

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
**HOUSE BILL NOS. 1692, 1209, 1405,
1499, 1535 & 1811**
95TH GENERAL ASSEMBLY

4506L.04C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 32.056, 50.622, 58.370, 105.711, 193.087, 193.125, 193.255, 210.145, 210.150, 210.152, 211.031, 211.447, 211.462, 211.477, 288.034, 301.146, 339.010, 339.020, 339.030, 339.040, 339.080, 339.110, 339.160, 339.170, 339.710, 452.340, 452.377, 452.430, 454.425, 454.515, 454.548, 455.501, 476.083, 488.607, 525.233, 537.296, 542.286, 571.030, and 610.010, RSMo, and to enact in lieu thereof forty-six new sections relating to the justice system, with penalty provisions.

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

Section A. Sections 32.056, 50.622, 58.370, 105.711, 193.087, 193.125, 193.255, 210.145, 210.150, 210.152, 211.031, 211.447, 211.462, 211.477, 288.034, 301.146, 339.010, 339.020, 339.030, 339.040, 339.080, 339.110, 339.160, 339.170, 339.710, 452.340, 452.377, 452.430, 454.425, 454.515, 454.548, 455.501, 476.083, 488.607, 525.233, 537.296, 542.286, 571.030, and 610.010, RSMo, are repealed and forty-six new sections enacted in lieu thereof, to be known as sections 32.056, 50.622, 58.370, 105.711, 193.087, 193.125, 193.128, 193.132, 193.255, 210.145, 210.150, 210.152, 211.031, 211.447, 211.462, 211.477, 288.034, 301.146, 306.532, 339.010, 339.020, 339.030, 339.040, 339.080, 339.110, 339.160, 339.170, 339.710, 339.845, 441.645, 452.340, 452.377, 452.430, 454.425, 454.515, 454.548, 455.007, 455.501, 476.083, 488.607, 525.233, 537.296, 542.286, 571.030, 574.035, and 610.010, to read as follows:

32.056. The department of revenue shall not release the home address or any other information contained in the department's motor vehicle or driver registration records regarding any person, **and the immediate family members of any such person**, who is a county, state or

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.

4 federal parole officer or who is a federal pretrial officer or who is a peace officer pursuant to
5 section [590.100, RSMo, or a member of the parole officer's, pretrial officer's or peace officer's
6 immediate family] **590.010, or those persons vested by article V, section 1 of the Constitution**
7 **of Missouri with the judicial power of the state and those persons vested by Article III of**
8 **the Constitution of the United States with the judicial power of the United States, the**
9 **members of the federal judiciary,** based on a specific request for such information from any
10 person. Any person [who is a county, state or federal parole officer or who is a federal pretrial
11 officer or who is a peace officer pursuant to section 590.100, RSMo,] **with a current status**
12 **covered by this section** may notify the department of such status and the department shall
13 protect the confidentiality of the records on such a person and his or her immediate family as
14 required by this section. This section shall not prohibit the department from releasing
15 information on a motor registration list pursuant to section 32.055 or from releasing information
16 on any officer who holds a class A, B or C commercial driver's license pursuant to the Motor
17 Carrier Safety Improvement Act of 1999, as amended, 49 U.S.C. 31309.

50.622. **1.** Any county may amend the annual budget during any fiscal year in which:

2 (1) The county receives additional funds, and such amount or source, including but not
3 limited to, federal or state grants or private donations, could not be estimated **or anticipated**
4 when the budget was adopted; or

5 (2) **The county experiences a verifiable decline in funds, and such amount or**
6 **source, including but not limited to, federal or state grants or private donations, could not**
7 **be estimated or anticipated when the budget was adopted; provided that any decrease in**
8 **appropriations shall be allocated among the county departments, offices, institutions,**
9 **commissions, and boards in a fair and equitable manner under all the circumstances, and**
10 **shall not unduly affect any one department, office, institution, commission, or board.**

11 **2. Any decrease in an appropriation authorized under subdivision (2) of subsection**
12 **1 of this section shall not impact any dedicated fund otherwise provided by law.**

13 **3.** The county shall follow the same procedures as required in sections 50.525 to 50.745
14 for adoption of the annual budget to amend its budget during a fiscal year, **except that the notice**
15 **provided for in section 50.600 shall be extended to thirty days.**

58.370. The coroner, upon an inquisition found before him of the death of any person
2 by the felony of another, shall speedily inform [one or more associate circuit judges] **the**
3 **prosecuting attorney** of the proper county[, or some judge or justice of some court of record,
4 and it shall be the duty of such officer forthwith to issue his process for the apprehension and
5 securing for trial of such person] **of the result of the inquisition.**

105.711. 1. There is hereby created a "State Legal Expense Fund" which shall consist
2 of moneys appropriated to the fund by the general assembly and moneys otherwise credited to
3 such fund pursuant to section 105.716.

4 2. Moneys in the state legal expense fund shall be available for the payment of any claim
5 or any amount required by any final judgment rendered by a court of competent jurisdiction
6 against:

7 (1) The state of Missouri, or any agency of the state, pursuant to section 536.050 or
8 536.087, RSMo, or section 537.600, RSMo;

9 (2) Any officer or employee of the state of Missouri or any agency of the state, including,
10 without limitation, elected officials, appointees, members of state boards or commissions, and
11 members of the Missouri national guard upon conduct of such officer or employee arising out
12 of and performed in connection with his or her official duties on behalf of the state, or any
13 agency of the state, provided that moneys in this fund shall not be available for payment of
14 claims made under chapter 287, RSMo;

15 (3) (a) Any physician, psychiatrist, pharmacist, podiatrist, dentist, nurse, or other health
16 care provider licensed to practice in Missouri under the provisions of chapter 330, 332, 334, 335,
17 336, 337 or 338, RSMo, who is employed by the state of Missouri or any agency of the state
18 under formal contract to conduct disability reviews on behalf of the department of elementary
19 and secondary education or provide services to patients or inmates of state correctional facilities
20 on a part-time basis, and any physician, psychiatrist, pharmacist, podiatrist, dentist, nurse, or
21 other health care provider licensed to practice in Missouri under the provisions of chapter 330,
22 332, 334, 335, 336, 337, or 338, RSMo, who is under formal contract to provide services to
23 patients or inmates at a county jail on a part-time basis;

24 (b) Any physician licensed to practice medicine in Missouri under the provisions of
25 chapter 334, RSMo, and his professional corporation organized pursuant to chapter 356, RSMo,
26 who is employed by or under contract with a city or county health department organized under
27 chapter 192, RSMo, or chapter 205, RSMo, or a city health department operating under a city
28 charter, or a combined city-county health department to provide services to patients for medical
29 care caused by pregnancy, delivery, and child care, if such medical services are provided by the
30 physician pursuant to the contract without compensation or the physician is paid from no other
31 source than a governmental agency except for patient co-payments required by federal or state
32 law or local ordinance;

33 (c) Any physician licensed to practice medicine in Missouri under the provisions of
34 chapter 334, RSMo, who is employed by or under contract with a federally funded community
35 health center organized under Section 315, 329, 330 or 340 of the Public Health Services Act (42
36 U.S.C. 216, 254c) to provide services to patients for medical care caused by pregnancy, delivery,

37 and child care, if such medical services are provided by the physician pursuant to the contract
38 or employment agreement without compensation or the physician is paid from no other source
39 than a governmental agency or such a federally funded community health center except for
40 patient co-payments required by federal or state law or local ordinance. In the case of any claim
41 or judgment that arises under this paragraph, the aggregate of payments from the state legal
42 expense fund shall be limited to a maximum of one million dollars for all claims arising out of
43 and judgments based upon the same act or acts alleged in a single cause against any such
44 physician, and shall not exceed one million dollars for any one claimant;

45 (d) Any physician licensed pursuant to chapter 334, RSMo, who is affiliated with and
46 receives no compensation from a nonprofit entity qualified as exempt from federal taxation under
47 Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, which offers a free health
48 screening in any setting or any physician, nurse, physician assistant, dental hygienist, dentist, or
49 other health care professional licensed or registered under chapter 330, 331, 332, 334, 335, 336,
50 337, or 338, RSMo, who provides health care services within the scope of his or her license or
51 registration at a city or county health department organized under chapter 192, RSMo, or chapter
52 205, RSMo, a city health department operating under a city charter, or a combined city-county
53 health department, or a nonprofit community health center qualified as exempt from federal
54 taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, if such
55 services are restricted to primary care and preventive health services, provided that such services
56 shall not include the performance of an abortion, and if such health services are provided by the
57 health care professional licensed or registered under chapter 330, 331, 332, 334, 335, 336, 337,
58 or 338, RSMo, without compensation. MO HealthNet or Medicare payments for primary care
59 and preventive health services provided by a health care professional licensed or registered under
60 chapter 330, 331, 332, 334, 335, 336, 337, or 338, RSMo, who volunteers at a free health clinic
61 is not compensation for the purpose of this section if the total payment is assigned to the free
62 health clinic. For the purposes of the section, "free health clinic" means a nonprofit community
63 health center qualified as exempt from federal taxation under Section 501 (c)(3) of the Internal
64 Revenue Code of 1987, as amended, that provides primary care and preventive health services
65 to people without health insurance coverage for the services provided without charge. In the case
66 of any claim or judgment that arises under this paragraph, the aggregate of payments from the
67 state legal expense fund shall be limited to a maximum of five hundred thousand dollars, for all
68 claims arising out of and judgments based upon the same act or acts alleged in a single cause and
69 shall not exceed five hundred thousand dollars for any one claimant, and insurance policies
70 purchased pursuant to the provisions of section 105.721 shall be limited to five hundred thousand
71 dollars. Liability or malpractice insurance obtained and maintained in force by or on behalf of
72 any health care professional licensed or registered under chapter 330, 331, 332, 334, 335, 336,

73 337, or 338, RSMo, shall not be considered available to pay that portion of a judgment or claim
74 for which the state legal expense fund is liable under this paragraph;

75 (e) Any physician, nurse, physician assistant, dental hygienist, or dentist licensed or
76 registered to practice medicine, nursing, or dentistry or to act as a physician assistant or dental
77 hygienist in Missouri under the provisions of chapter 332, 334, or 335, RSMo, or lawfully
78 practicing, who provides medical, nursing, or dental treatment within the scope of his license or
79 registration to students of a school whether a public, private, or parochial elementary or
80 secondary school or summer camp, if such physician's treatment is restricted to primary care and
81 preventive health services and if such medical, dental, or nursing services are provided by the
82 physician, dentist, physician assistant, dental hygienist, or nurse without compensation. In the
83 case of any claim or judgment that arises under this paragraph, the aggregate of payments from
84 the state legal expense fund shall be limited to a maximum of five hundred thousand dollars, for
85 all claims arising out of and judgments based upon the same act or acts alleged in a single cause
86 and shall not exceed five hundred thousand dollars for any one claimant, and insurance policies
87 purchased pursuant to the provisions of section 105.721 shall be limited to five hundred thousand
88 dollars. **As used in this paragraph, "summer camp" means a program operated only**
89 **between May and September by a person or organization with the primary function of**
90 **providing a summer recreational program for children no younger than five years of age**
91 **or older than eighteen years of age; or**

92 (f) Any physician licensed under chapter 334, RSMo, or dentist licensed under chapter
93 332, RSMo, providing medical care without compensation to an individual referred to his or her
94 care by a city or county health department organized under chapter 192 or 205, RSMo, a city
95 health department operating under a city charter, or a combined city-county health department,
96 or nonprofit health center qualified as exempt from federal taxation under Section 501(c)(3) of
97 the Internal Revenue Code of 1986, as amended, or a federally funded community health center
98 organized under Section 315, 329, 330, or 340 of the Public Health Services Act, 42 U.S.C.
99 Section 216, 254c; provided that such treatment shall not include the performance of an abortion.
100 In the case of any claim or judgment that arises under this paragraph, the aggregate of payments
101 from the state legal expense fund shall be limited to a maximum of one million dollars for all
102 claims arising out of and judgments based upon the same act or acts alleged in a single cause and
103 shall not exceed one million dollars for any one claimant, and insurance policies purchased under
104 the provisions of section 105.721 shall be limited to one million dollars. Liability or malpractice
105 insurance obtained and maintained in force by or on behalf of any physician licensed under
106 chapter 334, RSMo, or any dentist licensed under chapter 332, RSMo, shall not be considered
107 available to pay that portion of a judgment or claim for which the state legal expense fund is
108 liable under this paragraph;

109 (4) Staff employed by the juvenile division of any judicial circuit;

110 (5) Any attorney licensed to practice law in the state of Missouri who practices law at
111 or through a nonprofit community social services center qualified as exempt from federal
112 taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, or through
113 any agency of any federal, state, or local government, if such legal practice is provided by the
114 attorney without compensation. In the case of any claim or judgment that arises under this
115 subdivision, the aggregate of payments from the state legal expense fund shall be limited to a
116 maximum of five hundred thousand dollars for all claims arising out of and judgments based
117 upon the same act or acts alleged in a single cause and shall not exceed five hundred thousand
118 dollars for any one claimant, and insurance policies purchased pursuant to the provisions of
119 section 105.721 shall be limited to five hundred thousand dollars; or

120 (6) Any social welfare board created under section 205.770, RSMo, and the members
121 and officers thereof upon conduct of such officer or employee while acting in his or her capacity
122 as a board member or officer, and any physician, nurse, physician assistant, dental hygienist,
123 dentist, or other health care professional licensed or registered under chapter 330, 331, 332, 334,
124 335, 336, 337, or 338, RSMo, who is referred to provide medical care without compensation by
125 the board and who provides health care services within the scope of his or her license or
126 registration as prescribed by the board.

127 3. The department of health and senior services shall promulgate rules regarding contract
128 procedures and the documentation of care provided under paragraphs (b), (c), (d), (e), and (f) of
129 subdivision (3) of subsection 2 of this section. The limitation on payments from the state legal
130 expense fund or any policy of insurance procured pursuant to the provisions of section 105.721,
131 provided in subsection 7 of this section, shall not apply to any claim or judgment arising under
132 paragraph (a), (b), (c), (d), (e), or (f) of subdivision (3) of subsection 2 of this section. Any claim
133 or judgment arising under paragraph (a), (b), (c), (d), (e), or (f) of subdivision (3) of subsection
134 2 of this section shall be paid by the state legal expense fund or any policy of insurance procured
135 pursuant to section 105.721, to the extent damages are allowed under sections 538.205 to
136 538.235, RSMo. Liability or malpractice insurance obtained and maintained in force by any
137 health care professional licensed or registered under chapter 330, 331, 332, 334, 335, 336, 337,
138 or 338, RSMo, for coverage concerning his or her private practice and assets shall not be
139 considered available under subsection 7 of this section to pay that portion of a judgment or claim
140 for which the state legal expense fund is liable under paragraph (a), (b), (c), (d), (e), or (f) of
141 subdivision (3) of subsection 2 of this section. However, a health care professional licensed or
142 registered under chapter 330, 331, 332, 334, 335, 336, 337, or 338, RSMo, may purchase liability
143 or malpractice insurance for coverage of liability claims or judgments based upon care rendered
144 under paragraphs (c), (d), (e), and (f) of subdivision (3) of subsection 2 of this section which

145 exceed the amount of liability coverage provided by the state legal expense fund under those
146 paragraphs. Even if paragraph (a), (b), (c), (d), (e), or (f) of subdivision (3) of subsection 2 of
147 this section is repealed or modified, the state legal expense fund shall be available for damages
148 which occur while the pertinent paragraph (a), (b), (c), (d), (e), or (f) of subdivision (3) of
149 subsection 2 of this section is in effect.

