

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 893
95TH GENERAL ASSEMBLY

4890L.05C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 32.056, 60.650, 193.087, 210.844, 301.146, 376.309, 409.1-102, 409.2-202, 409.3-304, 409.4-401, 409.4-404, 409.4-408, 409.4-412, 409.5-501, 409.6-604, 409.6-607, 452.430, 454.515, 454.850, 454.853, 454.855, 454.857, 454.860, 454.862, 454.865, 454.867, 454.869, 454.871, 454.874, 454.877, 454.880, 454.882, 454.885, 454.887, 454.890, 454.892, 454.895, 454.897, 454.900, 454.902, 454.905, 454.907, 454.910, 454.912, 454.915, 454.917, 454.920, 454.922, 454.927, 454.930, 454.932, 454.934, 454.936, 454.938, 454.941, 454.943, 454.946, 454.948, 454.951, 454.953, 454.956, 454.958, 454.961, 454.963, 454.966, 454.968, 454.971, 454.973, 454.976, 454.978, 454.981, 454.983, 454.986, 454.989, 454.991, 454.993, 454.995, 454.999, 455.038, 455.040, 475.375, 478.240, 483.015, 484.350, 494.455, 511.580, 513.430, 513.440, 516.140, 517.081, 525.233, 537.296, 565.035, 565.186, 566.226, 610.020, and 630.220, RSMo, and to enact in lieu thereof one hundred twenty-nine new sections relating to the judiciary, with penalty provisions, an effective date for certain sections, and an emergency clause for certain sections.

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

Section A. Sections 32.056, 60.650, 193.087, 210.844, 301.146, 376.309, 409.1-102,
2 409.2-202, 409.3-304, 409.4-401, 409.4-404, 409.4-408, 409.4-412, 409.5-501, 409.6-604,
3 409.6-607, 452.430, 454.515, 454.850, 454.853, 454.855, 454.857, 454.860, 454.862, 454.865,
4 454.867, 454.869, 454.871, 454.874, 454.877, 454.880, 454.882, 454.885, 454.887, 454.890,
5 454.892, 454.895, 454.897, 454.900, 454.902, 454.905, 454.907, 454.910, 454.912, 454.915,
6 454.917, 454.920, 454.922, 454.927, 454.930, 454.932, 454.934, 454.936, 454.938, 454.941,
7 454.943, 454.946, 454.948, 454.951, 454.953, 454.956, 454.958, 454.961, 454.963, 454.966,
8 454.968, 454.971, 454.973, 454.976, 454.978, 454.981, 454.983, 454.986, 454.989, 454.991,

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

9 454.993, 454.995, 454.999, 455.038, 455.040, 475.375, 478.240, 483.015, 484.350, 494.455,
10 511.580, 513.430, 513.440, 516.140, 517.081, 525.233, 537.296, 565.035, 565.186, 566.226,
11 610.020, and 630.220, RSMo, are repealed and one hundred twenty-nine new sections enacted
12 in lieu thereof, to be known as sections 32.056, 37.900, 50.567, 60.650, 66.720, 193.087,
13 210.844, 246.310, 301.146, 306.532, 376.309, 409.1-102, 409.2-202, 409.3-304, 409.4-401,
14 409.4-404, 409.4-408, 409.4-412, 409.5-501, 409.6-604, 409.6-607, 429.016, 452.430, 454.515,
15 454.1500, 454.1503, 454.1506, 454.1509, 454.1512, 454.1515, 454.1518, 454.1521, 454.1524,
16 454.1527, 454.1530, 454.1533, 454.1536, 454.1539, 454.1542, 454.1545, 454.1548, 454.1551,
17 454.1554, 454.1557, 454.1560, 454.1563, 454.1566, 454.1569, 454.1572, 454.1575, 454.1578,
18 454.1581, 454.1584, 454.1587, 454.1590, 454.1593, 454.1596, 454.1599, 454.1602, 454.1605,
19 454.1608, 454.1611, 454.1614, 454.1617, 454.1620, 454.1623, 454.1626, 454.1629, 454.1632,
20 454.1635, 454.1638, 454.1641, 454.1644, 454.1647, 454.1650, 454.1653, 454.1656, 454.1659,
21 454.1662, 454.1665, 454.1668, 454.1671, 454.1674, 454.1677, 454.1680, 454.1683, 454.1686,
22 454.1689, 454.1692, 454.1695, 454.1698, 454.1701, 454.1704, 454.1707, 454.1710, 454.1713,
23 454.1716, 454.1719, 454.1722, 454.1725, 454.1727, 454.1728, 454.1730, 455.038, 455.040,
24 456.8-818, 475.375, 478.240, 483.015, 484.350, 494.455, 511.580, 513.430, 513.440, 516.140,
25 517.081, 525.233, 537.296, 565.035, 565.186, 566.226, 574.035, 610.020, 630.220, 1, 2, 3, 4,
26 and 5, to read as follows:

32.056. The department of revenue shall not release the home address or any other
2 information contained in the department's motor vehicle or driver registration records regarding
3 any person, **and the immediate family members of any such person**, who is a county, state or
4 federal parole officer or who is a federal pretrial officer or who is a peace officer pursuant to
5 section [590.100, RSMo, or a member of the parole officer's, pretrial officer's or peace officer's
6 immediate family] **590.010, or those persons vested by article V, section 1 of the Constitution**
7 **of Missouri with the judicial power of the state and those persons vested by Article III of**
8 **the Constitution of the United States with the judicial power of the United States, the**
9 **members of the federal judiciary**, based on a specific request for such information from any
10 person. Any person [who is a county, state or federal parole officer or who is a federal pretrial
11 officer or who is a peace officer pursuant to section 590.100, RSMo,] **with a current status**
12 **covered by this section** may notify the department of such status and the department shall
13 protect the confidentiality of the records on such a person and his or her immediate family as
14 required by this section. This section shall not prohibit the department from releasing
15 information on a motor registration list pursuant to section 32.055 or from releasing information
16 on any officer who holds a class A, B or C commercial driver's license pursuant to the Motor
17 Carrier Safety Improvement Act of 1999, as amended, 49 U.S.C. 31309.

37.900. 1. Any statewide elected official may request the office of administration to determine the lowest and best bidder with respect to any contract for purchasing, printing, or services for which the official has the authority to contract.

2. The official shall submit the original request for proposal and any pertinent information explaining the evaluation criteria established in the request and any additional information the official deems necessary.

3. The office of administration shall not be required to inquire of or negotiate with any offeror submitting a bid and shall only be required to reply to the elected official within forty-five days after the submission of the request by naming the offeror the office of administration determines to be the lowest and best bidder based on all submitted documents.

50.567. In every county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants the chief governing body of such county shall establish a "Jury Service Expense Fund" for the purpose of aiding with payment of expenses related to compensation of jurors for jury service under the provisions of subsection 4 of section 494.455. The fund shall consist of moneys collected in the basic funding for jury service calculated at the rate of six dollars per day. The fund shall be administered by the court en banc of the judicial circuit and may be audited as are all other county funds.

60.650. For the purpose of preserving evidence of land surveys, every surveyor who establishes, restores, or reestablishes one or more corners [that create a new parcel of land] shall file the results of such survey with the recorder of deeds in the county or counties in which the survey is situated within sixty days after the survey has been certified.

66.720. No county with a charter form of government and with more than one hundred ninety-eight thousand but fewer than one hundred ninety-nine thousand two hundred inhabitants shall adopt any charter provision or any order or ordinance that prohibits such county from contracting out the county's probation services with a private entity.

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

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

(2) File the form, when completed, along with the certificate required by this section.
Such completed form for the voluntary acknowledgment of paternity is not a public

9 **record; except that, a copy of such voluntary acknowledgment of paternity shall, upon**
10 **request, be made available to the child's mother, the father listed on the child's birth**
11 **record, the attorney representing such mother or father, the child, the guardian ad litem,**
12 **and the child's attorney and the state and federal government for child support purposes,**
13 **or upon order of a court of competent jurisdiction for good cause shown. Upon payment**
14 **of the fee established by rule by the department under section 454.455, a copy of such**
15 **voluntary acknowledgment of paternity shall be provided by the state registrar to the**
16 **child's mother, the father listed on the child's birth record, the attorney representing such**
17 **mother or alleged father, the child, the guardian ad litem, and the child's attorney; and**

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

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

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

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

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

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

210.844. In a proceeding to determine the existence of the parent and child relationship
2 brought [pursuant to the provisions of sections 454.010 to 454.360, RSMo, or pursuant to the
3 provisions of sections 454.850 to 454.997, RSMo, the provisions of sections 210.817, 210.822
4 and 210.834] **under sections 454.850 to 454.997 or under sections 454.1500 to 454.1728, the**
5 **provisions of sections 210.817, 210.822, 210.823, 210.834, and 210.836** shall apply, but no
6 other provisions of sections 210.818 through 210.852 shall apply.

246.310. The provisions of section 262.802 shall not apply to any drainage district or levee district formed under the laws of this state.

301.146. 1. Any federal, state, county or municipal law enforcement or public safety agency, or those persons vested by article V, section 1 of the Constitution of Missouri with the judicial power of the state and those persons vested by Article III of the Constitution of the United States with the judicial power of the United States, the members of the federal judiciary, may request the issuance of special license plates and drivers licenses. Upon receipt of such a request, the director of revenue shall determine whether or not the special license plates and drivers licenses are to be used for a legitimate law enforcement or public safety purpose and if he so determines then the director of revenue shall issue the special license plates and drivers licenses subject to such conditions as he shall decide, in a form prescribed by the advisory committee established in section 301.129, except that such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. All decisions of the director of revenue relating to the special law enforcement or public safety license plates or drivers licenses shall be final.

2. Notwithstanding any other provision of law to the contrary, records pertaining to the request for, issuance of, retention of or disposal of special license plates and drivers licenses issued for law enforcement or public safety purposes as provided for in this section shall not be subject to public disclosure and shall be held by the department of revenue in such a way as to keep these records confidential.

