

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 187 & 235
95TH GENERAL ASSEMBLY

Reported from the Committee on the Judiciary and Civil and Criminal Jurisprudence, May 7, 2009, with recommendation that the Senate Committee Substitute do pass.

0705S.05C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 28.160, 41.950, 66.010, 193.087, 193.215, 347.179, 347.183, 351.047, 351.120, 351.125, 351.145, 351.155, 351.484, 351.592, 351.594, 351.598, 351.602, 351.690, 355.016, 355.021, 355.066, 355.071, 355.176, 355.688, 355.706, 355.796, 355.806, 355.811, 355.821, 355.856, 356.211, 359.681, 452.400, 452.423, 452.440, 452.445, 452.450, 452.455, 452.460, 452.465, 452.470, 452.475, 452.480, 452.485, 452.490, 452.495, 452.500, 452.505, 452.510, 452.515, 452.520, 452.525, 452.530, 452.535, 452.540, 452.545, 452.550, 454.445, 455.010, 455.050, 476.055, 478.003, 479.260, 485.077, 487.020, 535.030, 535.120, 566.226, and 630.407, RSMo, and to enact in lieu thereof one hundred two 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 28.160, 41.950, 66.010, 193.087, 193.215, 347.179, 347.183, 351.047, 351.120, 351.125, 351.145, 351.155, 351.484, 351.592, 351.594, 351.598, 351.602, 351.690, 355.016, 355.021, 355.066, 355.071, 355.176, 355.688, 355.706, 355.796, 355.806, 355.811, 355.821, 355.856, 356.211, 359.681, 452.400, 452.423, 452.440, 452.445, 452.450, 452.455, 452.460, 452.465, 452.470, 452.475, 452.480, 452.485, 452.490, 452.495, 452.500, 452.505, 452.510, 452.515, 452.520, 452.525, 452.530, 452.535, 452.540, 452.545, 452.550, 454.445, 455.010, 455.050, 476.055, 478.003, 479.260, 485.077, 487.020, 535.030, 535.120, 566.226, and 630.407, RSMo, are repealed and one hundred two new sections enacted in lieu thereof, to be known as sections 28.160, 41.950, 66.010, 193.087, 193.215, 347.179,

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

11 347.183, 351.047, 351.120, 351.122, 351.125, 351.145, 351.155, 351.484, 351.592,
 12 351.594, 351.598, 351.602, 351.690, 355.016, 355.021, 355.066, 355.071, 355.176,
 13 355.688, 355.706, 355.796, 355.806, 355.811, 355.821, 355.856, 355.857, 356.211,
 14 359.681, 452.400, 452.423, 452.426, 452.700, 452.705, 452.710, 452.715, 452.720,
 15 452.725, 452.730, 452.735, 452.740, 452.745, 452.747, 452.750, 452.755, 452.760,
 16 452.762, 452.765, 452.770, 452.775, 452.780, 452.782, 452.785, 452.790, 452.795,
 17 452.800, 452.805, 452.810, 452.815, 452.820, 452.825, 452.830, 452.835, 452.840,
 18 452.845, 452.850, 452.855, 452.860, 452.865, 452.870, 452.875, 452.880, 452.885,
 19 452.890, 452.895, 452.900, 452.905, 452.910, 452.915, 452.920, 452.925, 452.930,
 20 454.445, 455.010, 455.050, 476.055, 478.003, 479.260, 485.077, 487.020, 488.5032,
 21 535.030, 535.120, 566.226, 630.407, 1, and 2, to read as follows:

28.160. 1. The state shall be entitled to fees for services to be rendered
 2 by the secretary of state as follows:
 3 For issuing commission to notary public \$15.00
 4 For countersigning and sealing certificates of
 5 official character 10.00
 6 For all other certificates 5.00
 7 For copying archive and state library records, papers or documents, for
 8 each page 8 ½ x 14 inches and smaller, not to exceed the actual
 9 cost of document search and duplication
 10 For duplicating microfilm, for each roll, not to exceed the actual cost of
 11 staff time required for searches and duplication
 12 For copying all other records, papers or documents, for each page 8 ½ x 14
 13 inches and smaller, not to exceed the actual cost of document
 14 search and duplication
 15 For certifying copies of records and papers or documents 5.00
 16 For causing service of process to be made 10.00
 17 For electronic telephone transmittal, per page 2.00

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

26 such biennium the amount in the fund in excess of five million dollars shall be
27 transferred to general revenue.

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

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

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

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

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

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

40 (5) Services, equipment and functions relating to corporations and
41 business organizations;

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

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

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

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

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

52 **6. (1) The secretary of state may promulgate rules to establish**
53 **fees to be charged and collected for special handling in connection with**
54 **filing documents, issuing certificates, and other services performed by**
55 **the office, including expedited filing. Any rule or portion of a rule, as**
56 **that term is defined in section 536.010, RSMo, that is created under the**
57 **authority delegated in this section shall become effective only if it**
58 **complies with and is subject to all of the provisions of chapter 536,**
59 **RSMo, and, if applicable, section 536.028, RSMo. This section and**
60 **chapter 536, RSMo, are nonseverable and if any of the powers vested**
61 **with the general assembly pursuant to chapter 536, RSMo, to review, to**

62 delay the effective date, or to disapprove and annul a rule are
63 subsequently held unconstitutional, then the grant of rulemaking
64 authority and any rule proposed or adopted after August 28, 2009, shall
65 be invalid and void.

66 (2) Fees charged under this subsection shall approximate the
67 estimated cost of special handling and shall not exceed three hundred
68 dollars per document filed or document requested. Requests for special
69 handling or expedited filing may be filed, and the fees under this
70 subsection may be charged, only if the special handling does not cause
71 disruption or delay in the process of normal handling of
72 documents. Such determination shall be at the discretion of the
73 secretary of state or his or her designee, and neither the secretary of
74 state nor his or her designee shall be liable in any manner for the
75 acceptance or rejection of requests for special handling or expedited
76 filing.

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

41.950. 1. Any resident of this state who is a member of the national
2 guard or of any reserve component of the armed forces of the United States or
3 who is a member of the United States Army, the United States Navy, the United
4 States Air Force, the United States Marine Corps, the United States Coast Guard
5 or an officer of the United States Public Health Service detailed by proper
6 authority for duty with any branch of the United States armed forces described
7 in this section and who is engaged in the performance of active duty in the
8 military service of the United States in a military conflict in which reserve
9 components have been called to active duty under the authority of 10 U.S.C.
10 672(d) or 10 U.S.C. 673b or any such subsequent call or order by the President
11 or Congress for any period of thirty days or more shall be relieved from certain
12 provisions of state law, as follows:

13 (1) No person performing such military service who owns a motor vehicle
14 shall be required to maintain financial responsibility on such motor vehicle as
15 required under section 303.025, RSMo, until such time as that person completes
16 such military service, unless any person shall be operating such motor vehicle

17 while the vehicle owner is performing such military service;

18 (2) No person failing to renew his driver's license while performing such
19 military service shall be required to take a complete examination as required
20 under section 302.173, RSMo, when renewing his license within sixty days after
21 completing such military service;

22 (3) Any motor vehicle registration required under chapter 301, RSMo, that
23 expires for any person performing such military service may be renewed by such
24 person within sixty days of completing such military service without being
25 required to pay a delinquent registration fee; however, such motor vehicle shall
26 not be operated while the person is performing such military service unless the
27 motor vehicle registration is renewed;

28 (4) Any person enrolled by the supreme court of Missouri or licensed,
29 registered or certified under chapter 168, 256, [289,] 317, 324, 325, 326, 327, 328,
30 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345,
31 346, 375, 640 or 644, RSMo, and interpreters licensed under sections 209.319 to
32 209.339, RSMo, whose license, registration or certification expires while
33 performing such military service, may renew such license, registration or
34 certification within sixty days of completing such military service without
35 penalty;

36 (5) In the case of [annual] **corporate registration** reports, franchise tax
37 reports or other reports required to be filed with the office of secretary of state,
38 where the filing of such report would be delayed because of a person performing
39 such military service, such reports shall be filed without penalty within one
40 hundred twenty days of the completion of such military service;

41 (6) No person performing such military service who is subject to a
42 criminal summons for a traffic violation shall be subject to nonappearance
43 sanctions for such violation until after one hundred eighty days after the
44 completion of such military service;

45 (7) No person performing such military service who is required under
46 state law to file financial disclosure reports shall be required to file such reports
47 while performing such military service; however, such reports covering that
48 period of time that such military service is performed shall be filed within one
49 hundred eighty days after the completion of such military service;

50 (8) Any person with an indebtedness, liability or obligation for state
51 income tax or property tax on personal or real property who is performing such
52 military service or a spouse of such person filing a combined return or owning

53 property jointly shall be granted an extension to file any papers or to pay any
54 obligation until one hundred eighty days after the completion of such military
55 service or continuous hospitalization as a result of such military service
56 notwithstanding the provisions of section 143.991, RSMo, to the contrary and
57 shall be allowed to pay such tax without penalty or interest if paid within the one
58 hundred eighty-day period;

59 (9) Notwithstanding other provisions of the law to the contrary, for the
60 purposes of this section, interest shall be allowed and paid on any overpayment
61 of tax imposed by sections 143.011 to 143.998, RSMo, at the rate of six percent
62 per annum from the original due date of the return or the date the tax was paid,
63 whichever is later;

64 (10) No state agency, board, commission or administrative tribunal shall
65 take any administrative action against any person performing such military
66 service for that person's failure to take any required action or meet any required
67 obligation not already provided for in subdivisions (1) to (8) of this subsection
68 until one hundred eighty days after the completion of such military service,
69 except that any agency, board, commission or administrative tribunal affected by
70 this subdivision may, in its discretion, extend the time required to take such
71 action or meet such obligation beyond the one hundred eighty-day period;

72 (11) Any disciplinary or administrative action or proceeding before any
73 state agency, board, commission or administrative tribunal where the person
74 performing such military service is a necessary party, which occurs during such
75 period of military service, shall be stayed by the administrative entity before
76 which it is pending until sixty days after the end of such military service.

77 2. Upon completing such military service, the person shall provide the
78 appropriate agency, board, commission or administrative tribunal an official order
79 from the appropriate military authority as evidence of such military service.

80 3. The provisions of this section shall apply to any individual [defined]
81 **described** in subsection 1 of this section who performs such military service on
82 or after August 2, 1990.

66.010. 1. Any county framing and adopting a charter for its own
2 government under the provisions of section 18, article VI of the constitution of
3 this state, may prosecute and punish violations of its county ordinances in the
4 circuit court of such counties in the manner and to the extent herein provided or
5 in a county municipal court. In addition, the county may prosecute and punish
6 municipal ordinance violations in the county municipal court pursuant to a

7 contract with any municipality within the county. Any county municipal court
8 established pursuant to the provisions of this section shall have jurisdiction over
9 violations of that county's ordinances and the ordinances of municipalities with
10 which the county has a contract to prosecute and punish violations of municipal
11 ordinances of the city. Costs and procedures in any such county municipal court
12 shall be governed by the provisions of law relating to municipal ordinance
13 violations in municipal divisions of circuit courts.

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

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

22 4. Except in any county with a charter form of government and with more
23 than six hundred thousand but fewer than seven hundred thousand inhabitants,
24 the ordinance of the county shall provide for regular sessions of court in the
25 evening hours after 6:00 p.m. and at locations outside the county seat. In any
26 county with a charter form of government and with more than six hundred
27 thousand but fewer than seven hundred thousand inhabitants, the ordinance of
28 the county may provide for regular sessions of court in the evening hours after
29 6:00 p.m. and at locations outside the county seat.

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

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

42 7. In a county municipal court established pursuant to this section, the

43 county may provide by ordinance for court costs not to exceed the sum which may
44 be provided by municipalities for municipal violations before municipal
45 courts. The county municipal judge may assess costs against a defendant who
46 pleads guilty or is found guilty except in those cases where the defendant is found
47 by the judge to be indigent and unable to pay the costs. The costs authorized in
48 this subsection are in addition to service costs, witness fees and jail costs that
49 may otherwise be authorized to be assessed, but are in lieu of other court or judge
50 costs or fees. Such costs shall be collected by the authorized clerk and deposited
51 into the county treasury.

52 8. Provisions shall be made for recording of proceedings, except that if
53 such proceedings are not recorded, then, in that event, a person aggrieved by a
54 judgment of a traffic judge or commissioner shall have the right of a trial de
55 novo. The procedures for perfecting the right of a trial de novo shall be the same
56 as that provided under sections 512.180 to 512.320, RSMo, except that the
57 provisions of subsection 2 of section 512.180, RSMo, shall not apply to such cases.
58 In the event that such proceedings are recorded, all final decisions of the county
59 municipal court shall be appealable on such record to the appellate court with
60 appropriate jurisdiction.

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

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

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

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

8 (2) File the form, when completed, along with the certificate required by
9 this section. **Such completed form for the voluntary acknowledgment of**

10 **paternity is not a public record; except that, a copy of such voluntary**
11 **acknowledgment of paternity shall, upon request, be made available to**
12 **the child's mother, the father listed on the child's birth record, and the**
13 **attorney representing such mother or father. Upon payment of the fee**
14 **established by rule by the department under section 454.455, RSMo, a**
15 **copy of such voluntary acknowledgment of paternity shall be provided**
16 **by the state registrar to the child's mother, the father listed on the**
17 **child's birth record, and the attorney representing such mother or**
18 **alleged father; and**

19 (3) Provide oral and written notice to the affiant required by section
20 193.215.

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

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

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

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

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

193.215. 1. A certificate or report registered pursuant to sections 193.005
2 to 193.325 may be amended only pursuant to the provisions of sections 193.005

3 to 193.325, and regulations adopted by the department.

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

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

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

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

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

38 (1) The alternatives to, the legal consequences of, and the rights and

39 responsibilities that arise from signing the acknowledgment;

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

41 (3) The availability of paternity establishment and child support
42 enforcement services. A rescission of acknowledgment form shall be filed with the
43 bureau of vital records pursuant to section 210.823, RSMo, to vacate the legal
44 finding of paternity. The bureau shall file all rescissions and forward a copy of
45 each to the division of child support enforcement. The birth record shall only be
46 changed pursuant to this subsection upon an order of the court or the division of
47 child support enforcement.

48 **The completed voluntary acknowledgment of paternity is not a public**
49 **record; except that, a copy of such voluntary acknowledgment of**
50 **paternity shall, upon request, be made available to the child's mother,**
51 **the father listed on the child's birth record, and the attorney**
52 **representing such mother or father. Upon payment of the fee**
53 **established by rule by the department under section 454.445, RSMo, a**
54 **copy of such acknowledgment shall be provided by the state registrar**
55 **to the child's mother, the father listed on the child's birth record, and**
56 **the attorney representing such mother or alleged father.**

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

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

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

347.179. The secretary shall charge and collect:

2 (1) For filing the original articles of organization, a fee of one hundred
3 dollars;

4 (2) **For filing the original articles of organization online, in an**
5 **electronic format prescribed by the secretary of state, a fee of forty-five**
6 **dollars;**

7 (3) Applications for registration of foreign limited liability companies and
8 issuance of a certificate of registration to transact business in this state, a fee of
9 one hundred dollars;

10 [(3)] (4) Amendments to and restatements of articles of limited liability
11 companies to application for registration of a foreign limited liability company or
12 any other filing otherwise provided for, a fee of twenty dollars;

13 [(4)] (5) Articles of termination of limited liability companies or
14 cancellation of registration of foreign limited liability companies, a fee of twenty
15 dollars;

16 [(5)] (6) For filing notice of merger or consolidation, a fee of twenty
17 dollars;

18 [(6)] (7) For filing a notice of winding up, a fee of twenty dollars;

19 [(7)] (8) For issuing a certificate of good standing, a fee of five dollars;

20 [(8)] (9) For a notice of the abandonment of merger or consolidation, a
21 fee of twenty dollars;

22 [(9)] (10) For furnishing a copy of any document or instrument, a fee of
23 fifty cents per page;

24 [(10)] (11) For accepting an application for reservation of a name, or for
25 filing a notice of the transfer or cancellation of any name reservation, a fee of
26 twenty dollars;

27 [(11)] (12) For filing a statement of change of address of registered office
28 or registered agent, or both, a fee of five dollars;

29 [(12)] (13) For any service of notice, demand, or process upon the
30 secretary as resident agent of a limited liability company, a fee of twenty dollars,
31 which amount may be recovered as taxable costs by the party instituting such
32 suit, action, or proceeding causing such service to be made if such party prevails
33 therein;

34 [(13)] (14) For filing an amended certificate of registration a fee of
35 twenty dollars; and

36 [(14)] (15) For filing a statement of correction a fee of five dollars.

347.183. In addition to the other powers of the secretary established in
2 sections 347.010 to 347.187, the secretary shall, as is reasonably necessary to
3 enable the secretary to administer sections 347.010 to 347.187 efficiently and to
4 perform the secretary's duties, have the following powers including, but not
5 limited to:

6 (1) The power to examine the books and records of any limited liability
7 company to which sections 347.010 to 347.187 apply, and it shall be the duty of
8 any manager, member or agent of such limited liability company having
9 possession or control of such books and records, to produce such books and

10 records for examination on demand of the secretary or his designated employee;
11 except that no person shall be subject to any criminal prosecution on account of
12 any matter or thing which may be disclosed by examination of any limited
13 liability company books and records, which they may produce or exhibit for
14 examination; or on account of any other matter or thing concerning which they
15 may make any voluntary and truthful statement in writing to the secretary or his
16 designated employee. All facts obtained in the examination of the books and
17 records of any limited liability company, or through the voluntary sworn
18 statement of any manager, member, agent or employee of any limited liability
19 company, shall be treated as confidential, except insofar as official duty may
20 require the disclosure of same, or when such facts are material to any issue in
21 any legal proceeding in which the secretary or his designated employee may be
22 a party or called as witness, and, if the secretary or his designated employee
23 shall, except as provided in this subdivision, disclose any information relative to
24 the private accounts, affairs, and transactions of any such limited liability
25 company, he shall be guilty of a class C misdemeanor. If any manager, member
26 or registered agent in possession or control of such books and records of any such
27 limited liability company shall refuse a demand of the secretary or his designated
28 employee, to exhibit the books and records of such limited liability company for
29 examination, such person shall be guilty of a class B misdemeanor;

30 (2) The power to cancel or disapprove any articles of organization or other
31 filing required under sections 347.010 to 347.187, if the limited liability company
32 fails to comply with the provisions of sections 347.010 to 347.187 by failing to file
33 required documents under sections 347.010 to 347.187, by failing to maintain a
34 registered agent, by failing to pay the required filing fees, by using fraud or
35 deception in effecting any filing, by filing a required document containing a false
36 statement, or by violating any section or sections of the criminal laws of Missouri,
37 the federal government or any other state of the United States. Thirty days
38 before such cancellation shall take effect, the secretary shall notify the limited
39 liability company with written notice, either personally or by certified mail,
40 deposited in the United States mail in a sealed envelope addressed to such
41 limited liability company's last registered agent in office, or to one of the limited
42 liability company's members or managers. Written notice of the secretary's
43 proposed cancellation to the limited liability company, domestic or foreign, shall
44 specify the reasons for such action. The limited liability company may appeal
45 this notice of proposed cancellation to the circuit court of the county in which the

46 registered office of such limited liability company is or is proposed to be situated
47 by filing with the clerk of such court a petition setting forth a copy of the articles
48 of organization or other relevant documents and a copy of the proposed written
49 cancellation thereof by the secretary, such petition to be filed within thirty days
50 after notice of such cancellation shall have been given, and the matter shall be
51 tried by the court, and the court shall either sustain the action of the secretary
52 or direct him to take such action as the court may deem proper. An appeal from
53 the circuit court in such a case shall be allowed as in civil action. The limited
54 liability company may provide information to the secretary that would allow the
55 secretary to withdraw the notice of proposed cancellation. This information may
56 consist of, but need not be limited to, corrected statements and documents, new
57 filings, affidavits and certified copies of other filed documents;

58 (3) The power to rescind cancellation provided for in subdivision (2) of this
59 section upon compliance with either of the following:

60 (a) The affected limited liability company provides the necessary
61 documents and affidavits indicating the limited liability company has corrected
62 the conditions causing the proposed cancellation or the cancellation; or

63 (b) The limited liability company provides the correct statements or
64 documentation that the limited liability company is not in violation of any section
65 of the criminal code; and

66 (4) The power to charge late filing fees for any filing fee required under
67 sections 347.010 to 347.187 and the power to impose civil penalties as provided
68 in section 347.053. Late filing fees shall be assessed at a rate of ten dollars for
69 each thirty-day period of delinquency;

70 **(5) (a) The power to administratively cancel an articles of**
71 **organization if the limited liability company's period of duration stated**
72 **in articles of organization expires.**

73 **(b) Not less than thirty days before such administrative**
74 **cancellation shall take effect, the secretary shall notify the limited**
75 **liability company with written notice, either personally or by mail. If**
76 **mailed, the notice shall be deemed delivered five days after it is**
77 **deposited in the United States mail in a sealed envelope addressed to**
78 **such limited liability company's last registered agent and office or to**
79 **one of the limited liability company's managers or members.**

80 **(c) If the limited liability company does not timely file an**
81 **articles of amendment in accordance with section 347.041 to extend the**

82 duration of the limited liability company, which may be any number of
83 years or perpetual, or demonstrate to the reasonable satisfaction of the
84 secretary that the period of duration determined by the secretary is
85 incorrect, within sixty days after service of the notice is perfected by
86 posting with the United States Postal Service, then the secretary shall
87 cancel the articles of organization by signing an administrative
88 cancellation that recites the grounds for cancellation and its effective
89 date. The secretary shall file the original of the administrative
90 cancellation and serve a copy on the limited liability company as
91 provided in section 347.051.

