquittal, if the associate circuit judge or jury trying the case  
10 shall state in the finding that the prosecution was malicious or without probable  
11 cause, the associate circuit judge shall enter judgment for costs against the  
12 prosecution or party at whose instance the information was filed, and shall issue  
13 execution therefor; but in no case shall the prosecuting attorney be liable for  
14 costs. In other cases of discharge or acquittal the costs shall be paid by the  
15 county, except when the prosecution is commenced by complaint and the  
16 prosecuting attorney declines to file information thereon, in which case the  
proceedings shall be dismissed at the cost of the party filing the complaint.]

✓