306.532. Effective January 1, 2011, the certificate of title for a new outboard motor shall designate the year the outboard motor was manufactured as the "Year Manufactured" and shall further designate the year the dealer received the new outboard motor from the manufacturer as the "Model Year-NEW".

376.309. 1. As used in this section, "separate account" means an account established by an insurance company, into which any amounts paid to or held by such company under applicable contracts are credited and the assets of which, subject to the provisions of this section, may be invested in such investments as shall be authorized by a resolution adopted by such company's board of directors. The income, if any, and gains and losses, realized or unrealized, on such account shall be credited to or charged against the amounts allocated to such account without regard to other income, gains or losses of the company. If and to the extent so provided under the applicable contracts, that portion of the assets of any such separate account equal to the reserves and other contract liabilities with respect to such account shall not be chargeable with liabilities arising out of any other business the company may conduct.

11 2. Any domestic life insurance company may, after adoption of a resolution by its board
12 of directors, establish one or more separate accounts, and may allocate to such account or
13 accounts any amounts paid to or held by it which are to be applied under the terms of an
14 individual or group contract to provide benefits payable in fixed or in variable dollar amounts
15 or in both.

16 3. To the extent it deems necessary to comply with any applicable federal or state act,
17 the company may, with respect to any separate account or any portion thereof, provide for the
18 benefit of persons having beneficial interests therein special voting and other rights and special
19 procedures for the conduct of the business and affairs of such separate account or portion thereof,
20 including, without limitation, special rights and procedures relating to investment policy,
21 investment advisory services, selection of public accountants, and selection of a committee, the
22 members of which need not be otherwise affiliated with the company, to manage the business
23 and affairs of such separate account or portion thereof; and the corporate charter of such
24 company shall be deemed amended to authorize the company to do so. The provisions of this
25 section shall not affect existing laws pertaining to the voting rights of such company's
26 policyholders.

27 4. The amounts allocated to any separate account and the accumulations thereon may be
28 invested and reinvested without regard to any requirements or limitations prescribed by the laws
29 of this state governing the investments of life insurance companies, and the investments in such
30 separate account or accounts shall not be taken into account in applying the investment
31 limitations, including but not limited to quantitative restrictions, otherwise applicable to the
32 investments of the company, except that to the extent that the company's reserve liability with
33 regard to benefits guaranteed as to principal amount and duration, and funds guaranteed as to
34 principal amount or stated rate of interest, is maintained in any separate account, a portion of the
35 assets of such separate account at least equal to such reserve liability shall be, except as the
36 director might otherwise approve, invested in accordance with the laws of this state governing
37 the general investment account of any company. As used herein, the expression "general
38 investment account" shall mean all of the funds, assets and investments of the company which
39 are not allocated in a separate account. The provisions of section 376.170 relating to deposits
40 for registered policies shall not be applicable to funds and investments allocated to separate
41 accounts. No investment in the separate account or in the general investment account of a life
42 insurance company shall be transferred by sale, exchange, substitution or otherwise from one
43 account to another unless, in case of a transfer into a separate account, the transfer is made solely
44 to establish the account or to support the operation of the contracts with respect to the separate
45 account to which the transfer is made or unless the transfer, whether into or from a separate
46 account, is made by a transfer of cash, or by a transfer of other assets having a readily

47 determinable market value, provided that such transfer of other assets is approved by the director
48 and is for assets of equivalent value. Such transfer shall be deemed approved to the extent the
49 assets of a separate account so transferred have been paid to or are being held by the company
50 in connection with a pension, retirement or profit-sharing plan subject to the provisions of the
51 Internal Revenue Code, as amended, and the Employee Retirement Income Security Act of 1974,
52 as amended. The director may withdraw such deemed approval by providing written notice to
53 the company that its financial condition or past practices require such withdrawal. The director
54 may approve other transfers among such accounts if the director concludes that such transfers
55 would be equitable.

56 5. Unless otherwise approved by the director, assets allocated to a separate account shall
57 be valued at their market value on the date of valuation, or if there is no readily available market,
58 then as provided under the terms of the contract or the rules or other written agreement
59 applicable to such separate account; provided, that the portion of the assets of such separate
60 account at least equal to the company's reserve liability with regard to the guaranteed benefits
61 and funds referred to in subsection 4 of this section, if any, shall be valued in accordance with
62 the rules otherwise applicable to the company's assets.

63 6. The director shall have the sole and exclusive authority to regulate the issuance and
64 **the nonexclusive** authority to regulate the sale of contracts under which amounts are to be
65 allocated to one or more separate accounts as provided herein, and to issue such reasonable rules,
66 regulations and licensing requirements as the director shall deem necessary to carry out the
67 purposes and provisions of this section; and the companies that issue such contracts shall not be
68 subject to registration with the commissioner of securities. The director may, subject to the
69 provisions of section 374.185, RSMo, consult and cooperate with the commissioner of securities
70 in investigations arising from the offer and sale of contracts regulated under this section and may
71 request assistance from the commissioner of securities in any proceeding arising from the offer
72 and sale of any such contracts.

73 7. No domestic life insurance company, and no other life insurance company admitted
74 to transact business in this state, shall be authorized to deliver within this state any contract under
75 which amounts are to be allocated to one or more separate accounts as provided herein until said
76 company has satisfied the director that its condition or methods of operation in connection with
77 the issuance of such contracts will not render its operation hazardous to the public or its
78 policyholders in this state. In determining the qualifications of a company requesting authority
79 to deliver such contracts within this state, the director shall consider, among other things:

80 (1) The history and financial condition of the company;

81 (2) The character, responsibility and general fitness of the officers and directors of the
82 company; and

83 (3) In the case of a company other than a domestic company, whether the statutes and
84 regulations of the jurisdiction of its incorporation provide a degree of protection to policyholders
85 and the public which is substantially equal to that provided by this section and the rules and
86 regulations issued thereunder.

87 8. An authorized life insurance company, whether domestic, foreign or alien, which
88 issues contracts under which amounts are to be allocated to one or more separate accounts as
89 provided herein, and which is a subsidiary of or affiliated through common management or
90 ownership with another life insurance company authorized to do business in this state, may be
91 deemed to have met the provisions of subsection 7 of this section if either it or the parent or
92 affiliated company meets the requirements thereof.

93 9. If the contract provides for payment of benefits in variable amounts, it shall contain
94 a statement of the essential features of the procedure to be followed by the company in
95 determining the dollar amount of such variable benefits. Any such contract, including a group
96 contract, and any certificate issued thereunder, shall state that such dollar amount may decrease
97 or increase and shall contain on its first page a statement that the benefits thereunder are on a
98 variable basis.

99 10. Except as otherwise provided in this section, all pertinent provisions of the insurance
100 laws of this state shall apply to separate accounts and contracts relating thereto.

409.1-102. In this act, unless the context otherwise requires:

2 (1) "Agent" means an individual, other than a broker-dealer, who represents a
3 broker-dealer in effecting or attempting to effect purchases or sales of securities or represents an
4 issuer in effecting or attempting to effect purchases or sales of the issuer's securities. But a
5 partner, officer, or director of a broker-dealer or issuer, or an individual having a similar status
6 or performing similar functions is an agent only if the individual otherwise comes within the
7 term. The term does not include an individual excluded by rule adopted or order issued under
8 this act.

9 (2) "Commissioner" means the commissioner of securities appointed by the secretary of
10 state.

11 (3) "Bank" means:

12 (A) A banking institution organized under the laws of the United States;

13 (B) A member bank of the Federal Reserve System;

14 (C) Any other banking institution, whether incorporated or not, doing business under the
15 laws of a state or of the United States, a substantial portion of the business of which consists of
16 receiving deposits or exercising fiduciary powers similar to those permitted to be exercised by
17 national banks under the authority of the Comptroller of the Currency pursuant to Section 1 of
18 Public Law 87-722 (12 U.S.C. Section 92a), and which is supervised and examined by a state

19 or federal agency having supervision over banks, and which is not operated for the purpose of
20 evading this act; and

21 (D) A receiver, conservator, or other liquidating agent of any institution or firm included
22 in subparagraph (A), (B), or (C).

23 (4) "Broker-dealer" means a person engaged in the business of effecting transactions in
24 securities for the account of others or for the person's own account. The term does not include:

25 (A) An agent;

26 (B) An issuer;

27 (C) A bank, a trust company organized or chartered under the laws of this state, or a
28 savings institution, if its activities as a broker-dealer are limited to those specified in subsections
29 3(a)(4)(B)(i) to (vi), (viii) to (x), and (xi) if limited to unsolicited transactions; 3(a)(5)(B); and
30 3(a)(5)(C) of the Securities Exchange Act of 1934 (15 U.S.C. Sections 78c(a)(4) and (5)) or a
31 bank that satisfies the conditions described in subsection 3(a)(4)(E) of the Securities Exchange
32 Act of 1934 (15 U.S.C. Section 78c(a)(4));

33 (D) An international banking institution; or

34 (E) A person excluded by rule adopted or order issued under this act.

35 (5) "Depository institution" means:

36 (A) A bank; or

37 (B) A savings institution, trust company, credit union, or similar institution that is
38 organized or chartered under the laws of a state or of the United States, authorized to receive
39 deposits, and supervised and examined by an official or agency of a state or the United States if
40 its deposits or share accounts are insured to the maximum amount authorized by statute by the
41 Federal Deposit Insurance Corporation, the National Credit Union Share Insurance Fund, or a
42 successor authorized by federal law. The term does not include:

43 (i) An insurance company or other organization primarily engaged in the business of
44 insurance;

45 (ii) A Morris Plan bank; or

46 (iii) An industrial loan company **that is not an insured depository institution as**
47 **defined in Section 3(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. Section**
48 **1813(c)(2)) or any successor federal statute.**

49 (6) "Federal covered investment adviser" means a person registered under the Investment
50 Advisers Act of 1940.

51 (7) "Federal covered security" means a security that is, or upon completion of a
52 transaction will be, a covered security under Section 18(b) of the Securities Act of 1933 (15
53 U.S.C. Section 77r(b)) or rules or regulations adopted pursuant to that provision.