92 (d) A limited liability company whose articles of organization has
93 been administratively cancelled continues its existence but may not
94 carry on any business except that necessary to wind up and liquidate
95 its business and affairs under section 347.147 and notify claimants
96 under section 347.141.

97 (e) The administrative cancellation of an articles of organization
98 does not terminate the authority of its registered agent.

99 (6) (a) The power to rescind an administrative cancellation and
100 reinstate the articles of organization.

101 (b) Except as otherwise provided in the operating agreement, a
102 limited liability company whose articles of organization has been
103 administratively cancelled under subdivision (5) of this section may file
104 an articles of amendment in accordance with section 347.041 to extend
105 the duration of the limited liability company, which may be any
106 number or perpetual.

107 (c) A limited liability company whose articles of organization has
108 been administratively cancelled under subdivision (5) of this section
109 may apply to the secretary for reinstatement. The applicant shall:

110 a. Recite the name of the limited liability company and the
111 effective date of its administrative cancellation;

112 b. State that the grounds for cancellation either did not exist or
113 have been eliminated, as applicable, and be accompanied by
114 documentation satisfactory to the secretary evidencing the same;

115 c. State that the limited liability company's name satisfies the
116 requirements of section 347.020;

117 d. Be accompanied by a reinstatement fee in the amount of one
118 hundred dollars, or such greater amount as required by state

119 regulation, plus any delinquent fees, penalties, and other charges as
120 determined by the secretary to then be due.

121 (d) If the secretary determines that the application contains the
122 information and is accompanied by the fees required in paragraph (c)
123 of this subdivision and that the information and fees are correct, the
124 secretary shall rescind the cancellation and prepare a certificate of
125 reinstatement that recites his or her determination and the effective
126 date of reinstatement, file the original articles of organization, and
127 serve a copy on the limited liability company as provided in section
128 347.051.

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

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

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

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

148 (7) Subdivision (6) of this section shall apply to any limited
149 liability company whose articles of organization was cancelled because
150 such limited liability company's period of duration stated in the
151 articles of organization expired on or after August 28, 2003.

351.047. The secretary of state may prescribe and furnish on request
2 forms for all documents required or permitted to be filed by this chapter. The use
3 of the following forms is mandatory:

4 (1) A foreign corporation's application for a certificate of authority to do

5 business in this state;

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

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

351.120. 1. Every corporation organized pursuant to the laws of this
2 state, including corporations organized pursuant to or subject to this chapter, and
3 every foreign corporation licensed to do business in this state, whether such
4 license shall have been issued pursuant to this chapter or not, other than
5 corporations exempted from taxation by the laws of this state, shall file [an
6 annual corporation] **a corporate** registration report.

7 2. The [annual] corporate registration report shall state the corporate
8 name, the name of its registered agent and such agent's Missouri **physical**
9 address, giving street and number, or building and number, or both, as the case
10 may require, the name and correct business or residence address of its officers
11 and directors, and the mailing address of the corporation's principal place of
12 business or corporate headquarters.

13 3. The [annual] corporate registration report shall **be filed annually,**
14 **except as provided in section 351.122, and shall** be due the month that the
15 corporation incorporated or qualified, **unless changed by the corporation**
16 **under subsection 8 of this section.** Corporations existing prior to July 1,
17 2003, shall file the [annual] **corporate** registration report on the month
18 indicated on the corporation's last [annual] **corporate registration**
19 report. Corporations formed on or after July 1, 2003, shall file [an annual] **a**
20 **corporate** registration report within thirty days of the date of incorporation or
21 qualification and every year thereafter, **except as provided in section**
22 **351.122, in the month that they were incorporated or qualified, unless such**
23 **month is changed by the corporation under subsection 8 of this section.**

24 4. The [annual] **corporate** registration report shall be signed by an
25 officer or authorized person.

26 5. In the event of any error in the names and addresses of the officers and
27 directors set forth in [an annual] **a corporate** registration report, the
28 corporation may correct such information by filing a certificate of correction
29 pursuant to section 351.049.

30 6. A corporation may change the corporation's registered office or
31 registered agent with the filing of the corporation's [annual] **corporate**
32 registration report. To change the corporation's registered agent with the filing
33 of the [annual] **corporate** registration report, the corporation must include the

34 new registered agent's written consent to the appointment as registered agent
35 and a written consent stating that such change in registered agents was
36 authorized by resolution duly adopted by the board of directors. The written
37 consent must be signed by the new registered agent and must include such
38 agent's address. If the [annual] corporate registration report is not completed
39 correctly, the secretary of state may reject the filing of such report.

40 7. A corporation's [annual] **corporate** registration report must be filed
41 in a format as prescribed by the secretary of state.

42 8. A corporation may change the month of its corporate
43 registration report in the corporation's initial corporate registration
44 report or a subsequent report. To change its filing month, a
45 corporation shall designate the desired month in its corporate
46 registration report and include with that report an additional fee of
47 twenty dollars. After a corporation registration report designating a
48 new filing month is filed by the secretary of state, the corporation's
49 next corporate registration report shall be filed in the newly
50 designated month in the next year in which a report is due under
51 subsection 3 of this section or under section 351.122. This subsection
52 shall become effective January 1, 2010.

351.122. 1. Notwithstanding the provisions of section 351.120 to
2 the contrary, beginning January 1, 2010, the secretary of state may
3 provide corporations the option of biennially filing corporate
4 registration reports. Any corporation incorporated or qualified in an
5 even-numbered year may file a biennial corporate registration report
6 only in an even-numbered calendar year, and any corporation
7 incorporated or qualified in an odd-numbered year may file a biennial
8 corporate registration report only in an odd-numbered calendar year,
9 subject to the following requirements:

10 (1) The fee paid at the time of biennial registration shall be
11 eighty dollars if the report is filed in a written format. The fee shall be
12 thirty dollars if the report is filed via an electronic format prescribed
13 by the secretary of state;

14 (2) A corporation's biennial corporate registration report shall
15 be filed in a format as prescribed by the secretary of state.

16 2. Once a corporation chooses the option of biennial registration,
17 such registration shall be maintained for the full twenty-four month
18 period. Once the twenty-four month period has expired and another

19 **corporate registration report is due, a corporation may choose to file**
20 **an annual registration report under section 351.120. However, upon**
21 **making such choice the corporation may later only choose to file a**
22 **biennial corporate registration report in a year appropriate under**
23 **subsection 1 of this section, based on the year in which the corporation**
24 **was incorporated.**

25 **3. The secretary of state may promulgate rules for the effective**
26 **administration of this section. Any rule or portion of a rule, as that**
27 **term is defined in section 536.010, RSMo, that is created under the**
28 **authority delegated in this section shall become effective only if it**
29 **complies with and is subject to all of the provisions of chapter 536,**
30 **RSMo, and, if applicable, section 536.028, RSMo. This section and**
31 **chapter 536, RSMo, are nonseverable and if any of the powers vested**
32 **with the general assembly pursuant to chapter 536, RSMo, to review, to**
33 **delay the effective date, or to disapprove and annul a rule are**
34 **subsequently held unconstitutional, then the grant of rulemaking**
35 **authority and any rule proposed or adopted after August 28, 2009, shall**
36 **be invalid and void.**

351.125. Every corporation required to register under the provisions of
2 this chapter shall pay to the state a fee of forty dollars for its [annual]
3 **corporate** registration if the report is filed in a written format. The fee is
4 fifteen dollars for each [annual] **corporate** registration report filed via an
5 electronic format prescribed by the secretary of state. **Biennial corporate**
6 **registration reports filed under section 351.122 shall require the fee**
7 **prescribed in that section.** If a corporation fails to file a corporation
8 registration report when due, it shall be assessed, in addition to its regular
9 registration fee, a late fee of fifteen dollars for each thirty-day period within
10 which the registration report is filed whether in writing or in an electronic
11 format. If the registration report is not filed within ninety days, [the corporation
12 shall forfeit its charter] **the secretary of state may proceed with**
13 **administrative dissolution of such corporation under sections 351.484**
14 **and 351.486.**

351.145. It shall be the duty of the secretary of state to send notice that
2 the [annual] corporate registration report is due to each corporation in this state
3 required to register. The notice shall be directed to its registered office as
4 disclosed originally by its articles of incorporation or by its application for a

5 certificate of authority to transact business in this state and thereafter as
6 disclosed by its **immediately preceding corporate** registration [for the year
7 preceding] **report**, as provided by law. The secretary of state may provide a form
8 of the [annual] corporate registration report for filing in a format and medium
9 prescribed by the secretary of state.

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

351.484. The secretary of state may commence a proceeding pursuant to
2 section 351.486 to dissolve a corporation administratively if:

3 (1) The corporation fails to pay any final assessment of Missouri
4 corporation franchise tax as provided in chapter 147, RSMo, and the director of
5 revenue has notified the secretary of state of such failure;

6 (2) The corporation fails or neglects to file the Missouri corporation
7 franchise tax report required pursuant to chapter 147, RSMo, provided the
8 director of revenue has provided a place on both the individual and corporation
9 income tax return to indicate no such tax is due and provided the director has
10 delivered or mailed at least two notices of such failure to file to the usual place
11 of business of such corporation or the corporation's last known address and the
12 corporation has failed to respond to such second notice within thirty days of the
13 date of mailing of the second notice and the director of revenue has notified the
14 secretary of state of such failure;

15 (3) The corporation fails to file any corporation income tax return or pay
16 any final assessment of corporation income tax as provided in chapter 143, RSMo,
17 and the director of revenue has notified the secretary of state of such failure;

18 (4) The corporation does not deliver its [annual] **corporate registration**
19 report to the secretary of state within [thirty] **ninety** days after it is due;

20 (5) The corporation is without a registered agent or registered office in
21 this state for thirty days or more;

22 (6) The corporation does not notify the secretary of state within thirty
23 days that its registered agent or registered office has been changed, that its
24 registered agent has resigned, or that its registered office has been discontinued;

25 (7) The corporation's period of duration stated in its articles of
26 incorporation expires;

27 (8) The corporation procures its franchise through fraud practiced upon
28 the state;

29 (9) The corporation has continued to exceed or abuse the authority
30 conferred upon it by law, or has continued to violate any section or sections of the
31 criminal law of the state of Missouri after a written demand to discontinue the
32 same has been delivered by the secretary of state to the corporation, either
33 personally or by mail;

34 (10) The corporation fails to pay any final assessment of employer
35 withholding tax, as provided in sections 143.191 to 143.265, RSMo, and the
36 director of revenue has notified the secretary of state of such failure; or

37 (11) The corporation fails to pay any final assessment of sales and use
38 taxes, as provided in chapter 144, RSMo, and the director of revenue has notified
39 the secretary of state of such failure.

 351.592. 1. The registered agent of a foreign corporation may resign his
2 agency appointment by signing and delivering to the secretary of state for filing
3 the original and two exact or conformed copies of a statement of resignation. The
4 statement of resignation may include a statement that the registered office is also
5 discontinued.

6 2. After filing the statement, the secretary of state shall attach the filing
7 receipt to one copy, and mail the copy and receipt to the registered office if not
8 discontinued. The secretary of state shall mail the other copy to the foreign
9 corporation at its principal office address shown in its most recent [annual]
10 **corporate registration** report.

11 3. The agency appointment is terminated, and the registered office
12 discontinued if so provided, on the thirty-first day after the date on which the
13 statement was filed.

 351.594. 1. The registered agent of a foreign corporation authorized to
2 transact business in this state is the corporation's agent for service of process,
3 notice, or demand required or permitted by law to be served on the foreign
4 corporation.

5 2. A foreign corporation may be served by registered or certified mail,
6 return receipt requested, addressed to the secretary of the foreign corporation at
7 its principal office shown in its application for a certificate of authority or in its
8 most recent [annual] **corporate registration** report, if the foreign corporation:

9 (1) Has no registered agent or its registered agent cannot with reasonable
10 diligence be served;

11 (2) Has withdrawn from transacting business in this state as provided in
12 section 351.596; or

13 (3) Has had its certificate of authority revoked under section 351.602.

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

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

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

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

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

27 4. This section does not prescribe the only means, or necessarily the
28 required means, of serving a foreign corporation.

 351.598. The secretary of state may commence a proceeding pursuant to
2 section 351.602 to revoke the certificate of a foreign corporation authorized to
3 transact business in this state if:

4 (1) The foreign corporation does not deliver its [annual] **corporate**
5 **registration** report to the secretary of state within thirty days after it is due;

6 (2) The foreign corporation fails to pay any final assessment of Missouri
7 corporation franchise tax, as provided in chapter 147, RSMo, and the director of
8 revenue has notified the secretary of state of such failure;

9 (3) The foreign corporation is without a registered agent or registered
10 office in this state for thirty days or more;

11 (4) The foreign corporation does not inform the secretary of state pursuant
12 to section 351.588 or 351.592 that its registered agent or registered office has
13 changed, that its registered agent has resigned, or that its registered office has
14 been discontinued within thirty days of the change, resignation, or
15 discontinuance;

16 (5) An incorporator, director, officer, or agent of the foreign corporation
17 signed a document the person knew was false in any material respect with intent
18 that the document be delivered to the secretary of state for filing;

19 (6) The secretary of state receives a duly authenticated certificate from
20 [the secretary of state or other] **an** official having custody of corporate records in
21 the state or country under whose law the foreign corporation is incorporated
22 stating that it has been dissolved or has disappeared as the result of a merger;

23 (7) The foreign corporation fails to pay any final assessment of employer
24 withholding tax, as provided in sections 143.191 to 143.265, RSMo, and the
25 director of revenue has notified the secretary of state of such failure; or

26 (8) The foreign corporation fails to pay any final assessment of sales and
27 use taxes, as provided in chapter 144, RSMo, and the director of revenue has
28 notified the secretary of state of such failure.

351.602. 1. If the secretary of state determines that one or more grounds
2 exist under section 351.598 for revocation of a certificate of authority, he shall
3 serve the foreign corporation with written notice of his determination as provided
4 in section 351.594.

5 2. If the foreign corporation does not correct each ground for revocation
6 or demonstrate to the reasonable satisfaction of the secretary of state that each
7 ground determined by the secretary of state does not exist within sixty days after
8 service of the notice is perfected under section 351.594, the secretary of state may
9 revoke the foreign corporation's certificate of authority by signing a certificate of
10 revocation that recites the ground or grounds for revocation and its effective
11 date. The secretary of state shall file the original of the certificate and serve a
12 copy on the foreign corporation as provided in section 351.594.

13 3. The authority of a foreign corporation to transact business in this state
14 ceases on the date shown on the certificate revoking its certificate of authority.

15 4. The secretary of state's revocation of a foreign corporation's certificate
16 of authority appoints the secretary of state the foreign corporation's agent for
17 service of process in any proceeding based on a cause of action which arose during
18 the time the foreign corporation was authorized to transact business in this
19 state. Service of process on the secretary of state under this subsection is service
20 on the foreign corporation. Upon receipt of process, the secretary of state shall
21 mail a copy of the process to the secretary of the foreign corporation at its
22 principal office shown in its most recent [annual] **corporate registration** report
23 or in any subsequent communication received from the corporation specifically
24 advising the secretary of state of the current mailing address of its principal
25 office, or, if none are on file, in its application for a certificate of authority.

26 5. Revocation of a foreign corporation's certificate of authority does not

27 terminate the authority of the registered agent of the corporation.

351.690. The provisions of this chapter shall be applicable to existing
2 corporations and corporations not formed pursuant to this chapter as follows:

3 (1) Those provisions of this chapter requiring reports, registration
4 statements and the payment of taxes and fees, shall be applicable, to the same
5 extent and with the same effect, to all existing corporations, domestic and foreign,
6 which were required to make such reports and registration statements and to pay
7 such taxes and fees, prior to November 21, 1943;

8 (2) The provisions of this chapter shall be applicable to banks, trust
9 companies and safe deposit companies when such provisions relating to the
10 internal affairs of a corporation supplement the existing provisions of chapter
11 362, RSMo, or when the provisions of chapter 362, RSMo, do not deal with a
12 matter involving the internal affairs of a corporation organized pursuant to the
13 provisions of chapter 362, RSMo, as well as those provisions mentioned in
14 subdivision (1) of this section, to the extent applicable. For the purposes of this
15 chapter, the "internal affairs of a corporation" shall include, but not be limited to,
16 matters of corporate governance, director and officer liability, and financial
17 structure;

18 (3) No provisions of this chapter, other than those mentioned in
19 subdivision (1) of this section, and then only to the extent required by the
20 statutes pursuant to which they are incorporated, or other than the provisions of
21 section 351.347, or section 351.355, shall be applicable to insurance companies,
22 savings and loan associations, corporations formed for benevolent, religious,
23 scientific or educational purposes, and nonprofit corporations;

24 (4) Only those provisions of this chapter which supplement the existing
25 laws applicable to railroad corporations, union stations, cooperative companies
26 for profit, credit unions, street railroads, telegraph and telephone companies,
27 booming and rafting companies, urban redevelopment corporations, professional
28 corporations, development finance corporations, and loan and investment
29 companies, and which are not inconsistent with, or in conflict with the purposes
30 of, or are not in derogation or limitation of, such existing laws, shall be applicable
31 to the type of corporations mentioned above in this subdivision; and without
32 limiting the generality of the foregoing, those provisions of this chapter which
33 permit the issuance of shares without par value and the amendment of articles
34 of incorporation for such purpose shall be applicable to railroad corporations,
35 union stations, street railroads, telegraph and telephone companies, and booming

36 and rafting companies, professional corporations, development finance
37 corporations, and loan and investment companies, and those provisions of this
38 chapter mentioned in subdivisions (1) and (2) of this section will apply to all
39 corporations mentioned in this subdivision; except that, the [annual] **corporate**
40 **registration** report and fee of a professional corporation pursuant to section
41 356.211, RSMo, shall suffice in lieu of the [annual] **corporate** registration
42 **report** and fee required of a business corporation;

43 (5) All of the provisions of this chapter to the extent provided shall apply
44 to all other corporations existing pursuant to general laws of this state enacted
45 prior to November 21, 1943, and not specifically mentioned in subdivisions (1),
46 (2) and (3) of this section.