150 4. The attorney general shall promulgate rules regarding contract procedures and the
151 documentation of legal practice provided under subdivision (5) of subsection 2 of this section.
152 The limitation on payments from the state legal expense fund or any policy of insurance
153 procured pursuant to section 105.721 as provided in subsection 7 of this section shall not apply
154 to any claim or judgment arising under subdivision (5) of subsection 2 of this section. Any claim
155 or judgment arising under subdivision (5) of subsection 2 of this section shall be paid by the state
156 legal expense fund or any policy of insurance procured pursuant to section 105.721 to the extent
157 damages are allowed under sections 538.205 to 538.235, RSMo. Liability or malpractice
158 insurance otherwise obtained and maintained in force shall not be considered available under
159 subsection 7 of this section to pay that portion of a judgment or claim for which the state legal
160 expense fund is liable under subdivision (5) of subsection 2 of this section. However, an
161 attorney may obtain liability or malpractice insurance for coverage of liability claims or
162 judgments based upon legal practice rendered under subdivision (5) of subsection 2 of this
163 section that exceed the amount of liability coverage provided by the state legal expense fund
164 under subdivision (5) of subsection 2 of this section. Even if subdivision (5) of subsection 2 of
165 this section is repealed or amended, the state legal expense fund shall be available for damages
166 that occur while the pertinent subdivision (5) of subsection 2 of this section is in effect.

167 5. All payments shall be made from the state legal expense fund by the commissioner
168 of administration with the approval of the attorney general. Payment from the state legal expense
169 fund of a claim or final judgment award against a health care professional licensed or registered
170 under chapter 330, 331, 332, 334, 335, 336, 337, or 338, RSMo, described in paragraph (a), (b),
171 (c), (d), (e), or (f) of subdivision (3) of subsection 2 of this section, or against an attorney in
172 subdivision (5) of subsection 2 of this section, shall only be made for services rendered in
173 accordance with the conditions of such paragraphs. In the case of any claim or judgment against
174 an officer or employee of the state or any agency of the state based upon conduct of such officer
175 or employee arising out of and performed in connection with his or her official duties on behalf
176 of the state or any agency of the state that would give rise to a cause of action under section
177 537.600, RSMo, the state legal expense fund shall be liable, excluding punitive damages, for:

- 178 (1) Economic damages to any one claimant; and
179 (2) Up to three hundred fifty thousand dollars for noneconomic damages. The state legal
180 expense fund shall be the exclusive remedy and shall preclude any other civil actions or

proceedings for money damages arising out of or relating to the same subject matter against the state officer or employee, or the officer's or employee's estate. No officer or employee of the state or any agency of the state shall be individually liable in his or her personal capacity for conduct of such officer or employee arising out of and performed in connection with his or her official duties on behalf of the state or any agency of the state. The provisions of this subsection shall not apply to any defendant who is not an officer or employee of the state or any agency of the state in any proceeding against an officer or employee of the state or any agency of the state. Nothing in this subsection shall limit the rights and remedies otherwise available to a claimant under state law or common law in proceedings where one or more defendants is not an officer or employee of the state or any agency of the state.

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

7. Except as provided in subsection 3 of this section, in the case of any claim or judgment that arises under sections 537.600 and 537.610, RSMo, against the state of Missouri, or an agency of the state, the aggregate of payments from the state legal expense fund and from any policy of insurance procured pursuant to the provisions of section 105.721 shall not exceed the limits of liability as provided in sections 537.600 to 537.610, RSMo. No payment shall be made from the state legal expense fund or any policy of insurance procured with state funds pursuant to section 105.721 unless and until the benefits provided to pay the claim by any other policy of liability insurance have been exhausted.

8. The provisions of section 33.080, RSMo, notwithstanding, any moneys remaining to the credit of the state legal expense fund at the end of an appropriation period shall not be transferred to general revenue.

9. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated under the authority delegated in sections 105.711 to 105.726 shall become effective only if it has been promulgated pursuant to the provisions of chapter 536, RSMo. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with the provisions of chapter 536, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to

217 disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking
218 authority and any rule proposed or adopted after August 28, 1999, 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.

193.125. 1. This section shall be known and may be cited as the "Debbi Daniel Law".

2 2. Except as otherwise provided in subsection 3 of this section, for each adoption
3 decreed by a court of competent jurisdiction in this state, the court shall require the preparation
4 of a certificate of decree of adoption on a form as prescribed or approved by the state registrar.
5 The certificate of decree of adoption shall include such facts as are necessary to locate and
6 identify the certificate of birth of the person adopted, and shall provide information necessary
7 to establish a new certificate of birth of the person adopted and shall identify the court and
8 county of the adoption and be certified by the clerk of the court. The state registrar shall file the
9 original certificate of birth with the certificate of decree of adoption and such file may be opened
10 by the state registrar only upon receipt of a certified copy of an order as decreed by the court of
11 adoption **or in accordance with section 193.128.**

12 3. No new certificate of birth shall be established following an adoption by a stepparent
13 if so requested by the adoptive parent or the adoptive stepparent of the child.

14 4. Information necessary to prepare the report of adoption shall be furnished by each
15 petitioner for adoption or the petitioner's attorney. The social welfare agency or any person
16 having knowledge of the facts shall supply the court with such additional information as may be
17 necessary to complete the report. The provision of such information shall be prerequisite to the
18 issuance of a final decree in the matter by the court.

19 5. Whenever an adoption decree is amended or annulled, the clerk of the court shall
20 prepare a report thereof, which shall include such facts as are necessary to identify the original
21 adoption report and the facts amended in the adoption decree as shall be necessary to properly
22 amend the birth record.

23 6. Not later than the fifteenth day of each calendar month or more frequently as directed
24 by the state registrar the clerk of the court shall forward to the state registrar reports of decrees
25 of adoption, annulment of adoption and amendments of decrees of adoption which were entered
26 in the preceding month, together with such related reports as the state registrar shall require.

27 7. When the state registrar shall receive a report of adoption, annulment of adoption, or
28 amendment of a decree of adoption for a person born outside this state, he or she shall forward
29 such report to the state registrar in the state of birth.

30 8. In a case of adoption in this state of a person not born in any state, territory or
31 possession of the United States or country not covered by interchange agreements, the state
32 registrar shall upon receipt of the certificate of decree of adoption prepare a birth certificate in

33 the name of the adopted person, as decreed by the court. The state registrar shall file the
34 certificate of the decree of adoption, and such documents may be opened by the state registrar
35 only by an order of court. The birth certificate prepared under this subsection shall have the
36 same legal weight as evidence as a delayed or altered birth certificate as provided in section
37 193.235.

38 9. The department, upon receipt of proof that a person has been adopted by a Missouri
39 resident pursuant to laws of countries other than the United States, shall prepare a birth
40 certificate in the name of the adopted person as decreed by the court of such country. If such
41 proof contains the surname of either adoptive parent, the department of health and senior services
42 shall prepare a birth certificate as requested by the adoptive parents. Any subsequent change of
43 the name of the adopted person shall be made by a court of competent jurisdiction. The proof
44 of adoption required by the department shall include a copy of the original birth certificate and
45 adoption decree, an English translation of such birth certificate and adoption decree, and a copy
46 of the approval of the immigration of the adopted person by the Immigration and Naturalization
47 Service of the United States government which shows the child lawfully entered the United
48 States. The authenticity of the translation of the birth certificate and adoption decree required
49 by this subsection shall be sworn to by the translator in a notarized document. The state registrar
50 shall file such documents received by the department relating to such adoption and such
51 documents may be opened by the state registrar only by an order of a court. A birth certificate
52 pursuant to this subsection shall be issued upon request of one of the adoptive parents of such
53 adopted person or upon request of the adopted person if of legal age. The birth certificate
54 prepared pursuant to the provisions of this subsection shall have the same legal weight as
55 evidence as a delayed or altered birth certificate as provided in sections 193.005 to 193.325.

56 10. If no certificate of birth is on file for the person under twelve years of age who has
57 been adopted, a belated certificate of birth shall be filed with the state registrar as provided in
58 sections 193.005 to 193.325 before a new birth record is to be established as result of adoption.
59 A new certificate is to be established on the basis of the adoption under this section and shall be
60 prepared on a certificate of live birth form.

61 11. If no certificate of birth has been filed for a person twelve years of age or older who
62 has been adopted, a new birth certificate is to be established under this section upon receipt of
63 proof of adoption as required by the department. A new certificate shall be prepared in the name
64 of the adopted person as decreed by the court, registering adopted parents' names. The new
65 certificate shall be prepared on a delayed birth certificate form. The adoption decree is placed
66 in a sealed file and shall not be subject to inspection except upon an order of the court.

**193.128. 1. Notwithstanding any other provision of law, an adopted person, the
2 adopted person's attorney, or the adopted person's descendants, if the adopted person is**

3 deceased, may obtain a copy of such adopted person's original certificate of birth from the
4 state registrar in accordance with this section.

5 **2. In order for an adopted person to receive a copy of his or her original certificate**
6 **of birth, the adopted person shall:**

7 **(1) Be at least eighteen years of age;**

8 **(2) Have been born in this state;**

9 **(3) File a written application with and provide appropriate proof of identification**
10 **to the state registrar; and**

11 **(4) If included with the copy of the original birth certificate, agree in writing to**
12 **abide by the birth parent's preference stated in the contact preference form attached to the**
13 **adopted person's original birth certificate in accordance with section 193.132.**

14 **3. The state registrar may require a waiting period and impose a fee for issuance**
15 **of the uncertified copy under subsection 4 of this section. The fees and waiting period**
16 **imposed under this subsection shall be identical to the fees and waiting period generally**
17 **imposed on persons seeking their own birth certificates.**

18 **4. Upon receipt of a written application and proof of identification under**
19 **subsection 2 of this section and fulfillment of the requirements of subsection 3 of this**
20 **section, the state registrar shall issue an uncertified copy of the unaltered original birth**
21 **certificate to the applicant. The copy of the birth certificate shall have the following**
22 **statement printed on it: "for informational purposes only - not to be used for establishing**
23 **identity". If a contact preference and medical history form has been completed and**
24 **submitted to the state registrar under section 193.132, the state registrar shall also provide**
25 **such information.**

26 **5. The provisions of subsections 1 to 4 of this section shall not apply to adoptions**
27 **instituted or completed prior to August 28, 2010, except that a copy of a medical history**
28 **form, which has had all identifying information redacted, shall be issued to such adopted**
29 **person. For adoptions instituted or completed prior to August 28, 2010, the state registrar**
30 **shall follow the provisions of this subsection and shall release the original certificate of**
31 **birth only if the birth mother is deceased. If the birth mother is not deceased, the state**
32 **registrar shall, within three months of application by the adopted person, make reasonable**
33 **efforts to contact the birth mother via telephone or United States mail, personally and**
34 **confidentially, to obtain the birth mother's consent or denial to release the original**
35 **certificate of birth. The state registrar may charge actual costs to the adopted person for**
36 **the cost of making such search of the birth mother. If the state registrar has been unable**
37 **to contact the birth mother within three months, the state registrar shall not release the**
38 **certificate of birth. The adopted person may reapply for a copy of his or her original**

39 certificate of birth within one year from the end of the three-month period during which
40 the attempted contact with the birth mother was previously made. The state registrar shall
41 not release the certificate of birth until the birth mother submits a subsequent written
42 consent for release.

43 6. The state registrar shall develop by rule the application form required by this
44 section and may adopt other rules for the administration of this section. Any rule or
45 portion of a rule, as that term is defined in section 536.010, that is created under the
46 authority delegated in this section shall become effective only if it complies with and is
47 subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This
48 section and chapter 536, are nonseverable and if any of the powers vested with the general
49 assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove
50 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking
51 authority and any rule proposed or adopted after August 28, 2010, shall be invalid and
52 void.

53 7. Nothing in this section shall be construed as violating the provisions of section
54 453.121.

193.132. 1. As used in this section, the following terms mean:

- 2 (1) "Adoptee", the person who is the subject of a birth certificate;
- 3 (2) "Birth parent", the person who is the biological parent of an adoptee and who
4 is named as the parent on the original birth certificate of the adoptee;
- 5 (3) "Contact preference form", the form developed by the state registrar under
6 subsection 4 of this section;
- 7 (4) "Medical history form", the form developed by the state registrar under
8 subsection 3 of this section. At a minimum, such form shall include medical history
9 information regarding:
 - 10 (a) Congenital or genetic history;
 - 11 (b) Psychosocial history;
 - 12 (c) Chronic diseases;
 - 13 (d) Infectious diseases;
 - 14 (e) Allergies;
 - 15 (f) Pregnancy and birth history; and
 - 16 (g) Deaths of birth family members that may affect the medical history.

17 2. Notwithstanding any other provision of law, the state registrar shall develop and,
18 upon request, provide each birth parent with a contact preference form and a medical
19 history form as described in this section.

20 **3. A birth parent may use a medical history form to describe his or her medical**
21 **history. A birth parent shall fill out a medical history form if such birth parent also fills**
22 **out a contact preference form.**

23 **4. The birth parent may state a preference regarding contact by an adoptee on a**
24 **contact preference form. The form shall contain the following statements from which the**
25 **birth parent may choose only one:**

26 **(1) "I would like to be contacted. I have completed this contact preference form**
27 **and a medical history form and am filing both forms with the State Registrar.";**

28 **(2) "I would prefer to be contacted only through an intermediary. I have completed**
29 **this contact preference form and a medical history form and am filing both with the State**
30 **Registrar."; or**

31 **(3) "Do not contact me. I may change this preference by filling out another contact**
32 **preference form. I have completed this contact preference form and a medical history**
33 **form and am filing both with the State Registrar.".**

34 **5. Upon receipt of a completed contact preference form and a medical history form,**
35 **the state registrar shall attach the completed forms to the original birth certificate of the**
36 **adoptee. A completed contact preference form and medical history form shall have the**
37 **same level of confidentiality as the original birth certificate.**

38 **6. The state registrar shall develop by rule the forms required by this section and**
39 **may adopt other rules for the administration of this section. Any rule or portion of a rule,**
40 **as that term is defined in section 536.010, that is created under the authority delegated in**
41 **this section shall become effective only if it complies with and is subject to all of the**
42 **provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536,**
43 **are nonseverable and if any of the powers vested with the general assembly pursuant to**
44 **chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are**
45 **subsequently held unconstitutional, then the grant of rulemaking authority and any rule**
46 **proposed or adopted after August 28, 2010, shall be invalid and void.**

47 **7. Nothing in this section shall be construed as violating the provisions of section**
48 **453.121.**

193.255. 1. The state registrar and other custodians of vital records authorized by the
2 state registrar to issue certified copies of vital records upon receipt of application shall issue a
3 certified copy of any vital record in his **or her** custody or a part thereof to any applicant having
4 a direct and tangible interest in the vital record. Each copy issued shall show the date of
5 registration, and copies issued from records marked "Delayed" or "Amended" shall be similarly
6 marked and show the effective date. The documentary evidence used to establish a delayed
7 certificate shall be shown on all copies issued. All forms and procedures used in the issuance

8 of certified copies of vital records in the state shall be provided or approved by the state registrar.
9 **In accordance with sections 193.128 and 193.132, the state registrar and other custodians**
10 **of vital records authorized by the state registrar to issue copies of vital records shall issue**
11 **an uncertified copy of an original birth certificate, contact preference form, and medical**
12 **history form to an adopted person. The state registrar may impose a minimal fee to the**
13 **adopted person for the costs of providing copies of the contact preference form and**
14 **medical history form.**

15 2. A certified copy of a vital record or any part thereof, issued in accordance with
16 subsection 1 of this section, shall be considered for all purposes the same as the original and shall
17 be prima facie evidence of the facts stated therein, provided that the evidentiary value of a
18 certificate or record filed more than one year after the event, or a record which has been
19 amended, shall be determined by the judicial or administrative body or official before whom the
20 certificate is offered as evidence.

21 3. The federal agency responsible for national vital statistics may be furnished such
22 copies or data from the system of vital statistics as it may require for national statistics, provided
23 such federal agency share in the cost of collecting, processing, and transmitting such data, and
24 provided further that such data shall not be used for other than statistical purposes by the federal
25 agency unless so authorized by the state registrar.

