



MISSOURI HOUSE OF REPRESENTATIVES
WITNESS APPEARANCE FORM

BILL NUMBER: HB 2863		DATE: 2/25/2026
COMMITTEE: Financial Institutions		
TESTIFYING: <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES		
WITNESS NAME		
REGISTERED LOBBYIST:		
WITNESS NAME: ANDY BRISCOE		PHONE NUMBER:
REPRESENTING: THE MISSOURI BAR		TITLE:
ADDRESS: 326 MONROE STREET		
CITY: JEFFERSON CITY		STATE: MO
		ZIP: 65102
EMAIL:	ATTENDANCE:	SUBMIT DATE: 2/25/2026 12:00 AM
THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.		



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WITNESS NAME		
INDIVIDUAL:		
WITNESS NAME: JOHN CHALLIS		PHONE NUMBER:
BUSINESS/ORGANIZATION NAME:		TITLE:
ADDRESS:		
CITY:		STATE: ZIP:
EMAIL:	ATTENDANCE:	SUBMIT DATE: 2/25/2026 12:00 AM
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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: ARNIE C. "HONEST-ABE" DIENOFF-STATE PUBLIC ADVOCAT		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL:	ATTENDANCE: In-Person	SUBMIT DATE: 2/25/2026 11:57 PM	
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I am Opposed to this Legislation.



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WITNESS NAME		
INDIVIDUAL:		
WITNESS NAME: SARAH BERRY		PHONE NUMBER:
BUSINESS/ORGANIZATION NAME:		TITLE:
ADDRESS:		
CITY:	STATE:	ZIP:
EMAIL:	ATTENDANCE: Written	SUBMIT DATE: 2/24/2026 12:57 PM
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HB 2863 materially alters procedure surrounding no-contest clauses in trusts and creates constitutional and procedural risk.

- 1. Mandatory Pre-Adjudication Structure (Due Process Concern).**
 The bill requires that when a petition is joined with other claims, the court must determine the no-contest issue before proceeding further. Forcing threshold adjudication before factual development of related claims risks premature rulings based solely on pleadings, limiting evidentiary development and impairing meaningful access to the courts.

- 2. Restriction on Evidence.**
 The statute prohibits consideration of evidence beyond pleadings and the trust instrument except to resolve ambiguity. Where enforceability may depend on factual context (undue influence, fiduciary misconduct, public policy), limiting evidence risks erroneous deprivation of property interests protected under the Fourteenth Amendment.

- 3. Immediate Appeal Mechanism.**
 Authorizing immediate appeal of orders disposing of fewer than all claims alters standard final-judgment principles and may generate piecemeal appellate review, delaying estate administration and increasing litigation costs without clear necessity.

- 4. Chilling Effect on Legitimate Claims.**
 Although the bill expands certain safe harbors, tying enforceability determinations to early pleadings while permitting enforcement “to the extent of the court’s ruling” may chill beneficiaries from asserting legitimate fiduciary-breach or validity claims for fear of forfeiture.

- 5. Separation of Powers / Rulemaking Conflict.**
 Mandating procedural sequencing and appeal posture within statute risks conflict with Missouri Supreme Court authority over procedural rules (Mo. Const. art. V, § 5).

HB 2863 restructures trust litigation in a way that increases constitutional exposure and procedural instability without demonstrated need. For these reasons, I respectfully urge a Do Not Pass vote.