355.016. 1. The secretary of state may prescribe and furnish on request,
2 forms for:

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

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

6 (3) The [annual] **corporate registration** report.

7 If the secretary of state so requires, use of these forms is mandatory.

8 2. The secretary of state may prescribe and furnish on request forms for
9 other documents required or permitted to be filed by this chapter but their use
10 is not mandatory.

355.021. 1. The secretary of state shall collect the following fees when the
2 documents described in this subsection are delivered for filing:

3 (1) Articles of incorporation, twenty dollars;

4 (2) Application for reserved name, twenty dollars;

5 (3) Notice of transfer of reserved name, two dollars;

6 (4) Application for renewal of reserved name, twenty dollars;

7 (5) Corporation's statement of change of registered agent or registered
8 office or both, five dollars;

9 (6) Agent's statement of change of registered office for each affected
10 corporation, five dollars;

11 (7) Agent's statement of resignation, five dollars;

12 (8) Amendment of articles of incorporation, five dollars;

13 (9) Restatement of articles of incorporation with amendments, five dollars;

14 (10) Articles of merger, five dollars;

15 (11) Articles of dissolution, five dollars;

- 16 (12) Articles of revocation of dissolution, five dollars;
- 17 (13) Application for reinstatement following administrative dissolution,
18 twenty dollars;
- 19 (14) Application for certificate of authority, twenty dollars;
- 20 (15) Application for amended certificate of authority, five dollars;
- 21 (16) Application for certificate of withdrawal, five dollars;
- 22 (17) **[Annual] Corporate registration report filed annually**, ten
23 dollars if filed in a written format or five dollars if filed electronically in a format
24 prescribed by the secretary of state;
- 25 (18) **Corporate registration report filed biennially, twenty dollars**
26 **if filed in a written format or ten dollars if filed electronically in a**
27 **format prescribed by the secretary of state;**
- 28 **(19)** Articles of correction, five dollars;
- 29 **[(19)] (20)** Certificate of existence or authorization, five dollars;
- 30 **[(20)] (21)** Any other document required or permitted to be filed by this
31 chapter, five dollars.
- 32 2. The secretary of state shall collect a fee of ten dollars upon being
33 served with process under this chapter. The party to a proceeding causing service
34 of process is entitled to recover the fee paid the secretary of state as costs if the
35 party prevails in the proceeding.
- 36 3. The secretary of state shall collect the following fees for copying and
37 certifying the copy of any filed document relating to a domestic or foreign
38 corporation: in a written format fifty cents per page plus five dollars for
39 certification, or in an electronic format five dollars for certification and copies.
- 355.066. Unless the context otherwise requires or unless otherwise
2 indicated, as used in this chapter the following terms mean:
- 3 (1) "Approved by or approval by the members", approved or ratified by the
4 affirmative vote of a majority of the voters represented and voting at a duly held
5 meeting at which a quorum is present, which affirmative votes also constitute a
6 majority of the required quorum, or by a written ballot or written consent in
7 conformity with this chapter, or by the affirmative vote, written ballot or written
8 consent of such greater proportion, including the votes of all the members of any
9 class, unit or grouping as may be provided in the articles, bylaws or this chapter
10 for any specified member action;
- 11 (2) "Articles of incorporation" or "articles", amended and restated articles
12 of incorporation and articles of merger;

13 (3) "Board" or "board of directors", the board of directors except that no
14 person or group of persons is the board of directors because of powers delegated
15 to that person or group pursuant to section 355.316;

16 (4) "Bylaws", the code or codes of rules, other than the articles, adopted
17 pursuant to this chapter for the regulation or management of the affairs of the
18 corporation, irrespective of the name or names by which such rules are
19 designated. Bylaws shall not include legally enforceable covenants, declarations,
20 indentures or restrictions imposed upon members by validly recorded indentures,
21 declarations, covenants, restrictions or other recorded instruments, as they apply
22 to real property;

23 (5) "Class", a group of memberships which have the same rights with
24 respect to voting, dissolution, redemption and transfer. For the purpose of this
25 section, "rights" shall be considered the same if they are determined by a formula
26 applied uniformly;

27 (6) "Corporation", public benefit and mutual benefit corporations;

28 (7) "Delegates", those persons elected or appointed to vote in a
29 representative assembly for the election of a director or directors or on other
30 matters;

31 (8) "Deliver" includes mail;

32 (9) "Directors", individuals, designated in the articles or bylaws or elected
33 by the incorporator or incorporators, and their successors and individuals elected
34 or appointed by any other name or title to act as members of the board;

35 (10) "Distribution", the payment of a dividend or any part of the income
36 or profit of a corporation to its members, directors or officers;

37 (11) "Domestic corporation", a Missouri corporation;

38 (12) "Effective date of notice" is defined in section 355.071;

39 (13) "Employee" does not include an officer or director who is not
40 otherwise employed by the corporation;

41 (14) "Entity", domestic corporations and foreign corporations, business
42 corporations and foreign business corporations, for-profit and nonprofit
43 unincorporated associations, business trusts, estates, partnerships, trusts, and
44 two or more persons having a joint or common economic interest, and a state, the
45 United States, and foreign governments;

46 (15) "File", "filed" or "filing", filed in the office of the secretary of state;

47 (16) "Foreign corporation", a corporation organized under a law other than
48 the laws of this state which would be a nonprofit corporation if formed under the

49 laws of this state;

50 (17) "Governmental subdivision" includes authority, county, district, and
51 municipality;

52 (18) "Includes" denotes a partial definition;

53 (19) "Individual", a natural person;

54 (20) "Means" denotes a complete definition;

55 (21) "Member", without regard to what a person is called in the articles
56 or bylaws, any person or persons who on more than one occasion, pursuant to a
57 provision of a corporation's articles or bylaws, have the right to vote for the
58 election of a director or directors; but a person is not a member by virtue of any
59 of the following:

60 (a) Any rights such person has as a delegate;

61 (b) Any rights such person has to designate a director or directors; or

62 (c) Any rights such person has as a director;

63 (22) "Membership", the rights and obligations a member or members have
64 pursuant to a corporation's articles, bylaws and this chapter;

65 (23) "Mutual benefit corporation", a domestic corporation which is formed
66 as a mutual benefit corporation pursuant to sections 355.096 to 355.121 or is
67 required to be a mutual benefit corporation pursuant to section 355.881;

68 (24) "Notice" is defined in section 355.071;

69 (25) "Person" includes any individual or entity;

70 (26) "Principal office", the office, in or out of this state, so designated in
71 the [annual] **corporate registration** report filed pursuant to section 355.856
72 where the principal offices of a domestic or foreign corporation are located;

73 (27) "Proceeding" includes civil suits and criminal, administrative, and
74 investigatory actions;

75 (28) "Public benefit corporation", a domestic corporation which is formed
76 as a public benefit corporation pursuant to sections 355.096 to 355.121, or is
77 required to be a public benefit corporation pursuant to section 355.881;

78 (29) "Record date", the date established pursuant to sections 355.181 to
79 355.311 on which a corporation determines the identity of its members for the
80 purposes of this chapter;

81 (30) "Resident", a full-time resident of a long-term care facility or
82 residential care facility;

83 (31) "Secretary", the corporate officer to whom the board of directors has
84 delegated responsibility pursuant to subsection 2 of section 355.431 for custody

85 of the minutes of the directors' and members' meetings and for authenticating the
86 records of the corporation;

87 (32) "State", when referring to a part of the United States, includes a
88 state or commonwealth, and its agencies and governmental subdivisions, and any
89 territory or insular possession, and its agencies and governmental subdivisions,
90 of the United States;

91 (33) "United States" includes any agency of the United States;

92 (34) "Vote" includes authorization by written ballot and written consent;
93 and

94 (35) "Voting power", the total number of votes entitled to be cast for the
95 election of directors at the time the determination of voting power is made,
96 excluding a vote which is contingent upon the happening of a condition or event
97 that has not occurred at the time. Where a class is entitled to vote as a class for
98 directors, the determination of voting power of the class shall be based on the
99 percentage of the number of directors the class is entitled to elect out of the total
100 number of authorized directors.

355.071. 1. For purposes of this chapter, notice may be oral or written.

2 2. Notice may be communicated in person, by telephone, telegraph,
3 teletype, or other form of wire or wireless communication, or by mail or private
4 carrier; if these forms of personal notice are impracticable, notice may be
5 communicated by a newspaper of general circulation in the area where published,
6 or by radio, television, or other form of public broadcast communication.

7 3. Oral notice is effective when communicated if communicated in a
8 comprehensible manner.

9 4. Written notice, if in a comprehensible form, is effective at the earliest
10 of the following:

11 (1) When received;

12 (2) Five days after its deposit in the United States mail, as evidenced by
13 the postmark, if mailed correctly addressed and with first class postage affixed;

14 (3) On the date shown on the return receipt, if sent by registered or
15 certified mail, return receipt requested, and the receipt is signed by or on behalf
16 of the addressee;

17 (4) Thirty days after its deposit in the United States mail, as evidenced
18 by the postmark, if mailed correctly addressed and with other than first class,
19 registered or certified postage affixed.

20 5. Written notice is correctly addressed to a member of a domestic or

21 foreign corporation if addressed to the member's address shown in the
22 corporation's current list of members.

23 6. A written notice or report delivered as part of a newsletter, magazine
24 or other publication regularly sent to members shall constitute a written notice
25 or report if addressed or delivered to the member's address shown in the
26 corporation's current list of members, or in the case of members who are residents
27 of the same household and who have the same address in the corporation's
28 current list of members, if addressed or delivered to one of such members, at the
29 address appearing on the current list of members.

30 7. Written notice is correctly addressed to a domestic or foreign
31 corporation, authorized to transact business in this state, other than in its
32 capacity as a member, if addressed to its registered agent or to its secretary at
33 its principal office shown in its most recent [annual] **corporate registration**
34 report or, in the case of a foreign corporation that has not yet delivered [an
35 annual] **a corporate registration** report, in its application for a certificate of
36 authority.

37 8. If subsection 2 of section 355.251 or any other provision of this chapter
38 prescribes notice requirements for particular circumstances, those requirements
39 govern. If the articles or bylaws prescribe notice requirements, not inconsistent
40 with this section or other provisions of this chapter, those requirements
41 govern. Failure to comply with the terms of this section shall not invalidate the
42 terms of the notice delivered.

355.176. 1. A corporation's registered agent is the corporation's agent for
2 service of process, notice, or demand required or permitted by law to be served on
3 the corporation.

4 2. If a corporation has no registered agent, or the agent cannot with
5 reasonable diligence be served, the corporation may be served by registered or
6 certified mail, return receipt requested, addressed to the secretary of the
7 corporation at its principal office shown in the most recent [annual] **corporate**
8 **registration** report filed under section 355.856. Service is perfected under this
9 subsection on the earliest of:

10 (1) The date the corporation receives the mail;

11 (2) The date shown on the return receipt, if signed on behalf of the
12 corporation; or

13 (3) Five days after its deposit in the United States mail, if mailed and
14 correctly addressed with first class postage affixed.

15 3. This section does not prescribe the only means, or necessarily the
16 required means, of serving a corporation.

 355.688. A voluntarily dissolved corporation must continue to file the
2 [annual] **corporate** registration report and pay all required taxes due the state
3 of Missouri until the effective date of articles of termination.

 355.706. The secretary of state may commence a proceeding under section
2 355.711 to administratively dissolve a corporation if:

3 (1) The corporation does not pay within thirty days after they are due fees
4 or penalties imposed by this chapter;

5 (2) The corporation does not deliver its [annual] **corporate registration**
6 report to the secretary of state within [thirty] **ninety** days after it is due;

7 (3) The corporation is without a registered agent or registered office in this
8 state for thirty days or more;

9 (4) The corporation does not notify the secretary of state within thirty days
10 that its registered agent or registered office has been changed, that its registered
11 agent has resigned, or that its registered office has been discontinued;

12 (5) The corporation's period of duration, if any, stated in its articles of
13 incorporation expires; or

14 (6) The corporation has procured its charter through fraud practiced upon
15 the state.

 355.796. 1. The registered agent of a foreign corporation authorized to
2 transact business in this state is the corporation's agent for service of process,
3 notice, or demand required or permitted by law to be served on the foreign
4 corporation.

5 2. A foreign corporation may be served by registered or certified mail,
6 return receipt requested, addressed to the secretary of the foreign corporation at
7 its principal office shown in its application for a certificate of authority or in its
8 more recent [annual] **corporate registration** report filed under section 355.856
9 if the foreign corporation:

10 (1) Has no registered agent or its registered agent cannot with reasonable
11 diligence be served;

12 (2) Has withdrawn from transacting business in this state under section
13 355.801; or

14 (3) Has had its certificate of authority revoked under section 355.811.

15 3. Service is perfected under subsection 2 of this section at the earliest of:

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

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

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

21 4. This section does not prescribe the only means, or necessarily the
22 required means, of serving a foreign corporation.

355.806. 1. The secretary of state may commence a proceeding under
2 section 355.811 to revoke the certificate of authority of a foreign corporation
3 authorized to transact business in this state if:

4 (1) The foreign corporation does not deliver the [annual] **corporate**
5 **registration** report to the secretary of state within thirty days after it is due;

6 (2) The foreign corporation does not pay within thirty days after they are
7 due any fees or penalties imposed by this chapter;

8 (3) The foreign corporation is without a registered agent or registered
9 office in this state for thirty days or more;

10 (4) The foreign corporation does not inform the secretary of state under
11 section 355.786 or 355.791 that its registered agent or registered office has
12 changed, that its registered agent has resigned, or that its registered office has
13 been discontinued within thirty days of the change, resignation, or
14 discontinuance;

15 (5) An incorporator, director, officer or agent of the foreign corporation
16 signed a document such person knew was false in any material respect with
17 intent that the document be delivered to the secretary of state for filing;

18 (6) The secretary of state receives a duly authenticated certificate from the
19 secretary of state or other official having custody of corporate records in the state
20 or country under whose law the foreign corporation is incorporated stating that
21 it has been dissolved or disappeared as the result of a merger; or

22 (7) The corporation procured its certificate of authority through fraud
23 practiced on the state.

24 2. The attorney general may commence a proceeding under section
25 355.811 to revoke the certificate of authority of a foreign corporation authorized
26 to transact business in this state if:

27 (1) The corporation has continued to exceed or abuse the authority
28 conferred upon it by law;

29 (2) The corporation would have been a public benefit corporation other
30 than a church or convention or association of churches had it been incorporated

31 in this state and that its corporate assets in this state are being misapplied or
32 wasted; or

33 (3) The corporation would have been a public benefit corporation other
34 than a church or convention or association of churches had it been incorporated
35 in this state and it is no longer able to carry out its purposes.

355.811. 1. The secretary of state upon determining that one or more
2 grounds exist under section 355.806 for revocation of a certificate of authority
3 shall serve the foreign corporation with written notice of that determination
4 under section 355.796.

5 2. The attorney general upon determining that one or more grounds exist
6 under subsection 2 of section 355.806 for revocation of a certificate of authority
7 shall request the secretary of state to serve, and the secretary of state shall serve
8 the foreign corporation with written notice of that determination under section
9 355.796.

10 3. If the foreign corporation does not correct each ground for revocation
11 or demonstrate to the reasonable satisfaction of the secretary of state or attorney
12 general that each ground for revocation determined by the secretary of state or
13 attorney general does not exist within sixty days after service of the notice is
14 perfected under section 355.796, the secretary of state may revoke the foreign
15 corporation's certificate of authority by signing a certificate of revocation that
16 recites the ground or grounds for revocation and its effective date. The secretary
17 of state shall file the original of the certificate and serve a copy on the foreign
18 corporation under section 355.796.

19 4. The authority of a foreign corporation to transact business in this state
20 ceases on the date shown on the certificate revoking its certificate of authority.

21 5. The secretary of state's revocation of a foreign corporation's certificate
22 of authority appoints the secretary of state the foreign corporation's agent for
23 service of process in any proceeding based on a cause of action which arose during
24 the time the foreign corporation was authorized to transact business in this
25 state. Service of process on the secretary of state under this subsection is service
26 on the foreign corporation. Upon receipt of process, the secretary of state shall
27 mail a copy of the process to the secretary of the foreign corporation at its
28 principal office shown in its most recent [annual] **corporate registration** report
29 or in any subsequent communications received from the corporation stating the
30 current mailing address of its principal office, or, if none are on file, in its
31 application for a certificate of authority.

32 6. Revocation of a foreign corporation's certificate of authority does not
33 terminate the authority of the registered agent of the corporation.

 355.821. 1. A corporation shall keep as permanent records minutes of all
2 meetings of its members and board of directors, a record of all actions taken by
3 the members or directors without a meeting, and a record of all actions taken by
4 committees of the board of directors as authorized by subsection 4 of section
5 355.406.

6 2. A corporation shall maintain appropriate accounting records.

7 3. A corporation or its agent shall maintain a record of its members in a
8 form that permits preparation of a list of the names and addresses of all
9 members, in alphabetical order by class showing the number of votes each
10 member is entitled to vote.

11 4. A corporation shall maintain its records in written form or in another
12 form capable of conversion into written form within a reasonable time.

13 5. A corporation shall keep a copy of the following records at its principal
14 office:

15 (1) Its articles or restated articles of incorporation and all amendments to
16 them currently in effect;

17 (2) Its bylaws or restated bylaws and all amendments to them currently
18 in effect;

19 (3) Resolutions adopted by its board of directors relating to the
20 characteristics, qualifications, rights, limitations and obligations of members or
21 any class or category of members;

22 (4) The minutes of all meetings of members and records of all actions
23 approved by the members for the past three years;

24 (5) All written communications to all members or any specific class of
25 members generally within the past three years, including the financial statements
26 furnished for the past three years under section 355.846;

27 (6) A list of the names and business or home addresses of its current
28 directors and officers;

29 (7) Its most recent [annual] **corporate registration** report delivered to
30 the secretary of state under section 355.856; and

31 (8) Appropriate financial statements of all income and expenses. Public
32 benefit corporations shall not be required, under this chapter, to disclose any
33 information with respect to donors, gifts, contributions or the purchase or sale of
34 art objects.