26 4. Federal, state, local and other public or private agencies may, upon request, be
27 furnished copies or data of any other vital statistics not obtainable under subsection 1 of this
28 section for statistical or administrative purposes upon such terms or conditions as may be
29 prescribed by regulation, provided that such copies or data shall not be used for purposes other
30 than those for which they were requested unless so authorized by the state registrar.

31 5. The state registrar may, by agreement, transmit copies of records and other reports
32 required by sections 193.005 to 193.325 to offices of vital statistics outside this state when such
33 records or other reports relate to residents of those jurisdictions or persons born in those
34 jurisdictions. This agreement shall require that the copies be used for statistical and
35 administrative purposes only, and the agreement shall further provide for the retention and
36 disposition of such copies. Copies received by the department from offices of vital statistics in
37 other states shall be handled in the same manner as prescribed in this section.

38 6. No person shall prepare or issue any certificate which purports to be an original,
39 certified copy, or copy of a vital record except as authorized herein or by regulations adopted
40 hereunder.

41 7. Upon application from either parent, or if both parents are deceased, the sibling of the
42 stillborn child, pursuant to subsection 7 of section 193.165, the state registrar or other custodians
43 of vital records shall issue to such applicant a certificate of birth resulting in stillbirth. The

44 certificate shall be based upon the information available from the spontaneous fetal death report
45 filed pursuant to section 193.165. Any certificate of birth resulting in stillbirth issued shall
46 conspicuously include, in no smaller than twelve-point type, the statement "This is not proof of
47 a live birth.". No certificate of birth resulting in stillbirth shall be issued to any person other than
48 a parent, or if both parents are deceased, the sibling of the stillborn child who files an application
49 pursuant to section 193.165. The state registrar or other custodians of vital records are
50 authorized to charge a minimal fee to such applicant to cover the actual costs of providing the
51 certificate pursuant to this section.

52 8. Any parent, or if both parents are deceased, any sibling of the stillborn child may file
53 an application for a certificate of birth resulting in stillbirth for a birth that resulted in stillbirth
54 prior to August 28, 2004.

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.

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

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

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

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

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

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

14. Within [thirty] **forty-five working** days of an oral report of abuse or neglect, the local office shall update the information in the information system. The information system shall contain, at a minimum, the determination made by the division as a result of the investigation, identifying information on the subjects of the report, those responsible for the care of the subject child and other relevant dispositional information. The division shall complete all investigations within [thirty] **forty-five working** days, unless good cause for the failure to complete the investigation is documented in the information system. If a child involved in a pending investigation dies, the investigation shall remain open until the division's investigation surrounding the death is completed. If the investigation is not completed within [thirty] **forty-five working** days, the information system shall be updated at regular intervals and upon the completion of the investigation. The information in the information system shall be updated to

reflect any subsequent findings, including any changes to the findings based on an administrative or judicial hearing on the matter.

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

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

(2) A determination is made by the child abuse and neglect review board that the alleged perpetrator has committed child abuse or neglect.

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

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

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

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

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

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

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

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

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

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

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

(3) Appropriate staff of the division and of its local offices, including interdisciplinary teams which are formed to assist the division in investigation, evaluation and treatment of child abuse and neglect cases or a multidisciplinary provider of professional treatment services for a 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 after the division has notified in writing to the prosecuting**
41 **attorney in the jurisdiction where the acts forming the basis of the report are alleged to**
42 **have occurred, whichever occurs first. The prosecuting attorney may petition the circuit**
43 **court of such jurisdiction to extend the one-year period for good cause shown, for such**
44 **time as the court may determine is necessary to complete the investigation and to file any**
45 **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;

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

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

(1) Appropriate staff of the division;

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

(3) Any alleged perpetrator named in the report, but the names of reporters shall not be furnished to persons in this category. Prior to the release of any identifying information, the division shall determine if the release of such identifying information may place a person's life or safety in danger. If the division makes the determination that a person's life or safety may be in danger, the identifying information shall not be released. However, the investigation reports will not be released to any alleged perpetrator with pending criminal charges arising out of the facts and circumstances named in the investigation records until an indictment is returned or an information filed **or, one year after the division has notified in writing to the prosecuting attorney in the jurisdiction where the acts forming the basis of the report are alleged to have occurred, whichever occurs first. The prosecuting attorney may petition the circuit court of such jurisdiction to extend the one-year period for good cause shown, for such time as the court may determine is necessary to complete the investigation and to file any appropriate charges;**

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

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

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

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

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

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

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

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

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

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

(c) For investigation reports initiated by a person required to report under section 210.115, where insufficient evidence of abuse or neglect is found by the division, identifying information shall be retained for five years from the conclusion of the investigation. For all other 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

23 Such reports shall include any exculpatory evidence known by the division, including
24 exculpatory evidence obtained after the closing of the case. At the end of such time period, the
25 identifying information shall be removed from the records of the division and destroyed;

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

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

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

35 (1) That the division has determined by a probable cause finding prior to August 28,
36 2004, or by a preponderance of the evidence after August 28, 2004, that abuse or neglect exists
37 and that the division shall retain all identifying information regarding the abuse or neglect; that
38 such information shall remain confidential and will not be released except to law enforcement
39 agencies, prosecuting or circuit attorneys, or as provided in section 210.150; that the alleged
40 perpetrator has [sixty] **thirty** days from the date of receipt of the notice to seek reversal of the
41 division's determination through a review by the child abuse and neglect review board as
42 provided in subsection 3 of this section; or

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

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

54 4. In any such action for administrative review, the child abuse and neglect review board
55 shall sustain the division's determination if such determination was supported by evidence of
56 probable cause prior to August 28, 2004, or is supported by a preponderance of the evidence after

57 August 28, 2004, and is not against the weight of such evidence. The child abuse and neglect
58 review board hearing shall be closed to all persons except the parties, their attorneys and those
59 persons providing testimony on behalf of the parties.

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

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

211.031. 1. Except as otherwise provided in this chapter, the juvenile court or the family
2 court in circuits that have a family court as provided in sections 487.010 to 487.190, RSMo, shall
3 have exclusive original jurisdiction in proceedings:

4 (1) Involving any child or person seventeen years of age who may be a resident of or
5 found within the county and who is alleged to be in need of care and treatment because:

6 (a) The parents, or other persons legally responsible for the care and support of the child
7 or person seventeen years of age, neglect or refuse to provide proper support, education which
8 is required by law, medical, surgical or other care necessary for his or her well-being; except that
9 reliance by a parent, guardian or custodian upon remedial treatment other than medical or
10 surgical treatment for a child or person seventeen years of age shall not be construed as neglect
11 when the treatment is recognized or permitted pursuant to the laws of this state;

12 (b) The child or person seventeen years of age is otherwise without proper care, custody
13 or support; or

14 (c) The child or person seventeen years of age was living in a room, building or other
15 structure at the time such dwelling was found by a court of competent jurisdiction to be a public
16 nuisance pursuant to section 195.130, RSMo;

17 (d) The child or person seventeen years of age is a child in need of mental health services
18 and the parent, guardian or custodian is unable to afford or access appropriate mental health
19 treatment or care for the child;

20 (2) Involving any child who may be a resident of or found within the county and who is
21 alleged to be in need of care and treatment because:

22 (a) The child while subject to compulsory school attendance is repeatedly and without
23 justification absent from school; or

24 (b) The child disobeys the reasonable and lawful directions of his or her parents or other
25 custodian and is beyond their control; or

26 (c) The child is habitually absent from his or her home without sufficient cause,
27 permission, or justification; or

28 (d) The behavior or associations of the child are otherwise injurious to his or her welfare
29 or to the welfare of others; or

30 (e) The child is charged with an offense not classified as criminal, or with an offense
31 applicable only to children; except that, the juvenile court shall not have jurisdiction over any
32 child fifteen and one-half years of age who is alleged to have violated a state or municipal traffic
33 ordinance or regulation, the violation of which does not constitute a felony, or any child who is
34 alleged to have violated a state or municipal ordinance or regulation prohibiting possession or
35 use of any tobacco product;

36 (3) Involving any child who is alleged to have violated a state law or municipal
37 ordinance, or any person who is alleged to have violated a state law or municipal ordinance prior
38 to attaining the age of seventeen years, in which cases jurisdiction may be taken by the court of
39 the circuit in which the child or person resides or may be found or in which the violation is
40 alleged to have occurred; except that, the juvenile court shall not have jurisdiction over any child
41 fifteen [and one-half] years of age who is alleged to have violated a state or municipal traffic
42 ordinance or regulation, the violation of which does not constitute a felony, and except that the
43 juvenile court shall have concurrent jurisdiction with the municipal court over any child who is
44 alleged to have violated a municipal curfew ordinance, and except that the juvenile court shall
45 have concurrent jurisdiction with the circuit court on any child who is alleged to have violated
46 a state or municipal ordinance or regulation prohibiting possession or use of any tobacco product;

47 (4) For the adoption of a person;

48 (5) For the commitment of a child or person seventeen years of age to the guardianship
49 of the department of social services as provided by law.

50 2. Transfer of a matter, proceeding, jurisdiction or supervision for a child or person
51 seventeen years of age who resides in a county of this state shall be made as follows:

52 (1) Prior to the filing of a petition and upon request of any party or at the discretion of
53 the juvenile officer, the matter in the interest of a child or person seventeen years of age may be
54 transferred by the juvenile officer, with the prior consent of the juvenile officer of the receiving

55 court, to the county of the child's residence or the residence of the person seventeen years of age
56 for future action;

57 (2) Upon the motion of any party or on its own motion prior to final disposition on the
58 pending matter, the court in which a proceeding is commenced may transfer the proceeding of
59 a child or person seventeen years of age to the court located in the county of the child's residence
60 or the residence of the person seventeen years of age, or the county in which the offense pursuant
61 to subdivision (3) of subsection 1 of this section is alleged to have occurred for further action;

62 (3) Upon motion of any party or on its own motion, the court in which jurisdiction has
63 been taken pursuant to subsection 1 of this section may at any time thereafter transfer jurisdiction
64 of a child or person seventeen years of age to the court located in the county of the child's
65 residence or the residence of the person seventeen years of age for further action with the prior
66 consent of the receiving court;

67 (4) Upon motion of any party or upon its own motion at any time following a judgment
68 of disposition or treatment pursuant to section 211.181, the court having jurisdiction of the cause
69 may place the child or person seventeen years of age under the supervision of another juvenile
70 court within or without the state pursuant to section 210.570, RSMo, with the consent of the
71 receiving court;

72 (5) Upon motion of any child or person seventeen years of age or his or her parent, the
73 court having jurisdiction shall grant one change of judge pursuant to Missouri Supreme Court
74 Rules;

75 (6) Upon the transfer of any matter, proceeding, jurisdiction or supervision of a child or
76 person seventeen years of age, certified copies of all legal and social documents and records
77 pertaining to the case on file with the clerk of the transferring juvenile court shall accompany the
78 transfer.

79 3. In any proceeding involving any child or person seventeen years of age taken into
80 custody in a county other than the county of the child's residence or the residence of a person
81 seventeen years of age, the juvenile court of the county of the child's residence or the residence
82 of a person seventeen years of age shall be notified of such taking into custody within
83 seventy-two hours.

84 4. When an investigation by a juvenile officer pursuant to this section reveals that the
85 only basis for action involves an alleged violation of section 167.031, RSMo, involving a child
86 who alleges to be home schooled, the juvenile officer shall contact a parent or parents of such
87 child to verify that the child is being home schooled and not in violation of section 167.031,
88 RSMo, before making a report of such a violation. Any report of a violation of section 167.031,
89 RSMo, made by a juvenile officer regarding a child who is being home schooled shall be made
90 to the prosecuting attorney of the county where the child legally resides.

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

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

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

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

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

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

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

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

(b) Committed voluntary manslaughter of another child of the parent; or

(c) Aided or abetted, attempted, conspired or solicited to commit such a murder or voluntary manslaughter; or

(d) Committed a felony assault that resulted in serious bodily injury to the child or to another child of the parent.

3. A termination of parental rights petition shall be filed by the juvenile officer or the division, or if such a petition has been filed by another party, the juvenile officer or the division shall seek to be joined as a party to the petition, within sixty days of the judicial determinations 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

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

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

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

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

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

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

(4) The parent has been found guilty or pled guilty to a felony violation of chapter 566, RSMo, when the child or any child in the family was a victim, or a violation of section 568.020, RSMo, when the child or any child in the family was a victim. As used in this subdivision, a "child" means any person who was under eighteen years of age at the time of the crime and who resided with such parent or was related within the third degree of consanguinity or affinity to such parent; or

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

(6) The parent is unfit to be a party to the parent and child relationship because of a consistent pattern of committing a specific abuse, including but not limited to, abuses as defined in section 455.010, RSMo, child abuse or drug abuse before the child or of specific conditions directly relating to the parent and child relationship either of which are determined by the court

to be of a duration or nature that renders the parent unable, for the reasonably foreseeable future, to care appropriately for the ongoing physical, mental or emotional needs of the child. It is presumed that a parent is unfit to be a party to the parent-child relationship upon a showing that within a three-year period immediately prior to the termination adjudication, the parent's parental rights to one or more other children were involuntarily terminated pursuant to subsection 2 or 4 of this section or subdivisions (1), (2), (3) or (4) of subsection 5 of this section or similar laws of other states.

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

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

- (1) The emotional ties to the birth parent;
- (2) The extent to which the parent has maintained regular visitation or other contact with the child;
- (3) The extent of payment by the parent for the cost of care and maintenance of the child when financially able to do so including the time that the child is in the custody of the division 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.

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

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

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

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

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

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

17 (3) Protect the rights, interest and welfare of a minor or incompetent parent by exercising
18 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.

288.034. 1. "Employment" means service, including service in interstate commerce,
2 performed for wages or under any contract of hire, written or oral, express or implied, and
3 notwithstanding any other provisions of this section, service with respect to which a tax is
4 required to be paid under any federal unemployment tax law imposing a tax against which credit
5 may be taken for contributions required to be paid into a state unemployment fund or which, as
6 a condition for full tax credit against the tax imposed by the Federal Unemployment Tax Act,
7 is required to be covered under this law.

8 2. The term "employment" shall include an individual's entire service, performed within
9 or both within and without this state if:

10 (1) The service is localized in this state; or

11 (2) The service is not localized in any state but some of the service is performed in this
12 state and the base of operations, or, if there is no base of operations, then the place from which
13 such service is directed or controlled, is in this state; or the base of operations or place from
14 which such service is directed or controlled is not in any state in which some part of the service
15 is performed but the individual's residence is in this state.

16 3. Service performed by an individual for wages shall be deemed to be employment
17 subject to this law:

18 (1) If covered by an election filed and approved pursuant to subdivision (2) of subsection
19 3 of section 288.080;

20 (2) If covered by an arrangement pursuant to section 288.340 between the division and
21 the agency charged with the administration of any other state or federal unemployment insurance
22 law, pursuant to which all services performed by an individual for an employing unit are deemed
23 to be performed entirely within this state.

24 4. Service shall be deemed to be localized within a state if the service is performed
25 entirely within such state; or the service is performed both within and without such state, but the
26 service performed without such state is incidental to the individual's service within the state; for
27 example, is temporary or transitory in nature or consists of isolated transactions.

28 5. Service performed by an individual for remuneration shall be deemed to be
29 employment subject to this law unless it is shown to the satisfaction of the division that such
30 services were performed by an independent contractor. In determining the existence of the
31 independent contractor relationship, the common law of agency right to control shall be applied.
32 The common law of agency right to control test shall include but not be limited to: if the alleged
33 employer retains the right to control the manner and means by which the results are to be
34 accomplished, the individual who performs the service is an employee. If only the results are
35 controlled, the individual performing the service is an independent contractor.

