

SECOND REGULAR SESSION

[CORRECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1231

97TH GENERAL ASSEMBLY

4472H.02C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 56.363, 56.800, 56.805, 56.807, 56.811, 56.827, 56.833, 56.840, 105.684, 210.145, 210.150, 211.183, 211.447, 302.065, 452.375, 452.400, 452.556, 453.015, 453.040, 453.110, 455.007, 456.950, 478.437, 478.610, 488.026, 516.140, 516.350, 536.010, 546.720, 632.480, 632.483, 632.484, 578.501, 578.502, and 578.503, RSMo, and to enact in lieu thereof forty-seven new sections relating to judicial procedures, with penalty provisions.

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

Section A. Sections 56.363, 56.800, 56.805, 56.807, 56.811, 56.827, 56.833, 56.840, 105.684, 210.145, 210.150, 211.183, 211.447, 302.065, 452.375, 452.400, 452.556, 453.015, 453.040, 453.110, 455.007, 456.950, 478.437, 478.610, 488.026, 516.140, 516.350, 536.010, 546.720, 632.480, 632.483, 632.484, 578.501, 578.502, and 578.503, RSMo, are repealed and forty-seven new sections enacted in lieu thereof, to be known as sections 56.363, 56.800, 56.805, 56.807, 56.811, 56.827, 56.833, 56.840, 56.850, 56.860, 105.684, 210.145, 210.150, 211.183, 211.447, 302.065, 302.067, 452.375, 452.400, 452.556, 453.015, 453.040, 453.110, 453.700, 455.007, 456.950, 456.2-205, 456.4-420, 456.8-818, 474.395, 475.072, 476.085, 478.437, 478.610, 478.740, 488.026, 488.2240, 516.140, 516.350, 536.010, 537.602, 546.720, 574.160, 632.480, 632.483, 632.484, and 632.520, to read as follows:

56.363. 1. The county commission of any county may on its own motion and shall upon the petition of ten percent of the total number of people who voted in the previous general election in the county submit to the voters at a general or special election the proposition of making the county prosecutor a full-time position. The commission shall cause notice of the election to be published in a newspaper published within the county, or if no newspaper is

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

6 published within the county, in a newspaper published in an adjoining county, for three weeks
7 consecutively, the last insertion of which shall be at least ten days and not more than thirty days
8 before the day of the election, and by posting printed notices thereof at three of the most public
9 places in each township in the county. The proposition shall be put before the voters
10 substantially in the following form:

11

12 Shall the office of prosecuting attorney be made a full-time position in County?

13

14

☐ YES

☐ NO

15 If a majority of the voters voting on the proposition vote in favor of making the county
16 prosecutor a full-time position, it shall become effective upon the date that the prosecutor who
17 is elected at the next election subsequent to the passage of such proposal is sworn into office.

18 **2. Upon passage of the proposition under subsection 1 of this section, the position**
19 **shall qualify for the retirement benefit available for a full-time prosecutor of a county of**
20 **the first classification. Regardless of the county classification, any county which has**
21 **elected at any time to make the position of prosecuting attorney a full-time position shall**
22 **pay the same contribution amount that is paid by counties of the first classification into the**
23 **Missouri prosecuting attorneys and circuit attorneys' retirement fund established under**
24 **section 56.800.**

25 **3.** The provisions of subsection 1 of this section notwithstanding, in any county where
26 the proposition of making the county prosecutor a full-time position was submitted to the voters
27 at a general election in 1998 and where a majority of the voters voting on the proposition voted
28 in favor of making the county prosecutor a full-time position, the proposition shall become
29 effective on May 1, 1999. Any prosecuting attorney whose position becomes full time on May
30 1, 1999, under the provisions of this subsection shall have the additional duty of providing not
31 less than three hours of continuing education to peace officers in the county served by the
32 prosecuting attorney in each year of the term beginning January 1, 1999.

33 **[3.] 4.** In counties that, prior to August 28, 2001, have elected pursuant to this section
34 to make the position of prosecuting attorney a full-time position, the county commission may at
35 any time elect to have that position also qualify for the retirement benefit available for a full-time
36 prosecutor of a county of the first classification. Such election shall be made by a majority vote
37 of the county commission and once made shall be irrevocable. When such an election is made,
38 the results shall be transmitted to the Missouri prosecuting attorneys and circuit attorneys'
39 retirement system fund, and the election shall be effective on the first day of January following
40 such election. Such election shall also obligate the county to pay into the Missouri prosecuting

41 attorneys and circuit attorneys' system retirement fund the same retirement contributions for full-
42 time prosecutors as are paid by counties of the first classification.

56.800. There is hereby authorized a "Prosecuting Attorneys and Circuit Attorneys'
2 Retirement Fund" which shall be under the management of a board of trustees described in
3 section 56.809. The board of trustees shall be responsible for the administration of such
4 prosecuting attorneys and circuit attorneys' retirement fund. If insufficient funds are generated
5 to provide the benefits payable pursuant to the provisions of sections 56.800 to [56.840] **56.860**,
6 the board shall proportion the benefits according to the funds available. The prosecuting
7 attorneys and circuit attorneys' retirement fund shall be a body corporate and may sue and be
8 sued, transact business, invest funds, and hold cash, securities, and other property.

56.805. As used in sections 56.800 to [56.840] **56.860**, the following words and terms
2 mean:

3 (1) "Annuity", annual payments, made in equal monthly installments, to a retired
4 member from funds provided for, in, or authorized by, the provisions of sections 56.800 to
5 [56.840] **56.860**;

6 (2) "Average final compensation", the average compensation of an employee for the two
7 consecutive years prior to retirement when the employee's compensation was greatest;

8 (3) "Board of trustees" or "board", the board of trustees established by the provisions of
9 sections 56.800 to [56.840] **56.860**;

10 (4) "Compensation", all salary and other compensation payable by a county to an
11 employee, **including any salary reduction amounts authorized under a cafeteria plan**
12 **satisfying 26 U.S.C. 125 or eligible deferred compensation plan satisfying 26 U.S.C. 457** for
13 personal services rendered as an employee, but not including travel [and] , mileage,
14 reimbursement **for any expenses, consideration for agreeing to terminate employment, or**
15 **other nonrecurring or unusual payment that is not part of regular remuneration**;

16 (5) "County", the city of St. Louis and each county in the state;

17 (6) "Creditable service", the sum of both membership service and creditable prior
18 service;

19 (7) "Effective date of the establishment of the system", August 28, 1989;

20 (8) "Employee", an elected or appointed prosecuting attorney or circuit attorney who is
21 employed by a county or a city not within a county;

22 (9) "Membership service", service as a prosecuting attorney or circuit attorney after
23 becoming a member that is creditable in determining the amount of the member's benefits under
24 this system;

25 (10) "Prior service", service of a member rendered prior to the effective date of the
26 establishment of the system which is creditable under [section] **sections 56.823 and 56.850**;

27 (11) "Retirement system" or "system", the prosecuting attorneys and circuit attorneys'
28 retirement system authorized by the provisions of sections 56.800 to [56.840] **56.860**.

56.807. 1. Beginning August 28, 1989, and continuing monthly thereafter until August
2 27, 2003, the funds for prosecuting attorneys and circuit attorneys provided for in subsection 2
3 of this section shall be paid from county or city funds.

4 2. Beginning August 28, 1989, and continuing monthly thereafter until August 27, 2003,
5 each county treasurer shall pay to the system the following amounts to be drawn from the general
6 revenues of the county:

7 (1) For counties of the third and fourth classification except as provided in subdivision
8 (3) of this subsection, three hundred seventy-five dollars;

9 (2) For counties of the second classification, five hundred forty-one dollars and sixty-
10 seven cents;

11 (3) For counties of the first classification, counties which pursuant to section 56.363
12 elect to make the position of prosecuting attorney a full-time position after August 28, 2001, or
13 whose county commission has elected a full-time retirement benefit pursuant to subsection 3 of
14 section 56.363, and the city of St. Louis, one thousand two hundred ninety-one dollars and sixty-
15 seven cents.

16 3. Beginning August 28, 1989, and continuing until August 27, 2003, the county
17 treasurer shall at least monthly transmit the sums specified in subsection 2 of this section to the
18 Missouri office of prosecution services for deposit to the credit of the "Missouri Prosecuting
19 Attorneys and Circuit Attorneys' Retirement System Fund", which is hereby created. All moneys
20 held by the state treasurer on behalf of the system shall be paid to the system within ninety days
21 after August 28, 1993. Moneys in the Missouri prosecuting attorneys and circuit attorneys'
22 retirement system fund shall be used only for the purposes provided in sections 56.800 to 56.840
23 and for no other purpose.

24 4. Beginning August 28, 2003, the funds for prosecuting attorneys and circuit attorneys
25 provided for in this section shall be paid from county or city funds and the surcharge established
26 in this section and collected as provided by this section and sections 488.010 to 488.020.

27 5. **(1)** Beginning August 28, 2003, each county treasurer shall pay to the system the
28 following amounts to be drawn from the general revenues of the county:

29 **[(1)] (a)** For counties of the third and fourth classification except as provided in
30 **[subdivision (3)] paragraph (c)** of this **[subsection] subdivision**, one hundred eighty-seven
31 dollars;

32 **[(2)] (b)** For counties of the second classification, two hundred seventy-one dollars;

33 **[(3)] (c)** For counties of the first classification, counties which pursuant to section 56.363
34 elect to make the position of prosecuting attorney a full-time position after August 28, 2001, or

35 whose county commission has elected a full-time retirement benefit pursuant to subsection 3 of
36 section 56.363, and the city of St. Louis, six hundred forty-six dollars.

37 **(2) Beginning August 28, 2015, the county contribution set forth in paragraphs (a)**
38 **to (c) of subdivision (1) of this subsection shall be adjusted in accordance with the following**
39 **schedule based upon the prosecuting attorneys and circuit attorneys' retirement system's**
40 **annual actuarial valuation report. If the system's funding ration is:**

41 **(a) One hundred twenty percent or more, no monthly sum shall be transmitted;**

42 **(b) More than one hundred ten percent but less than one hundred twenty percent,**
43 **the monthly sum transmitted shall be reduced fifty percent;**

44 **(c) At least ninety percent and up to and including one hundred ten percent, the**
45 **monthly sum transmitted shall remain the same;**

46 **(d) At least eighty percent and less than ninety percent, the monthly sum**
47 **transmitted shall be increased fifty percent; and**

48 **(e) Less than eighty percent, the monthly sum transmitted shall be increased one**
49 **hundred percent.**

50 6. Beginning August 28, 2003, the county treasurer shall at least monthly transmit the
51 sums specified in subsection 5 of this section to the Missouri office of prosecution services for
52 deposit to the credit of the Missouri prosecuting attorneys and circuit attorneys' retirement system
53 fund. Moneys in the Missouri prosecuting attorneys and circuit attorneys' retirement system fund
54 shall be used only for the purposes provided in sections 56.800 to [56.840] **56.860**, and for no
55 other purpose.

56 7. Beginning August 28, 2003, the following surcharge for prosecuting attorneys and
57 circuit attorneys shall be collected and paid as follows:

58 (1) There shall be assessed and collected a surcharge of four dollars **against any person**
59 **who has pled guilty for any violation and paid a fine through a fine collection center, and**
60 in all criminal cases filed in the courts of this state including violation of any county ordinance
61 [or] , any violation of criminal or traffic laws of this state, including infractions, but no such
62 surcharge shall be assessed when the costs are waived or are to be paid by the state, county, or
63 municipality or when a criminal proceeding or the defendant has been dismissed by the court [or
64 against any person who has pled guilty and paid their fine pursuant to subsection 4 of section
65 476.385]. For purposes of this section, the term "county ordinance" shall include any ordinance
66 of the city of St. Louis;

67 (2) The clerk responsible for collecting court costs in criminal cases shall collect and
68 disburse such amounts as provided by sections 488.010 to 488.026. Such funds shall be payable
69 to the prosecuting attorneys and circuit attorneys' retirement fund. Moneys credited to the

70 prosecuting attorneys and circuit attorneys' retirement fund shall be used only for the purposes
71 provided for in sections 56.800 to [56.840] **56.860** and for no other purpose.

72 8. The board may accept gifts, donations, grants and bequests from private or public
73 sources to the Missouri prosecuting attorneys and circuit attorneys' retirement system fund.

74 9. No state moneys shall be used to fund section 56.700 and sections 56.800 to [56.840]
75 **56.860** unless provided for by law.