355.856. 1. Each domestic corporation, and each foreign corporation
2 authorized pursuant to this chapter to transact business in this state, shall file
3 with the secretary of state [an annual] a corporate registration report on a form
4 prescribed and furnished by the secretary of state that sets forth:

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

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

9 (3) The address of its principal office;

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

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

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

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

30 5. A corporation may change the corporation's registered office or
31 registered agent with the filing of the corporation's [annual] registration report.
32 To change the corporation's registered agent with the filing of the [annual]
33 registration report, the corporation must include the new registered agent's
34 written consent to the appointment as registered agent and a written consent
35 stating that such change in registered agents was authorized by resolution duly
36 adopted by the board of directors. The written consent must be signed by the new

37 registered agent and must include such agent's address. If the [annual] corporate
38 registration report is not completed correctly, the secretary of state may reject the
39 filing of such report.

40 6. A corporation's [annual] **corporate** registration report must be filed
41 in a format and medium prescribed by the secretary of state.

42 7. The [annual] **corporate** registration report shall be signed by an
43 officer or authorized person and pursuant to this section represents that the
44 signer believes the statements are true and correct to the best knowledge and
45 belief of the person signing, subject to the penalties of section 575.040, RSMo.

**355.857. 1. Notwithstanding the provisions of section 355.856 to
2 the contrary, beginning January 1, 2010, the secretary of state may
3 provide corporations the option of biennially filing corporate
4 registration reports. Any corporation incorporated or qualified in an
5 even-numbered year may file a biennial corporate registration report
6 only in an even-numbered calendar year, and any corporation
7 incorporated or qualified in an odd-numbered year may file a biennial
8 corporate registration report only in an odd-numbered calendar year,
9 subject to the following requirements:**

10 (1) The fee paid at the time of biennial registration shall be that
11 specified in section 355.021;

12 (2) A corporation's biennial corporate registration report shall
13 be filed in a format as prescribed by the secretary of state.

14 2. Once a corporation chooses the option of biennial registration,
15 such registration shall be maintained for the full twenty-four month
16 period. Once the twenty-four month period has expired and another
17 corporate registration report is due, a corporation may choose to file
18 an annual registration report under section 355.856. However, upon
19 making such choice the corporation may later only choose to file a
20 biennial corporate registration report in a year appropriate under
21 subsection 1 of this section, based on the year in which the corporation
22 was incorporated.

23 3. The secretary of state may promulgate rules for the effective
24 administration of this section. Any rule or portion of a rule, as that
25 term is defined in section 536.010, RSMo, that is created under the
26 authority delegated in this section shall become effective only if it
27 complies with and is subject to all of the provisions of chapter 536,
28 RSMo, and, if applicable, section 536.028, RSMo. This section and

29 chapter 536, RSMo, are nonseverable and if any of the powers vested
30 with the general assembly pursuant to chapter 536, RSMo, to review, to
31 delay the effective date, or to disapprove and annul a rule are
32 subsequently held unconstitutional, then the grant of rulemaking
33 authority and any rule proposed or adopted after August 28, 2009, shall
34 be invalid and void.

356.211. 1. Each professional corporation and each foreign professional
2 corporation shall file with the secretary of state [an annual corporation] a
3 corporate registration report pursuant to section 351.120, RSMo, or section
4 351.122, RSMo. The corporate registration report shall set forth the following
5 information: the names and residence or physical business addresses of all
6 officers, directors and shareholders of that professional corporation as of the date
7 of the report.

8 2. The report shall be made on a form to be prescribed and furnished by
9 the secretary of state, and shall be executed by an officer of the corporation or
10 authorized person.

11 3. A filing fee in the amount set out in section 351.125, RSMo, or section
12 351.122, RSMo, shall be paid with the filing of each report, and no other fees
13 shall be charged therefor; except that, penalty fees may be imposed by the
14 secretary of state for late filings. The report shall be filed subject to the time
15 requirements of section 351.120, RSMo, or section 351.122, RSMo.

16 4. If a professional corporation or foreign professional corporation shall
17 fail to file a report qualifying with the provisions of this section when such a
18 filing is due, then the corporation shall be subject to the provisions of chapter
19 351, RSMo, that are applicable to a corporation that has failed to timely file the
20 [annual] corporate registration report required to be filed under chapter 351,
21 RSMo.

359.681. In addition to the power and authority given the secretary of
2 state by this chapter, the secretary of state or his designee shall have such
3 further authority as is reasonably necessary to enable the secretary of state to
4 administer this chapter efficiently and to perform the secretary of state's
5 duties. This authority shall consist of, but is not limited to, the following powers:

6 (1) (a) The power to examine the books and records of any limited
7 partnership to which this chapter applies, and it shall be the duty of any general
8 partner or agent of such limited partnership to produce such books and records
9 for examination on demand of the secretary of state or designated employee;

10 provided, that no person shall be subject to any criminal prosecution on account
11 of any matter or thing which may be disclosed by the examination of any limited
12 partnership books, or records, which they may produce or exhibit for examination;
13 or on account of any matter or thing concerning which they may make any
14 voluntary and truthful statement in writing to the secretary of state, or
15 designated employee. All facts obtained in the examination of the books and
16 records of any limited partnership, or through voluntary sworn statement of any
17 partner, agent, or employee of any limited partnership, shall be treated as
18 confidential, except insofar as official duty may require the disclosure of same; or
19 when such facts are material to any issue in any legal proceeding in which the
20 secretary of state or designated employee may be a party or called as a witness,
21 and, if the secretary of state or designated employee shall, except as herein
22 provided, disclose any information relative to the private accounts, affairs, and
23 transactions of any such limited partnership, he shall be deemed guilty of a class
24 C misdemeanor.

25 (b) If any general partner, or registered agent, of any such limited
26 partnership shall refuse the demand of the secretary of state, or designated
27 employee, to exhibit the books and records of such limited partnership for
28 examination, he, or they, shall be deemed guilty of a class B misdemeanor.

29 (2) (a) The power to cancel or disapprove any certificate of limited
30 partnership or other filing required under this chapter, if the limited partnership
31 fails to comply with the provisions of this chapter by failing to file required
32 documents under this chapter by failing to maintain a registered agent, by failing
33 to pay the required filing fees, by using fraud or deception in effecting any filing,
34 by filing a required document containing a false statement, or by violating any
35 section or sections of the criminal laws of Missouri, the federal government or any
36 other state of the United States. Thirty days before such cancellation shall take
37 effect, the secretary of state shall notify the limited partnership with written
38 notice, either personally or by mail. If mailed, the notice shall be deemed
39 delivered five days after it is deposited in the United States mail in a sealed
40 envelope addressed to such limited partnership's last registered agent and office
41 or to one of the limited partnership's general partners. The written notice of the
42 secretary of state's proposed cancellation to the limited partnership, domestic or
43 foreign, will specify the reasons for such action.

44 (b) The limited partnership may appeal this notice of proposed
45 cancellation to the circuit court of the county in which the registered office of

46 such limited partnership is or is proposed to be situated by filing with the clerk
47 of such court a petition setting forth a copy of the certificate of limited
48 partnership or other relevant documents and a copy of the proposed written
49 cancellation thereof by the secretary of state, such petition to be filed within
50 thirty days after notice of such cancellation shall have been given, and the matter
51 shall be tried by the court, and the court shall either sustain the action of the
52 secretary of state or direct him to take such action as the court may deem proper.
53 An appeal from the circuit court in such a case shall be allowed as in civil action.

54 (c) The limited partnership may provide information to the secretary of
55 state that would allow the secretary of state to withdraw the notice of proposed
56 cancellation. This information may consist of, but need not be limited to,
57 corrected statements and documents, new filings, affidavits and certified copies
58 of other filed documents.

59 (3) The power to rescind a cancellation provided for in subsection 2 of this
60 section upon compliance with either of the following:

61 (a) The affected limited partnership provides the necessary documents
62 and affidavits indicating the limited partnership has corrected the conditions
63 causing the proposed cancellation or the cancellation;

64 (b) The limited partnership provides the correct statements or
65 documentation that the limited partnership is not in violation of any section of
66 the criminal code.

67 (4) The power to charge late filing fees for any filing fee required under
68 this chapter. Late filing fees shall be assessed at a rate of ten dollars for each
69 thirty-day period of delinquency.

70 **(5) (a) The power to administratively cancel a certificate of**
71 **limited partnership if the limited partnership's period of duration**
72 **stated in the certificate of limited partnership expires.**

73 **(b) Not less than thirty days before such administrative**
74 **cancellation shall take effect, the secretary of state shall notify the**
75 **limited partnership with written notice, either personally or by mail.**
76 **If mailed, the notice shall be deemed delivered five days after it is**
77 **deposited in the United States mail in a sealed envelope addressed to**
78 **such limited partnership's last registered agent and office or to one of**
79 **the limited partnership's general partners.**

80 **(c) If the limited partnership does not timely file a certificate of**
81 **amendment in accordance with section 359.101 to extend the duration**

82 of the limited partnership, which may be any number of years or
83 perpetual, or demonstrate to the reasonable satisfaction of the
84 secretary of state that the period of duration determined by the
85 secretary of state is incorrect, within sixty days after service of the
86 notice is perfected by posting with the United States Postal Service,
87 then the secretary of state shall cancel the certificate of limited
88 partnership by signing a certificate of administrative cancellation that
89 recites the grounds for cancellation and its effective date. The
90 secretary of state shall file the original of the certificate and serve a
91 copy on the limited partnership as provided in section 359.141.

92 (d) A limited partnership whose certificate of limited
93 partnership has been administratively cancelled continues its existence
94 but may not carry on any business except that necessary to wind up
95 and liquidate its business and affairs under section 359.471 and notify
96 claimants under section 359.481.

97 (e) The administrative cancellation of a certificate of limited
98 partnership does not terminate the authority of its registered agent.

99 (6) (a) The power to rescind an administrative cancellation and
100 reinstate the certificate of limited partnership.

101 (b) Except as otherwise provided in the partnership agreement,
102 a limited partnership whose certificate of limited partnership has been
103 administratively cancelled under subdivision (5) of this section may file
104 a certificate of amendment in accordance with section 359.101 to extend
105 the duration of the limited partnership, which may be any number or
106 perpetual.

107 (c) A limited partnership whose certificate of limited partnership
108 has been administratively cancelled under subdivision (5) of this
109 section may apply to the secretary of state for reinstatement. The
110 applicant shall:

111 a. Recite the name of the limited partnership and the effective
112 date of its administrative cancellation;

113 b. State that the grounds for cancellation either did not exist or
114 have been eliminated, as applicable, and be accompanied by
115 documentation satisfactory to the secretary of state evidencing the
116 same;

117 c. State that the limited partnership's name satisfies the
118 requirements of section 359.021;

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

123 **(d) If the secretary of state determines that the application**
124 **contains the information and is accompanied by the fees required in**
125 **paragraph (c) of this subdivision and that the information and fees are**
126 **correct, the secretary of state shall rescind the certificate of**
127 **administrative cancellation and prepare a certificate of reinstatement**
128 **that recites his or her determination and the effective date of**
129 **reinstatement, file the original of the certificate, and serve a copy on**
130 **the limited partnership as provided in section 359.141.**

131 **(e) When the reinstatement is effective, it shall relate back to**
132 **and take effect as of the effective date of the administrative**
133 **cancellation of the certificate of limited partnership and the limited**
134 **partnership may continue carrying on its business as if the**
135 **administrative cancellation had never occurred.**

136 **(f) In the event the name of the limited partnership was reissued**
137 **by the secretary of state to another entity prior to the time application**
138 **for reinstatement was filed, the limited partnership applying for**
139 **reinstatement may elect to reinstate using a new name that complies**
140 **with the requirements of section 359.021 and that has been approved by**
141 **appropriate action of the limited partnership for changing the name**
142 **thereof.**

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

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

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

452.400. 1. (1) A parent not granted custody of the child is entitled to
2 reasonable visitation rights unless the court finds, after a hearing, that visitation

3 would endanger the child's physical health or impair his or her emotional
4 development. The court shall enter an order specifically detailing the visitation
5 rights of the parent without physical custody rights to the child and any other
6 children for whom such parent has custodial or visitation rights. In determining
7 the granting of visitation rights, the court shall consider evidence of domestic
8 violence. If the court finds that domestic violence has occurred, the court may
9 find that granting visitation to the abusive party is in the best interests of the
10 child.

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

15 a. A felony violation of section 566.030, 566.032, 566.040, 566.060,
16 566.062, 566.064, 566.067, 566.068, 566.070, 566.083, 566.090, 566.100, 566.111,
17 566.151, 566.203, 566.206, 566.209, 566.212, or 566.215, RSMo;

18 b. A violation of section 568.020, RSMo;

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

20 d. A violation of section 568.065, RSMo;

21 e. A violation of section 568.080, RSMo;

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

23 g. A violation of section 568.175, RSMo.

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

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

37 (4) The court, if requested by a party, shall make specific findings of fact
38 to show that the visitation arrangements made by the court best protect the child

39 or the parent or other family or household member who is the victim of domestic
40 violence, or any other child for whom the parent has custodial or visitation rights
41 from any further harm.

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

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

51 a. A felony violation of section 566.030, 566.032, 566.040, 566.060,
52 566.062, 566.064, 566.067, 566.068, 566.070, 566.083, 566.090, 566.100, 566.111,
53 566.151, 566.203, 566.206, 566.209, 566.212, or 566.215, RSMo;

54 b. A violation of section 568.020, RSMo;

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

56 d. A violation of section 568.065, RSMo;

57 e. A violation of section 568.080, RSMo;

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

59 g. A violation of section 568.175, RSMo.

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

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

73 3. The court shall mandate compliance with its order by all parties to the
74 action, including parents, children and third parties. In the event of

75 noncompliance, the aggrieved person may file a verified motion for contempt. If
76 custody, visitation or third-party custody is denied or interfered with by a parent
77 or third party without good cause, the aggrieved person may file a family access
78 motion with the court stating the specific facts which constitute a violation of the
79 judgment of dissolution or legal separation. **A family access order may be**
80 **filed for any order relating to the establishment or modification of**
81 **custody or visitation of a minor child, including but not limited to any**
82 **order for dissolution of marriage, modification, third-party custody or**
83 **visitation, or paternity.** The state courts administrator shall develop a simple
84 form for pro se motions to the aggrieved person, which shall be provided to the
85 person by the circuit clerk. Clerks, under the supervision of a circuit clerk, shall
86 explain to aggrieved parties the procedures for filing the form. Notice of the fact
87 that clerks will provide such assistance shall be conspicuously posted in the
88 clerk's offices. The location of the office where the family access motion may be
89 filed shall be conspicuously posted in the court building. The performance of
90 duties described in this section shall not constitute the practice of law as defined
91 in section 484.010, RSMo. Such form for pro se motions shall not require the
92 assistance of legal counsel to prepare and file. The cost of filing the motion shall
93 be the standard court costs otherwise due for instituting a civil action in the
94 circuit court.

95 4. Within five court days after the filing of the family access motion
96 pursuant to subsection 3 of this section, the clerk of the court shall issue a
97 summons pursuant to applicable state law, and applicable local or supreme court
98 rules. A copy of the motion shall be personally served upon the respondent by
99 personal process server as provided by law or by any sheriff. Such service shall
100 be served at the earliest time and shall take priority over service in other civil
101 actions, except those of an emergency nature or those filed pursuant to chapter
102 455, RSMo. The motion shall contain the following statement in boldface type:
103 "PURSUANT TO SECTION 452.400, RSMO, YOU ARE REQUIRED TO
104 RESPOND TO THE CIRCUIT CLERK WITHIN TEN DAYS OF THE DATE OF
105 SERVICE. FAILURE TO RESPOND TO THE CIRCUIT CLERK MAY RESULT
106 IN THE FOLLOWING:

- 107 (1) AN ORDER FOR A COMPENSATORY PERIOD OF CUSTODY,
108 VISITATION OR THIRD-PARTY CUSTODY AT A TIME CONVENIENT FOR
109 THE AGGRIEVED PARTY NOT LESS THAN THE PERIOD OF TIME DENIED;
110 (2) PARTICIPATION BY THE VIOLATOR IN COUNSELING TO

111 EDUCATE THE VIOLATOR ABOUT THE IMPORTANCE OF PROVIDING THE
112 CHILD WITH A CONTINUING AND MEANINGFUL RELATIONSHIP WITH
113 BOTH PARENTS;

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

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

118 (5) ORDERING THE VIOLATOR TO PAY THE COST OF COUNSELING
119 TO REESTABLISH THE PARENT-CHILD RELATIONSHIP BETWEEN THE
120 AGGRIEVED PARTY AND THE CHILD; AND

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

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

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

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

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

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

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

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

144 7. The reasonable expenses incurred as a result of denial or interference
145 with custody or visitation, including attorney's fees and costs of a proceeding to
146 enforce visitation rights, custody or third-party custody, shall be assessed, if

147 requested and for good cause, against the parent or party who unreasonably
148 denies or interferes with visitation, custody or third-party custody. In addition,
149 the court may utilize any and all powers relating to contempt conferred on it by
150 law or rule of the Missouri supreme court.

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

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

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

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

13 3. The guardian ad litem shall:

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

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

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

23 4. The appointing judge shall require the guardian ad litem to faithfully
24 discharge such guardian ad litem's duties, and upon failure to do so shall
25 discharge such guardian ad litem and appoint another. The judge in making

26 appointments pursuant to this section shall give preference to persons who served
27 as guardian ad litem for the child in the earlier proceeding, unless there is a
28 reason on the record for not giving such preference.

29 5. The guardian ad litem shall be awarded a reasonable fee for such
30 services to be set by the court. The court, in its discretion, may:

31 (1) Issue a direct payment order to the parties. If a party fails to comply
32 with the court's direct payment order, the court may find such party to be in
33 contempt of court; or

34 (2) Award such fees as a judgment to be paid by any party to the
35 proceedings or from public funds. Such an award of guardian fees shall
36 constitute a final judgment in favor of the guardian ad litem. Such final
37 judgment shall be enforceable against the parties in accordance with chapter 513,
38 RSMo.

39 [6. The court may designate volunteer advocates, who may or may not be
40 attorneys licensed to practice law, to assist in the performance of the guardian
41 ad litem duties for the court. The volunteer advocate shall be provided with all
42 reports relevant to the case made to or by any agency or person and shall have
43 access to all records of such agencies or persons relating to the child or such
44 child's family members. Any such designated person shall receive no
45 compensation from public funds. This shall not preclude reimbursement for
46 reasonable expenses.]

