

FIRST REGULAR SESSION

SENATE BILL NO. 395

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCOTT.

Read 1st time February 22, 2005, and ordered printed.

TERRY L. SPIELER, Secretary.

1617S.01I

AN ACT

To amend chapter 488, RSMo, by adding thereto one new section relating to court surcharges.

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

Section A. Chapter 488, RSMo, is amended by adding thereto one new section, to be known as section 488.2350, to read as follows:

488.2350. 1. An "Alternative Dispute Resolution Fund" may be established by local court rule in any circuit that has not established a family court pursuant to section 487.010, RSMo. Upon the establishment of such fund, in addition to all other court costs prescribed by law, a surcharge in the amount of thirty dollars shall be assessed in all proceedings filed that would otherwise be under the jurisdiction of a family court under section 487.080, RSMo. The surcharge shall not be charged when no court costs are otherwise required, or in any proceeding when costs are waived, or when the costs are to be paid by the state, county, or municipality. The surcharge shall not be charged to a government agency or against the petitioner for actions filed pursuant to chapter 455, RSMo, but may be charged to the respondent in such actions. All sums collected pursuant to this section shall be payable to the various alternative dispute resolution funds as established.

2. The fund shall be expended for the purpose of providing alternative dispute resolution services to those parties in proceedings that would otherwise be under the jurisdiction of a family court pursuant to section 487.080, RSMo, and to fund an alternative dispute resolution program specialist or similar position to plan, develop, implement, and evaluate an alternative dispute resolution program. Expenditures shall be made at the discretion of the presiding judge for the implementation of the alternative dispute resolution programs as set forth in this section.

3. Circuits may enter into a multi-circuit agreement to jointly hire the alternative dispute resolution program specialist or similar position, to fund the position from their various dispute resolution funds, and to establish uniform rules and procedures for the administration of the program or programs providing alternative dispute resolution services. Such agreements shall be authorized, executed, and entered into by and between the presiding judge of each circuit which is a party to the agreement.

4. Any moneys in the alternative dispute resolution fund shall not replace or reduce the current and ongoing responsibilities of the counties to provide funding for the courts as required by law.

5. From the funds collected pursuant to this section and retained in the alternative dispute resolution fund, each circuit or county in which an alternative dispute resolution program specialist or similar position has been appointed, shall pay to and reimburse the state for the actual costs of that portion of the salaries of alternative dispute resolution program specialists or similar positions.

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