

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 222
95TH GENERAL ASSEMBLY

Reported from the Committee on Commerce, Consumer Protection, Energy and the Environment, May 7, 2009, with recommendation that the Senate Committee Substitute do pass.

1023S.03C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 452.305, 452.310, 452.312, 452.343, 454.500, and 566.226, RSMo, and to enact in lieu thereof eight new sections relating to disclosure of personal identification information in certain court documents.

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

Section A. Sections 452.305, 452.310, 452.312, 452.343, 454.500, and 566.226, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 452.305, 452.310, 452.312, 452.343, 452.430, 454.500, 509.520, and 566.226, to read as follows:

452.305. 1. The court shall enter a judgment of dissolution of marriage if:

(1) The court finds that one of the parties has been a resident of this state, or is a member of the armed services who has been stationed in this state, for ninety days immediately preceding the commencement of the proceeding and that thirty days have elapsed since the filing of the petition; and

(2) The court finds that there remains no reasonable likelihood that the marriage can be preserved and that therefore the marriage is irretrievably broken; and

(3) To the extent it has jurisdiction, the court has considered and made provision for child custody, the support of each child, the maintenance of either spouse and the disposition of property.

2. The court shall enter a judgment of legal separation if:

(1) The court finds that one of the parties has been a resident of this state, or is a member of the armed services who has been stationed in this state,

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

16 for ninety days immediately preceding the commencement of the proceeding and
17 that thirty days have elapsed since the filing of the petition; and

18 (2) The court finds that there remains a reasonable likelihood that the
19 marriage can be preserved and that therefore the marriage is not irretrievably
20 broken; and

21 (3) To the extent it has jurisdiction, the court has considered and made
22 provision for the custody and the support of each child, the maintenance of either
23 spouse and the disposition of property.

24 3. Any judgment of dissolution of marriage or legal separation shall
25 include the **last four digits of the** Social Security numbers of the parties. **The**
26 **full Social Security number of each party and each child shall be**
27 **retained in the manner required by section 509.520, RSMo.**

452.310. 1. In any proceeding commenced pursuant to this chapter, the
2 petition, a motion to modify, a motion for a family access order and a motion for
3 contempt shall be verified. The petition in a proceeding for dissolution of
4 marriage shall allege that the marriage is irretrievably broken and that therefore
5 there remains no reasonable likelihood that the marriage can be preserved. The
6 petition in a proceeding for legal separation shall allege that the marriage is not
7 irretrievably broken and that therefore there remains a reasonable likelihood that
8 the marriage can be preserved.

9 2. The petition in a proceeding for dissolution of marriage or legal
10 separation shall set forth:

11 (1) The residence of each party, including the county, and the length of
12 residence of each party in this state and in the county of residence;

13 (2) The date of the marriage and the place at which it is registered;

14 (3) The date on which the parties separated;

15 (4) The name, [date of birth] **age**, and address of each child, and the
16 parent with whom each child has primarily resided for the sixty days immediately
17 preceding the filing of the petition for dissolution of marriage or legal separation;

18 (5) Whether the wife is pregnant;

19 (6) The **last four digits of the** Social Security number of the petitioner,
20 respondent and each child;

21 (7) Any arrangements as to the custody and support of the children and
22 the maintenance of each party; and

23 (8) The relief sought.

24 3. Upon the filing of the petition in a proceeding for dissolution of

25 marriage or legal separation, each child shall immediately be subject to the
26 jurisdiction of the court in which the proceeding is commenced, unless a
27 proceeding involving allegations of abuse or neglect of the child is pending in
28 juvenile court. Until permitted by order of the court, neither parent shall remove
29 any child from the jurisdiction of the court or from any parent with whom the
30 child has primarily resided for the sixty days immediately preceding the filing of
31 a petition for dissolution of marriage or legal separation.

32 4. The mere fact that one parent has actual possession of the child at the
33 time of filing shall not create a preference in favor of such parent in any judicial
34 determination regarding custody of the child.

35 5. The respondent shall be served in the manner provided by the rules of
36 the supreme court and applicable court rules and, to avoid an interlocutory
37 judgment of default, shall file a verified answer within thirty days of the date of
38 service which shall not only admit or deny the allegations of the petition, but
39 shall also set forth:

40 (1) The **last four digits of the** Social Security number of the petitioner,
41 respondent and each child;

42 (2) Any arrangements as to the custody and support of the child and the
43 maintenance of each party; and

44 (3) The relief sought.

45 6. Previously existing defenses to divorce and legal separation, including
46 but not limited to condonation, connivance, collusion, recrimination, insanity, and
47 lapse of time, are abolished.