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

5

ARTICLE I

6

GENERAL PROVISIONS

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

452.705. As used in sections 452.700 to 452.930:

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

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

6 (3) "Child custody determination" means a judgment, decree, or
7 other order of a court providing for the legal custody, physical custody,

8 or visitation with respect to a child. The term includes a permanent,
9 temporary, initial, or modification order. The term shall not include an
10 order relating to child support or other monetary obligation of an
11 individual;

12 (4) "Child custody proceeding" means a proceeding in which legal
13 custody, physical custody, or visitation with respect to a child is an
14 issue. The term includes a proceeding for divorce, separation, neglect,
15 abuse, dependency, guardianship, paternity, termination of parental
16 rights, and protection from domestic violence in which the issue may
17 appear. The term shall not include a proceeding involving juvenile
18 delinquency, contractual emancipation, or enforcement under sections
19 452.850 to 452.915;

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

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

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

27 (8) "Home state" means the state in which a child has lived with
28 a parent or a person acting as a parent for at least six consecutive
29 months immediately prior to the commencement of a child custody
30 proceeding. In the case of a child less than six months of age, the term
31 means the state in which the child has lived from birth with any of the
32 persons mentioned. A period of temporary absence of any of the
33 mentioned persons is part of such period;

34 (9) "Initial determination" means the first child custody
35 determination concerning a particular child;

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

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

41 (12) "Litigant" means a person, including a parent, grandparent,
42 or stepparent, who claims a right to custody or visitation with respect
43 to a child;

44 (13) "Modification" means a child custody determination that

45 changes, replaces, supersedes or is otherwise made after a previous
46 determination concerning the same child, whether or not it is made by
47 the court that made the previous determination;

48 (14) "Person" includes government, a governmental subdivision,
49 agency or instrumentality, or any other legal or commercial entity;

50 (15) "Person acting as a parent" means a person, other than a
51 parent, who:

52 (a) Has physical custody of the child or has had physical custody
53 for a period of six consecutive months, including any temporary
54 absence, within one year immediately prior to the commencement of a
55 child custody proceeding; and

56 (b) Has been awarded legal custody by a court or claims a right
57 to legal custody under the law of this state;

58 (16) "Physical custody" means the physical care and supervision
59 of a child;

60 (17) "State" means a state of the United States, the District of
61 Columbia, Puerto Rico, the United States Virgin Islands, or any
62 territory or insular possession subject to the jurisdiction of the United
63 States;

64 (18) "Warrant" means an order issued by a court authorizing law
65 enforcement officers to take physical custody of a child.

452.710. Sections 452.700 to 452.930 shall not govern:

2 (1) An adoption proceeding; or

3 (2) A proceeding pertaining to the authorization of emergency
4 medical care for a child.

452.715. 1. A child custody proceeding that pertains to an Indian
2 child, as defined in the Indian Child Welfare Act, 25 U.S.C. Section 1901,
3 et seq., is not subject to sections 452.700 to 452.930 to the extent that it
4 is governed by the Indian Child Welfare Act.

5 2. A court of this state shall treat a tribe as a state of the United
6 States for purposes of sections 452.700 to 452.930.

7 3. A child custody determination made by a tribe under factual
8 circumstances in substantial conformity with the jurisdictional
9 standards of sections 452.700 to 452.930 shall be recognized and
10 enforced under the provisions of sections 452.850 to 452.915.

452.720. 1. A court of this state shall treat a foreign country as
2 a state of the United States for purposes of applying sections 452.700 to

3 452.785.

4 2. A child custody determination made in a foreign country
5 under factual circumstances in substantial conformity with the
6 jurisdictional standards of sections 452.700 to 452.930 shall be
7 recognized and enforced under sections 452.850 to 452.915.

8 3. The court need not apply the provisions of sections 452.700 to
9 452.930 when the child custody law of the other country violates
10 fundamental principles of human rights.

452.725. 1. A party to a child custody proceeding who is not
2 subject to personal jurisdiction in this state and is a responding party
3 under sections 452.740 to 452.785, a party in a proceeding to modify a
4 child custody determination under sections 452.740 to 452.785, or a
5 petitioner in a proceeding to enforce or register a child custody
6 determination under sections 452.850 to 452.915 may appear and
7 participate in such proceeding without submitting to personal
8 jurisdiction over the party for another proceeding or purpose.

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

17 3. The immunity granted by this section shall not extend to civil
18 litigation based on acts unrelated to the participation in a proceeding
19 under sections 452.700 to 452.930 committed by an individual while
20 present in this state.

452.730. 1. A court of this state may communicate with a court
2 in another state concerning a proceeding arising under sections 452.700
3 to 452.930.

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

8 3. A communication between courts on schedules, calendars,
9 court records, and similar matters may occur without informing the

10 parties. A record need not be made of such communication.

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

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

452.735. 1. A court of this state may request the appropriate
2 court of another state to:

3 (1) Hold an evidentiary hearing;

4 (2) Order a person to produce or give evidence under procedures
5 of that state;

6 (3) Order that an evaluation be made with respect to the custody
7 of a child involved in a pending proceeding;

8 (4) Forward to the court of this state a certified copy of the
9 transcript of the record of the hearing, the evidence otherwise
10 presented and any evaluation prepared in compliance with the request;
11 and

12 (5) Order a party to a child custody proceeding or any person
13 having physical custody of the child to appear in the proceeding with
14 or without the child.

15 2. Upon request of a court of another state, a court of this state
16 may hold a hearing or enter an order described in subsection 1 of this
17 section.

18 3. Travel and other necessary and reasonable expenses incurred
19 under subsection 1 or 2 of this section may be assessed against the
20 parties according to the law of this state.

21 4. A court of this state shall preserve the pleadings, orders,
22 decrees, records of hearings, evaluations, and other pertinent records
23 with respect to a child custody proceeding until the child attains
24 eighteen years of age. Upon appropriate request by a court or law
25 enforcement official of another state, the court shall forward a certified

26 **copy of such records.**

27

ARTICLE II

28

JURISDICTION

**452.740. 1. Except as otherwise provided in section 452.755, a
2 court of this state has jurisdiction to make an initial child custody
3 determination only if:**

**4 (1) This state is the home state of the child on the date of the
5 commencement of the proceeding, or was the home state of the child
6 within six months prior to the commencement of the proceeding and
7 the child is absent from this state but a parent or person acting as a
8 parent continues to live in this state;**

**9 (2) A court of another state does not have jurisdiction under
10 subdivision (1) of this subsection, or a court of the home state of the
11 child has declined to exercise jurisdiction on the ground that this state
12 is the more appropriate forum under section 452.770 or 452.775, and:**

**13 (a) The child and the child's parents, or the child and at least
14 one parent or person acting as a parent have a significant connection
15 with this state other than mere physical presence; and**

**16 (b) Substantial evidence is available in this state concerning the
17 child's care, protection, training and personal relationships;**

**18 (3) All courts having jurisdiction under subdivisions (1) and (2)
19 of this subsection have declined to exercise jurisdiction on the ground
20 that a court of this state is the more appropriate forum to determine
21 the custody of the child under section 452.770 or 452.775; or**

**22 (4) No state would have jurisdiction under subdivision (1), (2) or
23 (3) of this subsection.**

**24 2. Subsection 1 of this section is the exclusive jurisdictional basis
25 for making a child custody determination by a court of this state.**

**26 3. Physical presence of, or personal jurisdiction over, a party or
27 a child is not necessary or sufficient to make a child custody
28 determination.**

**452.745. 1. Except as otherwise provided in section 452.755, a
2 court of this state that has made a child custody determination
3 consistent with section 452.740 or 452.750 has exclusive continuing
4 jurisdiction over the determination until:**

**5 (1) A court of this state determines that neither the child, the
6 child and one parent, nor the child and a person acting as a parent**

7 have a significant connection with this state, and that substantial
8 evidence is no longer available in this state concerning the child's care,
9 protection, training and personal relationships; or

10 (2) A court of this state or a court of another state determines
11 that neither the child, nor a parent, nor any person acting as a parent
12 presently resides in this state.

13 2. A court of this state that has exclusive continuing jurisdiction
14 under this section may decline to exercise its jurisdiction if the court
15 determines that it is an inconvenient forum under section 452.770.

16 3. A court of this state that has made a child custody
17 determination and does not have exclusive continuing jurisdiction
18 under this section may modify that determination only if it has
19 jurisdiction to make an initial determination under section 452.740.

452.747. 1. Any petition for modification of child custody decrees
2 filed under the provisions of section 452.410 or sections 452.700 to
3 452.930 shall be verified and, if the original proceeding originated in
4 the state of Missouri, shall be filed in that original case, but service
5 shall be obtained and responsive pleadings may be filed as in any
6 original proceeding.

7 2. Before making a decree under section 452.410 or sections
8 452.700 to 452.930, the litigants, any parent whose parental rights have
9 not been previously terminated, and any person who has physical
10 custody of the child shall be served in the manner provided by the
11 rules of civil procedure and applicable court rules and may within
12 thirty days after the date of service (forty-five days if service by
13 publication) file a verified answer. If any such persons are outside this
14 state, notice and opportunity to be heard shall be given under section
15 452.740.

452.750. Except as otherwise provided in section 452.755, a court
2 of this state shall not modify a child custody determination made by a
3 court of another state unless a court of this state has jurisdiction to
4 make an initial determination under subdivision (1) or (2) of subsection
5 1 of section 452.740 and:

6 (1) The court of the other state determines it no longer has
7 exclusive continuing jurisdiction under section 452.745 or that a court
8 of this state would be a more convenient forum under section 452.770;
9 or

10 (2) A court of this state or a court of the other state determines
11 that neither the child, nor a parent, nor any person acting as a parent
12 presently resides in the other state.

 452.755. 1. A court of this state has temporary emergency
2 jurisdiction if the child is present in this state and the child has been
3 abandoned, or it is necessary in an emergency to protect the child
4 because the child, or a sibling or parent of the child, is subjected to or
5 threatened with mistreatment or abuse.

6 2. If there is no previous child custody determination that is
7 entitled to be enforced under sections 452.700 to 452.930, and if no child
8 custody proceeding has been commenced in a court of a state having
9 jurisdiction under sections 452.740 to 452.750, a child custody
10 determination made under this section remains in effect until an order
11 is obtained from a court of a state having jurisdiction under sections
12 452.740 to 452.750. If a child custody proceeding has not been or is not
13 commenced in a court of a state having jurisdiction under sections
14 452.740 to 452.750, a child custody determination made under this
15 section becomes a final determination if:

16 (1) It so provides; and

17 (2) This state becomes the home state of the child.

18 3. If there is a previous child custody determination that is
19 entitled to be enforced under sections 452.700 to 452.930, or a child
20 custody proceeding has been commenced in a court of a state having
21 jurisdiction under sections 452.740 to 452.750, any order issued by a
22 court of this state under this section shall specify in the order a period
23 of time which the court considers adequate to allow the person seeking
24 an order to obtain an order from the state having jurisdiction under
25 sections 452.740 to 452.750. The order issued in this state remains in
26 effect until an order is obtained from the other state within the period
27 specified or the period expires.

28 4. A court of this state that has been asked to make a child
29 custody determination under this section, upon being informed that a
30 child custody proceeding has been commenced, or a child custody
31 determination has been made, by a court of a state having jurisdiction
32 under sections 452.740 to 452.750, shall immediately communicate with
33 the other court. A court of this state that is exercising jurisdiction
34 under sections 452.740 to 452.750, upon being informed that a child

35 custody proceeding has been commenced, or a child custody
36 determination has been made by a court of another state under a
37 statute similar to this section shall immediately communicate with the
38 court of that state. The purpose of such communication is to resolve
39 the emergency, protect the safety of the parties and the child, and
40 determine a period for the duration of the temporary order.

452.760. 1. Before a child custody determination is made under
2 sections 452.700 to 452.930, notice and an opportunity to be heard in
3 accordance with the standards of section 452.762 shall be given to:

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

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

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

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

13 3. The obligation to join a party and the right to intervene as a
14 party in a child custody proceeding under sections 452.700 to 452.930
15 are governed by the law of this state as in child custody proceedings
16 between residents of this state.

452.762. 1. Notice required for the exercise of jurisdiction when
2 a person is outside this state may be given in a manner prescribed by
3 the law of this state for the service of process or by the law of the state
4 in which the service is made. Notice must be given in a manner
5 reasonably calculated to give actual notice, but may be by publication
6 if other means are not effective.

7 2. Proof of service may be made in the manner prescribed by law
8 of this state or by the law of the state in which the service is made.

9 3. Notice is not required for the exercise of jurisdiction with
10 respect to a person who submits to the jurisdiction of the court.

452.765. 1. Except as otherwise provided in section 452.755, a
2 court of this state shall not exercise its jurisdiction under sections
3 452.740 to 452.785 if, at the time of the commencement of the
4 proceeding, a proceeding concerning the custody of the child had been
5 previously commenced in a court of another state having jurisdiction

6 substantially in conformity with sections 452.700 to 452.930, unless the
7 proceeding has been terminated or is stayed by the court of the other
8 state because a court of this state is a more convenient forum under
9 section 452.770.

10 2. Except as otherwise provided in section 452.755, a court of this
11 state, prior to hearing a child custody proceeding, shall examine the
12 court documents and other information supplied by the parties under
13 section 452.780. If the court determines that a child custody proceeding
14 was previously commenced in a court in another state having
15 jurisdiction substantially in accordance with sections 452.700 to
16 452.930, the court of this state shall stay its proceeding and
17 communicate with the court of the other state. If the court of the state
18 having jurisdiction substantially in accordance with sections 452.700 to
19 452.930 does not determine that the court of this state is a more
20 appropriate forum, the court of this state shall dismiss the proceeding.

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

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

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

31 (3) Proceed with the modification under conditions it considers
32 appropriate.

452.770. 1. A court of this state that has jurisdiction under
2 sections 452.700 to 452.930 to make a child custody determination may
3 decline to exercise its jurisdiction at any time if the court determines
4 that it is an inconvenient forum under the circumstances and that a
5 court of another state is a more appropriate forum. The issue of
6 inconvenient forum may be raised upon the court's own motion, at the
7 request of another court or upon motion of a party.

8 2. Before determining whether the court is an inconvenient
9 forum, a court of this state shall consider whether it is appropriate that
10 a court of another state exercise jurisdiction. For this purpose, the

11 court shall allow the parties to submit information and shall consider
12 all relevant factors, including:

13 (1) Whether domestic violence has occurred and is likely to
14 continue in the future and which state could best protect the parties
15 and the child;

16 (2) The length of time the child has resided outside this state;

17 (3) The distance between the court in this state and the court in
18 the state that would assume jurisdiction;

19 (4) The relative financial circumstances of the parties;

20 (5) Any agreement of the parties as to which state should assume
21 jurisdiction;

22 (6) The nature and location of the evidence required to resolve
23 the pending litigation, including the testimony of the child;

24 (7) The ability of the court of each state to decide the issue
25 expeditiously and the procedures necessary to present the evidence;
26 and

27 (8) The familiarity of the court of each state with the facts and
28 issues of the pending litigation.

29 3. If a court of this state determines that it is an inconvenient
30 forum and that a court of another state is a more appropriate forum,
31 the court shall stay the proceedings on the condition that a child
32 custody proceeding be promptly commenced in another designated
33 state and may impose any other condition the court considers just and
34 proper.

35 4. A court of this state may decline to exercise its jurisdiction
36 under sections 452.700 to 452.930 if a child custody determination is
37 incidental to an action for divorce or another proceeding while still
38 retaining jurisdiction over the divorce or other proceeding.

452.775. 1. Except as otherwise provided in section 452.755, if a
2 court of this state has jurisdiction under sections 452.700 to 452.930
3 because a person invoking the jurisdiction has engaged in unjustifiable
4 conduct, the court shall decline to exercise its jurisdiction unless:

5 (1) The parents and all persons acting as parents have
6 acquiesced in the exercise of jurisdiction;

7 (2) A court of the state otherwise having jurisdiction under
8 sections 452.740 to 452.750 determines that this state is a more
9 appropriate forum under section 452.770; or

10 **(3) No other state would have jurisdiction under sections 452.740**
11 **to 452.750.**

12 **2. If a court of this state declines to exercise its jurisdiction**
13 **under subsection 1 of this section, the court may fashion an**
14 **appropriate remedy to ensure the safety of the child and prevent a**
15 **repetition of the wrongful conduct, including staying the proceeding**
16 **until a child custody proceeding is commenced in a court having**
17 **jurisdiction under sections 452.740 to 452.750.**

18 **3. If a court dismisses a petition or stays a proceeding because**
19 **it declines to exercise its jurisdiction under subsection 1 of this section,**
20 **the court shall charge the party invoking the jurisdiction of the court**
21 **with necessary and reasonable expenses including costs,**
22 **communication expenses, attorney's fees, investigative fees, expenses**
23 **for witnesses, travel expenses and child care during the course of the**
24 **proceedings, unless the party from whom fees are sought establishes**
25 **that the award would be clearly inappropriate. The court may not**
26 **assess fees, costs, or expenses against this state except as otherwise**
27 **provided by law other than sections 452.700 to 452.930.**

452.780. 1. Subject to local law providing for the confidentiality
2 **of procedures, addresses, and other identifying information, in a child**
3 **custody proceeding, each party, in its first pleading or in an attached**
4 **affidavit, shall give information, if reasonably ascertainable, under**
5 **oath as to the child's present address, the places where the child has**
6 **lived during the last five years, and the names and present addresses**
7 **of the persons with whom the child has lived during such period. The**
8 **pleading or affidavit shall state whether the party:**

9 **(1) Has participated, as a party or witness or in any other**
10 **capacity, in any other proceeding concerning the custody of or**
11 **visitation with the child and, if so, identify the court, case number of**
12 **the proceeding and date of the child custody determination, if any;**

13 **(2) Knows of any proceeding that could affect the current**
14 **proceeding, including proceedings for enforcement and proceedings**
15 **relating to domestic violence, protective orders, termination of parental**
16 **rights, and adoptions and, if so, identify the court and case number and**
17 **nature of the proceeding; and**

18 **(3) Knows the names and addresses of any person not a party to**
19 **the proceeding who has physical custody of the child or claims rights**

20 of legal custody or physical custody of, or visitation with, the child and,
21 if so, the names and addresses of such persons.

22 2. If the information required by subsection 1 of this section is
23 not furnished, the court, upon its own motion or that of a party, may
24 stay the proceeding until the information is furnished.

25 3. If the declaration as to any of the items described in
26 subdivisions (1) to (3) of subsection 1 of this section is in the
27 affirmative, the declarant shall give additional information under oath
28 as required by the court. The court may examine the parties under
29 oath as to details of the information furnished and other matters
30 pertinent to the court's jurisdiction and the disposition of the case.

31 4. Each party has a continuing duty to inform the court of any
32 proceeding in this or any other state that could affect the current
33 proceeding.

34 5. If a party alleges in an affidavit or a pleading under oath that
35 the health, safety, or liberty of a party or child would be put at risk by
36 the disclosure of identifying information, that information shall be
37 sealed and not disclosed to the other party or the public unless the
38 court orders the disclosure to be made after a hearing in which the
39 court takes into consideration the health, safety, or liberty of the party
40 or child and determines that the disclosure is in the interest of justice.

452.782. If the court learns from information furnished by the
2 parties under section 452.800 or from other sources that a person not
3 a party to the custody proceeding has physical custody of the child or
4 claims to have custody or visitation rights with respect to the child, it
5 may order that person to be joined as a party and to be duly notified
6 of the pendency of the proceeding and of his or her joinder as a party.
7 If the person joined as a party is outside this state, such person shall
8 be served with process or otherwise notified in accordance with section
9 452.762.

452.785. 1. The court may order any party to the proceeding who
2 is in this state to appear before the court personally. If the court finds
3 the physical presence of the child to be in the best interest of the child,
4 the court may order that the party who has physical custody of the
5 child to appear physically with the child.