56.811. On and after the effective date of the establishment of the system, as an incident
2 to his employment or continued employment, each person employed as an elected or appointed
3 prosecuting attorney or circuit attorney shall become a member of the system. Such membership
4 shall continue as long as the person continues to be an employee, or receives or is eligible to
5 receive benefits under the provisions of sections 56.800 to [56.840] **56.860**.

56.827. 1. The normal annuity of a member shall be paid to a member during his
2 lifetime. Upon his death no further payments shall be made.

3 2. In lieu of the normal annuity otherwise payable to a member, the member may elect
4 in the member's application for retirement to receive his choice of the following options:

5 Option 1. The actuarial equivalent of the member's normal annuity in reduced monthly
6 payments for life during retirement with the provision that upon the member's death, fifty percent
7 of the reduced normal annuity shall be continued throughout the life of and paid to the member's
8 spouse; or

9 Option 2. Some other option approved by the board which shall be the actuarial
10 equivalent of the annuity to which the member is entitled under this system.

11 3. The election may be made only in the application for retirement and such application
12 shall be filed prior to the date on which the retirement of the member is to be effective unless
13 otherwise provided. If, after the reduced normal annuity begins under option 1, the spouse
14 predeceases the retired member, the reduced normal annuity continues to the retired member
15 during the member's lifetime; but, when a member dies any time after August 28, 1989, who is
16 eligible for retirement prior to retiring and receiving retirement benefits, the surviving spouse
17 of such member of the retirement system coming under the provisions of sections 56.800 to
18 [56.840] **56.860** shall, upon application, be appointed and employed as a special consultant by
19 the retirement system for the remainder of the spouse's life, and upon request shall give oral or
20 written opinions on the benefits of the retirement system, and shall be entitled to receive benefits
21 under option 1, and shall be eligible for all other benefits that other spouses are entitled to
22 receive.

56.833. 1. Upon termination of employment, any member with twelve or more years of
2 creditable service shall be entitled to a deferred normal annuity, payable at age fifty-five with
3 twelve or more years of creditable service. Any member with less than twelve years of creditable

4 service shall forfeit all rights in the fund, including the member's accrued creditable service as
5 of the date of the member's termination of employment.

6 2. A former member who has forfeited creditable service may have the creditable service
7 restored by again becoming an employee and completing four years of continuous membership
8 service.

9 3. Absences for sickness or injury of less than twelve months shall be counted as
10 membership service.

11 **4. Notwithstanding the provisions of section 104.800 to the contrary, no former or**
12 **current member shall be entitled to transfer creditable service into the retirement system**
13 **unless the member previously vested in the system.**

56.840. Annuity payments to retired employees under the provisions of sections 56.800
2 to [56.840] **56.860** shall be available beginning January first next succeeding the expiration of
3 two calendar years from the effective date of the establishment of the system to eligible retired
4 employees, and employees with at least twelve years of creditable service shall have vested rights
5 and upon reaching the required age shall be entitled to retirement benefits.

56.850. All non-vested members of the retirement system serving as prosecuting
2 **attorney or circuit attorney in counties of the first classification or any city not within a**
3 **county shall receive one year of creditable service for each year served. Non-vested**
4 **members serving as prosecuting attorney in counties that have elected to make the position**
5 **of prosecuting attorney a full-time position shall receive one year of creditable service for**
6 **each year served as a full-time prosecuting attorney and sixty percent creditable service**
7 **for each year served as a part-time prosecuting attorney. Unless otherwise permitted by**
8 **law, credit shall not be earned by any member for employment of only a portion of a year.**

56.860. Notwithstanding any provision of law to the contrary, any part-time vested
2 **member of the retirement system who ceased being a member for more than six months**
3 **before returning as a full-time member shall be entitled to retirement benefits for**
4 **creditable service as calculated on the date the member was terminated. Any creditable**
5 **service earned by such a member after rejoining the plan begins a new vesting period. No**
6 **member shall receive any retirement benefits while employed as a prosecuting attorney or**
7 **circuit attorney.**

105.684. 1. Notwithstanding any law to the contrary, no plan shall adopt or implement
2 any additional benefit increase, supplement, enhancement, lump sum benefit payments to
3 participants, or cost-of-living adjustment beyond current plan provisions in effect prior to August
4 28, 2007, unless the plan's actuary determines that the funded ratio of the most recent periodic
5 actuarial valuation and prior to such adoption or implementation is at least eighty percent and
6 will not be less than seventy-five percent after such adoption or implementation.

7 2. The unfunded actuarial accrued liabilities associated with benefit changes described
8 in this section shall be amortized over a period not to exceed twenty years for purposes of
9 determining the contributions associated with the adoption or implementation of any such benefit
10 increase, supplement, or enhancement.

11 3. Any plan with a funded ratio below sixty percent shall have the actuary prepare an
12 accelerated contribution schedule based on a descending amortization period for inclusion in the
13 actuarial valuation.

14 4. Nothing in this section shall apply to any plan established under [chapter] **chapters**
15 **56, 70, or [chapter] 476.**

16 5. Nothing in this section shall prevent a plan from adopting and implementing any
17 provision necessary to maintain a plan's status as a qualified trust pursuant to 26 U.S.C. 401(a).

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 if the victim is a child less than eighteen
20 years of age, section 566.030 or 566.060 if the victim is a child less than eighteen years of age,
21 or other crimes under chapter 566 if the victim is a child less than eighteen years of age and the
22 perpetrator is twenty-one years of age or older, section 567.050 if the victim is a child less than
23 eighteen years of age, section 568.020, 568.030, 568.045, 568.050, 568.060, 568.080, or
24 568.090, section 573.025, 573.035, 573.037, or 573.040, or an attempt to commit any such
25 crimes. The division shall immediately communicate all reports that merit investigation to its

26 appropriate local office and any relevant information as may be contained in the information
27 system. The local division staff shall determine, through the use of protocols developed by the
28 division, whether an investigation or the family assessment and services approach should be used
29 to respond to the allegation. The protocols developed by the division shall give priority to
30 ensuring the well-being and safety of the child.

31 4. When the child abuse and neglect hotline receives three or more calls, within a
32 seventy-two hour period, from one or more individuals concerning the same child, the division
33 shall conduct a review to determine whether the calls meet the criteria and statutory definition
34 for a child abuse and neglect report to be accepted. In conducting the review, the division shall
35 contact the hotline caller or callers in order to collect information to determine whether the calls
36 meet the criteria for harassment.

37 5. The local office shall contact the appropriate law enforcement agency immediately
38 upon receipt of a report which division personnel determine merits an investigation and provide
39 such agency with a detailed description of the report received. In such cases the local division
40 office shall request the assistance of the local law enforcement agency in all aspects of the
41 investigation of the complaint. The appropriate law enforcement agency shall either assist the
42 division in the investigation or provide the division, within twenty-four hours, an explanation
43 in writing detailing the reasons why it is unable to assist.

44 6. The local office of the division shall cause an investigation or family assessment and
45 services approach to be initiated in accordance with the protocols established in subsection 2 of
46 this section, except in cases where the sole basis for the report is educational neglect. If the
47 report indicates that educational neglect is the only complaint and there is no suspicion of other
48 neglect or abuse, the investigation shall be initiated within seventy-two hours of receipt of the
49 report. If the report indicates the child is in danger of serious physical harm or threat to life, an
50 investigation shall include direct observation of the subject child within twenty-four hours of the
51 receipt of the report. Local law enforcement shall take all necessary steps to facilitate such direct
52 observation. Callers to the child abuse and neglect hotline shall be instructed by the division's
53 hotline to call 911 in instances where the child may be in immediate danger. If the parents of the
54 child are not the alleged abusers, a parent of the child must be notified prior to the child being
55 interviewed by the division. No person responding to or investigating a child abuse and neglect
56 report shall call prior to a home visit or leave any documentation of any attempted visit, such as
57 business cards, pamphlets, or other similar identifying information if he or she has a reasonable
58 basis to believe the following factors are present:

59 (1) (a) No person is present in the home at the time of the home visit; and

60 (b) The alleged perpetrator resides in the home or the physical safety of the child may
61 be compromised if the alleged perpetrator becomes aware of the attempted visit;

62 (2) The alleged perpetrator will be alerted regarding the attempted visit; or

63 (3) The family has a history of domestic violence or fleeing the community.

64

65 If the alleged perpetrator is present during a visit by the person responding to or investigating the
66 report, such person shall provide written material to the alleged perpetrator informing him or her
67 of his or her rights regarding such visit, including but not limited to the right to contact an
68 attorney. The alleged perpetrator shall be given a reasonable amount of time to read such written
69 material or have such material read to him or her by the case worker before the visit commences,
70 but in no event shall such time exceed five minutes; except that, such requirement to provide
71 written material and reasonable time to read such material shall not apply in cases where the
72 child faces an immediate threat or danger, or the person responding to ~~or~~ investigating the report
73 is or feels threatened or in danger of physical harm. If the abuse is alleged to have occurred in
74 a school or child care facility the division shall not meet with the child in any school building
75 or child-care facility building where abuse of such child is alleged to have occurred. When the
76 child is reported absent from the residence, the location and the well-being of the child shall be
77 verified. For purposes of this subsection, child care facility shall have the same meaning as such
78 term is defined in section 210.201.

79 7. The director of the division shall name at least one chief investigator for each local
80 division office, who shall direct the division response on any case involving a second or
81 subsequent incident regarding the same subject child or perpetrator. The duties of a chief
82 investigator shall include verification of direct observation of the subject child by the division
83 and shall ensure information regarding the status of an investigation is provided to the public
84 school district liaison. The public school district liaison shall develop protocol in conjunction
85 with the chief investigator to ensure information regarding an investigation is shared with
86 appropriate school personnel. The superintendent of each school district shall designate a
87 specific person or persons to act as the public school district liaison. Should the subject child
88 attend a nonpublic school the chief investigator shall notify the school principal of the
89 investigation. Upon notification of an investigation, all information received by the public
90 school district liaison or the school shall be subject to the provisions of the federal Family
91 Educational Rights and Privacy Act (FERPA), 20 U.S.C., Section 1232g, and federal rule 34
92 C.F.R., Part 99.

93 8. The investigation shall include but not be limited to the nature, extent, and cause of
94 the abuse or neglect; the identity and age of the person responsible for the abuse or neglect; the
95 names and conditions of other children in the home, if any; the home environment and the
96 relationship of the subject child to the parents or other persons responsible for the child's care;

97 any indication of incidents of physical violence against any other household or family member;
98 and other pertinent data.

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

103 10. Upon completion of the investigation, if the division suspects that the report was
104 made maliciously or for the purpose of harassment, the division shall refer the report and any
105 evidence of malice or harassment to the local prosecuting or circuit attorney.

106 11. Multidisciplinary teams shall be used whenever conducting the investigation as
107 determined by the division in conjunction with local law enforcement. Multidisciplinary teams
108 shall be used in providing protective or preventive social services, including the services of law
109 enforcement, a liaison of the local public school, the juvenile officer, the juvenile court, and
110 other agencies, both public and private.

111 12. For all family support team meetings involving an alleged victim of child abuse or
112 neglect, the parents, legal counsel for the parents, foster parents, the legal guardian or custodian
113 of the child, the guardian ad litem for the child, and the volunteer advocate for the child shall be
114 provided notice and be permitted to attend all such meetings. Family members, other than
115 alleged perpetrators, or other community informal or formal service providers that provide
116 significant support to the child and other individuals may also be invited at the discretion of the
117 parents of the child. In addition, the parents, the legal counsel for the parents, the legal guardian
118 or custodian and the foster parents may request that other individuals, other than alleged
119 perpetrators, be permitted to attend such team meetings. Once a person is provided notice of or
120 attends such team meetings, the division or the convenor of the meeting shall provide such
121 persons with notice of all such subsequent meetings involving the child. Families may determine
122 whether individuals invited at their discretion shall continue to be invited.

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

130 14. If the appropriate local division personnel determines to use a family assessment and
131 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.

15. Within thirty 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 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 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.

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

168 shall respond to the request within forty-five days. The findings shall be made available to the
169 reporter within five days of the outcome of the investigation. If the report is determined to be
170 unsubstantiated, the reporter may request that the report be referred by the division to the office
171 of child advocate for children's protection and services established in sections 37.700 to 37.730.
172 Upon request by a reporter under this subsection, the division shall refer an unsubstantiated
173 report of child abuse or neglect to the office of child advocate for children's protection and
174 services.