36 6. The term "employment" shall include service performed for wages as an agent-driver
37 or commission-driver engaged in distributing meat products, vegetable products, fruit products,
38 bakery products, beverages (other than milk), or laundry or dry-cleaning services, for his or her
39 principal; or as a traveling or city salesman, other than as an agent-driver or commission-driver,
40 engaged upon a full-time basis in the solicitation on behalf of, and the transmission to, his or her
41 principal (except for sideline sales activities on behalf of some other person) of orders from
42 wholesalers, retailers, contractors, or operators of hotels, restaurants, or other similar
43 establishments for merchandise for resale or supplies for use in their business operations,
44 provided:

45 (1) The contract of service contemplates that substantially all of the services are to be
46 performed personally by such individual; and

47 (2) The individual does not have a substantial investment in facilities used in connection
48 with the performance of the services (other than in facilities for transportation); and

49 (3) The services are not in the nature of a single transaction that is not part of a
50 continuing relationship with the person for whom the services are performed.

51 7. Service performed by an individual in the employ of this state or any political
52 subdivision thereof or any instrumentality of any one or more of the foregoing which is wholly
53 owned by this state and one or more other states or political subdivisions, or any service
54 performed in the employ of any instrumentality of this state or of any political subdivision
55 thereof, and one or more other states or political subdivisions, provided that such service is
56 excluded from "employment" as defined in the Federal Unemployment Tax Act by Section
57 3306(c)(7) of that act and is not excluded from "employment" pursuant to subsection 9 of this
58 section, shall be "employment" subject to this law.

59 8. Service performed by an individual in the employ of a corporation or any community
60 chest, fund, or foundation organized and operated exclusively for religious, charitable, scientific,
61 testing for public safety, literary, or educational purposes, or for the prevention of cruelty to
62 children or animals, no part of the net earnings of which inures to the benefit of any private
63 shareholder or individual, or other organization described in Section 501(c)(3) of the Internal
64 Revenue Code which is exempt from income tax under Section 501(a) of that code if the
65 organization had four or more individuals in employment for some portion of a day in each of
66 twenty different weeks whether or not such weeks were consecutive within a calendar year
67 regardless of whether they were employed at the same moment of time shall be "employment"
68 subject to this law.

69 9. For the purposes of subsections 7 and 8 of this section, the term "employment" does
70 not apply to service performed:

71 (1) In the employ of a church or convention or association of churches, or an
72 organization which is operated primarily for religious purposes and which is operated,
73 supervised, controlled, or principally supported by a church or convention or association of
74 churches; or

75 (2) By a duly ordained, commissioned, or licensed minister of a church in the exercise
76 of such minister's ministry or by a member of a religious order in the exercise of duties required
77 by such order; or

78 (3) In the employ of a governmental entity referred to in subdivision (3) of subsection
79 1 of section 288.032 if such service is performed by an individual in the exercise of duties:

80 (a) As an elected official;

81 (b) As a member of a legislative body, or a member of the judiciary, of a state or political
82 subdivision;

83 (c) As a member of the state national guard or air national guard;

84 (d) As an employee serving on a temporary basis in case of fire, storm, snow, earthquake,
85 flood or similar emergency;

86 (e) In a position which, under or pursuant to the laws of this state, is designated as (i) a
87 major nontenured policy-making or advisory position, or (ii) a policy-making or advisory
88 position the performance of the duties of which ordinarily does not require more than eight hours
89 per week; or

90 (4) In a facility conducted for the purpose of carrying out a program of rehabilitation for
91 individuals whose earning capacity is impaired by age or physical or mental deficiency or injury
92 or providing remunerative work for individuals who because of their impaired physical or mental
93 capacity cannot be readily absorbed in the competitive labor market, by an individual receiving
94 such rehabilitation or remunerative work; or

95 (5) As part of an unemployment work-relief or work-training program assisted or
96 financed in whole or in part by any federal agency or an agency of a state or political subdivision
97 thereof, by an individual receiving such work relief or work training; or

98 (6) By an inmate of a custodial or penal institution; or

99 (7) In the employ of a school, college, or university, if such service is performed (i) by
100 a student who is enrolled and is regularly attending classes at such school, college, or university,
101 or (ii) by the spouse of such a student, if such spouse is advised, at the time such spouse
102 commences to perform such service, that (I) the employment of such spouse to perform such
103 service is provided under a program to provide financial assistance to such student by such
104 school, college, or university, and (II) such employment will not be covered by any program of
105 unemployment insurance.

106 10. The term "employment" shall include the service of an individual who is a citizen
107 of the United States, performed outside the United States (except in Canada), if:

108 (1) The employer's principal place of business in the United States is located in this state;
109 or

110 (2) The employer has no place of business in the United States, but:

111 (a) The employer is an individual who is a resident of this state; or

112 (b) The employer is a corporation which is organized under the laws of this state; or

113 (c) The employer is a partnership or a trust and the number of the partners or trustees
114 who are residents of this state is greater than the number who are residents of any one other state;
115 or

116 (3) None of the criteria of subdivisions (1) and (2) of this subsection is met but the
117 employer has elected coverage in this state or, the employer having failed to elect coverage in

118 any state, the individual has filed a claim for benefits, based on such service, under the law of
119 this state;

120 (4) As used in this subsection and in subsection 11 of this section, the term "United
121 States" includes the states, the District of Columbia and the Commonwealth of Puerto Rico.

122 11. An "American employer", for the purposes of subsection 10 of this section, means
123 a person who is:

124 (1) An individual who is a resident of the United States; or

125 (2) A partnership, if two-thirds or more of the partners are residents of the United States;
126 or

127 (3) A trust, if all of the trustees are residents of the United States; or

128 (4) A corporation organized under the laws of the United States or of any state.

129 12. The term "employment" shall not include:

130 (1) Service performed by an individual in agricultural labor;

131 (a) For the purposes of this subdivision, the term "agricultural labor" means remunerated
132 service performed:

133 a. On a farm, in the employ of any person, in connection with cultivating the soil, or in
134 connection with raising or harvesting any agricultural or horticultural commodity, including the
135 raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and
136 furbearing animals and wildlife;

137 b. In the employ of the owner or tenant or other operator of a farm, in connection with
138 the operation, management, conservation, improvement, or maintenance of such farm and its
139 tools and equipment, or in salvaging timber or clearing land of brush and other debris left by a
140 hurricane, if the major part of such service is performed on a farm;

141 c. In connection with the production or harvesting of any commodity defined as an
142 agricultural commodity in Section 15(g) of the Federal Agricultural Marketing Act, as amended
143 (46 Stat. 1550, Sec. 3; 12 U.S.C. 1441j), or in connection with the ginning of cotton, or in
144 connection with the operation or maintenance of ditches, canals, reservoirs, or waterways, not
145 owned or operated for profit, used exclusively for supplying and storing water for farming
146 purposes;

147 d. i. In the employ of the operator of a farm in handling, planting, drying, packing,
148 packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a
149 carrier for transportation to market, in its unmanufactured state, any agricultural or horticultural
150 commodity; but only if such operator produced more than one-half of the commodity with
151 respect to which such service is performed;

152 ii. In the employ of a group of operators of farms (or a cooperative organization of which
153 such operators are members) in the performance of services described in item i of this

154 subparagraph, but only if such operators produced more than one-half of the commodity with
155 respect to which such service is performed;

156 iii. The provisions of items i and ii of this subparagraph shall not be deemed to be
157 applicable with respect to service performed in connection with commercial canning or
158 commercial freezing or in connection with any agricultural or horticultural commodity after its
159 delivery to a terminal market for distribution for consumption; or

160 e. On a farm operated for profit if such service is not in the course of the employer's trade
161 or business. As used in this paragraph, the term "farm" includes stock, dairy, poultry, fruit,
162 furbearing animals, and truck farms, plantations, ranches, nurseries, ranges, greenhouses or other
163 similar structures, used primarily for the raising of agricultural or horticultural commodities, and
164 orchards;

165 (b) The term "employment" shall include service performed after December 31, 1977,
166 by an individual in agricultural labor as defined in paragraph (a) of this subdivision when such
167 service is performed for a person who, during any calendar quarter, paid remuneration in cash
168 of twenty thousand dollars or more to individuals employed in agricultural labor or for some
169 portion of a day in a calendar year in each of twenty different calendar weeks, whether or not
170 such weeks were consecutive, employed in agricultural labor ten or more individuals, regardless
171 of whether they were employed at the same moment of time;

172 (c) For the purposes of this subsection any individual who is a member of a crew
173 furnished by a crew leader to perform service in agricultural labor for any other person shall be
174 considered as employed by such crew leader:

175 a. If such crew leader holds a valid certificate of registration under the Farm Labor
176 Contractor Registration Act of 1963; or substantially all the members of such crew operate or
177 maintain tractors, mechanized harvesting or crop-dusting equipment, or any other mechanized
178 equipment, which is provided by such crew leader; and

179 b. If such individual is not in employment by such other person;

180 c. If any individual is furnished by a crew leader to perform service in agricultural labor
181 for any other person and that individual is not in the employment of the crew leader:

182 i. Such other person and not the crew leader shall be treated as the employer of such
183 individual; and

184 ii. Such other person shall be treated as having paid cash remuneration to such individual
185 in an amount equal to the amount of cash remuneration paid to such individual by the crew
186 leader (either on his or her own behalf or on behalf of such other person) for the service in
187 agricultural labor performed for such other person;

188 d. For the purposes of this subsection, the term "crew leader" means an individual who:

189 i. Furnishes individuals to perform service in agricultural labor for any other person;

190 ii. Pays (either on his or her own behalf or on behalf of such other person) the individuals
191 so furnished by him or her for the service in agricultural labor performed by them; and

192 iii. Has not entered into a written agreement with such other person under which such
193 individual is designated as in employment by such other person;

194 (2) Domestic service in a private home except as provided in subsection 13 of this
195 section;

196 (3) Service performed by an individual under the age of eighteen years in the delivery
197 or distribution of newspapers or shopping news but shall not include delivery or distribution to
198 any point for subsequent delivery or distribution;

199 (4) Service performed by an individual in, and at the time of, the sale of newspapers or
200 magazines to ultimate consumers under an arrangement under which the newspapers or
201 magazines are to be sold by him or her at a fixed price, his or her compensation being based on
202 the retention of the excess of such price over the amount at which the newspapers or magazines
203 are charged to him or her, whether or not he or she is guaranteed a minimum amount of
204 compensation for such service, or is entitled to be credited with the unsold newspapers or
205 magazines turned back;

206 (5) Service performed by an individual in the employ of his or her son, daughter, or
207 spouse, and service performed by a child under the age of twenty-one in the employ of his or her
208 father or mother;

209 (6) Except as otherwise provided in this law, service performed in the employ of a
210 corporation, community chest, fund or foundation, organized and operated exclusively for
211 religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty
212 to children or animals, no part of the net earnings of which inures to the benefit of any private
213 shareholder or individual;

214 (7) Services with respect to which unemployment insurance is payable under an
215 unemployment insurance system established by an act of Congress;

216 (8) Service performed in the employ of a foreign government;

217 (9) Service performed in the employ of an instrumentality wholly owned by a foreign
218 government:

219 (a) If the service is of a character similar to that performed in foreign countries by
220 employees of the United States government or of an instrumentality thereof; and

221 (b) If the division finds that the foreign government, with respect to whose
222 instrumentality exemption is claimed, grants an equivalent exemption with respect to similar
223 service performed in the foreign country by employees of the United States government and of
224 instrumentalities thereof. The certification of the United States Secretary of State to the United
225 States Secretary of Treasury shall constitute prima facie evidence of such equivalent exemption;

226 (10) Service covered by an arrangement between the division and the agency charged
227 with the administration of any other state or federal unemployment insurance law pursuant to
228 which all services performed by an individual for an employing unit during the period covered
229 by the employing unit's approved election are deemed to be performed entirely within the
230 jurisdiction of such other state or federal agency;

231 (11) Service performed in any calendar quarter in the employ of a school, college or
232 university not otherwise excluded, if such service is performed by a student who is enrolled and
233 regularly attending classes at such school, college, or university, and the remuneration for such
234 service does not exceed fifty dollars (exclusive of board, room, and tuition);

235 (12) Service performed by an individual for a person as a licensed insurance agent, a
236 licensed insurance broker, or an insurance solicitor, if all such service performed by such
237 individual for such person is performed for remuneration solely by way of commissions;

238 (13) Domestic service performed in the employ of a local college club or of a local
239 chapter of a college fraternity or sorority, except as provided in subsection 13 of this section;

240 (14) Services performed after March 31, 1982, in programs authorized and funded by
241 the Comprehensive Employment and Training Act by participants of such programs, except those
242 programs with respect to which unemployment insurance coverage is required by the
243 Comprehensive Employment and Training Act or regulations issued pursuant thereto;

244 (15) Service performed by an individual who is enrolled at a nonprofit or public
245 educational institution which normally maintains a regular faculty and curriculum and normally
246 has a regularly organized body of students in attendance at the place where its educational
247 activities are carried on, as a student in a full-time program, taken for credit at such institution,
248 which combines academic instruction with work experience, if such service is an integral part
249 of such program, and such institution has so certified to the employer; except, that this
250 subdivision shall not apply to service performed in a program established for or on behalf of an
251 employer or group of employers;

252 (16) Services performed by a licensed real estate salesperson or licensed real estate
253 broker if [at least eighty percent] **substantially all** of the remuneration, whether or not paid in
254 cash, for the services performed, rather than to the number of hours worked, is directly related
255 to sales **or other output, including the performance of services**, performed pursuant to a
256 written contract between such individual and the person for whom the services are performed
257 and such contract provides that the individual will not be treated as an employee with respect to
258 such services for federal tax purposes;

259 (17) Services performed as a direct seller who is engaged in the trade or business of the
260 delivering or distribution of newspapers or shopping news, including any services directly related
261 to such trade or business, or services performed as a direct seller who is engaged in the trade or

business of selling, or soliciting the sale of, consumer products in the home or otherwise than in, or affiliated with, a permanent, fixed retail establishment, if eighty percent or more of the remuneration, whether or not paid in cash, for the services performed rather than the number of hours worked is directly related to sales performed pursuant to a written contract between such direct seller and the person for whom the services are performed, and such contract provides that the individual will not be treated as an employee with respect to such services for federal tax purposes;

(18) Services performed as a volunteer research subject who is paid on a per study basis for scientific, medical or drug-related testing for any organization other than one described in Section 501(c)(3) of the Internal Revenue Code or any governmental entity.

13. The term "employment" shall include domestic service as defined in subdivisions (2) and (13) of subsection 12 of this section performed after December 31, 1977, if the employing unit for which such service is performed paid cash wages of one thousand dollars or more for such services in any calendar quarter after December 31, 1977.

14. The term "employment" shall include or exclude the entire service of an individual for an employing unit during a pay period in which such individual's services are not all excluded under the foregoing provisions, on the following basis: if the services performed during one-half or more of any pay period constitute employment as otherwise defined in this law, all the services performed during such period shall be deemed to be employment; but if the services performed during more than one-half of any such pay period do not constitute employment as otherwise defined in this law, then none of the services for such period shall be deemed to be employment. (As used in this subsection, the term "pay period" means a period of not more than thirty-one consecutive days for which a payment of remuneration is ordinarily made to the individual by the employing unit employing such individual.) This subsection shall not be applicable with respect to service performed in a pay period where any such service is excluded pursuant to subdivision (8) of subsection 12 of this section.

15. The term "employment" shall not include the services of a full-time student who performed such services in the employ of an organized summer camp for less than thirteen calendar weeks in such calendar year.

16. For the purpose of subsection 15 of this section, an individual shall be treated as a full-time student for any period:

(1) During which the individual is enrolled as a full-time student at an educational institution; or

(2) Which is between academic years or terms if:

(a) The individual was enrolled as a full-time student at an educational institution for the immediately preceding academic year or term; and

298 (b) There is a reasonable assurance that the individual will be so enrolled for the
299 immediately succeeding academic year or term after the period described in paragraph (a) of this
300 subdivision.