48 7. **The full Social Security number of each party and each child**
49 **and the date of birth of each child shall be provided and retained in the**
50 **manner required by section 509.520, RSMo.**

51 8. The petitioner and respondent shall submit a proposed parenting plan,
52 either individually or jointly, within thirty days after service of process or the
53 filing of the entry of appearance, whichever event first occurs of a motion to
54 modify or a petition involving custody or visitation issues. The proposed
55 parenting plan shall set forth the arrangements that the party believes to be in
56 the best interest of the minor children and shall include but not be limited to:

57 (1) A specific written schedule detailing the custody, visitation and
58 residential time for each child with each party including:

59 (a) Major holidays stating which holidays a party has each year;

60 (b) School holidays for school-age children;

- 61 (c) The child's birthday, Mother's Day and Father's Day;
- 62 (d) Weekday and weekend schedules and for school-age children how the
63 winter, spring, summer and other vacations from school will be spent;
- 64 (e) The times and places for transfer of the child between the parties in
65 connection with the residential schedule;
- 66 (f) A plan for sharing transportation duties associated with the residential
67 schedule;
- 68 (g) Appropriate times for telephone access;
- 69 (h) Suggested procedures for notifying the other party when a party
70 requests a temporary variation from the residential schedule;
- 71 (i) Any suggested restrictions or limitations on access to a party and the
72 reasons such restrictions are requested;
- 73 (2) A specific written plan regarding legal custody which details how the
74 decision-making rights and responsibilities will be shared between the parties
75 including the following:
- 76 (a) Educational decisions and methods of communicating information from
77 the school to both parties;
- 78 (b) Medical, dental and health care decisions including how health care
79 providers will be selected and a method of communicating medical conditions of
80 the child and how emergency care will be handled;
- 81 (c) Extracurricular activities, including a method for determining which
82 activities the child will participate in when those activities involve time during
83 which each party is the custodian;
- 84 (d) Child care providers, including how such providers will be selected;
- 85 (e) Communication procedures including access to telephone numbers as
86 appropriate;
- 87 (f) A dispute resolution procedure for those matters on which the parties
88 disagree or in interpreting the parenting plan;
- 89 (g) If a party suggests no shared decision-making, a statement of the
90 reasons for such a request;
- 91 (3) How the expenses of the child, including child care, educational and
92 extraordinary expenses as defined in the child support guidelines established by
93 the supreme court, will be paid including:
- 94 (a) The suggested amount of child support to be paid by each party;
- 95 (b) The party who will maintain or provide health insurance for the child
96 and how the medical, dental, vision, psychological and other health care expenses

97 of the child not paid by insurance will be paid by the parties;

98 (c) The payment of educational expenses, if any;

99 (d) The payment of extraordinary expenses of the child, if any;

100 (e) Child care expenses, if any;

101 (f) Transportation expenses, if any.

102 [8.] 9. If the proposed parenting plans of the parties differ and the
103 parties cannot resolve the differences or if any party fails to file a proposed
104 parenting plan, upon motion of either party and an opportunity for the parties to
105 be heard, the court shall enter a temporary order containing a parenting plan
106 setting forth the arrangements specified in subsection 7 of this section which will
107 remain in effect until further order of the court. The temporary order entered by
108 the court shall not create a preference for the court in its adjudication of final
109 custody, child support or visitation.

110 [9.] 10. Within one hundred twenty days after August 28, 1998, the
111 Missouri supreme court shall have in effect guidelines for a parenting plan form
112 which may be used by the parties pursuant to this section in any dissolution of
113 marriage, legal separation or modification proceeding involving issues of custody
114 and visitation relating to the child.

115 [10.] 11. The filing of a parenting plan for any child over the age of
116 eighteen for whom custody, visitation, or support is being established or modified
117 by a court of competent jurisdiction is not required. Nothing in this section shall
118 be construed as precluding the filing of a parenting plan upon agreement of the
119 parties or if ordered to do so by the court for any child over the age of eighteen
120 for whom custody, visitation, or support is being established or modified by a
121 court of competent jurisdiction.

452.312. 1. Every petition for dissolution of marriage or legal separation,
2 every motion for modification of a decree respecting maintenance or support, and
3 every petition or motion for support of a minor child shall contain [the name and
4 address of the current employer and] the **last four digits of the** Social Security
5 number of the petitioner or movant, if a person, and, if known, [to petitioner or
6 movant, the name and address of the current employer and] the **last four digits**
7 **of the** Social Security number of the respondent. **The name and address of**
8 **the petitioner's and respondent's current employer shall be provided**
9 **and retained in the same manner as required by section 509.520, RSMo.**

10 2. Every responsive pleading to a petition for dissolution of marriage or
11 legal separation, motion for modification of a decree respecting maintenance or

12 support, and petition or motion for support of a minor child shall contain the
13 name and address of the current employer and the **last four digits of the** Social
14 Security number of the respondent, if the respondent is a person.