6 2. If a party to a child custody proceeding whose presence is
7 desired by the court is outside this state, with or without the child, the

8 court may order that a notice given under section 452.762 include a
9 statement directing the party to appear personally with or without the
10 child.

11 3. If a party to the proceeding who is outside this state is
12 directed to appear under subsection 1 of this section or desires to
13 appear personally before the court with or without the child, the court
14 may require another party to pay to the clerk of the court travel and
15 other necessary expenses of the party so appearing and of the child, if
16 this is just and proper under the circumstances.

17 4. If the court finds it to be in the best interest of the child that
18 a guardian ad litem be appointed, the court may appoint a guardian ad
19 litem for the child. The guardian ad litem so appointed shall be an
20 attorney licensed to practice law in the state of
21 Missouri. Disqualification of a guardian ad litem shall be ordered in
22 any legal proceeding under this chapter upon the filing of a written
23 application by any party within ten days of appointment. Each party
24 shall be entitled to one disqualification of a guardian ad litem
25 appointed under this subsection in each proceeding, except a party may
26 be entitled to additional disqualifications of a guardian ad litem for
27 good cause shown. The guardian ad litem may, for the purpose of
28 determining custody of the child only, participate in the proceeding as
29 if such guardian ad litem were a party. The court shall enter judgment
30 allowing a reasonable fee to the guardian ad litem.

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

33 6. The court may enter any orders necessary to ensure the safety
34 of the child and of any person ordered to appear under this section.

452.790. A child custody determination made by a court of this
2 state that had jurisdiction under sections 452.700 to 452.930 binds all
3 persons who have been served in accordance with the laws of this state
4 or notified in accordance with section 452.762 or who have submitted
5 to the jurisdiction of the court, and who have been given an
6 opportunity to be heard. The determination is conclusive as to them as
7 to all decided issues of law and fact except to the extent the
8 determination is modified.

452.795. A court of this state shall accord full faith and credit to
2 an order made consistently with sections 452.700 to 452.930 which

3 enforces a child custody determination by a court of another state
4 unless the order has been vacated, stayed, or modified by a court
5 authorized to do so under sections 452.740 to 452.845.

452.800. Except as otherwise provided in section 452.755, a court
2 of this state may not modify a child custody determination made by a
3 court of another state unless a court of this state has jurisdiction to
4 make an initial determination under subdivision (1) or (2) of subsection
5 1 of section 452.740 and:

6 (1) The court of the other state determines that it no longer has
7 exclusive, continuing jurisdiction under section 452.745 or that a court
8 of this state would be a more convenient forum under section 452.770;
9 or

10 (2) A court of this state or a court of the other state determines
11 that neither child, nor a parent, nor any person acting as a parent
12 presently resides in the other state.

452.805. 1. A certified copy of a custody decree of another state
2 may be filed in the office of the clerk of any circuit court of this
3 state. The clerk shall treat the decree in the same manner as a custody
4 decree of the circuit court of this state. A custody decree so filed has
5 the same effect and shall be enforced in like manner as a custody
6 decree rendered by a court of this state.

7 2. A person violating a custody decree of another state which
8 makes it necessary to enforce the decree in this state may be required
9 to pay necessary travel and other expenses, including attorneys' fees,
10 incurred by the party entitled to the custody or the party's witnesses.

11 3. A court of this state shall recognize and enforce a child
12 custody determination of a court of another state if the latter court
13 exercised jurisdiction that was in substantial conformity with sections
14 452.700 to 452.930 or the determination was made under factual
15 circumstances meeting the jurisdictional standards of sections 452.700
16 to 452.930 and the determination has not been modified in accordance
17 with sections 452.700 to 452.930.

18 4. A court may utilize any remedy available under other law of
19 this state to enforce a child custody determination made by a court of
20 another state. The procedure provided by sections 452.740 to 452.845
21 does not affect the availability of other remedies to enforce a child
22 custody determination.

452.810. 1. A child custody determination issued by a court of
2 another state may be registered in this state, with or without a
3 simultaneous request for enforcement, by sending to the appropriate
4 court in this state:

5 (1) A letter or other document requesting registration;

6 (2) Two copies, including one certified copy, of the determination
7 sought to be registered, and a statement under penalty of perjury that
8 to the best of the knowledge and belief of the person seeking
9 registration the order has not been modified; and

10 (3) Except as otherwise provided in section 452.780, the name
11 and address of the person seeking registration and any parent or
12 person acting as a parent who has been awarded custody or visitation
13 in the child custody determination sought to be registered.

14 2. On receipt of the documents required in subsection 1 of this
15 section, the registering court shall:

16 (1) Cause the determination to be filed as a foreign judgment,
17 together with one copy of any accompanying documents and
18 information, regardless of their form; and

19 (2) Serve notice upon the persons named under subdivision (3)
20 of subsection 1 of this section and provide them with an opportunity to
21 contest the registration in accordance with this section.

22 3. The notice required by subdivision (2) of subsection 2 of this
23 section must state:

24 (1) That a registered determination is enforceable as of the date
25 of the registration in the same manner as a determination issued by a
26 court of this state;

27 (2) That a hearing to contest the validity of the registered
28 determination must be requested within twenty days after service of
29 notice; and

30 (3) That failure to contest the registration will result in
31 confirmation of the child custody determination and preclude further
32 contest of that determination with respect to any matter that could
33 have been asserted.

34 4. A person seeking to contest the validity of a registered order
35 must request a hearing within twenty days after service of the notice.
36 At that hearing, the court shall confirm the registered order unless the
37 person contesting registration establishes that:

38 (1) The issuing court did not have jurisdiction under sections
39 452.740 to 452.845;

40 (2) The child custody determination sought to be registered has
41 been vacated, stayed, or modified by a court of a state having
42 jurisdiction to do so under sections 452.740 to 452.845; or

43 (3) The person contesting registration was entitled to notice, but
44 notice was not given in accordance with the standards of section
45 452.740 in the proceedings before the court that issued the order for
46 which registration is sought.

47 5. If a timely request for a hearing to contest the validity of the
48 registration is not made, the registration is confirmed as a matter of
49 law and the person requesting registration and all persons served must
50 be notified of the confirmation.

51 6. Confirmation of a registered order, whether by operation of
52 law or after notice and hearing, precludes further contest of the order
53 with respect to any matter which could have been asserted at the time
54 of registration.

 452.815. The clerk of the circuit court of this state, at the request
2 of the court of another state or at the request of any person who is
3 affected by or has a legitimate interest in a custody decree, may, upon
4 payment therefor, certify and forward a copy of the decree to that court
5 or person.

 452.820. 1. In addition to other procedures available to a party,
2 a party to a child custody proceeding may offer testimony of witnesses
3 who are located in another state, including testimony of the parties and
4 the child, by deposition or other means allowable in this state for
5 testimony taken in another state. The court on its own motion may
6 order that the testimony of a person be taken in another state and may
7 prescribe the manner in which and the terms upon which the testimony
8 is taken.

9 2. A court of this state may permit an individual residing in
10 another state to be deposed or to testify by telephone, audiovisual
11 means, or other electronic means before a designated court or at
12 another location in that state. A court of this state shall cooperate with
13 courts of other states in designating an appropriate location for the
14 deposition or testimony.

15 3. Documentary evidence transmitted from another state to a

16 court of this state by technological means that do not produce an
17 original writing may not be excluded from evidence on an objection
18 based on the means of transmission.

452.825. 1. A court of this state may request the appropriate
2 court of another state to hold a hearing to obtain evidence, to order
3 persons within that state to produce or give evidence under other
4 procedures of that state, or to have social studies made with respect to
5 the custody of a child involved in proceedings pending in the court of
6 this state; and to forward to the court of this state certified copies of
7 the transcript of the record of the hearing, the evidence otherwise
8 obtained, or any social studies prepared in compliance with the
9 request. The cost of the services may be assessed against the parties.

10 2. A court of this state may request the appropriate court of
11 another state to order a party to custody proceedings pending in the
12 court of this state to appear in the proceedings and, if that party has
13 physical custody of the child, to appear with the child. The request
14 may state that travel and other necessary expenses of the party and of
15 the child whose appearance is desired will be assessed against the
16 appropriate party.

452.830. 1. Upon request of the court of another state, the courts
2 of this state which are competent to hear custody matters may order a
3 person in this state to appear at a hearing to obtain evidence or to
4 produce or give evidence under other procedures available in this state
5 for use in a custody proceeding in another state. A certified copy of the
6 transcript of the record of the hearing or the evidence otherwise
7 obtained may, in the discretion of the court and upon payment therefor,
8 be forwarded to the requesting court.

9 2. A person within this state may voluntarily give his testimony
10 or statement in this state for use in a custody proceeding outside this
11 state.

12 3. Upon request of the court of another state, a competent court
13 of this state may order a person in this state to appear alone or with
14 the child in a custody proceeding in another state. The court may
15 condition compliance with the request upon assurance by the other
16 state that travel and other necessary expenses will be advanced or
17 reimbursed.

452.835. A court of this state shall preserve the pleadings, orders,

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

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

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

5 ARTICLE III

6 ENFORCEMENT

452.850. As used in sections 452.850 to 452.915:

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

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

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

2 (1) A child custody determination; and

3 (2) An order for the return of the child made under the Hague
4 Convention on the Civil Aspects of International Child Abduction.

5 2. A court of this state which does not have jurisdiction to
6 modify a child custody determination may issue a temporary order
7 enforcing:

8 (1) A visitation schedule made by a court of another state; or

9 (2) The visitation provisions of a child custody determination of
10 another state that does not provide for a specific visitation schedule.

11 3. If a court of this state makes an order under subdivision (2)

12 of subsection 2 of this section, the court shall specify in the order a
13 period of time which it considers adequate to allow the person seeking
14 the order to obtain an order from the state having jurisdiction under
15 sections 452.740 to 452.845. The order remains in effect until an order
16 is obtained from the other state or the period expires.

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

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

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

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

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

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

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

15 (3) Whether any proceeding has been commenced that could
16 affect the current proceeding, including proceedings relating to

17 **domestic violence, protective orders, termination of parental rights and**
18 **adoptions, and, if so, identify the court, and the case number and**
19 **nature of the proceeding;**

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

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

25 **3. If the child custody determination has been registered and**
26 **confirmed under section 452.810, the petition shall also state the date**
27 **and place of registration.**

28 **4. The court shall issue an order directing the respondent to**
29 **appear with or without the child at a hearing and may enter any orders**
30 **necessary to ensure the safety of the parties and the child.**

31 **5. The hearing shall be held on the next judicial day following**
32 **service of process unless such date is impossible. In such event, the**
33 **court shall hold the hearing on the first day possible. The court may**
34 **extend the date of hearing at the request of the petitioner.**

35 **6. The order shall state the time and place of the hearing, and**
36 **shall advise the respondent that at the hearing the court will order the**
37 **delivery of the child and payment of fees, costs and expenses under**
38 **section 452.890, and may set an additional hearing to determine if**
39 **further relief is appropriate, unless the respondent appears and**
40 **establishes that:**

41 **(1) The child custody determination is not registered and**
42 **confirmed under section 452.810, and:**

43 **(a) The issuing court did not have jurisdiction under sections**
44 **452.740 to 452.845;**

45 **(b) The child custody determination for which enforcement is**
46 **sought has been vacated, stayed, or modified by a court of a state**
47 **having jurisdiction to do so under sections 452.740 to 452.845 or federal**
48 **law; or**

49 **(c) The respondent was entitled to notice, but notice was not**
50 **given in accordance with the standards of section 452.762 in the**
51 **proceedings before the court that issued the order for which**
52 **enforcement is sought; or**

53 **(2) The child custody determination for which enforcement is**

54 sought was registered and confirmed under section 452.810, but has
55 been vacated, stayed, or modified by a court of a state having
56 jurisdiction to do so under sections 452.740 to 452.845 or federal law.

452.875. Except as otherwise provided in section 452.885, the
2 petition and order shall be served by any method authorized by the
3 laws of this state upon the respondent and any person who has physical
4 custody of the child.

452.880. 1. Unless the court enters a temporary emergency order
2 under section 452.755, upon a finding that a petitioner is entitled to the
3 physical custody of the child immediately, the court shall order the
4 child delivered to the petitioner unless the respondent establishes that:

5 (1) The child custody determination has not been registered and
6 confirmed under section 452.810, and that:

7 (a) The issuing court did not have jurisdiction under sections
8 452.740 to 452.845;

9 (b) The child custody determination for which enforcement is
10 sought has been vacated, stayed, or modified by a court of a state
11 having jurisdiction to do so under sections 452.740 to 452.845 or federal
12 law; or

13 (c) The respondent was entitled to notice, but notice was not
14 given in accordance with the standards of section 452.762 in the
15 proceedings before the court that issued the order for which
16 enforcement is sought; or

17 (2) The child custody determination for which enforcement is
18 sought was registered and confirmed under section 452.810, but has
19 been vacated, stayed, or modified by a court of a state having
20 jurisdiction to do so under sections 452.740 to 452.845 or federal law.

21 2. The court shall award the fees, costs, and expenses authorized
22 under section 452.890 and may grant additional relief, including a
23 request for the assistance of law enforcement officials, and set a further
24 hearing to determine if additional relief is appropriate.

25 3. If a party called to testify refuses to answer on the grounds
26 that the testimony may be self-incriminating, the court may draw an
27 adverse inference from such refusal.

28 4. A privilege against disclosure of communications between
29 spouses and a defense of immunity based on the relationship of
30 husband and wife, or parent and child shall not be invoked in a

31 proceeding under sections 452.850 to 452.915.

452.885. 1. Upon the filing of a petition seeking enforcement of
2 a child custody determination, the petitioner may file a verified
3 application for the issuance of a warrant to take physical custody of the
4 child if the child is likely to suffer serious imminent physical harm or
5 removal from this state.

6 2. If the court, upon the testimony of the petitioner or other
7 witnesses, finds that the child is likely to suffer serious imminent
8 physical harm or be imminently removed from this state, the court may
9 issue a warrant to take physical custody of the child. The petition shall
10 be heard on the next judicial day after the warrant is executed. The
11 warrant shall include the statements required under subsection 2 of
12 section 452.870.

13 3. A warrant to take physical custody of a child shall:

14 (1) Recite the facts which a conclusion of serious imminent
15 physical harm or removal from the jurisdiction is based;

16 (2) Direct law enforcement officers to take physical custody of
17 the child immediately; and

18 (3) Provide for the placement of the child pending final relief.

19 4. The respondent shall be served with the petition, warrant, and
20 order immediately after the child is taken into physical custody.

21 5. A warrant to take physical custody of a child is enforceable
22 throughout this state. If the court finds on the basis of the testimony
23 of the petitioner or other witness that a less intrusive remedy is not
24 effective, the court may authorize law enforcement officers to enter
25 private property to take physical custody of the child. If required by
26 the exigency of the case, the court may authorize law enforcement
27 officers to make a forcible entry at any hour.

28 6. The court may impose conditions on the placement of a child
29 to ensure the appearance of the child and the child's custodian.

452.890. 1. The court shall award the prevailing party, including
2 a state, necessary and reasonable expenses incurred by or on behalf of
3 the party, including costs, communication expenses, attorney's fees,
4 investigative fees, expenses for witnesses, travel expenses, and child
5 care during the course of the proceedings, unless the party from whom
6 fees or expenses are sought establishes that the award would be clearly
7 inappropriate.

8 **2. The court shall not assess fees, costs, or expenses against a**
9 **state except as otherwise provided by law other than sections 452.700**
10 **to 452.930.**

452.895. A court of this state shall accord full faith and credit to
2 **an order made consistently with sections 452.700 to 452.930 which**
3 **enforces a child custody determination by a court of another state**
4 **unless the order has been vacated, stayed, or modified by a court**
5 **authorized to do so under sections 452.740 to 452.845.**

452.900. An appeal may be taken from a final order in a
2 **proceeding under sections 452.850 to 452.915 in accordance with**
3 **appellate procedures in other civil cases. Unless the court enters a**
4 **temporary emergency order under section 452.755, the enforcing court**
5 **shall not stay an order enforcing a child custody determination pending**
6 **appeal.**

452.905. 1. In a case arising under sections 452.700 to 452.930 or
2 **involving the Hague Convention on the Civil Aspects of International**
3 **Child Abduction, the appropriate public official may take any lawful**
4 **action, including resort to a proceeding under sections 452.850 to**
5 **452.915 or any other available civil proceeding to locate a child, obtain**
6 **the return of a child or enforce a child custody determination if there**
7 **is:**

8 **(1) An existing child custody determination;**
9 **(2) A request from a court in a pending child custody case;**
10 **(3) A reasonable belief that a criminal statute has been violated;**
11 **or**
12 **(4) A reasonable belief that the child has been wrongfully**
13 **removed or retained in violation of the Hague Convention on the Civil**
14 **Aspects of International Child Abduction.**

15 **2. A prosecutor or an appropriate public official shall act on**
16 **behalf of the court and shall not represent any party to a child custody**
17 **determination.**

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

452.915. If the respondent is not the prevailing party, the court

2 may assess against the respondent all direct expenses and costs
3 incurred by the prosecutor or other appropriate public official and law
4 enforcement officers under sections 452.905 and 452.910.

5 ARTICLE IV

6 MISCELLANEOUS PROVISIONS

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

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

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

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

7 2. Notwithstanding any other provision of law, a copy of an
8 affidavit acknowledging paternity shall, upon request, be made
9 available to the child's mother, the father listed on the child's birth
10 record, and the attorney representing such mother or father. The
11 department of health and senior services shall establish by rule the fee
12 for making a copy of an affidavit acknowledging paternity. Any rule or
13 portion of a rule, as that term is defined in section 536.010, RSMo, that
14 is created under the authority delegated in this section shall become
15 effective only if it complies with and is subject to all of the provisions
16 of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This
17 section and chapter 536, RSMo, are nonseverable and if any of the
18 powers vested with the general assembly pursuant to chapter 536,
19 RSMo, to review, to delay the effective date, or to disapprove and annul

20 a rule are subsequently held unconstitutional, then the grant of
21 rulemaking authority and any rule proposed or adopted after August
22 28, 2009, shall be invalid and void.