54 (8) "Filing" means the receipt under this act of a record by the commissioner or a
55 designee of the commissioner.

56 (9) "Fraud", "deceit", and "defraud" are not limited to common law deceit.

57 (10) "Guaranteed" means guaranteed as to payment of all principal and all interest.

58 (11) "Institutional investor" means any of the following, whether acting for itself or for
59 others in a fiduciary capacity:

60 (A) A depository institution, a trust company organized or chartered under the laws of
61 this state, or an international banking institution;

62 (B) An insurance company;

63 (C) A separate account of an insurance company;

64 (D) An investment company as defined in the Investment Company Act of 1940;

65 (E) A broker-dealer registered under the Securities Exchange Act of 1934;

66 (F) An employee pension, profit-sharing, or benefit plan if the plan has total assets in
67 excess of ten million dollars or its investment decisions are made by a named fiduciary, as
68 defined in the Employee Retirement Income Security Act of 1974, that is a broker-dealer
69 registered under the Securities Exchange Act of 1934, an investment adviser registered or exempt
70 from registration under the Investment Advisers Act of 1940, an investment adviser registered
71 under this act, a depository institution, or an insurance company;

72 (G) A plan established and maintained by a state, a political subdivision of a state, or an
73 agency or instrumentality of a state or a political subdivision of a state for the benefit of its
74 employees, if the plan has total assets in excess of ten million dollars or its investment decisions
75 are made by a duly designated public official or by a named fiduciary, as defined in the
76 Employee Retirement Income Security Act of 1974, that is a broker-dealer registered under the
77 Securities Exchange Act of 1934, an investment adviser registered or exempt from registration
78 under the Investment Advisers Act of 1940, an investment adviser registered under this act, a
79 depository institution, or an insurance company;

80 (H) A trust, if it has total assets in excess of ten million dollars, its trustee is a depository
81 institution, and its participants are exclusively plans of the types identified in subparagraph (F)
82 or (G), regardless of the size of their assets, except a trust that includes as participants
83 self-directed individual retirement accounts or similar self-directed plans;

84 (I) An organization described in Section 501(c)(3) of the Internal Revenue Code (26
85 U.S.C. Section 501(c)(3)), corporation, Massachusetts trust or similar business trust, limited
86 liability company, or partnership, not formed for the specific purpose of acquiring the securities
87 offered, with total assets in excess of ten million dollars;

88 (J) A small business investment company licensed by the Small Business Administration
89 under Section 301(c) of the Small Business Investment Act of 1958 (15 U.S.C. Section 681(c))
90 with total assets in excess of ten million dollars;

91 (K) A private business development company as defined in Section 202(a)(22) of the
92 Investment Advisers Act of 1940 (15 U.S.C. Section 80b-2(a)(22)) with total assets in excess of
93 ten million dollars;

94 (L) A federal covered investment adviser acting for its own account;

95 (M) A "qualified institutional buyer" as defined in Rule 144A(a)(1), other than Rule
96 144A(a)(1)(i)(H), adopted under the Securities Act of 1933 (17 C.F.R. 230.144A);

97 (N) A "major U.S. institutional investor" as defined in Rule 15a-6(b)(4)(i) adopted under
98 the Securities Exchange Act of 1934 (17 C.F.R. 240.15a-6);

99 (O) Any other person, other than an individual, of institutional character with total assets
100 in excess of ten million dollars not organized for the specific purpose of evading this act; or

101 (P) Any other person specified by rule adopted or order issued under this act.

102 (12) "Insurance company" means a company organized as an insurance company whose
103 primary business is writing insurance or reinsuring risks underwritten by insurance companies
104 and which is subject to supervision by the insurance commissioner or a similar official or agency
105 of a state.

106 (13) "Insured" means insured as to payment of all principal and all interest.

107 (14) "International banking institution" means an international financial institution of
108 which the United States is a member and whose securities are exempt from registration under
109 the Securities Act of 1933.

110 (15) "Investment adviser" means a person that, for compensation, engages in the business
111 of advising others, either directly or through publications or writings, as to the value of securities
112 or the advisability of investing in, purchasing, or selling securities or that, for compensation and
113 as a part of a regular business, issues or promulgates analyses or reports concerning securities.
114 The term includes a financial planner or other person that, as an integral component of other
115 financially related services, provides investment advice to others for compensation as part of a
116 business or that holds itself out as providing investment advice to others for compensation. The
117 term does not include:

118 (A) An investment adviser representative;

119 (B) A lawyer, accountant, engineer, or teacher whose performance of investment advice
120 is solely incidental to the practice of the person's profession;

121 (C) A broker-dealer or its agents whose performance of investment advice is solely
122 incidental to the conduct of business as a broker-dealer and that does not receive special
123 compensation for the investment advice;

124 (D) A publisher of a bona fide newspaper, news magazine, or business or financial
125 publication of general and regular circulation;

126 (E) A federal covered investment adviser;

127 (F) A bank, a trust company organized or chartered under the laws of this state, or a
128 savings institution;

129 (G) Any other person that is excluded by the Investment Advisers Act of 1940 from the
130 definition of investment adviser; or

131 (H) Any other person excluded by rule adopted or order issued under this act.

132 (16) "Investment adviser representative" means an individual employed by or associated
133 with an investment adviser or federal covered investment adviser and who makes any
134 recommendations or otherwise gives investment advice regarding securities, manages accounts
135 or portfolios of clients, determines which recommendation or advice regarding securities should
136 be given, provides investment advice or holds herself or himself out as providing investment
137 advice, receives compensation to solicit, offer, or negotiate for the sale of or for selling
138 investment advice, or supervises employees who perform any of the foregoing. The term does
139 not include an individual who:

140 (A) Performs only clerical or ministerial acts;

141 (B) Is an agent whose performance of investment advice is solely incidental to the
142 individual acting as an agent and who does not receive special compensation for investment
143 advisory services;

144 (C) Is employed by or associated with a federal covered investment adviser, unless the
145 individual has a "place of business" in this state as that term is defined by rule adopted under
146 Section 203A of the Investment Advisers Act of 1940 (15 U.S.C. Section 80b-3a) and is:

147 (i) An "investment adviser representative" as that term is defined by rule adopted under
148 Section 203A of the Investment Advisers Act of 1940 (15 U.S.C. Section 80b-3a); or

149 (ii) Not a "supervised person" as that term is defined in Section 202(a)(25) of the
150 Investment Advisers Act of 1940 (15 U.S.C. Section 80b-2(a)(25)); or

151 (D) Is excluded by rule adopted or order issued under this act.

152 (17) "Issuer" means a person that issues or proposes to issue a security, subject to the
153 following:

154 (A) The issuer of a voting trust certificate, collateral trust certificate, certificate of
155 deposit for a security, or share in an investment company without a board of directors or
156 individuals performing similar functions is the person performing the acts and assuming the
157 duties of depositor or manager pursuant to the trust or other agreement or instrument under
158 which the security is issued.

159 (B) The issuer of an equipment trust certificate or similar security serving the same
160 purpose is the person by which the property is or will be used or to which the property or
161 equipment is or will be leased or conditionally sold or that is otherwise contractually responsible
162 for assuring payment of the certificate.

163 (C) The issuer of a fractional undivided interest in an oil, gas, or other mineral lease or
164 in payments out of production under a lease, right, or royalty is the owner of an interest in the
165 lease or in payments out of production under a lease, right, or royalty, whether whole or
166 fractional, that creates fractional interests for the purpose of sale.

167 (18) "Nonissuer transaction" or "nonissuer distribution" means a transaction or
168 distribution not directly or indirectly for the benefit of the issuer.

169 (19) "Offer to purchase" includes an attempt or offer to obtain, or solicitation of an offer
170 to sell, a security or interest in a security for value. The term does not include a tender offer that
171 is subject to Section 14(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78n(d)).

172 (20) "Person" means an individual; corporation; business trust; estate; trust; partnership;
173 limited liability company; association; joint venture; government; governmental subdivision,
174 agency, or instrumentality; public corporation; or any other legal or commercial entity.

175 (21) "Place of business" of a broker-dealer, an investment adviser, or a federal covered
176 investment adviser means:

177 (A) An office at which the broker-dealer, investment adviser, or federal covered
178 investment adviser regularly provides brokerage or investment advice or solicits, meets with, or
179 otherwise communicates with customers or clients; or

180 (B) Any other location that is held out to the general public as a location at which the
181 broker-dealer, investment adviser, or federal covered investment adviser provides brokerage or
182 investment advice or solicits, meets with, or otherwise communicates with customers or clients.

183 (22) "Predecessor act" means sections 409.101, 409.102 and 409.201 to 409.421, as
184 repealed by this act.

185 (23) "Price amendment" means the amendment to a registration statement filed under
186 the Securities Act of 1933 or, if an amendment is not filed, the prospectus or prospectus
187 supplement filed under the Securities Act of 1933 that includes a statement of the offering price,
188 underwriting and selling discounts or commissions, amount of proceeds, conversion rates, call
189 prices, and other matters dependent upon the offering price.

190 (24) "Principal place of business" of a broker-dealer or an investment adviser means the
191 executive office of the broker-dealer or investment adviser from which the officers, partners, or
192 managers of the broker-dealer or investment adviser direct, control, and coordinate the activities
193 of the broker-dealer or investment adviser.

194 (25) "Record", except in the phrases "of record", "official record", and "public record",
195 means information that is inscribed on a tangible medium or that is stored in an electronic or
196 other medium and is retrievable in perceivable form.

197 (26) "Sale" includes every contract of sale, contract to sell, or disposition of, a security
198 or interest in a security for value, and "offer to sell" includes every attempt or offer to dispose
199 of, or solicitation of an offer to purchase, a security or interest in a security for value. Both terms
200 include:

201 (A) A security given or delivered with, or as a bonus on account of, a purchase of
202 securities or any other thing constituting part of the subject of the purchase and having been
203 offered and sold for value;

204 (B) A gift of assessable stock involving an offer and sale; and

205 (C) A sale or offer of a warrant or right to purchase or subscribe to another security of
206 the same or another issuer and a sale or offer of a security that gives the holder a present or future
207 right or privilege to convert the security into another security of the same or another issuer,
208 including an offer of the other security.