175 17. The division shall provide to any individual who is not satisfied with the results of
176 an investigation information about the office of child advocate and the services it may provide
177 under sections 37.700 to 37.730.

178 18. In any judicial proceeding involving the custody of a child the fact that a report may
179 have been made pursuant to sections 210.109 to 210.183 shall not be admissible. However:

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

183 (2) **Nothing in this subsection shall prohibit the admissibility of a report or the**
184 **identity of the person making such a report in accordance with subsection 14 of section**
185 **452.375; and**

186 (3) The court may on its own motion, or shall if requested by a party to the proceeding,
187 make an inquiry not on the record with the children's division to determine if such a report has
188 been made.

189
190 If a report has been made, the court may stay the custody proceeding until the children's division
191 completes its investigation.

192 19. In any judicial proceeding involving the custody of a child where the court
193 determines that the child is in need of services under paragraph (d) of subdivision (1) of
194 subsection 1 of section 211.031 and has taken jurisdiction, the child's parent, guardian or
195 custodian shall not be entered into the registry.

196 20. The children's division is hereby granted the authority to promulgate rules and
197 regulations pursuant to the provisions of section 207.021 and chapter 536 to carry out the
198 provisions of sections 210.109 to 210.183.

199 21. Any rule or portion of a rule, as that term is defined in section 536.010, that is
200 created under the authority delegated in this section shall become effective only if it complies
201 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
202 This section and chapter 536 are nonseverable and if any of the powers vested with the general
203 assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and

204 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
205 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
2 records made pursuant to sections 210.109 to 210.183 and maintained by the division, its local
3 offices, the central registry, and other appropriate persons, officials, and institutions pursuant to
4 sections 210.109 to 210.183. To protect the rights of the family and the child named in the report
5 as a victim, the children's division shall establish guidelines which will ensure that any disclosure
6 of information concerning the abuse and neglect involving that child is made only to persons or
7 agencies that have a right to such information. The division may require persons to make written
8 requests for access to records maintained by the division. The division shall only release
9 information to persons who have a right to such information. The division shall notify persons
10 receiving information pursuant to subdivisions (2), (7), (8) and (9) of subsection 2 of this section
11 of the purpose for which the information is released and of the penalties for unauthorized
12 dissemination of information. Such information shall be used only for the purpose for which the
13 information is released.

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

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

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

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

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

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

35 division shall determine if the release of such identifying information may place a person's life
36 or safety in danger. If the division makes the determination that a person's life or safety may be
37 in danger, the identifying information shall not be released. However, the investigation reports
38 will not be released to any alleged perpetrator with pending criminal charges arising out of the
39 facts and circumstances named in the investigation records until an indictment is returned or an
40 information filed;

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

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

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

69 (9) Any parent or legal guardian who inquires about a child abuse or neglect report
70 involving a specific person or child-care facility who does or may provide services or care to a

71 child of the person requesting the information. Request for examinations shall be made to the
72 division director or the director's designee, in writing, by the parent or legal guardian of the child
73 and shall be accompanied with a signed and notarized release form from the person who does
74 or may provide care or services to the child. The notarized release form shall include the full
75 name, date of birth and Social Security number of the person who does or may provide care or
76 services to a child. The response shall include information pertaining to the nature and
77 disposition of any report or reports of abuse or neglect revealed by the examination of the central
78 registry. This response shall not include any identifying information regarding any person other
79 than the alleged perpetrator of the abuse or neglect. The response shall be given within ten
80 working days of the time it was received by the division;

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

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

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

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

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

100 (1) Appropriate staff of the division;

101 (2) Any child named in the report as a victim, or a legal representative, or the parent or
102 guardian of such person when such person is a minor, or is mentally ill or otherwise incompetent.
103 The names or other identifying information of reporters shall not be furnished to persons in this
104 category. Prior to the release of any identifying information, the division shall determine if the
105 release of such identifying information may place a person's life or safety in danger. If the
106 division makes the determination that a person's life or safety may be in danger, the identifying

107 information shall not be released. The division shall provide for a method for confirming or
108 certifying that a designee is acting on behalf of a subject;

109 (3) Any alleged perpetrator named in the report, but the names of reporters shall not be
110 furnished to persons in this category; **except that, the names of reporters shall be furnished**
111 **to persons in this category in accordance with subsection 14 of section 452.375.** Prior to the
112 release of any identifying information, the division shall determine if the release of such
113 identifying information may place a person's life or safety in danger. If the division makes the
114 determination that a person's life or safety may be in danger, the identifying information shall
115 not be released. However, the investigation reports will not be released to any alleged
116 perpetrator with pending criminal charges arising out of the facts and circumstances named in
117 the investigation records until an indictment is returned or an information filed;

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

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

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

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

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

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

211.183. 1. In juvenile court proceedings regarding the removal of a child from his or
2 her home, the court's order shall include a determination of whether the division of family
3 services has made reasonable efforts to prevent or eliminate the need for removal of the child
4 and, after removal, to make it possible for the child to return home. If the first contact with the
5 family occurred during an emergency in which the child could not safely remain at home even

6 with reasonable in-home services, the division shall be deemed to have made reasonable efforts
7 to prevent or eliminate the need for removal.

8 2. "Reasonable efforts" means the exercise of reasonable diligence and care by the
9 division to utilize all available services related to meeting the needs of the juvenile and the
10 family. In determining reasonable efforts to be made and in making such reasonable efforts, the
11 child's present and ongoing health and safety shall be the paramount consideration.

12 3. In support of its determination of whether reasonable efforts have been made, the
13 court shall enter findings, including a brief description of what preventive or reunification efforts
14 were made and why further efforts could or could not have prevented or shortened the separation
15 of the family. The division shall have the burden of demonstrating reasonable efforts.

16 4. The juvenile court may authorize the removal of the child even if the preventive and
17 reunification efforts of the division have not been reasonable, but further efforts could not permit
18 the child to remain at home.

19 5. Before a child may be removed from the parent, guardian, or custodian of the child
20 by order of a juvenile court, excluding commitments to the division of youth services, the court
21 shall in its orders:

22 (1) State whether removal of the child is necessary to protect the child and the reasons
23 therefor;

24 (2) Describe the services available to the family before removal of the child, including
25 in-home services;

26 (3) Describe the efforts made to provide those services relevant to the needs of the family
27 before the removal of the child;

28 (4) State why efforts made to provide family services described did not prevent removal
29 of the child; and

30 (5) State whether efforts made to prevent removal of the child were reasonable, based
31 upon the needs of the family and child.

32 6. If continuation of reasonable efforts, as described in this section, is determined by the
33 division to be inconsistent with establishing a permanent placement for the child, the division
34 shall take such steps as are deemed necessary by the division, including seeking modification of
35 any court order to modify the permanency plan for the child.

36 7. The division shall not be required to make reasonable efforts, as defined in this
37 section, but has the discretion to make reasonable efforts if a court of competent jurisdiction has
38 determined that:

39 (1) The parent has subjected the child to a severe act or recurrent acts of physical,
40 emotional or sexual abuse toward the child, including an act of incest; or

41 (2) The parent has:

- 42 (a) Committed murder of another child of the parent;
- 43 (b) Committed voluntary manslaughter of another child of the parent;
- 44 (c) Aided or abetted, attempted, conspired or solicited to commit such a murder or
- 45 voluntary manslaughter; or
- 46 (d) Committed a felony assault that resulted in serious bodily injury to the child or to
- 47 another child of the parent; or
- 48 (3) **Aggravating factors that in the totality of circumstances affect the fitness of the**
- 49 **parent including, but not limited to, alcohol, controlled substances, or prescription drug**
- 50 **dependency of the parent, all of which prevents him or her from consistently providing the**
- 51 **necessary care, custody, and control of the child and which in the totality of the**
- 52 **circumstances appear to be not treatable such as to enable the parent to consistently**
- 53 **provide such care, custody, and control. The court may consider, but is not limited to, the**
- 54 **following factors under this subdivision:**
- 55 (a) Previous history of child abandonment;
- 56 (b) Previous history of child maltreatment;
- 57 (c) Placement of the parent's other child or children in foster care or out-of-home
- 58 placement;
- 59 (d) Prior failed efforts at reunification with the child at issue or with the parent's
- 60 other child or children;
- 61 (e) History of giving birth to a newborn with fetal alcohol syndrome or a controlled
- 62 substance exposed newborn;
- 63 (f) History of a parent's child or children testing positive for alcohol or a controlled
- 64 substance at birth or any time afterwards;
- 65 (g) Diminished motivation to parent the child at issue or another child or children
- 66 of the parent;
- 67 (h) Past or current failed efforts at alcohol or controlled substance rehabilitation
- 68 or refusal to enter an alcohol or controlled substance abuse rehabilitation facility; or
- 69 (i) Extended period of alcohol or controlled substance abuse; or
- 70 (4) The parent's parental rights to a sibling have been involuntarily terminated.
- 71 8. If the court determines that reasonable efforts, as described in this section, are not
- 72 required to be made by the division, the court shall hold a permanency hearing within thirty days
- 73 after the court has made such determination. The division shall complete whatever steps are
- 74 necessary to finalize the permanent placement of the child.
- 75 9. The division may concurrently engage in reasonable efforts, as described in this
- 76 section, while engaging in such other measures as are deemed appropriate by the division to
- 77 establish a permanent placement for the child.

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

(c) The parent has voluntarily relinquished a child under section 210.950; 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.

37 Failure to comply with this requirement shall not deprive the court of jurisdiction to adjudicate
38 a petition for termination of parental rights which is filed outside of sixty days.

39 4. If grounds exist for termination of parental rights pursuant to subsection 2 of this
40 section, the juvenile officer or the division may, but is not required to, file a petition to terminate
41 the parental rights of the child's parent or parents if:

42 (1) The child is being cared for by a relative; or

43 (2) There exists a compelling reason for determining that filing such a petition would
44 not be in the best interest of the child, as documented in the permanency plan which shall be
45 made available for court review; or

46 (3) The family of the child has not been provided such services as provided for in section
47 211.183.

48 5. The juvenile officer or the division may file a petition to terminate the parental rights
49 of the child's parent when it appears that one or more of the following grounds for termination
50 exist:

51 (1) The child has been abandoned. For purposes of this subdivision a "child" means any
52 child over one year of age at the time of filing of the petition. The court shall find that the child
53 has been abandoned if, for a period of six months or longer:

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

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

60 (2) The child has been abused or neglected. In determining whether to terminate parental
61 rights pursuant to this subdivision, the court shall consider and make findings on the following
62 conditions or acts of the parent:

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

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

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

73 (d) Repeated or continuous failure by the parent, although physically or financially able,
74 to provide the child with adequate food, clothing, shelter, or education as defined by law, or other
75 care and control necessary for the child's physical, mental, or emotional health and development.
76

77 Nothing in this subdivision shall be construed to permit discrimination on the basis of disability
78 or disease;

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

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

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

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

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

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

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

107 (6) [The parent is unfit to be a party to the parent and child relationship because of a
108 consistent pattern of committing a specific abuse, including but not limited to abuses as defined

in section 455.010, 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 this subsection or similar laws of other states.] **(a) 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, specific conditions directly relating to the parent and child relationship 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.**

(b) It is presumed that a parent is unfit to be a party to the parent and child relationship upon a showing that:

a. 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 under subsection 2 or 4 of this section or subdivisions (1), (2), (3), or (4) of this subsection or similar laws of other states;

b. While a child is in utero or within eight hours after a child's birth, the child's birth mother has tested positive for alcohol, cocaine, heroin, or methamphetamine, and the mother of the child at issue is the biological mother of at least one other child who was adjudicated an abused or neglected minor or has previously failed to complete treatment services by the children's division through a family-centered services case;

c. At the time of the child's birth or within eight hours after a child's birth, the child tested positive for alcohol, cocaine, heroin, or methamphetamine, and the mother of the child at issue is the biological mother of at least one other child who was adjudicated an abused or neglected minor or the mother has previously failed to complete treatment services by the children's division through a family-centered services case; or

d. Within a three-year period immediately prior to termination adjudication, the parent has pled guilty to or has been convicted of a felony involving the possession, distribution, or manufacture of cocaine, heroin, or methamphetamine, and the parent is the biological parent of at least one other child who was adjudicated an abused or neglected minor or has previously failed to complete treatment services by the children's division through a family-centered services case.