455.010. As used in sections 455.010 to 455.085, unless the context clearly
2 indicates otherwise, the following terms shall mean:

3 (1) "Abuse" includes but is not limited to the occurrence of any of the
4 following acts, attempts or threats against a person who may be protected
5 pursuant to sections 455.010 to 455.085:

6 (a) "Assault", purposely or knowingly placing or attempting to place
7 another in fear of physical harm;

8 (b) "Battery", purposely or knowingly causing physical harm to another
9 with or without a deadly weapon;

10 (c) "Coercion", compelling another by force or threat of force to engage in
11 conduct from which the latter has a right to abstain or to abstain from conduct
12 in which the person has a right to engage;

13 (d) "Harassment", engaging in a purposeful or knowing course of conduct
14 involving more than one incident that alarms or causes distress to another adult
15 and serves no legitimate purpose. The course of conduct must be such as would
16 cause a reasonable adult to suffer substantial emotional distress and must
17 actually cause substantial emotional distress to the petitioner. Such conduct
18 might include, but is not limited to:

19 a. Following another about in a public place or places;

20 b. Peering in the window or lingering outside the residence of another; but
21 does not include constitutionally protected activity;

22 (e) "Sexual assault", causing or attempting to cause another to engage
23 involuntarily in any sexual act by force, threat of force, or duress;

24 (f) "Unlawful imprisonment", holding, confining, detaining or abducting
25 another person against that person's will;

26 (2) "Adult", any person [eighteen] **seventeen** years of age or older or
27 otherwise emancipated;

28 (3) "Court", the circuit or associate circuit judge or a family court
29 commissioner;

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

33 (5) "Family" or "household member", spouses, former spouses, adults

34 related by blood or marriage, adults who are presently residing together or have
35 resided together in the past, an adult who is or has been in a continuing social
36 relationship of a romantic or intimate nature with the victim, and adults who
37 have a child in common regardless of whether they have been married or have
38 resided together at any time;

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

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

44 (8) "Petitioner", a family or household member or an adult who has been
45 the victim of stalking, who has filed a verified petition pursuant to the provisions
46 of section 455.020;

47 (9) "Respondent", the family or household member or adult alleged to have
48 committed an act of stalking, against whom a verified petition has been filed;

49 (10) "Stalking" is when an adult purposely and repeatedly engages in an
50 unwanted course of conduct that causes alarm to another person when it is
51 reasonable in that person's situation to have been alarmed by the conduct. As
52 used in this subdivision:

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

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

59 (c) "Alarm" means to cause fear of danger of physical harm.

455.050. 1. Any full or ex parte order of protection granted pursuant to
2 sections 455.010 to 455.085 shall be to protect the petitioner from abuse or
3 stalking and may include:

4 (1) Temporarily enjoining the respondent from abusing, threatening to
5 abuse, molesting, stalking or disturbing the peace of the petitioner;

6 (2) Temporarily enjoining the respondent from entering the premises of
7 the dwelling unit of the petitioner when the dwelling unit is:

8 (a) Jointly owned, leased or rented or jointly occupied by both parties; or

9 (b) Owned, leased, rented or occupied by petitioner individually; or

10 (c) Jointly owned, leased, rented or occupied by petitioner and a person

11 other than respondent; provided, however, no spouse shall be denied relief
12 pursuant to this section by reason of the absence of a property interest in the
13 dwelling unit; or

14 (d) Jointly occupied by the petitioner and a person other than respondent;
15 provided that the respondent has no property interest in the dwelling unit; or

16 (3) Temporarily enjoining the respondent from communicating with the
17 petitioner in any manner or through any medium.

18 2. Mutual orders of protection are prohibited unless both parties have
19 properly filed written petitions and proper service has been made in accordance
20 with sections 455.010 to 455.085.

21 3. When the court has, after a hearing for any full order of protection,
22 issued an order of protection, it may, in addition:

23 (1) Award custody of any minor child born to or adopted by the parties
24 when the court has jurisdiction over such child and no prior order regarding
25 custody is pending or has been made, and the best interests of the child require
26 such order be issued;

27 (2) Establish a visitation schedule that is in the best interests of the child;

28 (3) Award child support in accordance with supreme court rule 88.01 and
29 chapter 452, RSMo;

30 (4) Award maintenance to petitioner when petitioner and respondent are
31 lawfully married in accordance with chapter 452, RSMo;

32 (5) Order respondent to make or to continue to make rent or mortgage
33 payments on a residence occupied by the petitioner if the respondent is found to
34 have a duty to support the petitioner or other dependent household members;

35 (6) Order the respondent to pay the petitioner's rent at a residence other
36 than the one previously shared by the parties if the respondent is found to have
37 a duty to support the petitioner and the petitioner requests alternative housing;

38 (7) Order that the petitioner be given temporary possession of specified
39 personal property, such as automobiles, checkbooks, keys, and other personal
40 effects;

41 (8) Prohibit the respondent from transferring, encumbering, or otherwise
42 disposing of specified property mutually owned or leased by the parties;

43 (9) Order the respondent to participate in a court-approved counseling
44 program designed to help batterers stop violent behavior or to participate in a
45 substance abuse treatment program;

46 (10) Order the respondent to pay a reasonable fee for housing and other

47 services that have been provided or that are being provided to the petitioner by
48 a shelter for victims of domestic violence;

49 (11) Order the respondent to pay court costs;

50 (12) Order the respondent to pay the cost of medical treatment and
51 services that have been provided or that are being provided to the petitioner as
52 a result of injuries sustained to the petitioner by an act of domestic violence
53 committed by the respondent.

54 4. A verified petition seeking orders for maintenance, support, custody,
55 visitation, payment of rent, payment of monetary compensation, possession of
56 personal property, prohibiting the transfer, encumbrance, or disposal of property,
57 or payment for services of a shelter for victims of domestic violence, shall contain
58 allegations relating to those orders and shall pray for the orders desired.

59 5. In making an award of custody, the court shall consider all relevant
60 factors including the presumption that the best interests of the child will be
61 served by placing the child in the custody and care of the nonabusive parent,
62 unless there is evidence that both parents have engaged in abusive behavior, in
63 which case the court shall not consider this presumption but may appoint a
64 guardian ad litem [or a court-appointed special advocate] to represent the
65 children in accordance with chapter 452, RSMo, and shall consider all other
66 factors in accordance with chapter 452, RSMo.

67 6. The court shall grant to the noncustodial parent rights to visitation
68 with any minor child born to or adopted by the parties, unless the court finds,
69 after hearing, that visitation would endanger the child's physical health, impair
70 the child's emotional development or would otherwise conflict with the best
71 interests of the child, or that no visitation can be arranged which would
72 sufficiently protect the custodial parent from further abuse. The court may
73 appoint a guardian ad litem [or court-appointed special advocate] to represent the
74 minor child in accordance with chapter 452, RSMo, whenever the custodial parent
75 alleges that visitation with the noncustodial parent will damage the minor child.

76 7. The court shall make an order requiring the noncustodial party to pay
77 an amount reasonable and necessary for the support of any child to whom the
78 party owes a duty of support when no prior order of support is outstanding and
79 after all relevant factors have been considered, in accordance with Missouri
80 supreme court rule 88.01 and chapter 452, RSMo.

81 8. The court may grant a maintenance order to a party for a period of
82 time, not to exceed one hundred eighty days. Any maintenance ordered by the

83 court shall be in accordance with chapter 452, RSMo.

476.055. 1. There is hereby established in the state treasury the
2 "Statewide Court Automation Fund". All moneys collected pursuant to section
3 488.027, RSMo, as well as gifts, contributions, devises, bequests, and grants
4 received relating to automation of judicial record keeping, and moneys received
5 by the judicial system for the dissemination of information and sales of
6 publications developed relating to automation of judicial record keeping, shall be
7 credited to the fund. Moneys credited to this fund may only be used for the
8 purposes set forth in this section and as appropriated by the general
9 assembly. Any unexpended balance remaining in the statewide court automation
10 fund at the end of each biennium shall not be subject to the provisions of section
11 33.080, RSMo, requiring the transfer of such unexpended balance to general
12 revenue; except that, any unexpended balance remaining in the fund on
13 September 1, [2009] **2013**, shall be transferred to general revenue.

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

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

34 4. Any purchase of computer software or computer hardware that exceeds
35 five thousand dollars shall be made pursuant to the requirements of the office of

36 administration for lowest and best bid. Such bids shall be subject to acceptance
37 by the office of administration. The court automation committee shall determine
38 the specifications for such bids.

39 5. The court automation committee shall not require any circuit court to
40 change any operating system in such court, unless the committee provides all
41 necessary personnel, funds and equipment necessary to effectuate the required
42 changes. No judicial circuit or county may be reimbursed for any costs incurred
43 pursuant to this subsection unless such judicial circuit or county has the approval
44 of the court automation committee prior to incurring the specific cost.

45 6. Any court automation system, including any pilot project, shall be
46 implemented, operated and maintained in accordance with strict standards for
47 the security and privacy of confidential judicial records. Any person who
48 knowingly releases information from a confidential judicial record is guilty of a
49 class B misdemeanor. Any person who, knowing that a judicial record is
50 confidential, uses information from such confidential record for financial gain is
51 guilty of a class D felony.

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

- 56 (1) The chair of the house budget committee;
57 (2) The chair of the senate appropriations committee;
58 (3) The chair of the house judiciary committee;
59 (4) The chair of the senate judiciary committee;
60 (5) One member of the minority party of the house appointed by the
61 speaker of the house of representatives; and
62 (6) One member of the minority party of the senate appointed by the
63 president pro tempore of the senate.

64 8. The members of the joint legislative committee shall be reimbursed
65 from the court automation fund for their actual expenses incurred in the
66 performance of their official duties as members of the joint legislative committee
67 on court automation.

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

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

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

19 **2. A drug court commissioner may, under the provisions of**
20 **section 487.020, RSMo, also be appointed to serve as a family court**
21 **commissioner.**

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

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

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

26 (2) Judicial education and training for the court administrator and clerks
27 of the municipal court.

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

32 2. In municipal ordinance violation cases which are filed in the associate
33 circuit division of the circuit court, fees shall be assessed in each case in an
34 amount to be set pursuant to sections 488.010 to 488.020, RSMo. In the event a
35 defendant pleads guilty or is found guilty, the judge shall assess costs against the
36 defendant except in those cases where the defendant is found by the judge to be
37 indigent and unable to pay the costs. In the event a defendant is acquitted or the
38 case is dismissed, the judge shall not assess costs against the municipality. The
39 costs authorized in this subsection are in addition to service charges, witness fees
40 and jail costs that may otherwise be authorized to be assessed, but are in lieu of
41 other court costs. The costs provided by this subsection shall be collected by the
42 municipal division clerk in municipalities electing or required to have violations
43 of municipal ordinances tried before a municipal judge pursuant to section
44 479.020, or to employ judicial personnel pursuant to section 479.060, and
45 disbursed as provided in subsection 2 of section 479.080. Any other court costs
46 required in connection with such cases shall be collected and disbursed as
47 provided in sections 488.010 to 488.020, RSMo.

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

50 4. No fees for a judge, city attorney or prosecutor shall be assessed as

51 costs in a municipal ordinance violation case.

52 5. In municipal ordinance violation cases, when there is an application for
53 a trial de novo, there shall be an additional fee in an amount to be set pursuant
54 to sections 488.010 to 488.020, RSMo, which shall be assessed in the same
55 manner as provided in subsection 2 of this section.

56 6. Municipalities by ordinance may provide for a schedule of costs to be
57 paid in connection with pleas of guilty which are processed in a traffic violations
58 bureau. If a municipality files its municipal ordinance violation cases before a
59 municipal judge, such costs shall not exceed the court costs authorized by
60 subsection 1 of this section. If a municipality files its municipal ordinance
61 violations cases in the associate circuit division of the circuit court, such costs
62 shall not exceed the court costs authorized by subsection 2 of this section.

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

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

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

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

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

23 (1) All parties must consent in writing to using an uncertified court
24 reporter prior to the deposition. Such consent shall be filed as a memo with the

25 court no later than seven days prior to the date of the deposition unless the time
26 is shortened by the court;

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

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

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

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

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

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

43 6. The provisions of subsection 5 of this section shall expire on December
44 31, 2012.]

487.020. 1. In each circuit or a county having a family court, a majority
2 of the circuit and associate circuit judges en banc, in the circuit, may appoint
3 commissioners, subject to appropriations, to hear family court cases and make
4 findings as provided for in sections 487.010 to 487.190. Any person serving as a
5 commissioner of the juvenile division of the circuit court on August 28, 1993, shall
6 become a commissioner of the family court. In each circuit or a county therein
7 having a family court, a majority of the circuit and associate circuit judges en
8 banc may appoint, in addition to those commissioners serving as commissioners
9 of the juvenile division and becoming commissioners of the family court pursuant
10 to the provisions of sections 487.020 to 487.040, no more than three additional
11 commissioners to hear family court cases and make findings and
12 recommendations as provided in sections 487.010 to 487.190. The number of
13 additional commissioners added as a result of the provisions of sections 487.010
14 to 487.190 may be appointed only to the extent that the state is reimbursed for
15 the salaries of the commissioners as provided in sections 487.010 to 487.190 or
16 by federal or county funds or by gifts or grants made for such purposes. A

17 commissioner shall be appointed for a term of four years. Commissioners
18 appointed pursuant to sections 487.020 to 487.040 shall serve in addition to
19 circuit judges, associate circuit court judges and commissioners authorized to hear
20 actions classified under section 487.080.

21 2. The circuit court in the eleventh judicial circuit may, in substitution of
22 a family court commissioner currently appointed pursuant to this section whose
23 salary is reimbursable, appoint one family court commissioner whose
24 compensation shall be payable by the state without necessity of
25 reimbursement. The provisions of this subsection shall not be construed to allow
26 appointment of a family court commissioner in addition to the number of such
27 family court commissioners holding office in the eleventh judicial circuit as of
28 January 1, 1999, and the appointment of the state-paid commissioner shall be
29 subject to appropriations for such purpose.

30 3. Each commissioner of the family court shall possess the same
31 qualifications as a circuit judge. The compensation and retirement benefits of
32 each commissioner shall be the same as that of an associate circuit judge, payable
33 in the same manner and from the same source as that of an associate circuit
34 judge.

35 4. **In each circuit or a county having a family court established**
36 **under this chapter and a drug court commissioner appointed under**
37 **chapter 478, RSMo, a majority of the circuit and associate circuit**
38 **judges en banc, in the circuit, may appoint the drug court**
39 **commissioner, if available and needed, to serve additional duty as a**
40 **family court commissioner at no additional compensation. Such drug**
41 **court commissioner shall meet all of the qualifications and possess all**
42 **of the powers of a regular family court commissioner under this**
43 **chapter in all cases in which such commissioner is sitting as a family**
44 **court commissioner.**

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

535.030. 1. Such summons shall be served as in other civil cases at least
2 four days before the court date in the summons. The summons shall include a

3 court date which shall not be more than twenty-one business days from the date
4 the summons is issued unless at the time of filing the affidavit the plaintiff or
5 plaintiff's attorney consents in writing to a later date.

6 2. In addition to attempted personal service, the plaintiff may request,
7 and thereupon the clerk of the court shall make an order directing that the
8 officer, or other person empowered to execute the summons, shall also serve the
9 same by securely affixing a copy of such summons and the complaint in a
10 conspicuous place on the dwelling of the premises in question at least ten days
11 before the court date in such summons, and by also mailing a copy of the
12 summons and complaint to the defendant at the defendant's last known address
13 by ordinary mail at least ten days before the court date. If the officer, or other
14 person empowered to execute the summons, shall return that the defendant is not
15 found, or that the defendant has absconded or vacated his or her usual place of
16 abode in this state, and if proof be made by affidavit of the posting and of the
17 mailing of a copy of the summons and complaint, the judge shall at the request
18 of the plaintiff proceed to hear the case as if there had been personal service, and
19 judgment shall be rendered and proceedings had as in other cases, except that no
20 money judgment shall be granted the plaintiff where the defendant is in default
21 and service is by the posting and mailing procedure set forth in this section.

22 3. If the plaintiff does not request service of the original summons by
23 posting and mailing as provided in subsection 2 of this section, and if the officer,
24 or other person empowered to execute the summons, makes return that the
25 defendant is not found, or that the defendant has absconded or vacated the
26 defendant's usual place of abode in this state, the plaintiff may request the
27 issuance of an alias summons and service of the same by posting and mailing in
28 the time and manner provided in subsection 2 of this section. In addition, the
29 plaintiff or an agent of the plaintiff who is at least eighteen years of age may
30 serve the summons by posting and mailing a copy of the summons in the time and
31 manner provided in subsection 2 of this section. Upon proof by affidavit of the
32 posting and of the mailing of a copy of the summons or alias summons and the
33 complaint, the judge shall proceed to hear the case as if there had been personal
34 service, and judgment shall be rendered and proceedings had as in other cases,
35 except that no money judgment shall be granted the plaintiff where the defendant
36 is in default and service is by the posting and mailing procedure provided in
37 subsection 2 of this section.

38 4. On the date judgment is rendered as provided in this section where the

39 defendant is in default, the clerk of the court shall mail to the defendant at the
40 defendant's last known address by [certified mail, with a request for return
41 receipt and with directions to deliver to the addressee only,] **ordinary mail** a
42 notice informing the defendant of the judgment and the date it was entered, and
43 stating that the defendant has ten days from the date of the judgment to file a
44 motion to set aside the judgment or to file an application for a trial de novo in the
45 circuit court, as the case may be, and that unless the judgment is set aside or an
46 application for a trial de novo is filed within ten days, the judgment will become
47 final and the defendant will be subject to eviction from the premises without
48 further notice.

535.120. Whenever [a half year's] **one month's** rent or more is in arrear
2 from a tenant, the landlord, if he has a subsisting right by law to reenter for the
3 nonpayment of such rent, may bring an action to recover the possession of the
4 demised premises.

566.226. 1. After August 28, 2007, any information contained in any court
2 record, whether written or published on the Internet, that could be used to
3 identify or locate any victim of sexual assault, domestic assault, stalking, or
4 forcible rape shall be closed and redacted from such record prior to disclosure to
5 the public. Identifying information shall include the name, home or temporary
6 address, telephone number, Social Security number or physical characteristics.

7 2. If the court determines that a person or entity who is requesting
8 identifying information of a victim has a legitimate interest in obtaining such
9 information, the court may allow access to the information, but only if the court
10 determines that disclosure to the person or entity would not compromise the
11 welfare or safety of such victim.

12 3. **Notwithstanding the provisions of subsection 1 of this section,**
13 **the judge presiding over a sexual assault, domestic assault, stalking, or**
14 **forcible rape case shall have the discretion to publicly disclose**
15 **identifying information regarding the defendant which could be used**
16 **to identify or locate the victim of the crime. The victim may provide**
17 **a statement to the court regarding whether he or she desires such**
18 **information to remain closed. When making the decision to disclose**
19 **such information, the judge shall consider the welfare and safety of the**
20 **victim and any statement to the court received from the victim**
21 **regarding the disclosure.**

630.407. 1. The department may recognize providers as administrative

2 entities under the following circumstances:

3 (1) Vendors operated or funded pursuant to sections 205.975 to 205.990,
4 RSMo;

5 (2) Vendors operated or funded pursuant to sections 205.968 to 205.973,
6 RSMo;

7 (3) Providers of a consortium of treatment services to the clients of the
8 division of comprehensive psychiatric services as an agent of the division in a
9 service area, except that such providers may not exceed thirty-six in number;

10 **(4) Providers of targeted case management to the clients of the**
11 **division of developmental disabilities as an agent of the division in a**
12 **defined region.**

13 2. Notwithstanding any other provision of law to the contrary, the
14 department may contract directly with vendors recognized as administrative
15 entities without competitive bids.

16 3. Notwithstanding any other provision of law to the contrary, the
17 commissioner of administration shall delegate the authority to administrative
18 entities which are state facilities to subcontract with other vendors in order to
19 provide a full consortium of treatment services for the service area.

20 4. When state contracts allow, the department may authorize
21 administrative entities to use state contracts for pharmaceuticals or other medical
22 supplies for the purchase of these items.

23 5. A designation as an administrative entity does not entitle a provider
24 to coverage under sections 105.711 to 105.726, RSMo, the state legal expense
25 fund, or other state statutory protections or requirements.

26 6. The department shall promulgate regulations within twelve months of
27 August 28, 1990, regulating the manner in which they will contract and designate
28 and revoke designations of providers under this section. Such regulations shall
29 not be required when the parties to such contracts are both governmental
30 entities.