209 (27) "Securities and Exchange Commission" means the United States Securities and
210 Exchange Commission.

211 (28) "Security" means a note; stock; treasury stock; security future; bond; debenture;
212 evidence of indebtedness; certificate of interest or participation in a profit-sharing agreement;
213 collateral trust certificate; preorganization certificate or subscription; transferable share;
214 investment contract; voting trust certificate; certificate of deposit for a security; fractional
215 undivided interest in oil, gas, or other mineral rights; put, call, straddle, option, or privilege on
216 a security, certificate of deposit, or group or index of securities, including an interest therein or
217 based on the value thereof; put, call, straddle, option, or privilege entered into on a national
218 securities exchange relating to foreign currency; or, in general, an interest or instrument
219 commonly known as a "security"; or a certificate of interest or participation in, temporary or
220 interim certificate for, receipt for, guarantee of, or warrant or right to subscribe to or purchase,
221 any of the foregoing. The term:

222 (A) Includes both a certificated and an uncertificated security;

223 (B) Does not include an insurance or endowment policy or annuity contract under which
224 an insurance company promises to pay a **fixed sum of** money either in a lump sum or
225 periodically for life or other specified period;

226 (C) Does not include an interest in a contributory or noncontributory pension or welfare
227 plan subject to the Employee Retirement Income Security Act of 1974;

228 (D) Includes as an "investment contract" an investment in a common enterprise with the
229 expectation of profits to be derived primarily from the efforts of a person other than the investor

230 and a "common enterprise" means an enterprise in which the fortunes of the investor are
231 interwoven with those of either the person offering the investment, a third party, or other
232 investors; and

233 (E) May include as an "investment contract", among other contracts, an interest in a
234 limited partnership and a limited liability company and an investment in a viatical settlement or
235 similar agreement.

236 (29) "Self-regulatory organization" means a national securities exchange registered under
237 the Securities Exchange Act of 1934, a national securities association of broker-dealers
238 registered under the Securities Exchange Act of 1934, a clearing agency registered under the
239 Securities Exchange Act of 1934, or the Municipal Securities Rulemaking Board established
240 under the Securities Exchange Act of 1934.

241 (30) "Sign" means, with present intent to authenticate or adopt a record:

242 (A) To execute or adopt a tangible symbol; or

243 (B) To attach or logically associate with the record an electronic symbol, sound, or
244 process.

245 (31) "State" means a state of the United States, the District of Columbia, Puerto Rico,
246 the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction
247 of the United States.

409.2-202. The following transactions are exempt from the requirements of sections
2 409.3-301 to 409.3-306 and 409.5-504:

3 (1) An isolated nonissuer transaction, whether effected by or through a broker-dealer or
4 not;

5 (2) A nonissuer transaction by or through a broker-dealer registered, or exempt from
6 registration under this act, and a resale transaction by a sponsor of a unit investment trust
7 registered under the Investment Company Act of 1940, in a security of a class that has been
8 outstanding in the hands of the public for at least ninety days, if, at the date of the transaction:

9 (A) The issuer of the security is engaged in business, the issuer is not in the
10 organizational stage or in bankruptcy or receivership, and the issuer is not a blank check, blind
11 pool, or shell company that has no specific business plan or purpose or has indicated that its
12 primary business plan is to engage in a merger or combination of the business with, or an
13 acquisition of, an unidentified person;

14 (B) The security is sold at a price reasonably related to its current market price;

15 (C) The security does not constitute the whole or part of an unsold allotment to, or a
16 subscription or participation by, the broker-dealer as an underwriter of the security or a
17 redistribution; [and]

18 (D) A nationally recognized securities manual or its electronic equivalent designated by
19 rule adopted or order issued under this act or a record filed with the Securities and Exchange
20 Commission that is publicly available contains:

21 (i) A description of the business and operations of the issuer;

22 (ii) The names of the issuer's executive officers and the names of the issuer's directors,
23 if any;

24 (iii) An audited balance sheet of the issuer as of a date within eighteen months before
25 the date of the transaction or, in the case of a reorganization or merger when the parties to the
26 reorganization or merger each had an audited balance sheet, a pro forma balance sheet for the
27 combined organization; and

28 (iv) An audited income statement for each of the issuer's two immediately previous fiscal
29 years or for the period of existence of the issuer, whichever is shorter, or, in the case of a
30 reorganization or merger when each party to the reorganization or merger had audited income
31 statements, a pro forma income statement; [or] **and**

32 (E) **Any one of the following requirements is met:**

33 (i) The issuer of the security has a class of equity securities listed on a national securities
34 exchange registered under **Section 6 of** the Securities Exchange Act of 1934 or designated for
35 trading on the National Association of Securities Dealers Automated Quotation [System, unless]
36 **systems;**

37 (ii) The issuer of the security is a unit investment trust registered under the Investment
38 Company Act of 1940; [or]

39 (iii) The issuer of the security, including its predecessors, has been engaged in
40 continuous business for at least three years; or

41 (iv) The issuer of the security has total assets of at least two million dollars based on an
42 audited balance sheet as of a date within eighteen months before the date of the transaction or,
43 in the case of a reorganization or merger when the parties to the reorganization or merger each
44 had [the] **such an** audited balance sheet, a pro forma balance sheet for the combined
45 organization;

46 (3) A nonissuer transaction by or through a broker-dealer registered or exempt from
47 registration under this act in a security of a foreign issuer that is a margin security defined in
48 regulations or rules adopted by the Board of Governors of the Federal Reserve System;

49 (4) A nonissuer transaction by or through a broker-dealer registered or exempt from
50 registration under this act in an outstanding security if the guarantor of the security files reports
51 with the Securities and Exchange Commission under the reporting requirements of Section 13
52 or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m or 78o(d));

53 (5) A nonissuer transaction by or through a broker-dealer registered or exempt from
54 registration under this act in a security that:

55 (A) Is rated at the time of the transaction by a nationally recognized statistical rating
56 organization in one of its four highest rating categories; or

57 (B) Has a fixed maturity or a fixed interest or dividend, if:

58 (i) A default has not occurred during the current fiscal year or within the three previous
59 fiscal years or during the existence of the issuer and any predecessor if less than three fiscal
60 years, in the payment of principal, interest, or dividends on the security; and

61 (ii) The issuer is engaged in business, is not in the organizational stage or in bankruptcy
62 or receivership, and is not and has not been within the previous twelve months a blank check,
63 blind pool, or shell company that has no specific business plan or purpose or has indicated that
64 its primary business plan is to engage in a merger or combination of the business with, or an
65 acquisition of, an unidentified person;

66 (6) A nonissuer transaction by or through a broker-dealer registered or exempt from
67 registration under this act effecting an unsolicited order or offer to purchase;

68 (7) A nonissuer transaction executed by a bona fide pledgee without the purpose of
69 evading this act;

70 (8) A nonissuer transaction by a federal covered investment adviser with investments
71 under management in excess of one hundred million dollars acting in the exercise of
72 discretionary authority in a signed record for the account of others;

73 (9) A transaction in a security, whether or not the security or transaction is otherwise
74 exempt, in exchange for one or more bona fide outstanding securities, claims, or property
75 interests, or partly in such exchange and partly for cash, if the terms and conditions of the
76 issuance and exchange or the delivery and exchange and the fairness of the terms and conditions
77 have been approved by the commissioner after a hearing;

78 (10) A transaction between the issuer or other person on whose behalf the offering is
79 made and an underwriter, or among underwriters;

80 (11) A transaction in a note, bond, debenture, or other evidence of indebtedness secured
81 by a mortgage or other security agreement if:

82 (A) The note, bond, debenture, or other evidence of indebtedness is offered and sold with
83 the mortgage or other security agreement as a unit;

84 (B) A general solicitation or general advertisement of the transaction is not made; and

85 (C) A commission or other remuneration is not paid or given, directly or indirectly, to
86 a person not registered under this act as a broker-dealer or as an agent;

87 (12) A transaction by an executor, commissioner of an estate, sheriff, marshal, receiver,
88 trustee in bankruptcy, guardian, or conservator;

89 (13) A sale or offer to sell to:

90 (A) An institutional investor;

91 (B) A federal covered investment adviser; or

92 (C) Any other person exempted by rule adopted or order issued under this act;

93 (14) A sale or an offer to sell securities of an issuer, if **the transaction is** part of a single
94 issue in which:

95 (A) Not more than twenty-five purchasers are present in this state during any twelve
96 consecutive months, other than those designated in paragraph (13);

97 (B) A general solicitation or general advertising is not made in connection with the offer
98 to sell or sale of the securities;

99 (C) A commission or other remuneration is not paid or given, directly or indirectly, to
100 a person other than a broker-dealer registered under this act or an agent registered under this act
101 for soliciting a prospective purchaser in this state; and

102 (D) The issuer reasonably believes that all the purchasers in this state, other than those
103 designated in paragraph (13), are purchasing for investment;

104 (15) A transaction under an offer to existing security holders of the issuer, including
105 persons that at the date of the transaction are holders of convertible securities, options, or
106 warrants, if a commission or other remuneration, other than a standby commission, is not paid
107 or given, directly or indirectly, for soliciting a security holder in this state;

108 (16) An offer to sell, but not a sale, of a security not exempt from registration under the
109 Securities Act of 1933 if:

110 (A) A registration or offering statement or similar record as required under the Securities
111 Act of 1933 has been filed, but is not effective, or the offer is made in compliance with Rule 165
112 adopted under the Securities Act of 1933 (17 C.F.R. 230.165); and

113 (B) A stop order of which the offeror is aware has not been issued against the offeror by
114 the commissioner or the Securities and Exchange Commission, and an audit, inspection, or
115 proceeding that is public and that may culminate in a stop order is not known by the offeror to
116 be pending;