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

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

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

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

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

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

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

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

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

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

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

174 10. The disability or disease of a parent shall not constitute a basis for a determination
175 that a child is a child in need of care, for the removal of custody of a child from the parent, or for
176 the termination of parental rights without a specific showing that there is a causal relation
177 between the disability or disease and harm to the child.

302.065. 1. Notwithstanding section 32.090 or any other provision of the law to the
2 contrary, and except as provided in subsection 4 of this section, the department of revenue shall
3 not retain copies, in any format, of source documents presented by individuals applying for or

4 holding driver's licenses or nondriver's licenses. The department of revenue shall not use
5 technology to capture digital images of source documents so that the images are capable of being
6 retained in electronic storage in a transferable format.

7 2. By December 31, 2013, the department of revenue shall securely destroy so as to make
8 irretrievable any source documents that have been obtained from driver's license or nondriver's
9 license applicants after September 1, 2012.

10 3. As long as the department of revenue has the authority to issue a concealed carry
11 endorsement, the department shall not retain copies of any certificate of qualification for a
12 concealed carry endorsement presented to the department for an endorsement on a driver's
13 license or nondriver's license under section 571.101. The department of revenue shall not use
14 technology to capture digital images of a certificate of qualification nor shall the department
15 retain digital or electronic images of such certificates. The department of revenue shall merely
16 verify whether the applicant for a driver's license or nondriver's license has presented a certificate
17 of qualification which will allow the applicant to obtain a concealed carry endorsement. By
18 December 31, 2013, the department of revenue shall securely destroy so as to make irretrievable
19 any copies of certificates of qualification that have been obtained from driver's license or
20 nondriver's license applicants.

21 4. The provisions of this section shall not apply to:

22 (1) Original application forms, which may be retained but not scanned;

23 (2) Test score documents issued by state highway patrol driver examiners;

24 (3) Documents demonstrating lawful presence of any applicant who is not a citizen of
25 the United States, including documents demonstrating duration of the person's lawful presence
26 in the United States; and

27 (4) Any document required to be retained under federal motor carrier regulations in Title
28 49, Code of Federal Regulations, including but not limited to documents required by federal law
29 for the issuance of a commercial driver's license and a commercial driver instruction permit; and

30 (5) Any other document at the request of and for the convenience of the applicant where
31 the applicant requests the department of revenue review alternative documents as proof required
32 for issuance of a [driver] **driver's** license, [nondriver] **nondriver's** license, or instruction permit.

33 5. As used in this section, the term "source documents" means original or certified
34 copies, where applicable, of documents presented by an applicant as required under 6 CFR Part
35 37 to the department of revenue to apply for a driver's license or nondriver's license. Source
36 documents shall also include any documents required for the issuance[, renewal, or replacement]
37 of driver's licenses or nondriver's licenses by the department of revenue under the provisions of
38 this chapter or accompanying regulations.

39 6. Any person harmed or damaged by any violation of this section may bring a civil
40 action for damages, including noneconomic and punitive damages, as well as injunctive relief,
41 in the circuit court where that person resided at the time of the violation or in the circuit court
42 [or the circuit court] of Cole County to recover such damages from the department of revenue
43 and any persons participating in such violation. Sovereign immunity shall not be available as
44 a defense for the department of revenue in such an action. In the event the plaintiff prevails on
45 any count of his or her claim, the plaintiff shall be entitled to recover reasonable attorney fees
46 from the defendants.

**302.067. Any original or certified copy, if applicable, of a document presented by
2 an applicant under this chapter and its accompanying regulations as proof of lawful
3 presence or citizenship to the department of revenue to apply for a driver's license, non-
4 driver's license or instruction permit shall not be required to be presented by the applicant
5 for any subsequent new, renewal, or duplicate application, except:**

6 **(1) Documents demonstrating lawful presence of any applicant who is not a citizen
7 of the United States, including documents demonstrating duration of the person's lawful
8 presence in the United States, may be required to be presented upon each subsequent
9 application;**

10 **(2) The department may require the documents to be presented if it is reasonably
11 believed by the department that the prior driver's license or non-driver's license was issued
12 as a result of a fraudulent act of the applicant; or**

13 **(3) Applicants applying for or renewing a commercial driver's license or
14 commercial driver's instruction permit.**

452.375. 1. As used in this chapter, unless the context clearly indicates otherwise:

2 **(1) "Coerce" means to persuade an unwilling person to do something by force or
3 threats;**

4 **(2) "Custody" means joint legal custody, sole legal custody, joint physical custody or sole
5 physical custody or any combination thereof;**

6 **[(2)] (3) "Joint legal custody" means that the parents share the decision-making rights,
7 responsibilities, and authority relating to the health, education and welfare of the child, and,
8 unless allocated, apportioned, or decreed, the parents shall confer with one another in the
9 exercise of decision-making rights, responsibilities, and authority;**

10 **[(3)] (4) "Joint physical custody" means an order awarding each of the parents
11 significant, but not necessarily equal, periods of time during which a child resides with or is
12 under the care and supervision of each of the parents. Joint physical custody shall be shared by
13 the parents in such a way as to assure the child of frequent, continuing and meaningful contact
14 with both parents;**

15 [(4)] (5) "Third-party custody" means a third party designated as a legal and physical
16 custodian pursuant to subdivision (5) of subsection 5 of this section.

17 2. The court shall determine custody in accordance with the best interests of the child.
18 The court shall consider all relevant factors including:

19 (1) The wishes of the child's parents as to custody and the proposed parenting plan
20 submitted by both parties;

21 (2) The needs of the child for a frequent, continuing and meaningful relationship with
22 both parents and the ability and willingness of parents to actively perform their functions as
23 mother and father for the needs of the child;

24 (3) The interaction and interrelationship of the child with parents, siblings, and any other
25 person who may significantly affect the child's best interests;

26 (4) Which parent is more likely to allow the child frequent, continuing and meaningful
27 contact with the other parent;

28 (5) The child's adjustment to the child's home, school, and community;

29 (6) The mental and physical health of all individuals involved, including any history of
30 abuse of any individuals involved. If the court finds that a pattern of domestic violence as
31 defined in section 455.010 has occurred, and, if the court also finds that awarding custody to the
32 abusive parent is in the best interest of the child, then the court shall enter written findings of fact
33 and conclusions of law. Custody and visitation rights shall be ordered in a manner that best
34 protects the child and any other child or children for whom the parent has custodial or visitation
35 rights, and the parent or other family or household member who is the victim of domestic
36 violence from any further harm;

37 (7) The intention of either parent to relocate the principal residence of the child; and

38 (8) The wishes of a child as to the child's custodian. The fact that a parent sends his or
39 her child or children to a home school, as defined in section 167.031, shall not be the sole factor
40 that a court considers in determining custody of such child or children.

41 3. (1) In any court proceedings relating to custody of a child, the court shall not award
42 custody or unsupervised visitation of a child to a parent if such parent or any person residing with
43 such parent has been found guilty of, or pled guilty to, any of the following offenses when a child
44 was the victim:

45 (a) A felony violation of section 566.030, 566.032, 566.040, 566.060, 566.062, 566.064,
46 566.067, 566.068, 566.070, 566.083, 566.090, 566.100, 566.111, 566.151, 566.203, 566.206,
47 566.209, 566.212, or 566.215;

48 (b) A violation of section 568.020;

49 (c) A violation of subdivision (2) of subsection 1 of section 568.060;

50 (d) A violation of section 568.065;

51 (e) A violation of section 568.080;

52 (f) A violation of section 568.090; or

53 (g) A violation of section 568.175.

54 (2) For all other violations of offenses in chapters 566 and 568 not specifically listed in
55 subdivision (1) of this subsection or for a violation of an offense committed in another state
56 when a child is the victim that would be a violation of chapter 566 or 568 if committed in
57 Missouri, the court may exercise its discretion in awarding custody or visitation of a child to a
58 parent if such parent or any person residing with such parent has been found guilty of, or pled
59 guilty to, any such offense.

60 4. The general assembly finds and declares that it is the public policy of this state that
61 frequent, continuing and meaningful contact with both parents after the parents have separated
62 or dissolved their marriage is in the best interest of the child, except for cases where the court
63 specifically finds that such contact is not in the best interest of the child, and that it is the public
64 policy of this state to encourage parents to participate in decisions affecting the health, education
65 and welfare of their children, and to resolve disputes involving their children amicably through
66 alternative dispute resolution. In order to effectuate these policies, the court shall determine the
67 custody arrangement which will best assure both parents participate in such decisions and have
68 frequent, continuing and meaningful contact with their children so long as it is in the best
69 interests of the child.

70 5. Prior to awarding the appropriate custody arrangement in the best interest of the child,
71 the court shall consider each of the following as follows:

72 (1) Joint physical and joint legal custody to both parents, which shall not be denied
73 solely for the reason that one parent opposes a joint physical and joint legal custody award. The
74 residence of one of the parents shall be designated as the address of the child for mailing and
75 educational purposes;

76 (2) Joint physical custody with one party granted sole legal custody. The residence of one
77 of the parents shall be designated as the address of the child for mailing and educational
78 purposes;

79 (3) Joint legal custody with one party granted sole physical custody;

80 (4) Sole custody to either parent; or

81 (5) Third-party custody or visitation:

82 (a) When the court finds that each parent is unfit, unsuitable, or unable to be a custodian,
83 or the welfare of the child requires, and it is in the best interests of the child, then custody,
84 temporary custody or visitation may be awarded to any other person or persons deemed by the
85 court to be suitable and able to provide an adequate and stable environment for the child. Before

86 the court awards custody, temporary custody or visitation to a third person under this
87 subdivision, the court shall make that person a party to the action;

88 (b) Under the provisions of this subsection, any person may petition the court to
89 intervene as a party in interest at any time as provided by supreme court rule.

90 6. If the parties have not agreed to a custodial arrangement, or the court determines such
91 arrangement is not in the best interest of the child, the court shall include a written finding in the
92 judgment or order based on the public policy in subsection 4 of this section and each of the
93 factors listed in subdivisions (1) to (8) of subsection 2 of this section detailing the specific
94 relevant factors that made a particular arrangement in the best interest of the child. If a proposed
95 custodial arrangement is rejected by the court, the court shall include a written finding in the
96 judgment or order detailing the specific relevant factors resulting in the rejection of such
97 arrangement.

98 7. Upon a finding by the court that either parent has refused to exchange information
99 with the other parent, which shall include but not be limited to information concerning the
100 health, education and welfare of the child, the court shall order the parent to comply immediately
101 and to pay the prevailing party a sum equal to the prevailing party's cost associated with
102 obtaining the requested information, which shall include but not be limited to reasonable
103 attorney's fees and court costs.

104 8. As between the parents of a child, no preference may be given to either parent in the
105 awarding of custody because of that parent's age, sex, or financial status, nor because of the age
106 or sex of the child.

107 9. Any judgment providing for custody shall include a specific written parenting plan
108 setting forth the terms of such parenting plan arrangements specified in subsection [7] 8 of
109 section 452.310. Such plan may be a parenting plan submitted by the parties pursuant to section
110 452.310 or, in the absence thereof, a plan determined by the court, but in all cases, the custody
111 plan approved and ordered by the court shall be in the court's discretion and shall be in the best
112 interest of the child.

113 10. Unless a parent has been denied custody rights pursuant to this section or visitation
114 rights under section 452.400, both parents shall have access to records and information
115 pertaining to a minor child, including, but not limited to, medical, dental, and school records.
116 If the parent without custody has been granted restricted or supervised visitation because the
117 court has found that the parent with custody or any child has been the victim of domestic
118 violence, as defined in section 455.010, by the parent without custody, the court may order that
119 the reports and records made available pursuant to this subsection not include the address of the
120 parent with custody or the child. Unless a parent has been denied custody rights pursuant to this

section or visitation rights under section 452.400, any judgment of dissolution or other applicable court order shall specifically allow both parents access to such records and reports.

11. Except as otherwise precluded by state or federal law, if any individual, professional, public or private institution or organization denies access or fails to provide or disclose any and all records and information, including, but not limited to, past and present dental, medical and school records pertaining to a minor child, to either parent upon the written request of such parent, the court shall, upon its finding that the individual, professional, public or private institution or organization denied such request without good cause, order that party to comply immediately with such request and to pay to the prevailing party all costs incurred, including, but not limited to, attorney's fees and court costs associated with obtaining the requested information.