301 17. For the purpose of subsection 15 of this section, an "organized summer camp" shall
302 mean a summer camp which:

303 (1) Did not operate for more than seven months in the calendar year and did not operate
304 for more than seven months in the preceding calendar year; or

305 (2) Had average gross receipts for any six months in the preceding calendar year which
306 were not more than thirty-three and one-third percent of its average gross receipts for the other
307 six months in the preceding calendar year.

308 18. The term "employment" shall not mean service performed by a remodeling
309 salesperson acting as an independent contractor; however, if the federal Internal Revenue Service
310 determines that a contractual relationship between a direct provider and an individual acting as
311 an independent contractor pursuant to the provisions of this subsection is in fact an
312 employer-employee relationship for the purposes of federal law, then that relationship shall be
313 considered as an employer-employee relationship for the purposes of this chapter.

301.146. 1. Any federal, state, county or municipal law enforcement or public safety
2 agency, **or those persons vested by article V, section 1 of the Constitution of Missouri with**
3 **the judicial power of the state and those persons vested by Article III of the Constitution**
4 **of the United States with the judicial power of the United States, the members of the**
5 **federal judiciary**, may request the issuance of special license plates and drivers licenses. Upon
6 receipt of such a request, the director of revenue shall determine whether or not the special
7 license plates and drivers licenses are to be used for a legitimate law enforcement or public safety
8 purpose and if he so determines then the director of revenue shall issue the special license plates
9 and drivers licenses subject to such conditions as he shall decide, in a form prescribed by the
10 advisory committee established in section 301.129, except that such license plates shall be made
11 with fully reflective material with a common color scheme and design, shall be clearly visible
12 at night, and shall be aesthetically attractive, as prescribed by section 301.130. All decisions of
13 the director of revenue relating to the special law enforcement or public safety license plates or
14 drivers licenses shall be final.

15 2. Notwithstanding any other provision of law to the contrary, records pertaining to the
16 request for, issuance of, retention of or disposal of special license plates and drivers licenses
17 issued for law enforcement or public safety purposes as provided for in this section shall not be
18 subject to public disclosure and shall be held by the department of revenue in such a way as to
19 keep these records confidential.

2 **306.532. The certificate of title for a new outboard motor shall designate the year**
3 **the outboard motor was manufactured as the "Year Manufactured" and shall further**
4 **designate the year the dealer received the new outboard motor from the manufacturer as**
5 **the "Model Year-NEW". This section shall become effective on January 1, 2011.**

6 339.010. 1. A "real estate broker" is any person, partnership, **limited partnership,**
7 **limited liability company,** association, or corporation, foreign or domestic who, for another, and
8 for a compensation or valuable consideration, does, or attempts to do, any or all of the following:
9 (1) Sells, exchanges, purchases, rents, or leases real estate;
10 (2) Offers to sell, exchange, purchase, rent or lease real estate;
11 (3) Negotiates or offers or agrees to negotiate the sale, exchange, purchase, rental or
12 leasing of real estate;
13 (4) Lists or offers or agrees to list real estate for sale, lease, rental or exchange;
14 (5) Buys, sells, offers to buy or sell or otherwise deals in options on real estate or
15 improvements thereon;
16 (6) Advertises or holds himself or herself out as a licensed real estate broker while
17 engaged in the business of buying, selling, exchanging, renting, or leasing real estate;
18 (7) Assists or directs in the procuring of prospects, calculated to result in the sale,
19 exchange, leasing or rental of real estate;
20 (8) Assists or directs in the negotiation of any transaction calculated or intended to result
21 in the sale, exchange, leasing or rental of real estate;
22 (9) Engages in the business of charging to an unlicensed person an advance fee in
23 connection with any contract whereby the real estate broker undertakes to promote the sale of
24 that person's real estate through its listing in a publication issued for such purpose intended to
25 be circulated to the general public;
26 (10) Performs any of the foregoing acts on behalf of the owner of real estate, or interest
27 therein, or improvements affixed thereon, for compensation.

28 2. A "real estate salesperson" is any person, **single member limited liability company,**
29 **or corporation,** who for a compensation or valuable consideration becomes associated, either
30 as an independent contractor or employee, either directly or indirectly, with a real estate broker
31 to do any of the things above mentioned. The provisions of sections 339.010 to 339.180 and
sections 339.710 to 339.860 shall not be construed to deny a real estate salesperson who is
compensated solely by commission the right to be associated with a broker as an independent
contractor.

3 3. The term "commission" as used in sections 339.010 to 339.180 and sections 339.710
to 339.860 means the Missouri real estate commission.

32 4. "Real estate" for the purposes of sections 339.010 to 339.180 and sections 339.710
33 to 339.860 shall mean, and include, leaseholds, as well as any other interest or estate in land,
34 whether corporeal, incorporeal, freehold or nonfreehold, and the real estate is situated in this
35 state.

36 5. "Advertising" shall mean any communication, whether oral or written, between a
37 licensee or other entity acting on behalf of one or more licensees and the public, and shall
38 include, but not be limited to, business cards, signs, insignias, letterheads, radio, television,
39 newspaper and magazine ads, Internet advertising, websites, display or group ads in telephone
40 directories, and billboards.

41 6. The provisions of sections 339.010 to 339.180 and sections 339.710 to 339.860 shall
42 not apply to:

43 (1) Any person, partnership, **limited partnership, limited liability company,**
44 association, or corporation who as owner, lessor, or lessee shall perform any of the acts described
45 in subsection 1 of this section with reference to property owned or leased by them, or to the
46 regular employees thereof;

47 (2) Any licensed attorney-at-law;

48 (3) An auctioneer employed by the owner of the property;

49 (4) Any person acting as receiver, trustee in bankruptcy, administrator, executor, or
50 guardian or while acting under a court order or under the authority of a will, trust instrument or
51 deed of trust or as a witness in any judicial proceeding or other proceeding conducted by the state
52 or any governmental subdivision or agency;

53 (5) Any person employed or retained to manage real property by, for, or on behalf of the
54 agent or the owner of any real estate shall be exempt from holding a license, if the person is
55 limited to one or more of the following activities:

56 (a) Delivery of a lease application, a lease, or any amendment thereof, to any person;

57 (b) Receiving a lease application, lease, or amendment thereof, a security deposit, rental
58 payment, or any related payment, for delivery to, and made payable to, a broker or owner;

59 (c) Showing a rental unit to any person, as long as the employee is acting under the direct
60 instructions of the broker or owner, including the execution of leases or rental agreements;

61 (d) Conveying information prepared by a broker or owner about a rental unit, a lease, an
62 application for lease, or the status of a security deposit, or the payment of rent, by any person;

63 (e) Assisting in the performance of brokers' or owners' functions, administrative, clerical
64 or maintenance tasks;

65 (f) If the person described in this section is employed or retained by, for, or on behalf of
66 a real estate broker, the real estate broker shall be subject to discipline under this chapter for any
67 conduct of the person that violates this chapter or the regulations promulgated thereunder;

68 (6) Any officer or employee of a federal agency or the state government or any political
69 subdivision thereof performing official duties;

70 (7) Railroads and other public utilities regulated by the state of Missouri, or their
71 subsidiaries or affiliated corporations, or to the officers or regular employees thereof, unless
72 performance of any of the acts described in subsection 1 of this section is in connection with the
73 sale, purchase, lease or other disposition of real estate or investment therein unrelated to the
74 principal business activity of such railroad or other public utility or affiliated or subsidiary
75 corporation thereof;

76 (8) Any bank, trust company, savings and loan association, credit union, insurance
77 company, mortgage banker, or farm loan association organized under the laws of this state or of
78 the United States when engaged in the transaction of business on its own behalf and not for
79 others;

80 (9) Any newspaper, magazine, periodical, Internet site, Internet communications, or any
81 form of communications regulated or licensed by the Federal Communications Commission or
82 any successor agency or commission whereby the advertising of real estate is incidental to its
83 operation;

84 (10) Any developer selling Missouri land owned by the developer;

85 (11) Any employee acting on behalf of a nonprofit community, or regional economic
86 development association, agency or corporation which has as its principal purpose the general
87 promotion and economic advancement of the community at large, provided that such entity:

88 (a) Does not offer such property for sale, lease, rental or exchange on behalf of another
89 person or entity;

90 (b) Does not list or offer or agree to list such property for sale, lease, rental or exchange;
91 or

92 (c) Receives no fee, commission or compensation, either monetary or in kind, that is
93 directly related to sale or disposal of such properties. An economic developer's normal annual
94 compensation shall be excluded from consideration as commission or compensation related to
95 sale or disposal of such properties; or

96 (12) Any neighborhood association, as that term is defined in section 441.500, RSMo,
97 that without compensation, either monetary or in kind, provides to prospective purchasers or
98 lessors of property the asking price, location, and contact information regarding properties in and
99 near the association's neighborhood, including any publication of such information in a
100 newsletter, Internet site, or other medium.

339.020. It shall be unlawful for any person, partnership, **limited partnership, limited**
2 **liability company**, association, or corporation, foreign or domestic, to act as a real estate broker

3 or real estate salesperson, or to advertise or assume to act as such without a license first procured
4 from the commission.

339.030. A corporation, partnership, **limited partnership, limited liability company,**
2 or association shall be granted a **broker's or salesperson's** license when **the required fee is**
3 **paid and:**

4 (1) **For a real estate broker** individual licenses have been issued to every member,
5 **general partner, associate, manager,** or officer of such partnership, **limited partnership,**
6 **limited liability company,** association, or corporation who actively participates in its brokerage
7 business and to every person, **single member limited liability company, or corporation** who
8 acts as a salesperson for such partnership, **limited partnership, limited liability company,**
9 association, or corporation [and when the required fee is paid] ; or

10 (2) **For a real estate salesperson when licenses have been issued to the member or**
11 **officer of such single member limited liability company or corporation who act as**
12 **salesperson.**

339.040. 1. Licenses shall be granted only to persons who present, and corporations,
2 associations, [or] partnerships, **limited partnerships, and limited liability companies** whose
3 officers, **managers,** associates, [or] **general partners, or members who actively participate in**
4 **such entity's brokerage business** who present, satisfactory proof to the commission that they:

5 (1) Are persons of good moral character; and

6 (2) Bear a good reputation for honesty, integrity, and fair dealing; and

7 (3) Are competent to transact the business of a broker or salesperson in such a manner
8 as to safeguard the interest of the public.

9 2. In order to determine an applicant's qualifications to receive a license under sections
10 339.010 to 339.180 and sections 339.710 to 339.860, the commission shall hold oral or written
11 examinations at such times and places as the commission may determine.

12 3. Each applicant for a broker or salesperson license shall be at least eighteen years of
13 age and shall pay the broker examination fee or the salesperson examination fee.

14 4. Each applicant for a broker license shall be required to have satisfactorily completed
15 the salesperson license examination prescribed by the commission. For the purposes of this
16 section only, the commission may permit a person who is not associated with a licensed broker
17 to take the salesperson examination.

18 5. Each application for a broker license shall include a certificate from the applicant's
19 broker or brokers that the applicant has been actively engaged in the real estate business as a
20 licensed salesperson for at least two years immediately preceding the date of application, and
21 shall include a certificate from a school accredited by the commission under the provisions of
22 section 339.045 that the applicant has, within six months prior to the date of application,

23 successfully completed the prescribed broker curriculum or broker correspondence course
24 offered by such school, except that the commission may waive all or part of the requirements set
25 forth in this subsection when an applicant presents proof of other educational background or
26 experience acceptable to the commission.

27 6. Each application for a salesperson license shall include a certificate from a school
28 accredited by the commission under the provisions of section 339.045 that the applicant has,
29 within six months prior to the date of application, successfully completed the prescribed
30 salesperson curriculum or salesperson correspondence course offered by such school, except that
31 the commission may waive all or part of the educational requirements set forth in this subsection
32 when an applicant presents proof of other educational background or experience acceptable to
33 the commission.

34 7. The commission may issue a temporary work permit pending final review and printing
35 of the license to an applicant who appears to have satisfied the requirements for licenses. The
36 commission may, at its discretion, withdraw the work permit at any time.

37 8. Every active broker, salesperson, officer, **manager, general** partner, **member**, or
38 associate shall provide upon request to the commission evidence that during the two years
39 preceding he or she has completed twelve hours of real estate instruction in courses approved by
40 the commission. The commission may, by rule and regulation, provide for individual waiver of
41 this requirement.

42 9. Each entity that provides continuing education required under the provisions of
43 subsection 8 of this section may make available instruction courses that the entity conducts
44 through means of distance delivery. The commission shall by rule set standards for such courses.
45 The commission may by regulation require the individual completing such distance-delivered
46 course to complete an examination on the contents of the course. Such examination shall be
47 designed to ensure that the licensee displays adequate knowledge of the subject matter of the
48 course, and shall be designed by the entity producing the course and approved by the
49 commission.

50 10. In the event of the death or incapacity of a licensed broker, or of one or more of the
51 licensed **general** partners, officers, **managers, members**, or associates of a real estate
52 partnership, **limited partnership, limited liability company**, corporation, or association
53 whereby the affairs of the broker, partnership, [or] **limited partnership, limited liability**
54 **company, corporation, or association** cannot be carried on, the commission may issue, without
55 examination or fee, to the legal representative or representatives of the deceased or incapacitated
56 individual, or to another individual approved by the commission, a temporary broker license
57 which shall authorize such individual to continue for a period to be designated by the
58 commission to transact business for the sole purpose of winding up the affairs of the broker,

59 partnership [or] , **limited partnership, limited liability company**, corporation, or association
60 under the supervision of the commission.

339.080. 1. The commission may refuse to examine or issue a license to any person
2 known by it to be guilty of any of the acts or practices specified in subsection 2 of section
3 339.100, or to any person previously licensed whose license has been revoked, or may refuse to
4 issue a license to any association [or] , partnership, **limited partnership, or limited liability**
5 **company** of which such person is a [member] **manager, officer, or general partner or in**
6 **which as a member, partner, or associate such person has or exercises a controlling interest**
7 **either directly or indirectly**, or to any corporation of which such person is an officer or in
8 which as a stockholder such person has or exercises a controlling interest either directly or
9 indirectly.

10 2. Any person denied a license or the right to be examined shall be so notified by the
11 commission in writing stating the reasons for denial or refusal to examine and informing the
12 person so denied of his right to file a complaint with the administrative hearing commission in
13 accordance with the applicable provisions of sections 621.015 to 621.198, RSMo, and the rules
14 promulgated thereunder. All notices hereunder shall be sent by registered or certified mail to the
15 last known address of the applicant.

339.110. The commission may refuse to issue a license to any person who is known by
2 it to have been found guilty of forgery, embezzlement, obtaining money under false pretenses,
3 extortion, criminal conspiracy to defraud, or other like offense, or to any association [or] ,
4 partnership, **limited partnership, or limited liability company** of which [the person is a
5 member] **such person is a manager, officer, or general partner, or in which as a member,**
6 **partner, or associate such person has or exercises a controlling interest either directly or**
7 **indirectly**, or to any corporation of which [the] **such** person is an officer or in which as a
8 stockholder [the] **such** person has or exercises a controlling interest either directly or indirectly.

339.160. No person, partnership, **limited partnership, limited liability**
2 **company**, corporation, or association engaged within this state in the business or acting in the
3 capacity of a real estate broker or real estate salesperson shall bring or maintain an action in any
4 court in this state for the recovery of compensation for services rendered in the buying, selling,
5 exchanging, leasing, renting or negotiating a loan upon any real estate without alleging and
6 proving that such person, partnership, **limited partnership, limited liability company**,
7 corporation, or association, **or its member, manager, officer, general partner or associate,**
8 **as applicable**, was a licensed real estate broker or salesperson at the time when the alleged cause
9 of action arose.