117 (17) An offer to sell, but not a sale, of a security exempt from registration under the
118 Securities Act of 1933 if:

119 (A) A registration statement has been filed under this act, but is not effective;

120 (B) A solicitation of interest is provided in a record to offerees in compliance with a rule
121 adopted by the commissioner under this act; and

122 (C) A stop order of which the offeror is aware has not been issued by the commissioner
123 under this act and an audit, inspection, or proceeding that may culminate in a stop order is not
124 known by the offeror to be pending;

125 (18) A transaction involving the distribution of the securities of an issuer to the security
126 holders of another person in connection with a merger, consolidation, exchange of securities, sale
127 of assets, or other reorganization to which the issuer, or its parent or subsidiary and the other
128 person, or its parent or subsidiary, are parties;

129 (19) A rescission offer, sale, or purchase under section 409.5-510;

130 (20) An offer or sale of a security to a person not a resident of this state and not present
131 in this state if the offer or sale does not constitute a violation of the laws of the state or foreign
132 jurisdiction in which the offeree or purchaser is present and is not part of an unlawful plan or
133 scheme to evade this act;

134 (21) Employees' stock purchase, savings, option, profit-sharing, pension, or similar
135 employees' benefit plan, including any securities, plan interests, and guarantees issued under a
136 compensatory benefit plan or compensation contract, contained in a record, established by the
137 issuer, its parents, its majority-owned subsidiaries, or the majority-owned subsidiaries of the
138 issuer's parent for the participation of their employees including offers or sales of such securities
139 to:

140 (A) Directors; general partners; trustees, if the issuer is a business trust; officers;
141 consultants; and advisors;

142 (B) Family members who acquire such securities from those persons through gifts or
143 domestic relations orders;

144 (C) Former employees, directors, general partners, trustees, officers, consultants, and
145 advisors if those individuals were employed by or providing services to the issuer when the
146 securities were offered;

147 (D) Insurance agents who are exclusive insurance agents of the issuer, or the issuer's
148 subsidiaries or parents, or who derive more than fifty percent of their annual income from those
149 organizations; and

150 (E) Current employees;

151 (22) A transaction involving:

152 (A) A stock dividend or equivalent equity distribution, whether the corporation or other
153 business organization distributing the dividend or equivalent equity distribution is the issuer or
154 not, if nothing of value is given by stockholders or other equity holders for the dividend or
155 equivalent equity distribution other than the surrender of a right to a cash or property dividend
156 if each stockholder or other equity holder may elect to take the dividend or equivalent equity
157 distribution in cash, property, or stock;

158 (B) An act incident to a judicially approved reorganization in which a security is issued
159 in exchange for one or more outstanding securities, claims, or property interests, or partly in such
160 exchange and partly for cash; or

161 (C) The solicitation of tenders of securities by an offeror in a tender offer in compliance
162 with Rule 162 adopted under the Securities Act of 1933 (17 C.F.R. 230.162); or

163 (23) A nonissuer transaction in an outstanding security by or through a broker-dealer
164 registered or exempt from registration under this act, if the issuer is a reporting issuer in a foreign
165 jurisdiction designated by this paragraph or by rule adopted or order issued under this act; has
166 been subject to continuous reporting requirements in the foreign jurisdiction for not less than one
167 hundred eighty days before the transaction; and the security is listed on the foreign jurisdiction's
168 securities exchange that has been designated by this paragraph or by rule adopted or order issued
169 under this act, or is a security of the same issuer that is of senior or substantially equal rank to
170 the listed security or is a warrant or right to purchase or subscribe to any of the foregoing. For
171 purposes of this paragraph, Canada, together with its provinces and territories, is a designated
172 foreign jurisdiction and The Toronto Stock Exchange, Inc., is a designated securities exchange.
173 After an administrative hearing in compliance with chapter 536, RSMo, the commissioner, by
174 rule adopted or order issued under this act, may revoke the designation of a securities exchange
175 under this paragraph, if the commissioner finds that revocation is necessary or appropriate in the
176 public interest and for the protection of investors.

409.3-304. (a) A security may be registered by qualification under this section.

2 (b) A registration statement under this section must contain the information or records
3 specified in section 409.3-305, a consent to service of process complying with section 409.6-611,
4 and, if required by rule adopted under this act, the following information or records:

5 (1) With respect to the issuer and any significant subsidiary, its name, address, and form
6 of organization; the state or foreign jurisdiction and date of its organization; the general character
7 and location of its business; a description of its physical properties and equipment; and a
8 statement of the general competitive conditions in the industry or business in which it is or will
9 be engaged;

10 (2) With respect to each director and officer of the issuer, and other person having a
11 similar status or performing similar functions, the person's name, address, and principal
12 occupation for the previous five years; the amount of securities of the issuer held by the person
13 as of the thirtieth day before the filing of the registration statement; the amount of the securities
14 covered by the registration statement to which the person has indicated an intention to subscribe;
15 and a description of any material interest of the person in any material transaction with the issuer
16 or a significant subsidiary effected within the previous three years or proposed to be effected;

17 (3) With respect to persons covered by paragraph (2), the aggregate sum of the
18 remuneration paid to those persons during the previous twelve months and estimated to be paid
19 during the next twelve months, directly or indirectly, by the issuer, and all predecessors, parents,
20 subsidiaries, and affiliates of the issuer;

21 (4) With respect to a person owning of record or owning beneficially, if known, ten
22 percent or more of the outstanding shares of any class of equity security of the issuer, the
23 information specified in paragraph (2) other than the person's occupation;

24 (5) With respect to a promoter, if the issuer was organized within the previous three
25 years, the information or records specified in paragraph (2), any amount paid to the promoter
26 within that period or intended to be paid to the promoter, and the consideration for the payment;

27 (6) With respect to a person on whose behalf any part of the offering is to be made in a
28 nonissuer distribution, the person's name and address; the amount of securities of the issuer held
29 by the person as of the date of the filing of the registration statement; a description of any
30 material interest of the person in any material transaction with the issuer or any significant
31 subsidiary effected within the previous three years or proposed to be effected; and a statement
32 of the reasons for making the offering;

33 (7) The capitalization and long term debt, on both a current and pro forma basis, of the
34 issuer and any significant subsidiary, including a description of each security outstanding or
35 being registered or otherwise offered, and a statement of the amount and kind of consideration,
36 whether in the form of cash, physical assets, services, patents, goodwill, or anything else of
37 value, for which the issuer or any subsidiary has issued its securities within the previous two
38 years or is obligated to issue its securities;

39 (8) The kind and amount of securities to be offered; the proposed offering price or the
40 method by which it is to be computed; any variation at which a proportion of the offering is to
41 be made to a person or class of persons other than the underwriters, with a specification of the
42 person or class; the basis on which the offering is to be made if otherwise than for cash; the
43 estimated aggregate underwriting and selling discounts or commissions and finders' fees,
44 including separately cash, securities, contracts, or anything else of value to accrue to the
45 underwriters or finders in connection with the offering or, if the selling discounts or commissions
46 are variable, the basis of determining them and their maximum and minimum amounts; the
47 estimated amounts of other selling expenses, including legal, engineering, and accounting
48 charges; the name and address of each underwriter and each recipient of a finder's fee; a copy of
49 any underwriting or selling group agreement under which the distribution is to be made or the
50 proposed form of any such agreement whose terms have not yet been determined; and a
51 description of the plan of distribution of any securities that are to be offered otherwise than
52 through an underwriter;

53 (9) The estimated monetary proceeds to be received by the issuer from the offering; the
54 purposes for which the proceeds are to be used by the issuer; the estimated amount to be used
55 for each purpose; the order or priority in which the proceeds will be used for the purposes stated;
56 the amounts of any funds to be raised from other sources to achieve the purposes stated; the

57 sources of the funds; and, if a part of the proceeds is to be used to acquire property, including
58 goodwill, otherwise than in the ordinary course of business, the names and addresses of the
59 vendors, the purchase price, the names of any persons that have received commissions in
60 connection with the acquisition, and the amounts of the commissions and other expenses in
61 connection with the acquisition, including the cost of borrowing money to finance the
62 acquisition;

63 (10) A description of any stock options or other security options outstanding, or to be
64 created in connection with the offering, and the amount of those options held or to be held by
65 each person required to be named in paragraph (2), (4), (5), (6), or (8) and by any person that
66 holds or will hold ten percent or more in the aggregate of those options;

67 (11) The dates of, parties to, and general effect concisely stated of each managerial or
68 other material contract made or to be made otherwise than in the ordinary course of business to
69 be performed in whole or in part at or after the filing of the registration statement or that was
70 made within the previous two years, and a copy of the contract;

71 (12) A description of any pending litigation, action, or proceeding to which the issuer
72 is a party and that materially affects its business or assets, and any litigation, action, or
73 proceeding known to be contemplated by governmental authorities;

74 (13) A copy of any prospectus, pamphlet, circular, form letter, advertisement, or other
75 sales literature intended as of the effective date to be used in connection with the offering and
76 any solicitation of interest used in compliance with section 409.2-202(17)(B);

77 (14) A specimen or copy of the security being registered, unless the security is
78 uncertificated; a copy of the issuer's articles of incorporation and bylaws or their substantial
79 equivalents, in effect; and a copy of any indenture or other instrument covering the security to
80 be registered;

81 (15) A signed or conformed copy of an opinion of counsel concerning the legality of the
82 security being registered, with an English translation if it is in a language other than English,
83 which states whether the security when sold will be validly issued, fully paid, and nonassessable
84 and, if a debt security, a binding obligation of the issuer;

85 (16) A signed or conformed copy of a consent of any accountant, engineer, appraiser, or
86 other person whose profession gives authority for a statement made by the person, if the person
87 is named as having prepared or certified a report or valuation, other than an official record, that
88 is public, which is used in connection with the registration statement;

89 (17) A balance sheet of the issuer as of a date within four months before the filing of the
90 registration statement; a statement of income and [changes in financial position] **a statement of**
91 **cash flows** for each of the three fiscal years preceding the date of the balance sheet and for any
92 period between the close of the immediately previous fiscal year and the date of the balance

93 sheet, or for the period of the issuer's and any predecessor's existence if less than three years; and,
94 if any part of the proceeds of the offering is to be applied to the purchase of a business, the
95 financial statements that would be required if that business were the registrant; and

96 (18) Any additional information or records required by rule adopted or order issued
97 under this act.