12. An award of joint custody does not preclude an award of child support pursuant to section 452.340 and applicable supreme court rules. The court shall consider the factors contained in section 452.340 and applicable supreme court rules in determining an amount reasonable or necessary for the support of the child.

13. If the court finds that domestic violence or abuse, as defined in section 455.010 has occurred, the court shall make specific findings of fact to show that the custody or visitation arrangement ordered by the court best protects the child and the parent or other family or household member who is the victim of domestic violence **or abuse**, as defined in section 455.010, and any other children for whom such parent has custodial or visitation rights from any further harm.

14. Notwithstanding any other provision of law to the contrary, if three or more unsubstantiated reports of abuse involving any of the parties or children of the marriage are made to the child abuse and neglect hotline under section 210.145 within thirty days prior to or during a dissolution or child custody proceeding, the identity of the person making any such report or reports shall be admissible as evidence in the dissolution or child custody proceeding.

15. If the court finds that a parent of a child, while the child was unborn, attempted to coerce the mother of the child to obtain an abortion, the court may deny custody to the parent.

452.400. 1. (1) A parent not granted custody of the child is entitled to reasonable visitation rights unless the court finds, after a hearing, that visitation would endanger the child's physical health or impair his or her emotional development. The court shall enter an order specifically detailing the visitation rights of the parent without physical custody rights to the child and any other children for whom such parent has custodial or visitation rights. In determining the granting of visitation rights, the court shall consider evidence of domestic

7 violence. If the court finds that domestic violence has occurred, the court may find that granting
8 visitation to the abusive party is in the best interests of the child.

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

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

15 b. A violation of section 568.020;

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

17 d. A violation of section 568.065;

18 e. A violation of section 568.080;

19 f. A violation of section 568.090; or

20 g. A violation of section 568.175.

21 (b) For all other violations of offenses in chapters 566 and 568 not specifically listed in
22 paragraph (a) of this subdivision or for a violation of an offense committed in another state when
23 a child is the victim that would be a violation of chapter 566 or 568 if committed in Missouri,
24 the court may exercise its discretion in granting visitation to a parent not granted custody if such
25 parent or any person residing with such parent has been found guilty of, or pled guilty to, any
26 such offense.

27 **(c) The court may exercise its discretion in granting visitation to a parent not**
28 **granted custody if such parent, while the child was unborn, attempted to coerce the mother**
29 **of the child to obtain an abortion.**

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

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

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

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

46 a. A felony violation of section 566.030, 566.032, 566.040, 566.060, 566.062, 566.064,
47 566.067, 566.068, 566.070, 566.083, 566.090, 566.100, 566.111, 566.151, 566.203, 566.206,
48 566.209, 566.212, or 566.215;

49 b. A violation of section 568.020;

50 c. A violation of subdivision (2) of subsection 1 of section 568.060;

51 d. A violation of section 568.065;

52 e. A violation of section 568.080;

53 f. A violation of section 568.090; or

54 g. A violation of section 568.175.

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

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

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

79 assistance of legal counsel to prepare and file. The cost of filing the motion shall be the standard
80 court costs otherwise due for instituting a civil action in the circuit court.

81 4. Within five court days after the filing of the family access motion pursuant to
82 subsection 3 of this section, the clerk of the court shall issue a summons pursuant to applicable
83 state law, and applicable local or supreme court rules. A copy of the motion shall be personally
84 served upon the respondent by personal process server as provided by law or by any sheriff.
85 Such service shall be served at the earliest time and shall take priority over service in other civil
86 actions, except those of an emergency nature or those filed pursuant to chapter 455. The motion
87 shall contain the following statement in boldface type:

88 "PURSUANT TO SECTION 452.400, RSMO, YOU ARE REQUIRED TO RESPOND TO THE
89 CIRCUIT CLERK WITHIN TEN DAYS OF THE DATE OF SERVICE. FAILURE TO
90 RESPOND TO THE CIRCUIT CLERK MAY RESULT IN THE FOLLOWING:

91 (1) AN ORDER FOR A COMPENSATORY

92 PERIOD OF CUSTODY, VISITATION OR

93 THIRD-PARTY CUSTODY AT A TIME

94 CONVENIENT FOR THE AGGRIEVED

95 PARTY NOT LESS THAN THE PERIOD OF

96 TIME DENIED;

97 (2) PARTICIPATION BY THE VIOLATOR IN

98 COUNSELING TO EDUCATE THE

99 VIOLATOR ABOUT THE IMPORTANCE OF

100 PROVIDING THE CHILD WITH A

101 CONTINUING AND MEANINGFUL

102 RELATIONSHIP WITH BOTH PARENTS;

103 (3) ASSESSMENT OF A FINE OF UP TO FIVE

104 HUNDRED DOLLARS AGAINST THE

105 VIOLATOR;

106 (4) REQUIRING THE VIOLATOR TO POST

107 BOND OR SECURITY TO ENSURE

108 FUTURE COMPLIANCE WITH THE

109 COURT'S ORDERS;

110 (5) ORDERING THE VIOLATOR TO PAY THE

111 COST OF COUNSELING TO REESTABLISH

112 THE PARENT-CHILD RELATIONSHIP

113 BETWEEN THE AGGRIEVED PARTY AND

114 THE CHILD; AND

115 (6) A JUDGMENT IN AN AMOUNT NOT LESS
116 THAN THE REASONABLE EXPENSES,
117 INCLUDING ATTORNEY'S FEES AND
118 COURT COSTS ACTUALLY INCURRED BY
119 THE AGGRIEVED PARTY AS A RESULT OF
120 THE DENIAL OF CUSTODY, VISITATION
121 OR THIRD-PARTY CUSTODY."

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

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

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

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

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

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

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

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

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

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

 452.556. 1. The state courts administrator shall create a handbook or be responsible for
2 the approval of a handbook outlining the following:

3 (1) What is included in a parenting plan;

4 (2) The benefits of the parties agreeing to a parenting plan which outlines education,
5 custody and cooperation between parents;

6 (3) The benefits of alternative dispute resolution;

7 (4) The pro se family access motion for enforcement of custody or temporary physical
8 custody;

9 (5) The underlying assumptions for supreme court rules relating to child support; and

10 (6) A party's duties and responsibilities pursuant to section 452.377, including the
11 possible consequences of not complying with section 452.377. The handbooks shall be
12 distributed to each court and shall be available in an alternative format, including Braille, large
13 print, or electronic or audio format upon request by a person with a disability, as defined by the
14 federal Americans with Disabilities Act.

15 2. Each court shall [mail] **provide** a copy of the handbook developed pursuant to
16 subsection 1 of this section to each party in a dissolution or legal separation action filed pursuant
17 to section 452.310, or any proceeding in modification thereof, where minor children are
18 involved, or may provide the petitioner with a copy of the handbook at the time the petition is
19 filed and direct that a copy of the handbook be served along with the petition and summons upon
20 the respondent.

21 3. The court shall make the handbook available to interested state agencies and members
22 of the public.

 453.015. As used in sections 453.010 to 453.400, the following terms mean:

2 (1) **"Coerce", to persuade an unwilling person to do something by force or threats;**

3 (2) "Minor" or "child", any person who has not attained the age of eighteen years or any
4 person in the custody of the division of family services who has not attained the age of twenty-
5 one;

6 [(2)] (3) "Parent", a birth parent or parents of a child, including the putative father of the
7 child, as well as the husband of a birth mother at the time the child was conceived, or a parent
8 or parents of a child by adoption. The putative father shall have no legal relationship unless he
9 has acknowledged the child as his own by affirmatively asserting his paternity;

10 [(3)] (4) "Putative father", the alleged or presumed father of a child including a person
11 who has filed a notice of intent to claim paternity with the putative father registry established in

12 section 192.016 and a person who has filed a voluntary acknowledgment of paternity pursuant
13 to section 193.087; and

14 [(4)] (5) "Stepparent", the spouse of a biological or adoptive parent. The term does not
15 include the state if the child is a ward of the state. The term does not include a person whose
16 parental rights have been terminated.

453.040. The consent to the adoption of a child is not required of:

2 (1) A parent whose rights with reference to the child have been terminated pursuant to
3 law, including section 211.444 or section 211.447 or other similar laws in other states;

4 (2) A parent of a child who has legally consented to a future adoption of the child;

5 (3) A parent whose identity is unknown and cannot be ascertained at the time of the
6 filing of the petition;

7 (4) A man who has not been established to be the father and who is not presumed by law
8 to be the father, and who, after the conception of the child, executes a verified statement denying
9 paternity and disclaiming any interest in the child and acknowledging that this statement is
10 irrevocable when executed and follows the consent as set forth in section 453.030;

11 (5) A parent or other person who has not executed a consent and who, after proper
12 service of process, fails to file an answer or make an appearance in a proceeding for adoption or
13 for termination of parental rights at the time such cause is heard;

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

18 (7) A parent who has for a period of at least six months, for a child one year of age or
19 older, or at least sixty days, for a child under one year of age, immediately prior to the filing of
20 the petition for adoption, willfully abandoned the child or, for a period of at least six months
21 immediately prior to the filing of the petition for adoption, willfully, substantially and
22 continuously neglected to provide him with necessary care and protection;

23 (8) **A man who has reason to believe he is the biological father of an unborn child**
24 **and who attempted to coerce the mother of the child to obtain an abortion;**

25 (9) A parent whose rights to the child may be terminated for any of the grounds set forth
26 in section 211.447 and whose rights have been terminated after hearing and proof of such
27 grounds as required by sections 211.442 to 211.487. Such petition for termination may be filed
28 as a count in an adoption petition.

453.110. 1. No person, agency, organization or institution shall surrender custody of a
2 minor child, or transfer the custody of such a child to another, and no person, agency,
3 organization or institution shall take possession or charge of a minor child so transferred, without

4 first having filed a petition before the circuit court sitting as a juvenile court of the county where
5 the child may be, praying that such surrender or transfer may be made, and having obtained such
6 an order from such court approving or ordering transfer of custody.

7 2. If any **filing is made late or** such surrender or transfer is made without first obtaining
8 such an order **or compliance with subsection 5 of this section**, such court shall, on petition of
9 any public official or interested person, agency, organization or institution, order an investigation
10 and report as described in section 453.070 to be completed by the division of family services and
11 shall make such order as to the custody of such child in the best interest of such child.

12 3. Any person violating the terms of this section shall be guilty of a class D felony.

13 4. The investigation required by subsection 2 of this section shall be initiated by the
14 **children's** division [of family services] within forty-eight hours of the filing of the court order
15 requesting the investigation and report and shall be completed within thirty days. The court shall
16 order the person having custody in violation of the provisions of this section to pay the costs of
17 the investigation and report.

18 5. This section shall not be construed to prohibit any parent, agency, organization or
19 institution from placing a child with another individual for care if the right to supervise the care
20 of the child and to resume custody thereof is retained, **to prohibit a parent from placing a child**
21 **with another individual for care as part of a preadoption placement with said individual**
22 **if the right to supervise the care of the child and to resume custody thereof is retained until**
23 **superceded by any court order regarding the legal or physical custody of the child**, or from
24 placing a child with a licensed foster home within the state **under proper power of attorney**
25 through a child-placing agency licensed by this state as part of a preadoption placement.

26 6. After the filing of a petition for the transfer of custody for the purpose of adoption,
27 the court may enter an order of transfer of custody if the court finds all of the following:

28 (1) A family assessment has been made as required in section 453.070 and has been
29 reviewed by the court;

30 (2) A recommendation has been made by the guardian ad litem;

31 (3) A petition for transfer of custody for adoption has been properly filed or an order
32 terminating parental rights has been properly filed;

33 (4) The financial affidavit has been filed as required under section 453.075;

34 (5) The written report regarding the child who is the subject of the petition containing
35 the information has been submitted as required by section 453.026;

36 (6) Compliance with the Indian Child Welfare Act, if applicable; [and]

37 (7) Compliance with the Interstate Compact on the Placement of Children pursuant to
38 section 210.620; **and**

39 **(8) The parties have notified the court of any persons not a party to the adoption**
40 **who have physical custody or claim to have the right of legal custody, physical custody, or**
41 **visitation rights with respect to the minor child; of any other legal proceedings concerning**
42 **the minor child; and have affirmed a continuing duty to inform the court of any**
43 **proceeding in this or any other state that could affect the current proceeding.**

44 7. A hearing on the transfer of custody for the purpose of adoption is not required if:

45 (1) The conditions set forth in subsection 6 of this section are met;

46 (2) The parties agree and the court grants leave; and

47 (3) Parental rights have been terminated pursuant to section 211.444 or 211.447.