15 3. Every decree dissolving a marriage, every order modifying a previous
16 decree of dissolution or divorce, and every order for support of a minor child shall
17 contain the **last four digits of the** Social Security numbers of the parties, if
18 disclosed by the pleadings.

19 4. **The Social Security number of each party and each child shall**
20 **be provided and retained in the manner required by section 509.520,**
21 **RSMo.**

452.343. Notwithstanding any provision of law to the contrary, every
2 judgment or order issued in this state which, in whole or in part, affects child
3 custody, child support, visitation, modification of custody, support or visitation,
4 or is issued pursuant to section 454.470 or 454.475, RSMo, shall contain the **last**
5 **four digits of the** Social Security number of the parties to the action which
6 gives rise to such judgment or order. **The Social Security number of each**
7 **party and each child shall be provided and retained in the manner**
8 **required by section 509.520, RSMo.**

452.430. Any pleadings, other than the interlocutory or final
2 judgment, in a dissolution of marriage or legal separation filed prior to
3 August 28, 2009, shall be subject to inspection only by the parties or an
4 attorney of record or upon order of the court for good cause shown, or
5 by the family support division of the department of social services
6 when services are being provided under section 454.400, RSMo. The
7 clerk shall redact the Social Security number from any judgment issued
8 prior to August 28, 2009, before releasing the interlocutory or final
9 judgment to the public.

454.500. 1. At any time after the entry of an order pursuant to sections
2 454.470 and 454.475, the obligated parent, the division, or the person or agency
3 having custody of the dependent child may file a motion for modification with the
4 director. Such motion shall be in writing, shall set forth the reasons for
5 modification, and shall state the address of the moving party. The motion shall
6 be served by the moving party in the manner provided for in subsection 5 of
7 section 454.465 upon the obligated parent or the party holding the support rights,
8 as appropriate. In addition, if the support rights are held by the division of
9 family services on behalf of the state, a true copy of the motion shall be mailed

10 by the moving party by certified mail to the person having custody of the
11 dependent child at the last known address of that person. A hearing on the
12 motion shall then be provided in the same manner, and determinations shall be
13 based on considerations set out in section 454.475, unless the party served fails
14 to respond within thirty days, in which case the director may enter an order by
15 default. If the child for whom the order applies is no longer in the custody of a
16 person receiving public assistance or receiving support enforcement services from
17 the department, or a division thereof, pursuant to section 454.425, the director
18 may certify the matter for hearing to the circuit court in which the order was filed
19 pursuant to section 454.490 in lieu of holding a hearing pursuant to section
20 454.475. If the director certifies the matter for hearing to the circuit court,
21 service of the motion to modify shall be had in accordance with the provisions of
22 subsection 5 of section 452.370, RSMo. If the director does not certify the matter
23 for hearing to the circuit court, service of the motion to modify shall be considered
24 complete upon personal service, or on the date of mailing, if sent by certified
25 mail. For the purpose of 42 U.S.C. 666(a)(9)(C), the director shall be considered
26 the "appropriate agent" to receive the notice of the motion to modify for the
27 obligee or the obligor, but only in those instances in which the matter is not
28 certified to circuit court for hearing, and only when service of the motion is
29 attempted on the obligee or obligor by certified mail.

30 2. A motion for modification made pursuant to this section shall not stay
31 the director from enforcing and collecting upon the existing order pending the
32 modification proceeding unless so ordered by the court.

33 3. Only payments accruing subsequent to the service of the motion for
34 modification upon all named parties to the motion may be modified. Modification
35 may be granted only upon a showing of a change of circumstances so substantial
36 and continuing as to make the terms unreasonable. In a proceeding for
37 modification of any child support award, the director, in determining whether or
38 not a substantial change in circumstances has occurred, shall consider all
39 financial resources of both parties, including the extent to which the reasonable
40 expenses of either party are, or should be, shared by a spouse or other person
41 with whom he or she cohabits, and the earning capacity of a party who is not
42 employed. If the application of the guidelines and criteria set forth in supreme
43 court rule 88.01 to the financial circumstances of the parties would result in a
44 change of child support from the existing amount by twenty percent or more, then
45 a prima facie showing has been made of a change of circumstances so substantial

46 and continuing as to make the present terms unreasonable.

47 4. The circuit court may, upon such terms as may be just, relieve a parent
48 from an administrative order entered against that parent because of mistake,
49 inadvertence, surprise, or excusable neglect.

