

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 10
91ST GENERAL ASSEMBLY

Reported from the Committee on Judiciary, May 9, 2001, with recommendation that the House Committee Substitute for Senate Committee Substitute for Senate Bill No. 10 Do Pass.

TED WEDEL, Chief Clerk

0358L.06C

AN ACT

To repeal sections 473.398, 490.130 and 516.350, RSMo 2000, relating to judicial procedures, and to enact in lieu thereof five new sections relating to the same subject.

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

Section A. Sections 473.398, 490.130 and 516.350, RSMo 2000, are repealed and five new sections enacted in lieu thereof, to be known as sections 473.398, 476.777, 488.636, 490.130 and 516.350, to read as follows:

- 473.398. 1. Upon the death of a person, who has been a recipient of aid, assistance, care,
2 services, or who has had moneys expended on his behalf by the department of health, department of
3 social services, **except for benefits paid from the blind pension fund**, or the department of mental
4 health, or by a county commission, the total amount paid to the decedent or expended upon his behalf
5 after January 1, 1978, shall be a debt due the state or county, as the case may be, from the estate of
6 the decedent. The debt shall be collected as provided by the probate code of Missouri, chapters 472,
7 473, 474 and 475, RSMo.
- 8 2. Procedures for the allowance of such claims shall be in accordance with this chapter, and
9 such claims shall be allowed as a claim of the seventh class under subdivision (7) of section 473.397.
- 10 3. Such claim shall not be filed or allowed if it is determined that:
- 11 (1) The cost of collection will exceed the amount of the claim;

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

12 (2) The collection of the claim will adversely affect the need of the surviving spouse or
13 dependents of the decedent to reasonable care and support from the estate.

14 4. Claims consisting of moneys paid on the behalf of a recipient as defined in 42 U.S.C. 1396
15 shall be allowed, except as provided in subsection 3 of this section, upon the showing by the claimant
16 of proof of moneys expended. Such proof may include but is not limited to the following items which
17 are deemed to be competent and substantial evidence of payment:

18 (1) Computerized records maintained by any governmental entity as described in subsection
19 1 of this section of a request for payment for services rendered to the recipient; and

20 (2) The certified statement of the treasurer or his designee that the payment was made.

21 5. The provisions of this section shall not apply to any claims, adjustments or recoveries
22 specifically prohibited by federal statutes or regulations duly promulgated thereunder. Further, the
23 federal government shall receive from the amount recovered any portion to which it is entitled.

24 **476.777. 1. There is hereby established in the state treasury a special fund, to be**
25 **known as the "Missouri CASA Fund". The state treasurer shall credit to and deposit in the**
26 **Missouri CASA fund all moneys which may be appropriated to it by the general assembly and**
27 **also any gifts, contributions, grants, bequests or other aid received from federal, private or**
28 **other sources. The general assembly may appropriate moneys into the fund to support the**
29 **court-appointed special advocate (CASA) program throughout the state.**

30 **2. The state treasurer shall invest moneys in the Missouri CASA fund in the same**
31 **manner as surplus state funds are invested pursuant to section 30.260, RSMo. All earnings**
32 **resulting from the investment of moneys in the fund shall be credited to the Missouri CASA**
33 **fund.**

34 **3. The state courts administrator shall administer and disburse moneys in the**
35 **Missouri CASA fund based on the following requirements:**

36 (1) The office of state courts administrator shall set aside funding for new start-up
37 CASA programs throughout the state;

38 (2) Every recognized CASA program shall receive a base rate allocation, with
39 availability of additional funding based on the number of children with abuse or neglect cases
40 under the jurisdiction of the court; and

41 (3) All CASA programs being considered for funding shall be recognized by and
42 affiliated with the state and national CASA associations.

43 4. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys
44 in the Missouri CASA fund shall not revert to the credit of the general revenue fund at the
45 end of the biennium.

46 **488.636. In addition to all other court costs for domestic relations cases, the circuit**
47 **clerk shall collect an additional surcharge in the amount of one dollar per case for each**
48 **domestic relations petition filed before a circuit judge or associate circuit judge. Such**
49 **surcharges collected by circuit court clerks shall be collected and disbursed as provided by**
50 **sections 488.010 to 488.020. Such fees shall be payable to the state treasurer, to be**
51 **deposited into the Missouri CASA fund.**

52 490.130. The records of judicial proceedings of any court of the United States, or of any state,
53 attested by the clerk thereof, with the seal of the court annexed, if there be a seal, and certified by the
54 judge, chief justice or presiding associate circuit judge of the court to be attested in due form, shall have
55 such faith and credit given to them in this state as they would have at the place whence the said records
56 come. Copies from the record of proceedings of any court of this state, attested by the clerk thereof,
57 with the seal of the court annexed, if there be a seal, or if there be no seal, with the private seal of the
58 clerk, shall be received as evidence of the acts or proceedings of such court in any court of this state.
59 Records of proceedings of any court of this state contained within any statewide court automated
60 record-keeping system established by the supreme court shall be received as evidence of the acts or
61 proceedings in any court of this state **without further certification of the clerk, provided that the**
62 **location from which such records are obtained is disclosed to the opposing party.**

63 516.350. 1. Every judgment, order or decree of any court of record of the United States, or
64 of this or any other state, territory or country, except for any judgment, order, or decree awarding child
65 support or maintenance **or dividing pension, retirement, life insurance, or other employee**
66 **benefits in connection with a dissolution of marriage, legal separation or annulment** which
67 mandates the making of payments over a period of time **or payments in the future**, shall be presumed
68 to be paid and satisfied after the expiration of ten years from the date of the original rendition thereof,
69 or if the same has been revived upon personal service duly had upon the defendant or defendants
70 therein, then after ten years from and after such revival, or in case a payment has been made on such
71 judgment, order or decree, and duly entered upon the record thereof, after the expiration of ten years
72 from the last payment so made, and after the expiration of ten years from the date of the original
73 rendition or revival upon personal service, or from the date of the last payment, such judgment shall be
74 conclusively presumed to be paid, and no execution, order or process shall issue thereon, nor shall any
75 suit be brought, had or maintained thereon for any purpose whatever.

76 2. In any judgment, order, or decree awarding child support or maintenance, each periodic
77 payment shall be presumed paid and satisfied after the expiration of ten years from the date that
78 periodic payment is due, unless the judgment has been otherwise revived as set out in subsection 1 of
79 this section. This subsection shall take effect as to all such judgments, orders, or decrees which have

80 not been presumed paid pursuant to subsection 1 of this section as of August 31, 1982.

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

88 [3.] **4.** In any judgment, order or decree awarding child support or maintenance, payment duly
89 entered on the record as provided in subsection 1 of this section shall include recording of payments
90 or credits in the automated child support system created pursuant to chapter 454, RSMo, by the
91 division of child support enforcement or payment center pursuant to chapter 454, RSMo.

Bill
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