Section 1. Notwithstanding any other provision of law to the
2 **contrary, in any proceeding for modification of child support, the state**
3 **or any political subdivision of the state shall not be required to**
4 **represent any party to such proceeding if such party's income equals**
5 **or exceeds three hundred percent of the federal poverty level.**

Section 2. In all proceedings for the modification of child
2 **support where the state is a party, the court may, upon motion, award**

3 **court costs and reasonable attorney fees to the state.**

4 [452.440. Sections 452.440 to 452.550 may be cited as the
2 "Uniform Child Custody Jurisdiction Act".]

[452.445. As used in sections 452.440 to 452.550:

2 (1) "Custody determination" means a court decision and
3 court orders and instructions providing for the custody of a child,
4 including visitation rights. This term does not include a decision
5 relating to child support or any other monetary obligation of any
6 person; but the court shall have the right in any custody
7 determination where jurisdiction is had pursuant to section
8 452.460 and where it is in the best interest of the child to
9 adjudicate the issue of child support;

10 (2) "Custody proceeding" includes proceedings in which a
11 custody determination is one of several issues, such as an action for
12 dissolution of marriage, legal separation, separate maintenance,
13 appointment of a guardian of the person, child neglect or
14 abandonment, but excluding actions for violation of a state law or
15 municipal ordinance;

16 (3) "Decree" or "custody decree" means a custody
17 determination contained in a judicial decree or order made in a
18 custody proceeding, and includes an initial decree and a
19 modification decree;

20 (4) "Home state" means the state in which, immediately
21 preceding the filing of custody proceeding, the child lived with his
22 parents, a parent, an institution; or a person acting as parent, for
23 at least six consecutive months; or, in the case of a child less than
24 six months old, the state in which the child lived from birth with
25 any of the persons mentioned. Periods of temporary absence of any
26 of the named persons are counted as part of the six-month or other
27 period;

28 (5) "Initial decree" means the first custody decree
29 concerning a particular child;

30 (6) "Litigant" means a person, including a parent,
31 grandparent, or step-parent, who claims a right to custody or
32 visitation with respect to a child.]

[452.450. 1. A court of this state which is competent to

2 decide child custody matters has jurisdiction to make a child
3 custody determination by initial or modification decree if:

4 (1) This state:

5 (a) Is the home state of the child at the time of
6 commencement of the proceeding; or

7 (b) Had been the child's home state within six months
8 before commencement of the proceeding and the child is absent
9 from this state for any reason, and a parent or person acting as
10 parent continues to live in this state; or

11 (2) It is in the best interest of the child that a court of this
12 state assume jurisdiction because:

13 (a) The child and his parents, or the child and at least one
14 litigant, have a significant connection with this state; and

15 (b) There is available in this state substantial evidence
16 concerning the child's present or future care, protection, training,
17 and personal relationships; or

18 (3) The child is physically present in this state and:

19 (a) The child has been abandoned; or

20 (b) It is necessary in an emergency to protect the child
21 because he has been subjected to or threatened with mistreatment
22 or abuse, or is otherwise being neglected; or

23 (4) It appears that no other state would have jurisdiction
24 under prerequisites substantially in accordance with subdivision
25 (1), (2), or (3), or another state has declined to exercise jurisdiction
26 on the ground that this state is the more appropriate forum to
27 determine the custody of the child, and it is in the best interest of
28 the child that this court assume jurisdiction.

29 2. Except as provided in subdivisions (3) and (4) of
30 subsection 1 of this section, physical presence of the child, or of the
31 child and one of the litigants, in this state is not sufficient alone to
32 confer jurisdiction on a court of this state to make a child custody
33 determination.

34 3. Physical presence of the child, while desirable, is not a
35 prerequisite for jurisdiction to determine his custody.]

[452.455. 1. Any petition for modification of child custody
2 decrees filed under the provisions of section 452.410, or sections

3 452.440 to 452.450, shall be verified and, if the original proceeding
4 originated in the state of Missouri, shall be filed in that original
5 case, but service shall be obtained and responsive pleadings may
6 be filed as in any original proceeding.

7 2. Before making a decree under the provisions of section
8 452.410, or sections 452.440 to 452.450, the litigants, any parent
9 whose parental rights have not been previously terminated, and
10 any person who has physical custody of the child must be served in
11 the manner provided by the rules of civil procedure and applicable
12 court rules and may within thirty days after the date of service
13 (forty-five days if service by publication) file a verified answer. If
14 any of these persons is outside this state, notice and opportunity
15 to be heard shall be given pursuant to section 452.460.

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

23 4. When a person filing a petition for modification of a child
24 custody decree owes past due child support to a custodial parent in
25 an amount in excess of ten thousand dollars, such person shall post
26 a bond in the amount of past due child support owed as ascertained
27 by the division of child support enforcement or reasonable legal
28 fees of the custodial parent, whichever is greater, before the filing
29 of the petition. The court shall hold the bond in escrow until the
30 modification proceedings pursuant to this section have been
31 concluded wherein such bond shall be transmitted to the division
32 of child support enforcement for disbursement to the custodial
33 parent.]

[452.460. 1. The notice required for the exercise of
2 jurisdiction over a person outside this state shall be given in a
3 manner reasonably calculated to give actual notice, and may be
4 given in any of the following ways:

5 (1) By personal delivery outside this state in the manner

- 6 prescribed for service of process within this state;
- 7 (2) In the manner prescribed by the law of the place in
8 which the service is made for service of process in that place in an
9 action in any of its courts of general jurisdiction;
- 10 (3) By certified or registered mail; or
- 11 (4) As directed by the court, including publication, if any
12 other means of notification are ineffective.
- 13 2. Proof of service outside this state may be made by
14 affidavit of the individual who made the service, or in the manner
15 prescribed by the law of this state, the order pursuant to which the
16 service is made, or the law of the place in which the service is
17 made. If service is made by mail, proof of service may be a receipt
18 signed by the addressee or other evidence of delivery to the
19 addressee.
- 20 3. The notice provided for in this section is not required for
21 a person who submits to the jurisdiction of the court.]
- [452.465. 1. A court of this state shall not exercise its
2 jurisdiction under sections 452.440 to 452.550 if, at the time of
3 filing the petition, a proceeding concerning the custody of the child
4 was pending in a court of another state exercising jurisdiction
5 substantially in conformity with sections 452.440 to 452.550, unless
6 the proceeding is stayed by the court of that other state for any
7 reason.
- 8 2. Before hearing the petition in a custody proceeding, the
9 court shall examine the pleadings and other information supplied
10 by the parties under section 452.480 and shall consult the child
11 custody registry established under section 452.515 concerning the
12 pendency of proceedings with respect to the child in other states.
13 If the court has reason to believe that proceedings may be pending
14 in another state, it shall direct an inquiry to the state court
15 administrator or other appropriate official of that state.
- 16 3. If the court is informed during the course of the
17 proceeding that a proceeding concerning the custody of the child
18 was pending in another state before the court assumed jurisdiction,
19 it shall stay the proceeding and communicate with the court in
20 which the other proceeding is pending in order that the issue may

21 be litigated in the more appropriate forum and that information
22 may be exchanged in accordance with sections 452.530 to 452.550.
23 If a court of this state has made a custody decree before being
24 informed of a pending proceeding in a court of another state, it
25 shall immediately inform that court of the fact. If the court is
26 informed that a proceeding was commenced in another state after
27 it assumed jurisdiction, it shall likewise inform the other court in
28 order that the issues may be litigated in the more appropriate
29 forum.]

[452.470. 1. A court which has jurisdiction under this act
2 to make an initial or modification decree may decline to exercise its
3 jurisdiction any time before making a decree if it finds that it is an
4 inconvenient forum to make a custody determination under the
5 circumstances of the case and that a court of another state is a
6 more appropriate forum.

7 2. A finding that a court is an inconvenient forum under
8 subsection 1 above may be made upon the court's own motion or
9 upon the motion of a party or a guardian ad litem or other
10 representative of the child. In determining if it is an inconvenient
11 forum, the court shall consider if it is in the interest of the child
12 that another state assume jurisdiction.

13 3. Before determining whether to decline or retain
14 jurisdiction the court may communicate with a court of another
15 state and exchange information pertinent to the assumption of
16 jurisdiction by either court, with a view to assuring that
17 jurisdiction will be exercised by the more appropriate court and
18 that a forum will be available to the parties.

19 4. If the court finds that it is an inconvenient forum and
20 that a court of another state is a more appropriate forum, it may
21 dismiss the proceedings, or it may stay the proceedings upon
22 condition that a custody proceeding be promptly commenced in
23 another named state or upon any other conditions which may be
24 just and proper, including the condition that a moving party
25 stipulate his consent and submission to the jurisdiction of the other
26 forum.

27 5. The court may decline to exercise its jurisdiction under

28 this act if a custody determination is incidental to an action for
29 dissolution of marriage or another proceeding while retaining
30 jurisdiction over the dissolution of marriage or other proceeding.

31 6. If it appears to the court that it is clearly an
32 inappropriate forum, it may require the party who commenced the
33 proceedings to pay, in addition to the costs of the proceedings in
34 this state, necessary travel and other expenses, including attorneys'
35 fees, incurred by other parties or their witnesses. Payment is to be
36 made to the clerk of the court for remittance to the proper party.

37 7. Upon dismissal or stay of proceedings under this section,
38 the court shall inform the court found to be the more appropriate
39 forum of this fact or, if the court which would have jurisdiction in
40 the other state is not certainly known, shall transmit the
41 information to the court administrator or other appropriate official
42 for forwarding to the appropriate court.

43 8. Any communication received from another state
44 informing this state of a finding that a court of this state is the
45 more appropriate forum shall be filed in the custody registry of the
46 appropriate court. Upon assuming jurisdiction the court of this
47 state shall inform the original court of this fact.]

 [452.475. 1. If the petitioner for an initial decree has
2 wrongfully taken the child from another state or has engaged in
3 similar reprehensible conduct, the court may decline to exercise
4 jurisdiction if this is just and proper under the circumstances.

5 2. Unless required in the interest of the child, the court
6 shall not exercise its jurisdiction to modify a custody decree of
7 another state if the petitioner, without consent of the person
8 entitled to custody, has improperly removed the child from the
9 physical custody of the person entitled to custody or has improperly
10 retained the child after a visit or other temporary relinquishment
11 of physical custody. If the petitioner has violated any other
12 provision of a custody decree of another state, the court may
13 decline to exercise its jurisdiction if this is just and proper under
14 the circumstances.

15 3. In appropriate cases a court dismissing a petition under
16 this section may charge the petitioner with necessary travel and

17 other expenses, including attorneys' fees, incurred by other parties
18 or their witnesses.]

[452.480. 1. In his first pleading, or in an affidavit
2 attached to that pleading, every party in a custody proceeding shall
3 give information under oath as to the child's present address, with
4 whom the child is presently living and with whom and where the
5 child lived, other than on a temporary basis, within the past six
6 months. In this pleading or affidavit every party shall further
7 declare under oath whether:

8 (1) He has participated in any capacity in any other
9 litigation concerning the custody of the same child in this or any
10 other state;

11 (2) He has information of any custody proceeding
12 concerning the child pending in a court of this or any other state;
13 and

14 (3) He knows of any person not a party to the proceedings
15 who has physical custody of the child or claims to have custody or
16 visitation rights with respect to the child.

17 2. If the declaration as to any of the items listed in
18 subdivisions (1) through (3) of subsection 1 above is in the
19 affirmative, the declarant shall give additional information under
20 oath as required by the court. The court may examine the parties
21 under oath as to details of the information furnished and as to
22 other matters pertinent to the court's jurisdiction and the
23 disposition of the case.

24 3. Each party has a continuing duty to inform the court of
25 any change in information required by subsection 1 of this section.]

[452.485. If the court learns from information furnished by
2 the parties pursuant to section 452.480 or from other sources that
3 a person not a party to the custody proceeding has physical custody
4 of the child or claims to have custody or visitation rights with
5 respect to the child, it may order that person to be joined as a
6 party and to be duly notified of the pendency of the proceeding and
7 of his joinder as a party. If the person joined as a party is outside
8 this state he shall be served with process or otherwise notified in
9 accordance with section 452.460.]

1 [452.490. 1. The court may order any party to the
2 proceeding who is in this state to appear personally before the
3 court. If the court finds the physical presence of the child in court
4 to be in the best interests of the child, the court may order that the
5 party who has physical custody of the child appear personally with
6 the child.

7 2. If a party to the proceeding whose presence is desired by
8 the court is outside this state, with or without the child, the court
9 may order that the notice given under section 452.460 include a
10 statement directing that party to appear personally with or without
11 the child.

12 3. If a party to the proceeding who is outside this state is
13 directed to appear under subsection 1 of this section or desires to
14 appear personally before the court with or without the child, the
15 court may require another party to pay to the clerk of the court
16 travel and other necessary expenses of the party so appearing and
17 of the child, if this is just and proper under the circumstances.

18 4. If the court finds it to be in the best interest of the child
19 that a guardian ad litem be appointed, the court may appoint a
20 guardian ad litem for the child. The guardian ad litem so
21 appointed shall be an attorney licensed to practice law in the state
22 of Missouri. Disqualification of a guardian ad litem shall be
23 ordered in any legal proceeding pursuant to this chapter, upon the
24 filing of a written application by any party within ten days of
25 appointment. Each party shall be entitled to one disqualification
26 of a guardian ad litem appointed under this subsection in each
27 proceeding, except a party may be entitled to additional
28 disqualifications of a guardian ad litem for good cause shown. The
29 guardian ad litem may, for the purpose of determining custody of
30 the child only, participate in the proceedings as if such guardian ad
31 litem were a party. The court shall enter judgment allowing a
32 reasonable fee to the guardian ad litem.

33 5. The court shall appoint a guardian ad litem in any
34 proceeding in which child abuse or neglect is alleged.]

[452.495. A custody decree rendered by a court of this state
2 which had jurisdiction under section 452.450 binds all parties who

3 have been served in this state or notified in accordance with section
4 452.460, or who have submitted to the jurisdiction of the court, and
5 who have been given an opportunity to be heard. As to these
6 parties the custody decree is conclusive as to all issues of law and
7 fact decided and as to the custody determination made, unless and
8 until that determination is modified pursuant to law, including the
9 provisions of section 452.410 and sections 452.440 to 452.550.]

[452.500. The courts of this state shall recognize and
2 enforce an initial or modification decree of a court of another state
3 which had assumed jurisdiction under statutory provisions
4 substantially in accordance with sections 452.440 to 452.550, or
5 which was made under factual circumstances meeting the
6 jurisdictional standards of sections 452.440 to 452.550, so long as
7 this decree has not been modified in accordance with jurisdictional
8 standards substantially similar to those of sections 452.440 to
9 452.550.]

[452.505. If a court of another state has made a custody
2 decree, a court of this state shall not modify that decree unless it
3 appears to the court of this state that the court which rendered the
4 decree does not now have jurisdiction under jurisdictional
5 prerequisites substantially in accordance with sections 452.440 to
6 452.550 or has declined to assume jurisdiction to modify the decree
7 and the court of this state has jurisdiction.]

[452.510. 1. A certified copy of a custody decree of another
2 state may be filed in the office of the clerk of any circuit court of
3 this state. The clerk shall treat the decree in the same manner as
4 a custody decree of the circuit court of this state. A custody decree
5 so filed has the same effect and shall be enforced in like manner as
6 a custody decree rendered by a court of this state.

7 2. A person violating a custody decree of another state
8 which makes it necessary to enforce the decree in this state may be
9 required to pay necessary travel and other expenses, including
10 attorneys' fees, incurred by the party entitled to the custody or his
11 witnesses.]

[452.515. The clerk of each circuit court shall maintain a
2 registry in which he shall enter the following:

3 (1) Certified copies of custody decrees of other states
4 received for filing;

5 (2) Communications as to the pendency of custody
6 proceedings in other states;

7 (3) Communications concerning findings of inconvenient
8 forum under section 452.470 by a court of another state; and

9 (4) Other communications or documents concerning custody
10 proceedings in another state which in the opinion of the circuit
11 judge may affect the jurisdiction of a court of this state or the
12 disposition to be made by it in a custody proceeding.]

[452.520. The clerk of the circuit court of this state, at the
2 request of the court of another state or at the request of any person
3 who is affected by or has a legitimate interest in a custody decree,
4 may, upon payment therefor, certify and forward a copy of the
5 decree to that court or person.]

[452.525. In addition to other procedural devices available
2 to a party, any party to the proceeding or a guardian ad litem or
3 other representative of the child may obtain the testimony of
4 witnesses, including parties and the child, by deposition or
5 otherwise, in another state. The court on its own motion may
6 direct that the testimony of a person be taken in another state and
7 may prescribe the manner in which and the terms upon which the
8 testimony shall be taken.]

[452.530. 1. A court of this state may request the
2 appropriate court of another state to hold a hearing to obtain
3 evidence, to order persons within that state to produce or give
4 evidence under other procedures of that state, or to have social
5 studies made with respect to the custody of a child involved in
6 proceedings pending in the court of this state; and to forward to the
7 court of this state certified copies of the transcript of the record of
8 the hearing, the evidence otherwise obtained, or any social studies
9 prepared in compliance with the request. The cost of the services
10 may be assessed against the parties.

11 2. A court of this state may request the appropriate court
12 of another state to order a party to custody proceedings pending in
13 the court of this state to appear in the proceedings and, if that

14 party has physical custody of the child, to appear with the
15 child. The request may state that travel and other necessary
16 expenses of the party and of the child whose appearance is desired
17 will be assessed against the appropriate party.]

[452.535. 1. Upon request of the court of another state, the
2 courts of this state which are competent to hear custody matters
3 may order a person in this state to appear at a hearing to obtain
4 evidence or to produce or give evidence under other procedures
5 available in this state for use in a custody proceeding in another
6 state. A certified copy of the transcript of the record of the hearing
7 or the evidence otherwise obtained may, in the discretion of the
8 court and upon payment therefor, be forwarded to the requesting
9 court.

10 2. A person within this state may voluntarily give his
11 testimony or statement in this state for use in a custody proceeding
12 outside this state.

13 3. Upon request of the court of another state, a competent
14 court of this state may order a person in this state to appear alone
15 or with the child in a custody proceeding in another state. The
16 court may condition compliance with the request upon assurance
17 by the other state that travel and other necessary expenses will be
18 advanced or reimbursed.]

[452.540. In any custody proceeding in this state the court
2 shall preserve the pleadings, orders and decrees, any record that
3 has been made of its hearings, social studies, and other pertinent
4 documents until the child reaches eighteen years of age. When
5 requested by the court of another state the court may, upon
6 payment therefor, forward to the other court certified copies of any
7 or all of such documents.]

[452.545. If a custody decree has been rendered in another
2 state concerning a child involved in a custody proceeding pending
3 in a court of this state, the court of this state, upon taking
4 jurisdiction of the case, shall request of the court of the other state
5 a certified copy of the transcript of any court record and other
6 documents mentioned in section 452.540.]

[452.550. Upon the request of a party to a custody

2 proceeding which raises a question of existence or exercise of
3 jurisdiction under sections 452.440 to 452.550, determination of
4 jurisdiction shall be given calendar priority and handled
5 expeditiously.]

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