339.170. Any person or corporation, **partnership, limited partnership, limited liability**
2 **company, or association** knowingly violating any provision of sections 339.010 to 339.180 and

3 sections 339.710 to 339.860 shall be guilty of a class B misdemeanor. Any officer or agent of
4 a corporation, or **any member, manager, officer, associate, general partner**, or agent of a
5 partnership [or], association, **limited partnership, or limited liability company who actively**
6 **participates in such entity's brokerage business**, who shall knowingly and personally
7 participate in or be an accessory to any violation of sections 339.010 to 339.180 and sections
8 339.710 to 339.860, shall be guilty of a class B misdemeanor. This section shall not be
9 construed to release any person from civil liability or criminal prosecution under any other law
10 of this state. The commission may cause complaint to be filed for violation of section 339.020
11 in any court of competent jurisdiction, and perform such other acts as may be necessary to
12 enforce the provisions hereof.

339.710. For purposes of sections 339.010 to 339.180, and sections 339.710 to 339.860,
2 the following terms mean:

- 3 (1) "Adverse material fact", a fact related to the property not reasonably ascertainable
4 or known to a party which negatively affects the value of the property. Adverse material facts
5 may include matters pertaining to:
- 6 (a) Environmental hazards affecting the property;
 - 7 (b) Physical condition of the property which adversely affects the value of the property;
 - 8 (c) Material defects in the property;
 - 9 (d) Material defects in the title to the property;
 - 10 (e) Material limitation of the party's ability to perform under the terms of the contract;
- 11 (2) "Affiliated licensee", any broker or salesperson who works under the supervision of
12 a designated broker;
- 13 (3) "Agent", a person or entity acting pursuant to the provisions of this chapter;
- 14 (4) "Broker disclosure form", the current form prescribed by the commission for
15 presentation to a seller, landlord, buyer or tenant who has not entered into a written agreement
16 for brokerage services;
- 17 (5) "Brokerage relationship", the relationship created between a designated broker, the
18 broker's affiliated licensees, and a client relating to the performance of services of a broker as
19 defined in section 339.010, and sections 339.710 to 339.860. If a designated broker makes an
20 appointment of an affiliated licensee or affiliated licensees pursuant to section 339.820, such
21 brokerage relationships are created between the appointed licensee or licensees and the client.
22 Nothing in this subdivision shall:
- 23 (a) Alleviate the designated broker from duties of supervision of the appointed licensee
24 or licensees; or
 - 25 (b) Alter the designated broker's underlying contractual agreement with the client;

- 26 (6) "Client", a seller, landlord, buyer, or tenant who has entered into a brokerage
27 relationship with a licensee pursuant to sections 339.710 to 339.860;
- 28 (7) "Commercial real estate", any real estate other than real estate containing one to four
29 residential units or real estate classified as agricultural and horticultural property for assessment
30 purposes pursuant to section 137.016, RSMo. Commercial real estate does not include single
31 family residential units including condominiums, townhouses, or homes in a subdivision when
32 that real estate is sold, leased, or otherwise conveyed on a unit-by-unit basis even though the
33 units may be part of a larger building or parcel of real estate containing more than four units;
- 34 (8) "Commission", the Missouri real estate commission;
- 35 (9) "Confidential information", information obtained by the licensee from the client and
36 designated as confidential by the client, information made confidential by sections 339.710 to
37 339.860 or any other statute or regulation, or written instructions from the client unless the
38 information is made public or becomes public by the words or conduct of the client to whom the
39 information pertains or by a source other than the licensee;
- 40 (10) "Customer", an actual or potential seller, landlord, buyer, or tenant in a real estate
41 transaction in which a licensee is involved but who has not entered into a brokerage relationship
42 with the licensee;
- 43 (11) "Designated agent", a licensee named by a designated broker as the limited agent
44 of a client as provided for in section 339.820;
- 45 (12) "Designated broker", any individual licensed as a broker who is operating pursuant
46 to the definition of real estate broker as defined in section 339.010, or any individual licensed
47 as a broker who is appointed by a partnership, **limited partnership**, association, limited liability
48 corporation, or a corporation engaged in the real estate brokerage business to be responsible for
49 the acts of the partnership, **limited partnership**, association, limited liability [corporation,]
50 **company** or corporation. Every real estate partnership, **limited partnership**, association, [or]
51 limited liability [corporation,] **company** or corporation shall appoint a designated broker;
- 52 (13) "Designated transaction broker", a licensee named by a designated broker or deemed
53 appointed by a designated broker as the transaction broker for a client pursuant to section
54 339.820;
- 55 (14) "Dual agency", a form of agency which may result when an agent licensee or
56 someone affiliated with the agent licensee represents another party to the same transaction;
- 57 (15) "Dual agent", a limited agent who, with the written consent of all parties to a
58 contemplated real estate transaction, has entered into an agency brokerage relationship, and not
59 a transaction brokerage relationship, with and therefore represents both the seller and buyer or
60 both the landlord and tenant;

61 (16) "Exclusive brokerage agreement", means a written brokerage agreement which
62 provides that the broker has the sole right, through the broker or through one or more affiliated
63 licensees, to act as the exclusive limited agent, representative, or transaction broker of the client
64 or customer that meets the requirements of section 339.780;

65 (17) "Licensee", a real estate broker or salesperson as defined in section 339.010;

66 (18) "Limited agent", a licensee whose duties and obligations to a client are those set
67 forth in sections 339.730 to 339.750;

68 (19) "Ministerial acts", those acts that a licensee may perform for a person or entity that
69 are informative in nature and do not rise to the level which requires the creation of a brokerage
70 relationship. Examples of these acts include, but are not limited to:

71 (a) Responding to telephone inquiries by consumers as to the availability and pricing of
72 brokerage services;

73 (b) Responding to telephone inquiries from a person concerning the price or location of
74 property;

75 (c) Attending an open house and responding to questions about the property from a
76 consumer;

77 (d) Setting an appointment to view property;

78 (e) Responding to questions of consumers walking into a licensee's office concerning
79 brokerage services offered on particular properties;

80 (f) Accompanying an appraiser, inspector, contractor, or similar third party on a visit to
81 a property;

82 (g) Describing a property or the property's condition in response to a person's inquiry;

83 (h) Showing a customer through a property being sold by an owner on his or her own
84 behalf; or

85 (i) Referral to another broker or service provider;

86 (20) "Residential real estate", all real property improved by a structure that is used or
87 intended to be used primarily for residential living by human occupants and that contains not
88 more than four dwelling units or that contains single dwelling units owned as a condominium
89 or in a cooperative housing association, and vacant land classified as residential property. The
90 term "cooperative housing association" means an association, whether incorporated or
91 unincorporated, organized for the purpose of owning and operating residential real property in
92 Missouri, the shareholders or members of which, by reason of their ownership of a stock or
93 membership certificate, a proprietary lease, or other evidence of membership, are entitled to
94 occupy a dwelling unit pursuant to the terms of a proprietary lease or occupancy agreement;

95 (21) "Single agent", a licensee who has entered into a brokerage relationship with and
96 therefore represents only one party in a real estate transaction. A single agent may be one of the
97 following:

98 (a) "Buyer's agent", which shall mean a licensee who represents the buyer in a real estate
99 transaction;

100 (b) "Landlord's agent", which shall mean a licensee who represents a landlord in a
101 leasing transaction;

102 (c) "Seller's agent", which shall mean a licensee who represents the seller in a real estate
103 transaction; and

104 (d) "Tenant's agent", which shall mean a licensee who represents the tenant in a leasing
105 transaction;

106 (22) "Subagent", a designated broker, together with the broker's affiliated licensees,
107 engaged by another designated broker, together with the broker's affiliated or appointed affiliated
108 licensees, to act as a limited agent for a client, or a designated broker's unappointed affiliated
109 licensees engaged by the designated broker, together with the broker's appointed affiliated
110 licensees, to act as a limited agent for a client. A subagent owes the same obligations and
111 responsibilities to the client pursuant to sections 339.730 to 339.740 as does the client's
112 designated broker;

113 (23) "Transaction broker", any licensee acting pursuant to sections 339.710 to 339.860,
114 who:

115 (a) Assists the parties to a transaction without an agency or fiduciary relationship to
116 either party and is, therefore, neutral, serving neither as an advocate or advisor for either party
117 to the transaction;

118 (b) Assists one or more parties to a transaction and who has not entered into a specific
119 written agency agreement to represent one or more of the parties; or

120 (c) Assists another party to the same transaction either solely or through licensee
121 affiliates. Such licensee shall be deemed to be a transaction broker and not a dual agent,
122 provided that, notice of assumption of transaction broker status is provided to the buyer and
123 seller immediately upon such default to transaction broker status, to be confirmed in writing prior
124 to execution of the contract.

**339.845. If the commission receives a notice of delinquent taxes from the director
2 of revenue under the provisions of section 324.010 regarding a real estate broker or
3 salesperson, the commission shall immediately send a copy of such notice to the real estate
4 broker with which the real estate broker or salesperson is associated.**

**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.**

452.340. 1. In a proceeding for dissolution of marriage, legal separation or child support,
2 the court may order either or both parents owing a duty of support to a child of the marriage to
3 pay an amount reasonable or necessary for the support of the child, including an award
4 retroactive to the date of filing the petition, without regard to marital misconduct, after
5 considering all relevant factors including:

6 (1) The financial needs and resources of the child;

7 (2) The financial resources and needs of the parents;

8 (3) The standard of living the child would have enjoyed had the marriage not been
9 dissolved;

10 (4) The physical and emotional condition of the child, and the child's educational needs;

11 (5) The child's physical and legal custody arrangements, including the amount of time
12 the child spends with each parent and the reasonable expenses associated with the custody or
13 visitation arrangements; and

14 (6) The reasonable work-related child care expenses of each parent.

15 2. The obligation of the parent ordered to make support payments shall abate, in whole
16 or in part, for such periods of time in excess of thirty consecutive days that the other parent has
17 voluntarily relinquished physical custody of a child to the parent ordered to pay child support,
18 notwithstanding any periods of visitation or temporary physical and legal or physical or legal
19 custody pursuant to a judgment of dissolution or legal separation or any modification thereof.
20 In a IV-D case, the family support division may determine the amount of the abatement pursuant
21 to this subsection for any child support order and shall record the amount of abatement in the
22 automated child support system record established pursuant to chapter 454, RSMo. If the case
23 is not a IV-D case and upon court order, the circuit clerk shall record the amount of abatement
24 in the automated child support system record established in chapter 454, RSMo.

25 3. Unless the circumstances of the child manifestly dictate otherwise and the court
26 specifically so provides, the obligation of a parent to make child support payments shall
27 terminate when the child:

28 (1) Dies;

29 (2) Marries;

30 (3) Enters active duty in the military;

31 (4) Becomes self-supporting, provided that the custodial parent has relinquished the child
32 from parental control by express or implied consent;

33 (5) Reaches age eighteen, unless the provisions of subsection 4 or 5 of this section apply;

34 or

35 (6) Reaches age twenty-one, unless the provisions of the child support order specifically
36 extend the parental support order past the child's twenty-first birthday for reasons provided by
37 subsection 4 of this section.

38 4. If the child is physically or mentally incapacitated from supporting himself and
39 insolvent and unmarried, the court may extend the parental support obligation past the child's
40 eighteenth birthday.

41 5. If when a child reaches age eighteen, the child is enrolled in and attending a secondary
42 school program of instruction, the parental support obligation shall continue, if the child
43 continues to attend and progresses toward completion of said program, until the child completes
44 such program or reaches age twenty-one, whichever first occurs. If the child is enrolled in an
45 institution of vocational or higher education not later than October first following graduation
46 from a secondary school or completion of a graduation equivalence degree program and so long
47 as the child enrolls for and completes at least twelve hours of credit each semester, not including
48 the summer semester, at an institution of vocational or higher education and achieves grades
49 sufficient to reenroll at such institution, the parental support obligation shall continue until the
50 child completes his or her education, or until the child reaches the age of twenty-one, whichever
51 first occurs. To remain eligible for such continued parental support, at the beginning of each
52 semester the child shall submit to each parent a transcript or similar official document provided
53 by the institution of vocational or higher education which includes the courses the child is
54 enrolled in and has completed for each term, the grades and credits received for each such
55 course, and an official document from the institution listing the courses which the child is
56 enrolled in for the upcoming term and the number of credits for each such course. When
57 enrolled in at least twelve credit hours, if the child receives failing grades in half or more of his
58 or her courseload in any one semester, payment of child support may be terminated and shall not
59 be eligible for reinstatement. Upon request for notification of the child's grades by the
60 noncustodial parent, the child shall produce the required documents to the noncustodial parent
61 within thirty days of receipt of grades from the education institution. If the child fails to produce
62 the required documents, payment of child support may terminate without the accrual of any child
63 support arrearage and shall not be eligible for reinstatement. If the circumstances of the child
64 manifestly dictate, the court may waive the October first deadline for enrollment required by this
65 subsection. If the child is enrolled in such an institution, the child or parent obligated to pay
66 support may petition the court to amend the order to direct the obligated parent to make the
67 payments directly to the child. As used in this section, an "institution of vocational education"
68 means any postsecondary training or schooling for which the student is assessed a fee and attends
69 classes regularly. "Higher education" means any community college, college, or university at
70 which the child attends classes regularly. A child who has been diagnosed with a developmental

71 disability, as defined in section 630.005, RSMo, or whose physical disability or diagnosed health
72 problem limits the child's ability to carry the number of credit hours prescribed in this subsection,
73 shall remain eligible for child support so long as such child is enrolled in and attending an
74 institution of vocational or higher education, and the child continues to meet the other
75 requirements of this subsection. A child who is employed at least fifteen hours per week during
76 the semester may take as few as nine credit hours per semester and remain eligible for child
77 support so long as all other requirements of this subsection are complied with.

78 **6. If the combined income of the custodial parent of a child and the cohabitant of**
79 **such custodial parent exceeds five times the federal poverty level based on family size,**
80 **either parent may petition the court to have all child support payments held in trust for the**
81 **child. Upon verification that the combined income of the custodial parent and his or her**
82 **cohabitant exceeds the amount described in this subsection, the court shall have no**
83 **discretion and is required to order that all child support payments made by the obligated**
84 **parent be held in trust for the child. All child support money held in trust for the child**
85 **shall be available for distribution to the child when he or she reaches eighteen years of age.**

86 **7.** The court shall consider ordering a parent to waive the right to claim the tax
87 dependency exemption for a child enrolled in an institution of vocational or higher education in
88 favor of the other parent if the application of state and federal tax laws and eligibility for
89 financial aid will make an award of the exemption to the other parent appropriate.

90 [7.] **8.** The general assembly finds and declares that it is the public policy of this state
91 that frequent, continuing and meaningful contact with both parents after the parents have
92 separated or dissolved their marriage is in the best interest of the child except for cases where
93 the court specifically finds that such contact is not in the best interest of the child. In order to
94 effectuate this public policy, a court with jurisdiction shall enforce visitation, custody and child
95 support orders in the same manner. A court with jurisdiction may abate, in whole or in part, any
96 past or future obligation of support and may transfer the physical and legal or physical or legal
97 custody of one or more children if it finds that a parent has, without good cause, failed to provide
98 visitation or physical and legal or physical or legal custody to the other parent pursuant to the
99 terms of a judgment of dissolution, legal separation or modifications thereof. The court shall
100 also award, if requested and for good cause shown, reasonable expenses, attorney's fees and court
101 costs incurred by the prevailing party.