98 (c) A registration statement under this section becomes effective thirty days, or any
99 shorter period provided by rule adopted or order issued under this act, after the date the
100 registration statement or the last amendment other than a price amendment is filed, if:

101 (1) A stop order is not in effect and a proceeding is not pending under section 409.3-306;

102 (2) The commissioner has not issued an order under section 409.3-306 delaying
103 effectiveness; and

104 (3) The applicant or registrant has not requested that effectiveness be delayed.

105 (d) The commissioner may delay effectiveness once for not more than ninety days if the
106 commissioner determines the registration statement is not complete in all material respects and
107 promptly notifies the applicant or registrant of that determination. The commissioner may also
108 delay effectiveness for a further period of not more than thirty days if the commissioner
109 determines that the delay is necessary or appropriate.

110 (e) A rule adopted or order issued under this act may require as a condition of
111 registration under this section that a prospectus containing a specified part of the information or
112 record specified in subsection (b) be sent or given to each person to which an offer is made,
113 before or concurrently, with the earliest of:

114 (1) The first offer made in a record to the person otherwise than by means of a public
115 advertisement, by or for the account of the issuer or another person on whose behalf the offering
116 is being made or by an underwriter or broker-dealer that is offering part of an unsold allotment
117 or subscription taken by the person as a participant in the distribution;

118 (2) The confirmation of a sale made by or for the account of the person;

119 (3) Payment pursuant to such a sale; or

120 (4) Delivery of the security pursuant to such a sale.

409.4-401. (a) It is unlawful for a person to transact business in this state as a
2 broker-dealer unless the person is registered under this act as a broker-dealer or is exempt from
3 registration as a broker-dealer under subsection (b) or (d).

4 (b) The following persons are exempt from the registration requirement of subsection
5 (a):

6 (1) A broker-dealer without a place of business in this state if its only transactions
7 effected in this state are with:

8 (A) The issuer of the securities involved in the transactions;

9 (B) A broker-dealer registered **as a broker-dealer** under this act or not required to be
10 registered as a broker-dealer under this act;

11 (C) An institutional investor;

12 (D) A nonaffiliated federal covered investment adviser with investments under
13 management in excess of one hundred million dollars acting for the account of others pursuant
14 to discretionary authority in a signed record;

15 (E) A bona fide preexisting customer whose principal place of residence is not in this
16 state and the person is registered as a broker-dealer under the Securities Exchange Act of 1934
17 or not required to be registered under the Securities Exchange Act of 1934 and is registered
18 under the securities act of the state in which the customer maintains a principal place of
19 residence;

20 (F) A bona fide preexisting customer whose principal place of residence is in this state
21 but was not present in this state when the customer relationship was established, if:

22 (i) The broker-dealer is registered under the Securities Exchange Act of 1934 or not
23 required to be registered under the Securities Exchange Act of 1934 and is registered under the
24 securities laws of the state in which the customer relationship was established and where the
25 customer had maintained a principal place of residence; and

26 (ii) Within forty-five days after the customer's first transaction in this state, the person
27 files an application for registration as a broker-dealer in this state and a further transaction is not
28 effected more than seventy-five days after the date on which the application is filed, or, if earlier,
29 the date on which the commissioner notifies the person that the commissioner has denied the
30 application for registration or has stayed the pendency of the application for good cause;

31 (G) Not more than three customers in this state during the previous twelve months, in
32 addition to those customers specified in subparagraphs (A) to (F) and under subparagraph (H),
33 if the broker-dealer is registered under the Securities Exchange Act of 1934 or not required to
34 be registered under the Securities Exchange Act of 1934 and is registered under the securities
35 act of the state in which the broker-dealer has its principal place of business; and

36 (H) Any other person exempted by rule adopted or order issued under this act; and

37 (2) A person that deals solely in United States government securities and is supervised
38 as a dealer in government securities by the Board of Governors of the Federal Reserve System,
39 the Comptroller of the Currency, the Federal Deposit Insurance Corporation, or the Office of
40 Thrift Supervision.

41 (c) It is unlawful for a broker-dealer, or for an issuer engaged in offering, offering to
42 purchase, purchasing, or selling securities in this state, directly or indirectly, to employ or
43 associate with an individual to engage in an activity related to securities transactions in this state
44 if the registration of the individual is suspended or revoked or the individual is barred from

45 employment or association with a broker-dealer, an issuer, an investment adviser, or a federal
46 covered investment adviser by an order of the commissioner under this act, the Securities and
47 Exchange Commission, or a self-regulatory organization. A broker-dealer or issuer does not
48 violate this subsection if the broker-dealer or issuer did not know and in the exercise of
49 reasonable care could not have known, of the suspension, revocation, or bar. Upon request from
50 a broker-dealer or issuer and for good cause, an order under this act may modify or waive, in
51 whole or in part, the application of the prohibitions of this subsection to the broker-dealer.

52 (d) A rule adopted or order issued under this act may permit:

53 (1) A broker-dealer that is registered in Canada or other foreign jurisdiction and that does
54 not have a place of business in this state to effect transactions in securities with or for, or attempt
55 to effect the purchase or sale of any securities by:

56 (A) An individual from Canada or other foreign jurisdiction who is temporarily present
57 in this state and with whom the broker-dealer had a bona fide customer relationship before the
58 individual entered the United States;

59 (B) An individual from Canada or other foreign jurisdiction who is present in this state
60 and whose transactions are in a self-directed tax advantaged retirement plan of which the
61 individual is the holder or contributor in that foreign jurisdiction; or

62 (C) An individual who is present in this state, with whom the broker-dealer customer
63 relationship arose while the individual was temporarily or permanently resident in Canada or the
64 other foreign jurisdiction; and

65 (2) An agent who represents a broker-dealer that is exempt under this subsection to effect
66 transactions in securities or attempt to effect the purchase or sale of securities in this state as
67 permitted for a broker-dealer described in paragraph (1).

409.4-404. (a) It is unlawful for an individual to transact business in this state as an
2 investment adviser representative unless the individual is registered under this act as an
3 investment adviser representative or is exempt from registration as an investment adviser
4 **representative** under subsection (b).

5 (b) The following individuals are exempt from the registration requirement of subsection
6 (a):

7 (1) An individual who is employed by or associated with an investment adviser that is
8 exempt from registration under section 409.4-403(b) or a federal covered investment adviser that
9 is excluded from the notice filing requirements of section 409.4-405; and

10 (2) Any other individual exempted by rule adopted or order issued under this act.

11 (c) The registration of an investment adviser representative is not effective while the
12 investment adviser representative is not employed by or associated with an investment adviser

13 registered under this act or a federal covered investment adviser that has made or is required to
14 make a notice filing under section 409.4-405.

15 (d) An individual may transact business as an investment adviser representative for more
16 than one investment adviser or federal covered investment adviser unless a rule adopted or order
17 issued under this act prohibits or limits an individual from acting as an investment adviser
18 representative for more than one investment adviser or federal covered investment adviser.

19 (e) It is unlawful for an individual acting as an investment adviser representative, directly
20 or indirectly, to conduct business in this state on behalf of an investment adviser or a federal
21 covered investment adviser if the registration of the individual as an investment adviser
22 representative is suspended or revoked or the individual is barred from employment or
23 association with an investment adviser or a federal covered investment adviser by an order under
24 this act, the Securities and Exchange Commission, or a self-regulatory organization. Upon
25 request from a federal covered investment adviser and for good cause, the commissioner, by
26 order issued, may waive, in whole or in part, the application of the requirements of this
27 subsection to the federal covered investment adviser.

28 (f) An investment adviser registered under this act, a federal covered investment adviser
29 that has filed a notice under section 409.4-405, or a broker-dealer registered under this act is not
30 required to employ or associate with an individual as an investment adviser representative if the
31 only compensation paid to the individual for a referral of investment advisory clients is paid to
32 an investment adviser registered under this act, a federal covered investment adviser who has
33 filed a notice under section 409.4-405, or a broker-dealer registered under this act with which
34 the individual is employed or associated as an investment adviser representative.

409.4-408. (a) If an agent registered under this act terminates employment by or
2 association with a broker-dealer or issuer, or if an investment adviser representative registered
3 under this act terminates employment by or association with an investment adviser or federal
4 covered investment adviser, or if either registrant terminates activities that require registration
5 as an agent or investment adviser representative, the broker-dealer, issuer, investment adviser,
6 or federal covered investment adviser shall promptly file a notice of termination. If the registrant
7 learns that the broker-dealer, issuer, investment adviser, or federal covered investment adviser
8 has not filed the notice, the registrant may do so.

9 (b) If an agent registered under this act terminates employment by or association with
10 a broker-dealer registered under this act and begins employment by or association with another
11 broker-dealer registered under this act; or if an investment adviser representative registered under
12 this act terminates employment by or association with an investment adviser registered under this
13 act[;] or[, if] a federal covered investment adviser[, who] **that** has filed a notice under section
14 409.4-405 and begins employment by or association with another investment adviser registered

15 under this act[;] or [if] a federal covered investment adviser[, who] **that** has filed a notice under
16 section 409.4-405[.]; **then** upon the filing by or on behalf of the registrant, within thirty days
17 after the termination, of an application for registration that complies with the requirement of
18 section 409.4-406(a) and payment of the filing fee required under section 409.4-410, the
19 registration of the agent or investment adviser representative, is:

20 (1) Immediately effective as of the date of the completed filing, if the agent's Central
21 Registration Depository record or successor record or the investment adviser representative's
22 Investment Adviser Registration Depository record or successor record does not contain a new
23 or amended disciplinary disclosure within the previous twelve months; or

24 (2) Temporarily effective as of the date of the completed filing, if the agent's Central
25 Registration Depository record or successor record or the investment adviser representative's
26 Investment Adviser Registration Depository record or successor record contains a new or
27 amended disciplinary disclosure within the preceding twelve months.