453.700. 1. Only the children's division, an attorney licensed to practice law, or a
2 **child placing agency licensed under the laws of the state of Missouri may place or cause to**
3 **be placed an advertisement or listing of the attorney's or agency's telephone number or**
4 **other contact information in a telephone directory or other advertising distributed within**
5 **the state of Missouri that states or implies that:**

6 (1) A child is offered or wanted for adoption; or

7 (2) The attorney or agency is able to place, locate, or receive a child for adoption.

8 **2. An attorney or child placing agency that advertises in Missouri may place or**
9 **cause to be placed an advertisement or listing described in subsection 1 of this section only**
10 **if the advertisement or contact information contains the following:**

11 (1) For an attorney licensed to practice law in Missouri, the attorney's current bar
12 number. However, an attorney listing in a telephone directory or other listing under an
13 adoption or adoption-related category that only provides the attorney's name, address, and
14 telephone number need not include the attorney's bar number;

15 (2) For a child placing agency licensed under the laws of Missouri, the licensure
16 number on the child placing agency license. However, an agency listing in a telephone
17 directory or other listing under an adoption or adoption-related category that only
18 provides the agency's name, address, and telephone number need not include the agency's
19 licensure number.

20 **3. A person who knowingly or intentionally violates the terms of this section shall**
21 **be guilty of a class A misdemeanor.**

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

3 (1)] has expired[; and

4 (2) Subjects the person against whom such order is issued to significant collateral
5 consequences by the mere existence of such full order of protection after its expiration].

 456.950. 1. As used in this section, "qualified spousal trust" means a trust:

2 (1) The settlors of which are husband and wife at the time of the creation of the trust; and

3 (2) The terms of which provide that during the joint lives of the settlors all property or
4 interests in property transferred to, or held by, the trustee are:

5 (a) Held and administered in one trust for the benefit of both settlors, revocable by either
6 or both settlors acting together while either or both are alive, and each settlor having the right
7 to receive distributions of income or principal, whether mandatory or within the discretion of the
8 trustee, from the entire trust for the joint lives of the settlors and for the survivor's life; or

9 (b) Held and administered in two separate shares of one trust for the benefit of each of
10 the settlors, with the trust revocable by each settlor with respect to that settlor's separate share
11 of that trust without the participation or consent of the other settlor, and each settlor having the
12 right to receive distributions of income or principal, whether mandatory or within the discretion
13 of the trustee, from that settlor's separate share for that settlor's life; or

14 (c) Held and administered under the terms and conditions contained in paragraphs (a)
15 and (b) of this subdivision.

16 2. A qualified spousal trust may contain any other trust terms that are not inconsistent
17 with the provisions of this section.

18 3. **Any** property or interests in property [held as tenants by the entirety by a husband and
19 wife] that [is] **are** at any time transferred to the trustee of a qualified spousal trust of which the
20 husband and wife are the settlors, shall ~~thereafter~~ be [held and] administered as provided by the
21 trust terms in accordance with paragraph (a), (b), or (c) of subdivision (2) of subsection 1 of this
22 section[, and all such] . **All trust** property and interests in property **deemed for purposes of this**
23 **section to be held as tenants by the entirety**, including the proceeds thereof, the income
24 thereon, and any property into which such property, proceeds, or income may be converted, shall
25 [thereafter] have the same immunity from the claims of the separate creditors of the settlors as
26 would have existed if the settlors had continued to hold that property as husband and wife as
27 tenants by the entirety. **Property or interests in property held by a husband and wife as**
28 **tenants by the entirety or as joint tenants or other form of joint ownership with right of**
29 **survivorship shall be conclusively deemed for purposes of this section to be held as tenants**
30 **by the entirety upon its transfer to the qualified spousal trust. All such transfers shall**
31 **retain said immunity**, so long as:

32 (1) Both settlors are alive and remain married; and

33 (2) The property, proceeds, or income continue to be held in trust by the trustee of the
34 qualified spousal trust.

35 4. Property or interests in property held by a husband and wife or held in the sole name
36 of a husband or wife that [is] **are** not held as tenants by the entirety **or deemed held as tenants**
37 **by the entirety for purposes of this section** and [is] **are** transferred to a qualified spousal trust

38 shall be held as directed in the qualified spousal trust's governing instrument or in the instrument
39 of transfer and the rights of any claimant to any interest in that property shall not be affected by
40 this section.

41 5. Upon the death of each settlor, all property and interests in property held by the trustee
42 of the qualified spousal trust shall be distributed as directed by the then current terms of the
43 governing instrument of such trust. Upon the death of the first settlor to die, if immediately prior
44 to death the predeceased settlor's interest in the qualified spousal trust was then held in such
45 settlor's separate share, the property or interests in property in such settlor's separate share may
46 pass into an irrevocable trust for the benefit of the surviving settlor upon such terms as the
47 governing instrument shall direct, including without limitation a spendthrift provision as
48 provided in section 456.5-502.

49 6. No transfer by a husband and wife as settlors to a qualified spousal trust shall affect
50 or change either settlor's marital property rights to the transferred property or interest therein
51 immediately prior to such transfer in the event of dissolution of marriage of the spouses, unless
52 both spouses otherwise expressly agree in writing.

53 7. This section shall apply to all trusts which fulfill the criteria set forth in this section
54 for a qualified spousal trust regardless of whether such trust was created before or after August
55 28, 2011.

**456.2-205. 1. Subject to the exception in subsection 2 of this section, a provision in
2 a trust instrument requiring the mediation or arbitration of disputes between or among the
3 beneficiaries, a fiduciary, a person granted nonfiduciary powers under the trust
4 instrument, or any combination of such persons is enforceable.**

**5 2. A provision in a trust instrument requiring the mediation or arbitration of
6 disputes relating to the validity of a trust is not enforceable unless all interested persons
7 with regard to the dispute consent to the mediation or arbitration of the dispute.**

**456.4-420. 1. If a trust instrument containing a no-contest clause is or has become
2 irrevocable, an interested person may file a petition to the court for an interlocutory
3 determination whether a particular motion, petition, or other claim for relief by the
4 interested person would trigger application of the no-contest clause or would otherwise
5 trigger a forfeiture that is enforceable under applicable law and public policy.**

**6 2. The petition described in subsection 1 of this section shall be verified under oath.
7 The petition may be filed by an interested person either as a separate judicial proceeding,
8 or brought with other claims for relief in a single judicial proceeding, all in the manner
9 prescribed generally for such proceedings under this chapter. If a petition is joined with
10 other claims for relief, the court shall enter its order or judgment on the petition before
11 proceeding any further with any other claim for relief joined therein. In ruling on such a**

12 petition, the court shall consider the text of the clause, the context to the terms of the trust
13 instrument as a whole, and in the context of the verified factual allegations in the petition.
14 No evidence beyond the pleadings and the trust instrument shall be taken except as
15 required to resolve an ambiguity in the no-contest clause.

16 3. An order or judgment determining a petition described in subsection 1 of this
17 section shall have the effect set forth in subsections 4 and 5 of this section, and shall be
18 subject to appeal as with other final judgments. If the order disposes of fewer than all
19 claims for relief in a judicial proceeding, that order is subject to interlocutory appeal in
20 accordance with the applicable rules for taking such an appeal. If an interlocutory appeal
21 is taken, the court may stay the pending judicial proceeding until final disposition of said
22 appeal on such terms and conditions as the court deems reasonable and proper under the
23 circumstances. A final ruling on the applicability of a no-contest clause shall not preclude
24 any later filing and adjudication of other claims related to the trust.

25 4. An order or judgment, in whole or in part, on a petition described in subsection
26 1 of this section shall result in the no-contest clause being enforceable to the extent of the
27 court's ruling and shall govern application of the no-contest clause to the extent that the
28 interested person then proceeds forward with the claims described therein. In the event
29 such an interlocutory order or judgment is vacated, reversed, or otherwise modified on
30 appeal, no interested person shall be prejudiced by any reliance, through action, inaction,
31 or otherwise on the order or judgment prior to final disposition of the appeal.

32 5. An order or judgment shall have effect only as to the specific trust terms and
33 factual basis recited in the petition. If claims are later filed that are materially different
34 than those upon which the order or judgment is based, then to the extent such new claims
35 are raised, the party in whose favor the order or judgment was entered shall have no
36 protection from enforcement of the no-contest clause otherwise afforded by the order and
37 judgment entered under this section.

38 6. For purposes of this section, a "no-contest clause" shall mean a provision in a
39 trust instrument purporting to rescind a donative transfer to, or a fiduciary appointment
40 of, any person or that otherwise effects a forfeiture of some or all of an interested person's
41 beneficial interest in a trust estate as a result of some action taken by the beneficiary. This
42 definition shall not be construed in any way as determining whether a no-contest clause is
43 enforceable under applicable law and public policy in a particular factual situation. As
44 used in this section, the term "no-contest clause" shall also mean an "in terrorem clause".

45 7. A no-contest clause is not enforceable against an interested person in, but not
46 limited to, the following circumstances:

(1) Filing a motion, petition, or other claim for relief objecting to the jurisdiction or venue of the court over a proceeding concerning a trust or over any person joined or attempted to be joined in such a proceeding;

(2) Filing a motion, petition, or other claim for relief concerning an accounting, report, or notice that has or should have been made by a trustee, provided the interested person otherwise has standing to do so under applicable law including, but not limited to, section 456.6-603;

(3) Filing a motion, petition, or other claim for relief under chapter 475 concerning the appointment of a guardian or conservator for the settlor;

(4) Filing a motion, petition, or other claim for relief under chapter 404 concerning the settlor;

(5) Disclosure to any person of information concerning a trust instrument or that is relevant to a proceeding before the court concerning the trust instrument or property of the trust estate, unless such disclosure is otherwise prohibited by law;

(6) Filing a motion, pleading, or other claim for relief seeking approval of a nonjudicial settlement agreement concerning a trust instrument, as set forth in section 456.1-111;

(7) To the extent a petition under subsection 1 of this section is limited to the procedure and purpose described therein.

8. In any proceeding brought under this section, the court may award costs, expenses, and attorney's fees to any party as provided in section 456.10-1004.

456.8-818. A trustee's engagement of an attorney for any purpose shall afford all of the protection of the attorney-client privilege as that privilege has been developed and defined in this state. The attorney's client shall be deemed to be the trustee exclusively. No exception to the privilege shall be allowed based on whether the attorney's services are utilized in the administration of a trust or otherwise, but all other exceptions to the privilege recognized by law shall remain applicable if warranted by the evidence.

474.395. 1. If a will contains a no-contest clause, an interested person may file a petition with the court for a determination whether a particular motion, petition, action, or other claim for relief by the interested person would trigger application of the no-contest clause or would otherwise trigger a forfeiture that is enforceable under applicable law and public policy, which application would be adjudicated in the manner prescribed in section 456.4-420, and subject to the provisions set forth therein.

2. For purposes of this section, a "no-contest clause" shall mean a provision in a will purporting to rescind a donative transfer to, or a fiduciary appointment of, any person who institutes a proceeding challenging the validity of all or part of the will or that

10 otherwise effects a forfeiture of some or all of an interested person's beneficial interest in
11 the estate as a result of some action taken by the beneficiary. This definition shall not be
12 construed in any way as determining whether a no-contest clause is enforceable under
13 applicable law and public policy in a particular factual situation. As used in this section,
14 the term "no-contest clause" shall also mean an "in terrorem clause".

475.072. By January 1, 2015, the Missouri supreme court shall develop a form
2 petition for the appointment of a guardian for a minor to be used in uncontested
3 guardianship cases. The form petition shall meet all the requirements of subsection 1 of
4 section 475.060.

476.085. The St. Louis County Bar Association shall consult with the judges of the
2 twenty-first judicial circuit and the St. Louis County chief of police to establish a more safe
3 and efficient method for attorneys and employees of the circuit clerk to enter the St. Louis
4 County Courthouse and the St. Louis County Justice Center. Six months after the passage
5 of this section, the St. Louis County Bar Association shall present a report to the St. Louis
6 County Council including its research findings and recommendations.

478.437. 1. The circuit court of the county of St. Louis, comprising circuit number
2 twenty-one, shall be composed of nineteen divisions and nineteen judges and each of the judges
3 shall separately try causes, exercise the powers and perform all the duties imposed upon circuit
4 judges.