102 [8.] **9.** The Missouri supreme court shall have in effect a rule establishing guidelines by
103 which any award of child support shall be made in any judicial or administrative proceeding.
104 Said guidelines shall contain specific, descriptive and numeric criteria which will result in a
105 computation of the support obligation. The guidelines shall address how the amount of child
106 support shall be calculated when an award of joint physical custody results in the child or

107 children spending substantially equal time with both parents. The Missouri supreme court shall
108 publish child support guidelines and specifically list and explain the relevant factors and
109 assumptions that were used to calculate the child support guidelines. Any rule made pursuant
110 to this subsection shall be reviewed by the promulgating body not less than once every four years
111 to ensure that its application results in the determination of appropriate child support award
112 amounts.

113 [9.] **10.** There shall be a rebuttable presumption, in any judicial or administrative
114 proceeding for the award of child support, that the amount of the award which would result from
115 the application of the guidelines established pursuant to subsection 8 of this section is the correct
116 amount of child support to be awarded. A written finding or specific finding on the record in a
117 judicial or administrative proceeding that the application of the guidelines would be unjust or
118 inappropriate in a particular case, after considering all relevant factors, including the factors set
119 out in subsection 1 of this section, is required if requested by a party and shall be sufficient to
120 rebut the presumption in the case. The written finding or specific finding on the record shall
121 detail the specific relevant factors that required a deviation from the application of the guidelines.

122 [10.] **11.** Pursuant to this or any other chapter, when a court determines the amount owed
123 by a parent for support provided to a child by another person, other than a parent, prior to the
124 date of filing of a petition requesting support, or when the director of the family support division
125 establishes the amount of state debt due pursuant to subdivision (2) of subsection 1 of section
126 454.465, RSMo, the court or director shall use the guidelines established pursuant to subsection
127 8 of this section. The amount of child support resulting from the application of the guidelines
128 shall be applied retroactively for a period prior to the establishment of a support order and the
129 length of the period of retroactivity shall be left to the discretion of the court or director. There
130 shall be a rebuttable presumption that the amount resulting from application of the guidelines
131 under subsection 8 of this section constitutes the amount owed by the parent for the period prior
132 to the date of the filing of the petition for support or the period for which state debt is being
133 established. In applying the guidelines to determine a retroactive support amount, when
134 information as to average monthly income is available, the court or director may use the average
135 monthly income of the noncustodial parent, as averaged over the period of retroactivity, in
136 determining the amount of presumed child support owed for the period of retroactivity. The
137 court or director may enter a different amount in a particular case upon finding, after
138 consideration of all relevant factors, including the factors set out in subsection 1 of this section,
139 that there is sufficient cause to rebut the presumed amount.

140 [11.] **12.** The obligation of a parent to make child support payments may be terminated
141 as follows:

(1) Provided that the child support order contains the child's date of birth, the obligation shall be deemed terminated without further judicial or administrative process when the child reaches age twenty-one if the child support order does not specifically require payment of child support beyond age twenty-one for reasons provided by subsection 4 of this section;

(2) The obligation shall be deemed terminated without further judicial or administrative process when the parent receiving child support furnishes a sworn statement or affidavit notifying the obligor parent of the child's emancipation in accordance with the requirements of subsection 4 of section 452.370, and a copy of such sworn statement or affidavit is filed with the court which entered the order establishing the child support obligation, or the division of child support enforcement;

(3) The obligation shall be deemed terminated without further judicial or administrative process when the parent paying child support files a sworn statement or affidavit with the court which entered the order establishing the child support obligation, or the family support division, stating that the child is emancipated and reciting the factual basis for such statement; which statement or affidavit is served by the court or division on the child support obligee; and which is either acknowledged and affirmed by the child support obligee in writing, or which is not responded to in writing within thirty days of receipt by the child support obligee;

(4) The obligation shall be terminated as provided by this subdivision by the court which entered the order establishing the child support obligation, or the family support division, when the parent paying child support files a sworn statement or affidavit with the court which entered the order establishing the child support obligation, or the family support division, stating that the child is emancipated and reciting the factual basis for such statement; and which statement or affidavit is served by the court or division on the child support obligee. If the obligee denies the statement or affidavit, the court or division shall thereupon treat the sworn statement or affidavit as a motion to modify the support obligation pursuant to section 452.370 or section 454.496, RSMo, and shall proceed to hear and adjudicate such motion as provided by law; provided that the court may require the payment of a deposit as security for court costs and any accrued court costs, as provided by law, in relation to such motion to modify.

[12.] **13.** The court may enter a judgment terminating child support pursuant to subdivisions (1) to (3) of subsection 11 of this section without necessity of a court appearance by either party. The clerk of the court shall mail a copy of a judgment terminating child support entered pursuant to subsection 11 of this section on both the obligor and obligee parents. The supreme court may promulgate uniform forms for sworn statements and affidavits to terminate orders of child support obligations for use pursuant to subsection 11 of this section and subsection 4 of section 452.370.

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

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

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

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

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

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

(5) A proposal for a revised schedule of custody or visitation with the child, if applicable.

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

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

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

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

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

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

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

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

and

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

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

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

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

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

55 10. If relocation is permitted:

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

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

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

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

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

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

- 72 (4) A brief statement of the specific reasons for the proposed relocation of the child; and
73 (5) A proposal for a revised schedule of custody or visitation with the child.

74

75 Your obligation to provide this information to each party continues as long as you or any other
76 party by virtue of this order is entitled to custody of a child covered by this order. Your failure
77 to obey the order of this court regarding the proposed relocation may result in further litigation
78 to enforce such order, including contempt of court. In addition, your failure to notify a party of
79 a relocation of the child may be considered in a proceeding to modify custody or visitation with
80 the child. Reasonable costs and attorney fees may be assessed against you if you fail to give the
81 required notice. **The residence of the child may be relocated sixty days after providing**
82 **notice, as required in this section, unless a parent files a motion seeking an order to prevent**
83 **the relocation within thirty days after receipt of such notice. Such motion shall be**
84 **accompanied by an affidavit setting forth the specific factual basis supporting a prohibition**
85 **of the relocation. The person seeking relocation shall file a response to the motion within**
86 **fourteen days, unless extended by the court for good cause, and include a counter-affidavit**
87 **setting forth the facts in support of the relocation as well as a proposed revised parenting**
88 **plan for the child."**

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

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

452.430. Any pleadings, other than the interlocutory or final judgment, **or any**
2 **modification thereof**, in a dissolution of marriage [or] , legal separation, **or motion to modify**
3 filed prior to August 28, 2009, shall be subject to inspection only by the parties or an attorney
4 of record or upon order of the court for good cause shown, **by any person or designee of a**
5 **person licensed and acting under chapter 381 who shall keep any information obtained**
6 **confidential except as necessary to the performance of functions required by chapter 381,**
7 or by the family support division within the department of social services when services are
8 being provided under section 454.400, RSMo. **Such persons may also receive or make copies**
9 **of documents without requiring the clerk to redact information unless specifically ordered**
10 **to do so by the court. Any pleadings, other than the interlocutory or final judgment, or any**
11 **modification thereof, in a dissolution of marriage, legal separation, or motion to modify**
12 **filed prior to August 28, 2009, shall be subject to inspection by the public only if the clerk**
13 **has redacted the Social Security number from such pleadings or filings. The clerk upon**

14 **request** shall redact the Social Security number from any **filings**, judgment or pleading before
15 releasing the **filings, pleadings, or** interlocutory or final judgment to the public.

454.425. **1.** The **family support** division [of child support enforcement] shall render
2 child support services authorized pursuant to this chapter to persons who are not recipients of
3 public assistance as well as to such recipients. Services may be provided to children, custodial
4 parents, noncustodial parents and other persons entitled to receive support. An application may
5 be required by the division for services and fees may be charged by the division pursuant to 42
6 U.S.C. section 654 and federal regulations. Services provided under a state plan shall be made
7 available to residents of other states on the same terms as residents of this state. If a family
8 receiving services ceases to receive assistance under a state program funded under Part A of Title
9 IV of the Social Security Act, the division shall provide appropriate notice to such family, and
10 services shall continue under the same terms and conditions as that provided to other individuals
11 under the state plan, except that an application for continued services shall not be required and
12 the requirement for payment of fees shall not apply to the family.

13 **2.** The division shall charge a fee in the amount of sixty dollars to an obligee or
14 obligor who requests that the division review a support order under subdivision (13) of
15 subsection 2 of section 454.400 for the purpose of determining whether a modification to
16 the support order is appropriate. The division shall not initiate a review until the
17 requestor pays the review fee. After the division initiates a review, the fee is
18 nonrefundable, regardless of the outcome of the review. The division shall waive the
19 review fee if the requestor has an individual gross monthly income of less than two
20 hundred fifty percent of the federal poverty level based on a household size of one, if the
21 requestor currently or formerly received assistance under a state program funded under
22 Part A of Title IV of the federal Social Security Act or if the fee is otherwise prohibited by
23 state or federal law.

24 **3.** The division shall charge a fee to an obligee or obligor who requests that the
25 division modify a support order after the division has determined that a modification is
26 appropriate and that such modification can be completed under this chapter. The division
27 shall not initiate a modification until the requestor pays the modification fee. After the
28 division initiates a modification, the fee is nonrefundable, regardless of the outcome of the
29 modification action. The division shall waive the modification fee if the requestor has an
30 individual gross monthly income of less than two hundred fifty percent of the federal
31 poverty level based on a household size of one, if the requestor currently or formerly
32 received assistance under a state program funded under Part A of Title IV of the federal
33 Social Security Act or if the fee is otherwise prohibited by state or federal law. When

34 **appropriate to charge a modification fee under this section, the modification fee shall be**
35 **in the amount of:**

36 **(1) One hundred seventy-five dollars if the requestor has an individual gross**
37 **monthly income equal to or greater than two hundred fifty percent of the federal poverty**
38 **level but less than four hundred percent of the federal poverty level based on a household**
39 **size of one; or**

40 **(2) Three hundred fifty dollars if the requestor has an individual gross monthly**
41 **income equal to or greater than four hundred percent of the federal poverty level based on**
42 **a household size of one.**

43 **4. The division shall charge a fee in the amount of twenty-five dollars for**
44 **submitting past-due child and spousal support debts for collection through federal income**
45 **tax refund offset. The fee shall be assessed only if the division collects support on a case**
46 **through federal income tax refund offset. The fee shall be assessed each time a federal**
47 **income tax intercept is distributed to a case receiving services under this chapter. The**
48 **obligor shall receive credit against the support order for the entire federal income tax**
49 **refund offset. The fee shall be collected from the obligee by deducting the fee from the**
50 **amount payable to the obligee. The division shall waive the federal income tax refund**
51 **offset fee if the obligee currently or formerly received assistance under a state program**
52 **funded under Part A of Title IV of the federal Social Security Act or if the fee is otherwise**
53 **prohibited by state or federal law.**

54 **5. The division shall have the authority to change the amount of the review fee and**
55 **modification fee under this section by administrative rule under the authority of section**
56 **454.400. The amount of the review fee and modification fee established by the division by**
57 **rule shall be based on actual standardized cost in accordance with 45 CFR Section 302.33.**

454.515. 1. A judgment or order for child support or maintenance payable in periodic
2 installments shall not be a lien on the real estate of the person against whom the judgment or
3 order is rendered until the person entitled to receive payments pursuant to the judgment or order,
4 the division or IV-D agency files a lien and the lien is recorded in the office of the circuit clerk
5 of any county in this state in which such real estate is situated in the manner provided for by the
6 supreme court and chapter 511, RSMo. Thereafter, the judgment shall become a lien on all real
7 property of the obligor in such county, owned by the obligor at the time, or which the obligor
8 may acquire afterwards and before the lien expires.

9 2. Liens pursuant to this section shall commence on the day filed and shall continue for
10 a period of three years. A judgment creditor, the division or IV-D agency may revive a lien by
11 filing another lien on or before each three-year anniversary of the original judgment. At the time

12 each lien is revived, all unpaid installments shall remain a lien for the subsequent three-year
13 period.

14 3. The lien shall state the name, last known address of the obligor, the **last four digits**
15 **of the** obligor's Social Security number, the obligor's date of birth, if known, and the amount of
16 support or maintenance due and unpaid.

17 4. A copy of the lien shall be mailed by the person entitled to receive payments under
18 the judgment or order, the division or IV-D agency to the last known address of the obligor.

19 5. The person entitled to receive payments pursuant to the judgment or order, the
20 division or IV-D agency may execute a partial or total release of the liens created by this section,
21 either generally or as to specific property.

454.548. In addition to any fees imposed pursuant to section 454.425 and if allowed by
2 federal law, the division [may] **shall** charge and collect a fee of ten dollars from support received
3 through the payment center for each order for every year or portion of a year during which
4 payments are received by the payment center. Such fee shall be used to reimburse the state for
5 the costs associated with processing support payments.

455.007. Notwithstanding any other provision of law to the contrary, the public
2 **interest exception to the mootness doctrine shall apply to an appeal of a full order of**
3 **protection which has expired.**

455.501. As used in sections 455.500 to 455.538, the following terms mean:

2 (1) "Abuse", any physical injury, sexual abuse, or emotional abuse inflicted on a child
3 other than by accidental means by an adult household member, or stalking of a child. Discipline
4 including spanking, administered in a reasonable manner shall not be construed to be abuse;

5 (2) "Adult household member", any person [eighteen] **seventeen** years of age or older
6 or an emancipated child who resides with the child in the same dwelling unit;

7 (3) "Child", any person under [eighteen] **seventeen** years of age;

8 (4) "Court", the circuit or associate circuit judge or a family court commissioner;

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

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

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

16 (8) "Petitioner", a person authorized to file a verified petition under the provisions of
17 sections 455.503 and 455.505;

18 (9) "Respondent", the adult household member, emancipated child or person stalking the
19 child against whom a verified petition has been filed;

20 (10) "Stalking", when an adult purposely and repeatedly engages in an unwanted course
21 of conduct with regard to a child that causes another adult to believe that a child would suffer
22 alarm by the conduct. As used in this subdivision:

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

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

27 (c) "Alarm" means to cause fear of danger of physical harm;

28 (11) "Victim", a child who is alleged to have been abused by an adult household
29 member.

476.083. 1. In addition to any appointments made pursuant to section 485.010, RSMo,
2 the presiding judge of each circuit containing one or more facilities operated by the department
3 of corrections with an average total inmate population in all such facilities in the circuit over the
4 previous two years of more than [two] **one** thousand five hundred inmates may appoint a circuit
5 court marshal to aid the presiding judge in the administration of the judicial business of the
6 circuit by overseeing the physical security of the courthouse, serving court-generated papers and
7 orders, and assisting the judges of the circuit as the presiding judge determines appropriate. Such
8 circuit court marshal appointed pursuant to the provisions of this section shall serve at the
9 pleasure of the presiding judge. The circuit court marshal authorized by this section is in
10 addition to staff support from the circuit clerks, deputy circuit clerks, division clerks, municipal
11 clerks, and any other staff personnel which may otherwise be provided by law.

12 2. The salary of a circuit court marshal shall be established by the presiding judge of the
13 circuit within funds made available for that purpose, but such salary shall not exceed ninety
14 percent of the salary of the highest paid sheriff serving a county wholly or partially within that
15 circuit. Personnel authorized by this section shall be paid from state funds or federal grant
16 moneys which are available for that purpose and not from county funds.

17 3. Any person appointed as a circuit court marshal pursuant to this section shall have at
18 least five years' prior experience as a law enforcement officer. In addition, any such person shall
19 within one year after appointment, or as soon as practicable, attend a court security school or
20 training program operated by the United States Marshal Service. In addition to all other powers
21 and duties prescribed in this section, a circuit court marshal may:

22 (1) Serve process;

23 (2) Wear a concealable firearm; and

24 (3) Make an arrest based upon local court rules and state law, and as directed by the
25 presiding judge of the circuit.