28 (c) The commissioner may by order withdraw a temporary registration if there are or
29 were grounds for discipline as specified in section 409.4-412 and the commissioner does so
30 within thirty days after the filing of the application. If the commissioner does not withdraw the
31 temporary registration within the thirty-day period, registration becomes automatically effective
32 on the thirty-first day after filing.

33 (d) The commissioner may by order prevent the effectiveness of a transfer of an agent
34 or investment adviser representative under subsection (b)(1) or (2) based on the public interest
35 and the protection of investors.

36 (e) If the commissioner determines that a registrant or applicant for registration is no
37 longer in existence or has ceased to act as a broker-dealer, agent, investment adviser, or
38 investment adviser representative, or is the subject of an adjudication of incapacity or is subject
39 to the control of a committee, conservator, or guardian, or cannot reasonably be located, a rule
40 adopted or order issued under this act may require the registration be canceled or terminated or
41 the application denied. The commissioner may reinstate a canceled or terminated registration,
42 with or without hearing, and may make the registration retroactive.

409.4-412. (a) If the commissioner finds that the order is in the public interest and
2 subsection (d) authorizes the action, an order issued under this act may deny an application, or
3 may condition or limit registration[: (1)] of an applicant to be a broker-dealer, agent, investment
4 adviser, or investment adviser representative, and [(2)] , if the applicant is a broker-dealer or
5 investment adviser, of [any] a partner, officer, director, person having a similar status or
6 performing similar functions, or person directly or indirectly [controlling] **in control, of the**
7 broker-dealer or investment adviser.

8 (b) If the commissioner finds that the order is in the public interest and subsection (d)
9 authorizes the action an order issued under this act may revoke, suspend, condition, or limit the
10 registration of a registrant and, if the registrant is a broker-dealer or investment adviser, [any] **of**
11 **a partner, officer, [or] director, [any] or person having a similar status or performing similar**
12 **functions, or [any] a person directly or indirectly [controlling] in control, of the broker-dealer**
13 **or investment adviser. However, the commissioner may not:**

14 (1) [May not] Institute a revocation or suspension proceeding under this subsection based
15 on an order issued [by] **under a law of** another state that is reported to the commissioner or
16 designee [later] **of the commissioner more** than one year after the date of the order on which
17 it is based; [and] **or**

18 (2) Under subsection (d)(5)(A) [and] **or (B)**, [may not] issue an order on the basis of an
19 order **issued** under the [state] securities act of another state unless the other order was based on
20 conduct for which subsection (d) would authorize the action had the conduct occurred in this
21 state.

22 (c) If the commissioner finds that the order is in the public interest and subsection (d)(1)
23 to (6), (8), (9), (10), [or] (12) [and] **, or (13)** authorizes the action, an order under this act may
24 censure, impose a bar, or impose a civil penalty in an amount not to exceed a maximum of five
25 thousand dollars for a single violation or fifty thousand dollars for [several violations] **more than**
26 **one violation** on a registrant, and, if the registrant is a broker-dealer or investment adviser, [any]
27 **a partner, officer, [or] director, [any] or person having a similar status or performing similar**
28 **functions, or [any] a person directly or indirectly [controlling] in control of the broker-dealer**
29 **or investment adviser.**

30 (d) A person may be disciplined under subsections (a) to (c) if the person:

31 (1) Has filed an application for registration in this state under this act or the predecessor
32 act within the previous ten years, which, as of the effective date of registration or as of any date
33 after filing in the case of an order denying effectiveness, was incomplete in any material respect
34 or contained a statement that, in light of the circumstances under which it was made, was false
35 or misleading with respect to a material fact;

36 (2) Willfully violated or willfully failed to comply with this act or the predecessor act
37 or a rule adopted or order issued under this act or the predecessor act within the previous ten
38 years;

39 (3) Has been convicted of a felony or within the previous ten years has been convicted
40 of a misdemeanor involving a security, a commodity future or option contract, or an aspect of
41 a business involving securities, commodities, investments, franchises, insurance, banking, or
42 finance;

43 (4) Is enjoined or restrained by a court of competent jurisdiction in an action instituted
44 by the commissioner under this act or the predecessor act, a state, the Securities and Exchange
45 Commission, or the United States from engaging in or continuing an act, practice, or course of
46 business involving an aspect of a business involving securities, commodities, investments,
47 franchises, insurance, banking, or finance;

48 (5) Is the subject of an order, issued after notice and opportunity for hearing by:

49 (A) The securities, depository institution, insurance, or other financial services regulator
50 of a state or [by] the Securities and Exchange Commission or other federal agency denying,
51 revoking, barring, or suspending registration as a broker-dealer, agent, investment adviser,
52 federal covered investment adviser, or investment adviser representative;

53 (B) The securities regulator of a state or [by] the Securities and Exchange Commission
54 against a broker-dealer, agent, investment adviser, investment adviser representative, or federal
55 covered investment adviser;

56 (C) The Securities and Exchange Commission or [by] a self-regulatory organization
57 suspending or expelling the registrant from membership in the self-regulatory organization;

58 (D) A court adjudicating a United States Postal Service fraud order;

59 (E) The insurance regulator of a state denying, suspending, or revoking [the] registration
60 [of] as an insurance agent; or

61 (F) A depository institution regulator suspending or barring [a] **the** person from the
62 depository institution business;

63 (6) Is the subject of an adjudication or determination, after notice and opportunity for
64 hearing, by the Securities and Exchange Commission, the Commodity Futures Trading
65 Commission; the Federal Trade Commission; a federal depository institution regulator, or a
66 depository institution, insurance, or other financial services regulator of a state that the person
67 willfully violated the Securities Act of 1933, the Securities Exchange Act of 1934, the
68 Investment Advisers Act of 1940, the Investment Company Act of 1940, or the Commodity
69 Exchange Act, the securities or commodities law of a state, or a federal or state law under which
70 a business involving investments, franchises, insurance, banking, or finance is regulated;

71 (7) Is insolvent, either because the person's liabilities exceed the person's assets or
72 because the person cannot meet the person's obligations as they mature, but the commissioner
73 may not enter an order against an applicant or registrant under this paragraph without a finding
74 of insolvency as to the applicant or registrant;

75 (8) Refuses to allow or otherwise impedes the commissioner from conducting an audit
76 or inspection under section 409.4-411(d) or refuses access to a registrant's office to conduct an
77 audit or inspection under section 409.4-411(d);

78 (9) Has failed to reasonably supervise an agent, investment adviser representative, or
79 other individual, if the agent, investment adviser representative, or other individual was subject
80 to the person's supervision and committed a violation of this act or the predecessor act or a rule
81 adopted or order issued under this act or the predecessor act within the previous ten years;

82 (10) Has not paid the proper filing fee within thirty days after having been notified by
83 the commissioner of a deficiency, but the commissioner shall vacate an order under this
84 paragraph when the deficiency is corrected;

85 (11) After notice and opportunity for a hearing, has been found within the previous ten
86 years:

87 (A) By a court of competent jurisdiction to have willfully violated the laws of a foreign
88 jurisdiction under which the business of securities, commodities, investment, franchises,
89 insurance, banking, or finance is regulated;

90 (B) To have been the subject of an order of a securities regulator of a foreign jurisdiction
91 denying, revoking, or suspending the right to engage in the business of securities as a
92 broker-dealer, agent, investment adviser, investment adviser representative, or similar person;
93 or

94 (C) To have been suspended or expelled from membership by or participation in a
95 securities exchange or securities association operating under the securities laws of a foreign
96 jurisdiction;

97 (12) Is the subject of a cease and desist order issued by the Securities and Exchange
98 Commission or issued under the securities, commodities, investment, franchise, banking,
99 finance, or insurance laws of a state;

100 (13) Has engaged in dishonest or unethical practices in the securities, commodities,
101 investment, franchise, banking, finance, or insurance business within the previous ten years; or

102 (14) Is not qualified on the basis of factors such as training, experience, and knowledge
103 of the securities business. However, in the case of an application by an agent for a broker-dealer
104 that is a member of a self-regulatory organization or by an individual for registration as an
105 investment adviser representative, a denial order may not be based on this paragraph if the
106 individual has successfully completed all examinations required by subsection (e). The
107 commissioner may require an applicant for registration under section 409.4-402 or 409.4-404
108 who has not been registered in a state within the two years preceding the filing of an application
109 in this state to successfully complete an examination.

110 (e) A rule adopted or order issued under this act may require that an examination,
111 including an examination developed or approved by an organization of securities regulators, be
112 successfully completed by a class of individuals or all individuals. An order issued under this
113 act may waive, in whole or in part, an examination as to an individual and a rule adopted under

114 this act may waive, in whole or in part, an examination as to a class of individuals if the
115 commissioner determines that the examination is not necessary or appropriate in the public
116 interest and for the protection of investors.

117 (f) The commissioner may suspend or deny an application summarily; restrict, condition,
118 limit, or suspend a registration; or censure, bar, or impose a civil penalty on a registrant before
119 final determination of an administrative proceeding. Upon the issuance of an order, the
120 commissioner shall promptly notify each person subject to the order that the order has been
121 issued, the reasons for the action, and that within fifteen days after the receipt of a request in a
122 record from the person the matter will be scheduled for a hearing. If a hearing is not requested
123 and none is ordered by the commissioner within thirty days after the date of service of the order,
124 the order becomes final by operation of law. If a hearing is requested or ordered, the
125 commissioner, after notice of and opportunity for hearing to each person subject to the order,
126 may modify or vacate the order or extend the order until final determination.

127 (g) An order issued may not be issued under this section, except under subsection (f),
128 without:

129 (1) Appropriate notice to the applicant or registrant;

130 (2) Opportunity for hearing; and

131 (3) Findings of fact and conclusions of law in a record.