5 2. Notwithstanding the provisions of section 478.320 to the contrary, if the circuit
6 court of St. Louis County is awarded additional associate circuit judge positions in 2014
7 in accordance with subsections 1 and 2 of section 478.320, there shall be one additional
8 associate circuit judge position and one additional circuit judge position in lieu of the
9 additional associate circuit judge positions awarded under subsections 1 and 2 of section
10 478.320.

478.610. 1. There shall be three circuit judges in the thirteenth judicial circuit consisting
2 of the counties of Boone and Callaway. These judges shall sit in divisions numbered one, two
3 and three. Beginning on January 1, 2007, there shall be four circuit judges in the thirteenth
4 judicial circuit and these judges shall sit in divisions numbered one, two, three, and four.

5 2. The circuit judge in division two shall be elected in 1980. The circuit judges in
6 divisions one and three shall be elected in 1982. The circuit judge in division four shall be
7 elected in 2006 for a two-year term and thereafter in 2008 for a full six-year term.

8 3. [The authority for a majority of judges of the thirteenth judicial circuit to appoint or
9 retain a commissioner pursuant to section 478.003 shall expire August 28, 2001. As of such
10 date,] **Beginning August 28, 2001**, there shall be one **more** additional associate circuit judge
11 position in Boone County than is provided pursuant to section 478.320.

2 **478.740. Notwithstanding the provisions of section 478.320 to the contrary, if the**
3 **thirty-eighth judicial circuit is awarded an additional associate circuit judge position in**
4 **2014 in accordance with subsections 1 and 2 of section 478.320, there shall be one**
5 **additional circuit judge position in lieu of the additional associate circuit judge position**
6 **awarded under subsections 1 and 2 of section 478.320. Such additional circuit judge**
7 **position shall be in addition to the number of circuit judge and associate circuit judge**
8 **positions in existence in the thirty-eighth judicial circuit on the effective date of this section,**
9 **with at least one circuit judge appointed for Taney County and at least one circuit judge**
10 **appointed for Christian County.**

2 488.026. As provided by section 56.807, there shall be assessed and collected a
3 surcharge of four dollars **against any person who has pled guilty of a violation and paid a**
4 **fine through a fine collection center and** in all criminal cases filed in the courts of this state,
5 including violations of any county ordinance or any violation of criminal or traffic laws of this
6 state, including infractions, but no such surcharge shall be assessed when the costs are waived
7 or are to be paid by the state, county, or municipality or when a criminal proceeding or the
8 defendant has been dismissed by the court [or against any person who has pled guilty and paid
9 their fine pursuant to subsection 4 of section 476.385]. For purposes of this section, the term
10 "county ordinance" shall include any ordinance of the city of St. Louis. The clerk responsible
11 for collecting court costs in criminal cases shall collect and disburse such amounts as provided
12 by sections 488.010 to 488.020. Such funds shall be payable to the prosecuting attorneys and
13 circuit attorneys' retirement fund.

2 **488.2240. 1. In addition to all other court costs for municipal ordinance violations,**
3 **any home rule city with more than one hundred fifty-five thousand but fewer than two**
4 **hundred thousand inhabitants may provide for additional court costs in an amount up to**
5 **ten dollars per case for each municipal ordinance violation case filed before a municipal**
6 **division judge or associate circuit judge.**

7 **2. Such cost shall be collected by the clerk and disbursed to the city at least monthly.**
8 **The city shall use such additional costs only for the land assemblage and purchase,**
9 **construction, maintenance, and upkeep of a municipal courthouse. The costs collected may**
10 **be pledged to directly or indirectly secure bonds for the cost of land assemblage and**
11 **purchase, construction, maintenance, and upkeep of the courthouse.**

2 516.140. Within two years: An action for libel, slander, **injurious falsehood**, assault,
3 battery, false imprisonment, criminal conversation, malicious prosecution or actions brought
4 under section 290.140. An action by an employee for the payment of unpaid minimum wages,
5 unpaid overtime compensation or liquidated damages by reason of the nonpayment of minimum
6 wages or overtime compensation, and for the recovery of any amount under and by virtue of the

6 provisions of the Fair Labor Standards Act of 1938 and amendments thereto, such act being an
7 act of Congress, shall be brought within two years after the cause accrued.

516.350. 1. Every judgment, order or decree of any court of record of the United States,
2 or of this or any other state, territory or country, except for any judgment, order, or decree
3 awarding child support or maintenance or dividing pension, retirement, life insurance, or other
4 employee benefits in connection with a dissolution of marriage, legal separation or annulment
5 which mandates the making of payments over a period of time or payments in the future, shall
6 be presumed to be paid and satisfied after the expiration of ten years from the date of the original
7 rendition thereof, or if the same has been revived upon personal service duly had upon the
8 defendant or defendants therein, then after ten years from and after such revival, or in case a
9 payment has been made on such judgment, order or decree, and duly entered upon the record
10 thereof, after the expiration of ten years from the last payment so made, and after the expiration
11 of ten years from the date of the original rendition or revival upon personal service, or from the
12 date of the last payment, such judgment shall be conclusively presumed to be paid, and no
13 execution, order or process shall issue thereon, nor shall any suit be brought, had or maintained
14 thereon for any purpose whatever. An action to emancipate a child, and any personal service or
15 order rendered thereon, shall not act to revive the support order.

16 2. In any judgment, order, or decree awarding child support or maintenance, each
17 periodic payment shall be presumed paid and satisfied after the expiration of ten years from the
18 date that periodic payment is due, unless the judgment has been otherwise revived as set out in
19 subsection 1 of this section. This subsection shall take effect as to all such judgments, orders,
20 or decrees which have not been presumed paid pursuant to subsection 1 of this section as of
21 August 31, 1982.

22 3. In any judgment, order, or decree dividing pension, retirement, life insurance, or other
23 employee benefits in connection with a dissolution of marriage, legal separation or annulment,
24 each periodic payment shall be presumed paid and satisfied after the expiration of ten years from
25 the date that periodic payment is due, unless the judgment has been otherwise revived as set out
26 in subsection 1 of this section. This subsection shall take effect as to all such judgments, orders,
27 or decrees which have not been presumed paid pursuant to subsection 1 of this section as of
28 August 28, 2001.

29 4. In any judgment, order or decree awarding child support or maintenance, payment
30 duly entered on the record as provided in subsection 1 of this section shall include recording of
31 payments or credits in the automated child support system created pursuant to chapter 454 by the
32 division of child support enforcement or payment center pursuant to chapter 454.

33 **5. Any judgment, order, or decree awarding unpaid rent may be revived upon**
34 **publication consistent with the publication requirements of section 506.160 and need not**
35 **be personally served on the defendant.**

536.010. For the purpose of this chapter:

2 (1) "Affected small business" or "affects small business" means any potential or actual
3 requirement imposed upon a small business or minority small business through a state agency's
4 proposed or adopted rule that will cause direct and significant economic burden upon a small
5 business or minority small business, or that is directly related to the formation, operation, or
6 expansion of a small business;

7 (2) "Agency" means any administrative officer or body existing under the constitution
8 or by law and authorized by law or the constitution to make rules or to adjudicate contested
9 cases, except those in the legislative or judicial branches;

10 (3) "Board" means the small business regulatory fairness board, except when the word
11 is used in section 536.100;

12 (4) "Contested case" means a proceeding before an agency in which legal rights, duties
13 or privileges of specific parties are required by law to be determined after hearing;

14 (5) The term "decision" includes decisions and orders whether negative or affirmative
15 in form;

16 (6) "Rule" means each agency statement of general applicability that implements,
17 interprets, or prescribes law or policy, or that describes the organization, procedure, or practice
18 requirements of any agency. The term includes the amendment or repeal of an existing rule, but
19 does not include:

20 (a) A statement concerning only the internal management of an agency and which does
21 not substantially affect the legal rights of, or procedures available to, the public or any segment
22 thereof;

23 (b) A declaratory ruling issued pursuant to section 536.050, or an interpretation issued
24 by an agency with respect to a specific set of facts and intended to apply only to that specific set
25 of facts;

26 (c) An intergovernmental, interagency, or intraagency memorandum, directive, manual
27 or other communication which does not substantially affect the legal rights of, or procedures
28 available to, the public or any segment thereof;

29 (d) A determination, decision, or order in a contested case;

30 (e) An opinion of the attorney general;

31 (f) Those portions of staff manuals, instructions or other statements issued by an agency
32 which set forth criteria or guidelines to be used by its staff in auditing, in making inspections,
33 in settling commercial disputes or negotiating commercial arrangements, or in the selection or

34 handling of cases, such as operational tactics or allowable tolerances or criteria for the defense,
35 prosecution, or settlement of cases, when the disclosure of such statements would enable law
36 violators to avoid detection, facilitate disregard of requirements imposed by law, or give a clearly
37 improper advantage to persons who are in an adverse position to the state;

38 (g) A specification of the prices to be charged for goods or services sold by an agency
39 as distinguished from a license fee, or other fees;

40 (h) A statement concerning only the physical servicing, maintenance or care of publicly
41 owned or operated facilities or property;

42 (i) A statement relating to the use of a particular publicly owned or operated facility or
43 property, the substance of which is indicated to the public by means of signs or signals;

44 (j) A decision by an agency not to exercise a discretionary power;

45 (k) **Except for statements concerning the execution of inmates**, a statement
46 concerning only inmates of an institution under the control of the department of corrections and
47 human resources or the division of youth services, students enrolled in an educational institution,
48 or clients of a health care facility, when issued by such an agency;

49 (l) Statements or requirements establishing the conditions under which persons may
50 participate in exhibitions, fairs or similar activities, managed by the state or an agency of the
51 state;

52 (m) Income tax or sales forms, returns and instruction booklets prepared by the state
53 department of revenue for distribution to taxpayers for use in preparing tax returns;

54 (7) "Small business" means a for-profit enterprise consisting of fewer than one hundred
55 full- or part-time employees;

56 (8) "State agency" means each board, commission, department, officer or other
57 administrative office or unit of the state other than the general assembly, the courts, the governor,
58 or a political subdivision of the state, existing under the constitution or statute, and authorized
59 by the constitution or statute to make rules or to adjudicate contested cases.

537.602. 1. As used in this section the following terms shall mean:

2 (1) **"Community service work", any work which is performed without**
3 **compensation and is required in exchange for deferred prosecution of any criminal charge**
4 **by any federal, state, or local prosecutor under a written agreement;**

5 (2) **"Entity", includes any person, for-profit or not-for-profit business, agency,**
6 **group, charity, organization, or any unit of federal, state, or local government or any of**
7 **their employees.**

8 2. **Any entity which supervises community service work performed as a**
9 **requirement for deferment of any criminal charge under a written agreement with a**
10 **federal, state, or local prosecutor, or any entity which derives benefits from the**

11 performance of community service work shall be immune from any suit by the person
12 performing the community service work or by any person deriving a cause of action from
13 the person performing the community service work if that cause of action arises from the
14 supervision of the work performed, except that the entity supervising the work shall not
15 be immune from any suit for gross negligence or for an intentional tort.

16 3. Community service work shall not be deemed employment within the meaning
17 of the provisions of chapter 288 and a person performing community service work under
18 the provisions of this section shall not be deemed an employee within the meaning of the
19 provisions of chapter 287.

546.720. 1. The manner of inflicting the punishment of death shall be by the
2 administration of lethal gas or by means of the administration of lethal injection. And for such
3 purpose the director of the department of corrections is hereby authorized and directed to provide
4 a suitable and efficient room or place, enclosed from public view, within the walls of a
5 correctional facility of the department of corrections, and the necessary appliances for carrying
6 into execution the death penalty by means of the administration of lethal gas or by means of the
7 administration of lethal injection.

8 2. The director of the department of corrections shall select an execution team which
9 shall consist of those persons who administer lethal gas or lethal chemicals and those persons,
10 such as medical personnel, who provide direct support for the administration of lethal gas or
11 lethal chemicals. The identities of members of the execution team, as defined in the execution
12 protocol of the department of corrections, shall be kept confidential. Notwithstanding any
13 provision of law to the contrary, any portion of a record that could identify a person as being a
14 current or former member of an execution team shall be privileged and shall not be subject to
15 discovery, subpoena, or other means of legal compulsion for disclosure to any person or entity,
16 the remainder of such record shall not be privileged or closed unless protected from disclosure
17 by law. The section of an execution protocol that directly relates to the administration of lethal
18 gas or lethal chemicals is an open record, the remainder of any execution protocol of the
19 department of corrections is a closed record.