50 5. No order entered pursuant to section 454.476 shall be modifiable
51 pursuant to this section, except that an order entered pursuant to section 454.476
52 shall be amended by the director to conform with any modification made by the
53 court that entered the court order upon which the director based his or her order.

54 6. When the party seeking modifications has met the burden of proof set
55 forth in subsection 3 of this section, then the child support shall be determined
56 in conformity with the criteria set forth in supreme court rule 88.01.

57 7. **The last four digits of the Social Security number of the parents**
58 **shall be recorded on any order entered pursuant to this section. The full Social**
59 **Security number of each party and each child shall be provided and**
60 **retained in the manner required by section 509.520, RSMo.**

509.520. 1. Notwithstanding any provision of the law to the
2 **contrary, beginning on August 28, 2009, pleadings, attachments, or**
3 **exhibits filed with the court in any case, as well as any judgments**
4 **issued by the court, shall not include:**

5 (1) **The full Social Security number of any party;**

6 (2) **The full Social Security number of any child that is subject**
7 **to an order of custody or support; or**

8 (3) **The full credit card number or other financial account**
9 **number of any party.**

10 2. **Contemporaneously with the filing of every petition for**
11 **dissolution of marriage, legal separation, motion for modification,**
12 **action to establish paternity, and petition or motion for support of**
13 **custody of a minor child, the filing party shall file a confidential case**
14 **filing sheet with the court which provides the name and address of the**
15 **current employer and the Social Security number of the petitioner or**
16 **movant, if a person, and if known to the petitioner or movant, the name**
17 **and address of the current employer and the Social Security number of**
18 **the respondent and the name, date of birth, and Social Security number**
19 **of each child subject to the action, which shall not be subject to public**
20 **inspection.**

21 3. **Contemporaneously with the filing of every responsive**

22 **pleading petition for dissolution of marriage, legal separation, motion**
23 **for modification, and petition or motion for support or custody of a**
24 **minor child, the responding party shall file a confidential case filing**
25 **sheet with the court which provides the name and address of the**
26 **current employer and the Social Security number of the responding**
27 **party and, if known to the responding party, the name and address of**
28 **the current employer and the Social Security number of the petitioner**
29 **or movant, if a person, which shall not be subject to public inspection.**

30 **4. The full Social Security number of any party or child subject**
31 **to an order of custody or support shall be retained by the court on the**
32 **confidential case filing sheet or other confidential record maintained**
33 **in conjunction with the administration of the case. The full credit card**
34 **number or other financial account number of any party may be**
35 **retained by the court on a confidential record, if it is necessary to**
36 **maintain the number in conjunction with the administration of the**
37 **case.**

38 **5. Any document described in subsection 1 of this section shall,**
39 **in lieu of the full number, include only the last four digits of any such**
40 **number.**

41 **6. Except as provided in section 452.430, RSMo, the clerk shall**
42 **not be required to redact any document described in subsection 1 of**
43 **this section issued or filed before August 28, 2009, prior to releasing the**
44 **document to the public.**

45 **7. For good cause shown, the court may release information**
46 **contained on the confidential case filing sheet; however, any state**
47 **agency acting under authority of chapter 454, RSMo, shall have access**
48 **to information contained herein without court order in carrying out**
49 **their official duty.**

566.226. 1. After August 28, 2007, any information contained in any court
2 record, whether written or [published on the Internet] **in electronic format,**
3 that could be used to identify or locate any victim of **the following crimes:**
4 sexual assault, domestic assault, stalking, or [forcible rape] **any other violation**
5 **of this chapter or chapter 568, RSMo,** shall be [closed and] redacted from
6 such record prior to disclosure to the public **if filed prior to January 1,**
7 **2010. Beginning January 1, 2010, the identifying information as defined**
8 **in this section shall be retained on a confidential case filing sheet.**

9 **2. Identifying information shall include the name, home or temporary**

10 address, telephone number, Social Security number [or physical characteristics]
11 **of any victim of the following crimes: sexual assault, domestic assault,**
12 **stalking, or any other violation of this chapter or chapter 568, RSMo,**
13 **but not the named party in civil litigation.**

14 [2.] 3. If the court determines that a person or entity who is requesting
15 identifying information of a victim has a legitimate interest in obtaining such
16 information, the court may allow access to the information, but only if the court
17 determines that disclosure to the person or entity would not compromise the
18 welfare or safety of such victim.

19 4. **Nothing in this section shall be construed to permit or be the**
20 **basis of permitting the identifying information of a perpetrator of a**
21 **sexual assault, domestic assault, stalking, or forcible rape to be**
22 **redacted from an otherwise public record.**

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