

FIRST REGULAR SESSION

SENATE BILL NO. 294

91ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR STEELMAN.

Read 1st time January 15, 2001, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

1105S.011

AN ACT

To repeal section 487.020, RSMo 2000, relating to family courts, and to enact in lieu thereof one new section relating to the same subject.

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

Section A. Section 487.020, RSMo 2000, is repealed and one new section enacted in lieu thereof, to be known as section 487.020, to read as follows:

487.020. 1. In each circuit or a county having a family court, [a majority of the circuit and associate circuit judges en banc, in the circuit, may appoint] **commissioners shall be appointed or elected**, subject to appropriations, to hear family court cases and make findings as provided for in sections 487.010 to 487.190. [Any person serving as a commissioner of the juvenile division of the circuit court on August 28, 1993, shall become a commissioner of the family court. In each circuit or a county therein having a family court, a majority of the circuit and associate circuit judges en banc may appoint, in addition to those commissioners serving as commissioners of the juvenile division and becoming commissioners of the family court pursuant to the provisions of sections 487.020 to 487.040, no more than three additional commissioners to hear family court cases and make findings and recommendations as provided in sections 487.010 to 487.190.]

2. In circuits where judges are selected pursuant to section 25 of article V of the state constitution, commissioners of the family court shall be appointed by a majority of the circuit and associate circuit judges en banc, in the circuit. After this initial appointment commissioners shall, at the next general election following their appointment, stand for retention in the same manner as is provided for judges in section 25 of article V of the state constitution. Commissioners in all other circuits or counties

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

with family courts shall be elected in the circuit or county in which they are to serve.

3. In each circuit or county having a family court, the position of commissioner of the juvenile division, as it existed on August 28, 1993, became the position of commissioner of the family court. Each circuit or county having a family court may, in addition to the number of commissioner positions existing on August 28, 1993, add no more than three additional commissioners to hear family court cases and make findings and recommendations as provided in sections 487.010 to 487.190. A majority of the circuit and associate circuit judges en banc may decide to add a commissioner or commissioners. The number of additional commissioners added as a result of the provisions of sections 487.010 to 487.190 may be appointed **or elected** only to the extent that the state is reimbursed for the salaries of the commissioners as provided in sections 487.010 to 487.190 or by federal or county funds or by gifts or grants made for such purposes.

4. A commissioner shall ~~[be appointed]~~ **serve** for a term of four years. Commissioners appointed **or elected** pursuant to sections 487.020 to 487.040 shall serve in addition to circuit judges, associate circuit court judges and commissioners authorized to hear actions classified under section 487.080.

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

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