20 3. A person may not, without the approval of the director of the department of
21 corrections, knowingly disclose the identity of a current or former member of an execution team
22 or disclose a record knowing that it could identify a person as being a current or former member
23 of an execution team. Any person whose identity is disclosed in violation of this section shall:

- 24 (1) Have a civil cause of action against a person who violates this section;
25 (2) Be entitled to recover from any such person:
26 (a) Actual damages; and
27 (b) Punitive damages on a showing of a willful violation of this section.

28 4. Notwithstanding any provision of law to the contrary, if a member of the execution
29 team is licensed by a board or department, the licensing board or department shall not censure,
30 reprimand, suspend, revoke, or take any other disciplinary action against the person's license
31 because of his or her participation in a lawful execution. All members of the execution team are
32 entitled to coverage under the state legal expense fund established by section 105.711 for
33 conduct of such execution team member arising out of and performed in connection with his or
34 her official duties on behalf of the state or any agency of the state, provided that moneys in this
35 fund shall not be available for payment of claims under chapter 287.

36 **5. The department of corrections shall promulgate rules to administer the**
37 **provisions of this section. Any rule or portion of a rule, as that term is defined in section**
38 **536.010, that is created under the authority delegated in this section shall become effective**
39 **only if it complies with and is subject to all of the provisions of chapter 536 and, if**
40 **applicable, section 536.028. This section and chapter 536 are nonseverable and if any of**
41 **the powers vested with the general assembly under chapter 536 to review, to delay the**
42 **effective date, or to disapprove and annul a rule are subsequently held unconstitutional,**
43 **then the grant of rulemaking authority and any rule proposed or adopted after August 28,**
44 **2014, shall be invalid and void.**

574.160. 1. A person commits the offense of unlawful funeral protest if he or she
2 **pickets or engages in other protest activities within three hundred feet of any residence,**
3 **cemetery, funeral home, church, synagogue, or other establishment during or within one**
4 **hour before or one hour after the conducting of any actual funeral or burial service at that**
5 **place.**

6 **2. For purposes of this section, "other protest activities" means any action that is**
7 **disruptive or undertaken to disrupt or disturb a funeral or burial service.**

8 **3. For purposes of this section, "funeral" and "burial service" mean the ceremonies**
9 **and memorial services held in conjunction with the burial or cremation of the dead, but**
10 **this section does not apply to processions while they are in transit beyond any three-**
11 **hundred-foot zone that is established under subsection 1 of this section.**

12 **4. The offense of unlawful funeral protest is a class B misdemeanor, unless**
13 **committed by a person who has previously been found guilty of a violation of this section,**
14 **in which case it is a class A misdemeanor.**

 632.480. As used in sections 632.480 to 632.513, the following terms mean:

2 (1) "Agency with jurisdiction", the department of corrections or the department of mental
3 health;

4 (2) "Mental abnormality", a congenital or acquired condition affecting the emotional or
5 volitional capacity which predisposes the person to commit sexually violent offenses in a degree
6 constituting such person a menace to the health and safety of others;

7 (3) "Predatory", acts directed towards individuals, including family members, for the
8 primary purpose of victimization;

9 (4) "Sexually violent offense", the felonies of rape in the first degree, forcible rape, rape,
10 statutory rape in the first degree, sodomy in the first degree, forcible sodomy, sodomy, statutory
11 sodomy in the first degree, or an attempt to commit any of the preceding crimes, or child
12 molestation in the first or second degree, sexual abuse, sexual abuse in the first degree, rape in
13 the second degree, sexual assault, sexual assault in the first degree, sodomy in the second degree,
14 deviate sexual assault, deviate sexual assault in the first degree, or the act of abuse of a child
15 involving either sexual contact, a prohibited sexual act, sexual abuse, or sexual exploitation of
16 a minor, or any felony offense that contains elements substantially similar to the offenses listed
17 above;

18 (5) "Sexually violent predator", any person who suffers from a mental abnormality which
19 makes the person more likely than not to engage in predatory acts of sexual violence if not
20 confined in a secure facility and who:

21 (a) Has pled guilty or been found guilty **in this state or any other jurisdiction**, or been
22 found not guilty by reason of mental disease or defect pursuant to section 552.030, of a sexually
23 violent offense; or

24 (b) Has been committed as a criminal sexual psychopath pursuant to section 632.475 and
25 statutes in effect before August 13, 1980.

632.483. 1. When it appears that a person may meet the criteria of a sexually violent
2 predator, the agency with jurisdiction shall give written notice of such to the attorney general and
3 the multidisciplinary team established in subsection 4 of this section. Written notice shall be
4 given:

5 (1) Within three hundred sixty days prior to the anticipated release from a correctional
6 center of the department of corrections of a person who has been convicted of a sexually violent
7 offense, except that in the case of persons who are returned to prison for no more than one
8 hundred eighty days as a result of revocation of postrelease supervision, written notice shall be
9 given as soon as practicable following the person's readmission to prison;

10 (2) At any time prior to the release of a person who has been found not guilty by reason
11 of mental disease or defect of a sexually violent offense; or

12 (3) At any time prior to the release of a person who was committed as a criminal sexual
13 psychopath pursuant to section 632.475 and statutes in effect before August 13, 1980.

14 2. The agency with jurisdiction shall provide the attorney general and the
15 multidisciplinary team established in subsection 4 of this section with the following:

16 (1) The person's name, identifying factors, anticipated future residence and offense
17 history;

18 (2) Documentation of institutional adjustment and any treatment received or refused,
19 including the Missouri sexual offender program; and

20 (3) A determination by either a psychiatrist or a psychologist as defined in section
21 632.005 as to whether the person meets the definition of a sexually violent predator.

22 3. The agency with jurisdiction, its employees, officials, members of the
23 multidisciplinary team established in subsection 4 of this section, members of the prosecutor's
24 review committee appointed as provided in subsection 5 of this section and individuals
25 contracting or appointed to perform services hereunder shall be immune from liability for any
26 conduct performed in good faith and without gross negligence pursuant to the provisions of
27 sections 632.480 to 632.513.

28 4. The director of the department of mental health and the director of the department of
29 corrections shall establish a multidisciplinary team consisting of no more than seven members,
30 at least one from the department of corrections and the department of mental health, and which
31 may include individuals from other state agencies to review available records of each person
32 referred to such team pursuant to subsection 1 of this section. The team, within thirty days of
33 receiving notice, shall assess whether or not the person meets the definition of a sexually violent
34 predator. The team shall notify the attorney general of its assessment.

35 5. The prosecutors coordinators training council established pursuant to section 56.760
36 shall appoint a five-member prosecutors' review committee composed of a cross section of
37 county prosecutors from urban and rural counties. No more than three shall be from urban
38 counties, and one member shall be the prosecuting attorney of the county in which the person
39 was convicted or committed pursuant to chapter 552, **if the conviction was in this state**. The
40 committee shall review the records of each person referred to the attorney general pursuant to
41 subsection 1 of this section. The prosecutors' review committee shall make a determination of
42 whether or not the person meets the definition of a sexually violent predator. The determination
43 of the prosecutors' review committee or any member pursuant to this section or section 632.484
44 shall not be admissible evidence in any proceeding to prove whether or not the person is a
45 sexually violent predator. The assessment of the multidisciplinary team shall be made available
46 to the attorney general and the prosecutors' review committee.

632.484. 1. When the attorney general receives written notice from any law enforcement
2 agency that a person, who has pled guilty to or been convicted of a sexually violent offense and
3 who is not presently in the physical custody of an agency with jurisdiction has committed a

4 recent overt act, the attorney general may file a petition for detention and evaluation with the
5 probate division of the court in which the person was convicted, or committed pursuant to
6 chapter 552, alleging the respondent may meet the definition of a sexually violent predator and
7 should be detained for evaluation for a period of up to nine days. **If the person was convicted**
8 **in another jurisdiction and the recent overt act was committed in this state, the attorney**
9 **general may file the petition for detention and evaluation with the probate division of the**
10 **court in the county of this state where the overt act was committed.** The written notice shall
11 include the previous conviction record of the person, a description of the recent overt act, if
12 applicable, and any other evidence which tends to show the person to be a sexually violent
13 predator. The attorney general shall provide notice of the petition to the prosecuting attorney of
14 the county where the petition was filed.

15 2. Upon a determination by the court that the person may meet the definition of a
16 sexually violent predator, the court shall order the detention and transport of such person to a
17 secure facility to be determined by the department of mental health. The attorney general shall
18 immediately give written notice of such to the department of mental health.

19 3. Upon receiving physical custody of the person and written notice pursuant to
20 subsection 2 of this section, the department of mental health shall, through either a psychiatrist
21 or psychologist as defined in section 632.005, make a determination whether or not the person
22 meets the definition of a sexually violent predator. The department of mental health shall, within
23 seven days of receiving physical custody of the person, provide the attorney general with a
24 written report of the results of its investigation and evaluation. The attorney general shall
25 provide any available records of the person that are retained by the department of corrections to
26 the department of mental health for the purposes of this section. If the department of mental
27 health is unable to make a determination within seven days, the attorney general may request an
28 additional detention of ninety-six hours from the court for good cause shown.

29 4. If the department determines that the person may meet the definition of a sexually
30 violent predator, the attorney general shall provide the results of the investigation and evaluation
31 to the prosecutors' review committee. The prosecutors' review committee shall, by majority vote,
32 determine whether or not the person meets the definition of a sexually violent predator within
33 twenty-four hours of written notice from the attorney general's office. If the prosecutors' review
34 committee determines that the person meets the definition of a sexually violent predator, the
35 prosecutors' review committee shall provide written notice to the attorney general of its
36 determination. The attorney general may file a petition pursuant to section 632.486 within forty-
37 eight hours after obtaining the results from the department.

38 5. For the purposes of this section "recent overt act" means any act that creates a
39 reasonable apprehension of harm of a sexually violent nature.

632.520. 1. For purposes of this section, the following terms mean:

(1) "Employee of the department of mental health", a person who is an employee of the department of mental health, an employee or contracted employee of a subcontractor of the department of mental health, or an employee or contracted employee of a subcontractor of an entity responsible for confining offenders as authorized by section 632.495;

(2) "Offender", a person ordered to the department of mental health after a determination by the court that the person meets the definition of a sexually violent predator, a person ordered to the department of mental health after a finding of probable cause under section 632.489, or a person committed for control, care, and treatment by the department of mental health under sections 632.480 to 632.513;

(3) "Secure facility", a facility operated by the department of mental health or an entity responsible for confining offenders as authorized by section 632.495.

2. No offender shall knowingly commit violence to an employee of the department of mental health or to another offender housed in a secure facility. Violation of this subsection shall be a class B felony.

3. No offender shall knowingly damage any building or other property owned or operated by the department of mental health. Violation of this subsection shall be a class C felony.

[578.501. 1. This section shall be known as "Spc. Edward Lee Myers' Law".

2. It shall be unlawful for any person to engage in picketing or other protest activities in front of or about any location at which a funeral is held, within one hour prior to the commencement of any funeral, and until one hour following the cessation of any funeral. Each day on which a violation occurs shall constitute a separate offense. Violation of this section is a class B misdemeanor, unless committed by a person who has previously pled guilty to or been found guilty of a violation of this section, in which case the violation is a class A misdemeanor.

3. For the purposes of this section, "funeral" means the ceremonies, processions and memorial services held in connection with the burial or cremation of the dead.]

[578.502. 1. This section shall be known as "Spc. Edward Lee Myers' Law".

2. It shall be unlawful for any person to engage in picketing or other protest activities within three hundred feet of or about any location at which a funeral is held, within one hour prior to the commencement of any funeral, and until one hour following the cessation of any funeral. Each day on which a violation occurs shall constitute a separate offense. Violation of this section is

8 a class B misdemeanor, unless committed by a person who has previously pled
9 guilty to or been found guilty of a violation of this section, in which case the
10 violation is a class A misdemeanor.

11 3. For purposes of this section, "funeral" means the ceremonies,
12 processions, and memorial services held in connection with the burial or
13 cremation of the dead.]

14

2 [578.503. The enactment of section 578.502 shall become effective only
3 on the date the provisions of section 578.501 are finally declared void or
4 unconstitutional by a court of competent jurisdiction and upon notification by the
attorney general to the revisor of statutes.]

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