488.607. The governing body of any county or any city having a shelter for victims of
2 domestic violence established pursuant to sections 455.200 to 455.230, RSMo, or any
3 municipality within a county which has such shelter, or any county or municipality whose
4 residents are victims of domestic violence and are admitted to such shelters in another county,
5 may, by order or ordinance provide for an additional surcharge in the amount of [two] **four**
6 dollars per case for each criminal case, including violations of any county or municipal
7 ordinance. No surcharge shall be collected in any proceeding when the proceeding or defendant
8 has been dismissed by the court or when costs are to be paid by the state, county or municipality.
9 Such surcharges collected by municipal clerks in municipalities electing or required to have
10 violations of municipal ordinances tried before a municipal judge pursuant to section 479.020,
11 RSMo, or to employ judicial personnel pursuant to section 479.060, RSMo, shall be disbursed
12 to the city at least monthly, and such surcharges collected by circuit court clerks shall be
13 collected and disbursed as provided by sections 488.010 to 488.020. Such fees shall be payable
14 to the city or county wherein such fees originated. The county or city shall use such moneys only
15 for the purpose of providing operating expenses for shelters for battered persons as defined in
16 sections 455.200 to 455.230, RSMo.

525.233. The notice of garnishment and the writ of sequestration shall contain **only the**
2 **last four digits** of the federal taxpayer identification number, when available, on the judgment
3 debtor. When the **last four digits of the** federal taxpayer identification number is omitted from
4 the notice of garnishment or the writ of sequestration the garnishee shall not be held liable for
5 withholding from the incorrect debtor by the creditor garnishing the funds. The creditor shall
6 not have any action against the garnishee, when the **last four digits of the** federal taxpayer
7 identification number is omitted from the notice of garnishment or the writ of sequestration or
8 does not match the **last four digits of the** federal taxpayer identification, for failure to withhold
9 from any person the amount stated in the notice of garnishment or the writ of sequestration,
10 except to serve a notice of garnishment or writ of sequestration for the original amount to the
11 garnishee with the correct **last four digits of the** federal taxpayer identification number.

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

542.286. 1. **Except for a warrant to search for the blood of a person involved in an**
2 **accident**, a warrant to search a person or any movable thing may be executed in any part of the
3 state where the person or thing is found if, subsequent to the filing of the application, the person
4 or thing moves or is taken out of the territorial jurisdiction of the judge issuing the warrant

5 **2. A warrant to search for the blood of a person involved in an accident may be**
6 **executed in any part of the state where the person whose blood is the subject of the warrant**
7 **is found regardless of when the person moves or is taken out of the territorial jurisdiction**
8 **of the judge issuing the warrant.**

9 **3.** All other search warrants shall be executed within the territorial jurisdiction of the
10 court out of which the warrant issued and within the territorial jurisdiction of the officer
11 executing the warrant.

 571.030. 1. A person commits the crime of unlawful use of weapons if he or she
2 knowingly:

3 (1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack or
4 any other weapon readily capable of lethal use; or

5 (2) Sets a spring gun; or

6 (3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft,
7 or motor vehicle as defined in section 302.010, RSMo, or any building or structure used for the
8 assembling of people; or

9 (4) Exhibits, in the presence of one or more persons, any weapon readily capable of
10 lethal use in an angry or threatening manner; or

11 (5) Possesses or discharges a firearm or projectile weapon while intoxicated; or

12 (6) Discharges a firearm within one hundred yards of any occupied schoolhouse,
13 courthouse, or church building; or

14 (7) Discharges or shoots a firearm at a mark, at any object, or at random, on, along or
15 across a public highway or discharges or shoots a firearm into any outbuilding; or

16 (8) Carries a firearm or any other weapon readily capable of lethal use into any church
17 or place where people have assembled for worship, or into any election precinct on any election
18 day, or into any building owned or occupied by any agency of the federal government, state
19 government, or political subdivision thereof; or

20 (9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section
21 301.010, RSMo, discharges or shoots a firearm at any person, or at any other motor vehicle, or
22 at any building or habitable structure, unless the person was lawfully acting in self-defense; or

23 (10) Carries a firearm, whether loaded or unloaded, or any other weapon readily capable
24 of lethal use into any school, onto any school bus, or onto the premises of any function or activity
25 sponsored or sanctioned by school officials or the district school board.

26 2. Subdivisions (1), (3), (4), (6), (7), (8), (9) and (10) of subsection 1 of this section shall
27 not apply to or affect any of the following:

28 (1) All state, county and municipal peace officers who have completed the training
29 required by the police officer standards and training commission pursuant to sections 590.030

30 to 590.050, RSMo, and [possessing] **who possess** the duty and power of arrest for violation of
31 the general criminal laws of the state or for violation of ordinances of counties or municipalities
32 of the state, whether such officers are on or off duty, and whether such officers are within or
33 outside of the law enforcement agency's jurisdiction, or all qualified retired peace officers, as
34 defined in subsection 10 of this section, and who carry the identification defined in subsection
35 11 of this section, or any person summoned by such officers to assist in making arrests or
36 preserving the peace while actually engaged in assisting such officer;

37 (2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other
38 institutions for the detention of persons accused or convicted of crime;

39 (3) Members of the armed forces or national guard while performing their official duty;

40 (4) Those persons vested by article V, section 1 of the Constitution of Missouri with the
41 judicial power of the state and those persons vested by Article III of the Constitution of the
42 United States with the judicial power of the United States, the members of the federal judiciary;

43 (5) Any person whose bona fide duty is to execute process, civil or criminal;

44 (6) Any federal probation officer or federal flight deck officer as defined under the
45 federal flight deck officer program, 49 U.S.C. Section 44921;

46 (7) Any state probation or parole officer, including supervisors and members of the
47 board of probation and parole;

48 (8) Any corporate security advisor meeting the definition and fulfilling the requirements
49 of the regulations established by the board of police commissioners under section 84.340, RSMo;
50 [and]

51 (9) Any coroner, deputy coroner, medical examiner, or assistant medical examiner; **and**

52 **(10) Any prosecuting attorney or assistant prosecuting attorney or any circuit**
53 **attorney or assistant circuit attorney who has completed the firearms safety training course**
54 **required under subsection 2 of section 571.111.**

55 3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when
56 the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when
57 ammunition is not readily accessible or when such weapons are not readily accessible.
58 Subdivision (1) of subsection 1 of this section does not apply to any person twenty-one years of
59 age or older transporting a concealable firearm in the passenger compartment of a motor vehicle,
60 so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also
61 in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in
62 his or her dwelling unit or upon premises over which the actor has possession, authority or
63 control, or is traveling in a continuous journey peaceably through this state. Subdivision (10)
64 of subsection 1 of this section does not apply if the firearm is otherwise lawfully possessed by
65 a person while traversing school premises for the purposes of transporting a student to or from

66 school, or possessed by an adult for the purposes of facilitation of a school-sanctioned
67 firearm-related event.

68 4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any
69 person who has a valid concealed carry endorsement issued pursuant to sections 571.101 to
70 571.121 or a valid permit or endorsement to carry concealed firearms issued by another state or
71 political subdivision of another state.

72 5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this section shall
73 not apply to persons who are engaged in a lawful act of defense pursuant to section 563.031,
74 RSMo.

75 6. Nothing in this section shall make it unlawful for a student to actually participate in
76 school-sanctioned gun safety courses, student military or ROTC courses, or other
77 school-sponsored firearm-related events, provided the student does not carry a firearm or other
78 weapon readily capable of lethal use into any school, onto any school bus, or onto the premises
79 of any other function or activity sponsored or sanctioned by school officials or the district school
80 board.

81 7. Unlawful use of weapons is a class D felony unless committed pursuant to subdivision
82 (6), (7), or (8) of subsection 1 of this section, in which cases it is a class B misdemeanor, or
83 subdivision (5) or (10) of subsection 1 of this section, in which case it is a class A misdemeanor
84 if the firearm is unloaded and a class D felony if the firearm is loaded, or subdivision (9) of
85 subsection 1 of this section, in which case it is a class B felony, except that if the violation of
86 subdivision (9) of subsection 1 of this section results in injury or death to another person, it is
87 a class A felony.

88 8. Violations of subdivision (9) of subsection 1 of this section shall be punished as
89 follows:

90 (1) For the first violation a person shall be sentenced to the maximum authorized term
91 of imprisonment for a class B felony;

92 (2) For any violation by a prior offender as defined in section 558.016, RSMo, a person
93 shall be sentenced to the maximum authorized term of imprisonment for a class B felony without
94 the possibility of parole, probation or conditional release for a term of ten years;

95 (3) For any violation by a persistent offender as defined in section 558.016, RSMo, a
96 person shall be sentenced to the maximum authorized term of imprisonment for a class B felony
97 without the possibility of parole, probation, or conditional release;

98 (4) For any violation which results in injury or death to another person, a person shall
99 be sentenced to an authorized disposition for a class A felony.

9. Any person knowingly aiding or abetting any other person in the violation of subdivision (9) of subsection 1 of this section shall be subject to the same penalty as that prescribed by this section for violations by other persons.

10. As used in this section "qualified retired peace officer" means an individual who:

(1) Retired in good standing from service with a public agency as a peace officer, other than for reasons of mental instability;

(2) Before such retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest;

(3) Before such retirement, was regularly employed as a peace officer for an aggregate of fifteen years or more, or retired from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;

(4) Has a nonforfeitable right to benefits under the retirement plan of the agency if such a plan is available;

(5) During the most recent twelve-month period, has met, at the expense of the individual, the standards for training and qualification for active peace officers to carry firearms;

(6) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and

(7) Is not prohibited by federal law from receiving a firearm.

11. The identification required by subdivision (1) of subsection 2 of this section is:

(1) A photographic identification issued by the agency from which the individual retired from service as a peace officer that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active peace officers to carry a firearm of the same type as the concealed firearm; or

(2) A photographic identification issued by the agency from which the individual retired from service as a peace officer; and

(3) A certification issued by the state in which the individual resides that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the state to meet the standards established by the state for training and qualification for active peace officers to carry a firearm of the same type as the concealed firearm.

574.035. 1. A person commits the crime of disturbing a worship service if such person knowingly disturbs, interrupts or disquiets any assembly of people met for religious worship by using profane discourse, by rude or indecent behavior or by making noise

4 **either within the place of worship or so near it as to disturb the order and solemnity of the**
5 **worship service.**

6 **2. Disturbing a worship service, for a first offense, is a class C misdemeanor. A**
7 **second offense is a class B misdemeanor and a third or subsequent offense is a class A**
8 **misdemeanor.**

9 **3. In addition to any criminal penalty for violating the provisions of this section any**
10 **person aggrieved by conduct which is prohibited by this section may commence a civil**
11 **action for appropriate relief, including temporary, preliminary or permanent injunctive**
12 **relief and compensatory and punitive damages, as well as the costs of the suit and**
13 **reasonable attorney fees.**

610.010. As used in this chapter, unless the context otherwise indicates, the following
2 terms mean:

3 (1) "Closed meeting", "closed record", or "closed vote", any meeting, record or vote
4 closed to the public;

5 (2) "Copying", if requested by a member of the public, copies provided as detailed in
6 section 610.026, if duplication equipment is available;

7 (3) "Public business", all matters which relate in any way to the performance of the
8 public governmental body's functions or the conduct of its business;

9 (4) "Public governmental body", any legislative, administrative or governmental entity
10 created by the constitution or statutes of this state, by order or ordinance of any political
11 subdivision or district, judicial entities when operating in an administrative capacity, or by
12 executive order, including:

13 (a) Any body, agency, board, bureau, council, commission, committee, board of regents
14 or board of curators or any other governing body of any institution of higher education, including
15 a community college, which is supported in whole or in part from state funds, including but not
16 limited to the administrative entity known as "The Curators of the University of Missouri" as
17 established by section 172.020, RSMo;

18 (b) Any advisory committee or commission appointed by the governor by executive
19 order;

20 (c) Any department or division of the state, of any political subdivision of the state, of
21 any county or of any municipal government, school district or special purpose district including
22 but not limited to sewer districts, water districts, and other subdistricts of any political
23 subdivision;

24 (d) Any other legislative or administrative governmental deliberative body under the
25 direction of three or more elected or appointed members having rulemaking or quasi-judicial
26 power;

27 (e) Any committee appointed by or at the direction of any of the entities and which is
28 authorized to report to any of the above-named entities, any advisory committee appointed by
29 or at the direction of any of the named entities for the specific purpose of recommending, directly
30 to the public governmental body's governing board or its chief administrative officer, policy or
31 policy revisions or expenditures of public funds including, but not limited to, entities created to
32 advise bi-state taxing districts regarding the expenditure of public funds, or any policy advisory
33 body, policy advisory committee or policy advisory group appointed by a president, chancellor
34 or chief executive officer of any college or university system or individual institution at the
35 direction of the governing body of such institution which is supported in whole or in part with
36 state funds for the specific purpose of recommending directly to the public governmental body's
37 governing board or the president, chancellor or chief executive officer policy, policy revisions
38 or expenditures of public funds provided, however, the staff of the college or university
39 president, chancellor or chief executive officer shall not constitute such a policy advisory
40 committee. The custodian of the records of any public governmental body shall maintain a list
41 of the policy advisory committees described in this subdivision;

42 (f) Any quasi-public governmental body. The term "quasi-public governmental body"
43 means any person, corporation or partnership organized or authorized to do business in this state
44 pursuant to the provisions of chapter 352, 353, or 355, RSMo, or unincorporated association
45 which either:

46 a. Has as its primary purpose to enter into contracts with public governmental bodies,
47 or to engage primarily in activities carried out pursuant to an agreement or agreements with
48 public governmental bodies; or

49 b. Performs a public function as evidenced by a statutorily based capacity to confer or
50 otherwise advance, through approval, recommendation or other means, the allocation or issuance
51 of tax credits, tax abatement, public debt, tax-exempt debt, rights of eminent domain, or the
52 contracting of leaseback agreements on structures whose annualized payments commit public
53 tax revenues; or any association that directly accepts the appropriation of money from a public
54 governmental body, but only to the extent that a meeting, record, or vote relates to such
55 appropriation; and

56 (g) Any bi-state development agency established pursuant to section 70.370, RSMo;

57 (5) "Public meeting", any meeting of a public governmental body subject to sections
58 610.010 to 610.030 at which any public business is discussed, decided, or public policy
59 formulated, whether such meeting is conducted in person or by means of communication
60 equipment, including, but not limited to, conference call, video conference, Internet chat, or
61 Internet message board. The term "public meeting" shall not include an informal gathering of
62 members of a public governmental body for ministerial or social purposes when there is no intent

63 to avoid the purposes of this chapter, but the term shall include a public vote of all or a majority
64 of the members of a public governmental body, by electronic communication or any other means,
65 conducted in lieu of holding a public meeting with the members of the public governmental body
66 gathered at one location in order to conduct public business;

67 (6) "Public record", any record, whether written or electronically stored, retained by or
68 of any public governmental body including any report, survey, memorandum, or other document
69 or study prepared for the public governmental body by a consultant or other professional service
70 paid for in whole or in part by public funds, including records created or maintained by private
71 contractors under an agreement with a public governmental body or on behalf of a public
72 governmental body; provided, however, that personally identifiable student records maintained
73 by public educational institutions shall be open for inspection by the parents, guardian or other
74 custodian of students under the age of eighteen years and by the parents, guardian or other
75 custodian and the student if the student is over the age of eighteen years. **A record shall not be**
76 **considered to be created or maintained on behalf of a public governmental body that has**
77 **no control over the record's creation or retention.** The term "public record" shall not include
78 any internal memorandum or letter received or prepared by or on behalf of a member of a public
79 governmental body consisting of advice, opinions and recommendations in connection with the
80 deliberative decision-making process of said body, unless such records are retained by the public
81 governmental body or presented at a public meeting. Any document or study prepared for a
82 public governmental body by a consultant or other professional service as described in this
83 subdivision shall be retained by the public governmental body in the same manner as any other
84 public record;

85 (7) "Public vote", any vote, whether conducted in person, by telephone, or by any other
86 electronic means, cast at any public meeting of any public governmental body.

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