

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1570
94TH GENERAL ASSEMBLY

Reported from the Committee on the Judiciary and Civil and Criminal Jurisprudence, April 15, 2008, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

3143S.03C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal section 488.2300, RSMo, and to enact in lieu thereof two new sections relating to guardians ad litem.

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

Section A. Section 488.2300, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 484.302 and 488.2300, to read as follows:

484.302. Recognizing that Missouri children have a right to adequate and effective representation in child welfare cases, the September 17, 1996, Missouri supreme court standards for representation by guardians ad litem shall be adopted statewide and each circuit shall devise a plan for implementation which takes into account the individual needs of their circuit as well as the negative impact that excessive caseloads have upon effectiveness of counsel. These plans shall be approved by the supreme court en banc and fully implemented by July 1, 2011.

488.2300. 1. A "Family Services and Justice Fund" is hereby established in each county or circuit with a family court, for the purpose of aiding with the operation of the family court divisions and services provided by those divisions. In circuits or counties having a family court, the circuit clerk shall charge and collect a surcharge of thirty dollars in all proceedings falling within the jurisdiction of the family court. The surcharge shall not be charged when no court costs are otherwise required, shall not be charged against the petitioner for actions filed pursuant to the provisions of chapter 455, RSMo, but may be charged to the respondent in such actions, shall not be charged to a government agency and shall not be charged in any proceeding when costs are waived or are to be

11 paid by the state, county or municipality.

12 2. In juvenile proceedings under chapter 211, RSMo, a judgment of up to
13 thirty dollars may be assessed against the child, parent or custodian of the child,
14 in addition to other amounts authorized by law, in informal adjustments made
15 under the provisions of sections 211.081 and 211.083, RSMo, and in an order of
16 disposition or treatment under the provisions of section 211.181, RSMo. The
17 judgment may be ordered paid to the clerk of the circuit where the assessment is
18 imposed.

19 3. All sums collected pursuant to this section and section 487.140, RSMo,
20 shall be payable to the various county family services and justice funds.

21 4. Any moneys in the family services and justice fund not expended for
22 salaries of commissioners, family court administrators and family court staff shall
23 be used toward funding the enhanced services provided as a result of the
24 establishment of a family court; however, it shall not replace or reduce the
25 current and ongoing responsibilities of the counties to provide funding for the
26 courts as required by law. Moneys collected for the family services and justice
27 fund shall be expended for the benefit of litigants and recipients of services in the
28 family court, with priority given to services such as **guardians ad litem**,
29 mediation, counseling, home studies, psychological evaluation and other forms of
30 alternative dispute-resolution services. Expenditures shall be made at the
31 discretion of the presiding judge or family court administrative judge, as
32 designated by the circuit and associate circuit judges en banc, for the
33 implementation of the family court system as set forth in this section. No moneys
34 from the family services and justice fund may be used to pay for mediation in any
35 cause of action in which domestic violence is alleged.

36 5. From the funds collected pursuant to this section and retained in the
37 family services and justice fund, each circuit or county in which a family court
38 commissioner in addition to those commissioners existing as juvenile court
39 commissioners on August 28, 1993, have been appointed pursuant to sections
40 487.020 to 487.040, RSMo, shall pay to and reimburse the state for the actual
41 costs of that portion of the salaries of family court commissioners appointed
42 pursuant to the provisions of sections 487.020 to 487.040, RSMo.

43 6. No moneys deposited in the family services and justice fund may be
44 expended for capital improvements.