132 (h) A person that controls, directly or indirectly, a person not in compliance with this
133 section may be disciplined by order of the commissioner under subsections (a) to (c) to the same
134 extent as the noncomplying person, unless the controlling person did not know, and in the
135 exercise of reasonable care could not have known, of the existence of conduct that is a ground
136 for discipline under this section.

137 (i) The commissioner may not institute a proceeding under subsection (a), (b), or (c)
138 based solely on material facts actually known by the commissioner unless an investigation or the
139 proceeding is instituted within one year after the commissioner actually acquires knowledge of
140 the material facts.

141 (j) Any applicant denied an agent, broker-dealer, investment adviser or investment
142 adviser representative registration by order of the commissioner pursuant to subsection (a) may
143 file a petition with the administrative hearing commission alleging that the commissioner has
144 denied the registration. The administrative hearing commission shall conduct hearings and make
145 findings of fact and conclusions of law. The commissioner shall have the burden of proving a
146 ground for denial pursuant to this act.

147 (k) If a proceeding is instituted to revoke or suspend a registration of any agent,
148 broker-dealer, investment adviser, or investment adviser representative pursuant to subsection
149 (b), the commissioner shall refer the matter to the administrative hearing commission. The

150 administrative hearing commission shall conduct hearings and make findings of fact and
151 conclusions of law in such cases. The commissioner shall have the burden of proving a ground
152 for suspension or revocation pursuant to this act. The administrative hearing commission shall
153 submit its findings of fact and conclusions of law to the commissioner for final disposition.

154 (1) Hearing procedures before the commissioner or the administrative hearing
155 commission and judicial review of the decisions and orders of the commissioner and of the
156 administrative hearing commission, and all other procedural matters pursuant to this act shall be
157 governed by the provisions of chapter 536, RSMo. Hearings before the administrative hearing
158 commission shall also be governed by the provisions of chapter 621, RSMo.

409.5-501. It is unlawful for a person, in connection with the offer, sale, or purchase of
2 a security, directly or indirectly:

3 (1) To employ a device, scheme, or artifice to defraud;

4 (2) To make an untrue statement of a material fact or to omit to state a material fact
5 necessary in order to make the [statement] **statements** made, in the light of the circumstances
6 under which [it is] **they were** made, not misleading; or

7 (3) To engage in an act, practice, or course of business that operates or would operate
8 as a fraud or deceit upon another person.

409.6-604. (a) If the commissioner determines that a person has engaged, is engaging,
2 or is about to engage in an act, practice, or course of business constituting a violation of this act
3 or a rule adopted or order issued under this act or that a person has materially aided, is materially
4 aiding, or is about to materially aid an act, practice, or course of business constituting a violation
5 of this act or a rule adopted or order issued under this act, the commissioner may:

6 (1) Issue an order directing the person to cease and desist from engaging in the act,
7 practice, or course of business or to take other action necessary or appropriate to comply with
8 this act;

9 (2) Issue an order denying, suspending, revoking, or conditioning the exemptions for a
10 broker-dealer under section 409.4-401(b)(1)(D) or (F) or an investment adviser under section
11 409.4-403(b)(1)(C); or

12 (3) Issue an order under section 409.2-204.

13 (b) An order under subsection (a) is effective on the date of issuance. Upon issuance of
14 the order, the commissioner shall promptly serve each person subject to the order with a copy
15 of the order and a notice that the order has been entered. The order must include a statement
16 whether the commissioner will seek a civil penalty or costs of the investigation, a statement of
17 the reasons for the order, and notice that, within fifteen days after receipt of a request in a record
18 from the person, the matter will be scheduled for a hearing. If a person subject to the order does
19 not request a hearing and none is ordered by the commissioner within thirty days after the date

20 of service of the order, the order, **which may include a civil penalty or costs of the**
21 **investigation if a civil penalty or costs were sought in the statement accompanying the**
22 **order**, becomes final as to that person by operation of law. If a hearing is requested or ordered,
23 the commissioner, after notice of and opportunity for hearing to each person subject to the order,
24 may modify or vacate the order or extend it until final determination.

25 (c) If a hearing is requested or ordered pursuant to subsection (b), a hearing before the
26 commissioner must be provided. A final order may not be issued unless the commissioner
27 makes findings of fact and conclusions of law in a record in accordance with the provisions of
28 chapter 536, RSMo, and procedural rules promulgated by the commissioner. The final order may
29 make final, vacate, or modify the order issued under subsection (a).

30 (d) In a final order under subsection (c), the commissioner may:

31 (1) Impose a civil penalty up to one thousand dollars for a single violation or up to ten
32 thousand dollars for more than one violation;

33 (2) Order a person subject to the order to pay restitution for any loss, including the
34 amount of any actual damages that may have been caused by the conduct and interest at the rate
35 of eight percent per year from the date of the violation causing the loss or disgorge any profits
36 arising from the violation;

37 (3) In addition to any civil penalty otherwise provided by law, impose an additional civil
38 penalty not to exceed five thousand dollars for each such violation if the commissioner finds that
39 a person subject to the order has violated any provision of this act and that such violation was
40 committed against an elderly or disabled person. For purposes of this section, the following
41 terms mean:

42 (A) "Disabled person", a person with a physical or mental impairment that substantially
43 limits one or more of the major life activities of such individual, a record of such impairment,
44 or being regarded as having such an impairment;

45 (B) "Elderly person", a person sixty years of age or older. (e) In a final order, the
46 commissioner may charge the actual cost of an investigation or proceeding for a violation of this
47 act or a rule adopted or order issued under this act. These funds may be paid into the investor
48 education and protection fund.

49 (f) If a petition for judicial review of a final order is not filed in accordance with section
50 409.6-609, the commissioner may file a certified copy of the final order with the clerk of a court
51 of competent jurisdiction. The order so filed has the same effect as a judgment of the court and
52 may be recorded, enforced, or satisfied in the same manner as a judgment of the court.

53 (g) If a person does not comply with an order under this section, the commissioner may
54 petition a court of competent jurisdiction to enforce the order. The court may not require the
55 commissioner to post a bond in an action or proceeding under this section. If the court finds,

56 after service and opportunity for hearing, that the person was not in compliance with the order,
57 the court may adjudge the person in civil contempt of the order. The court may impose a further
58 civil penalty against the person for contempt in an amount not less than five thousand dollars but
59 not greater than one hundred thousand dollars for each violation and may grant any other relief
60 the court determines is just and proper in the circumstances.

61 (h) The commissioner is authorized to issue administrative consent orders in the
62 settlement of any proceeding in the public interest under this act.

409.6-607. (a) Except as otherwise provided in subsection (b), records obtained by the
2 commissioner or filed under this act, including a record contained in or filed with a registration
3 statement, application, notice filing, or report, are public records and are available for public
4 examination.

5 (b) The following records are not public records and are not available for public
6 examination under subsection (a):

7 (1) A record obtained by the commissioner in connection with an audit or inspection
8 under section 409.4-411(d) or an investigation under section 409.6-602;

9 (2) A part of a record filed in connection with a registration statement under sections
10 409.3-301 and 409.3-303 to 409.3-305 or a record under section 409.4-411(d) that contains trade
11 secrets or confidential information if the person filing the registration statement or report has
12 asserted a claim of confidentiality or privilege that is authorized by law;

13 (3) A record that is not required to be provided to the commissioner or filed under this
14 act and is provided to the commissioner only on the condition that the record will not be subject
15 to public examination or disclosure;

16 (4) A nonpublic record received from a person specified in section 409.6-608(a);

17 (5) Any Social Security number, residential address unless used as a business address,
18 and residential telephone number **unless used as a business telephone number**, contained in
19 a record that is filed; and

20 (6) A record obtained by the commissioner through a designee of the commissioner that
21 a rule or order under this act determines has been:

22 (A) Expunged from the commissioner's records by the designee; or

23 (B) Determined to be nonpublic or nondisclosable by that designee if the commissioner
24 finds the determination to be in the public interest and for the protection of investors.

25 (c) If disclosure is for the purpose of a civil, administrative, or criminal investigation,
26 action, or proceeding or to a person specified in section 409.6-608(a), the commissioner may
27 disclose a record obtained in connection with an audit or inspection under section 409.4-411(d)
28 or a record obtained in connection with an investigation under section 409.6-602.

429.016. 1. The provisions of this section shall only apply to mechanic's liens asserted against residential real property, other than mechanic's liens for the repair, remodeling, or addition to owner-occupied residential property of four units or less which are governed by section 429.013 and other applicable sections of this chapter.

2. As used in this section, the term "residential real property" means any parcel of real estate, improved or unimproved, that is intended to be used or is used for the construction of residential structures and related improvements which support the residential use of the land where such residential structures are intended, upon completion, either to be occupied or sold by the current owner. Such residential structures shall include any residential dwelling of four units or less, whether or not a unit is occupied by an owner and shall also include any structures consisting solely of residential condominiums, townhouses or cooperatives regardless of the number of units. The definition of "residential real estate" shall exclude any mixed use or planned unit developments except to the extent that any residential uses of such developments are, or will be, located on separate, identifiable parcels from the non-residential uses and then only as to those residential uses. Residential real property shall also include any streets, sidewalks, utility services, improved common areas, or other facilities which are constructed within the defined residential use structures or located on or within the separate and identifiable parcels identified as for residential use.

3. Any person or entity, hereinafter referred to as claimant, who seeks to retain the right to assert a mechanic's lien against residential real property, hereinafter referred to as property, shall record a notice of rights in the office of the recorder of deeds for the county in which the property is located. Such recorded notice of rights shall only apply to any work, labor, or materials performed or used to, on, or for the property in the future or in the immediately preceding sixty-day period from the date of such recording.

4. Notwithstanding subsection 3 of this section, a claimant that is accurately identified in any previously recorded notice of rights recorded as to the property is relieved of its duty to record a notice of rights.

5. If the last day to record the notice of rights falls on a Saturday, Sunday, or legal holiday recognized by the state of Missouri, the notice of rights shall be recorded not later than the next day that the office of the recorder of deeds is open for business.

6. Any claimant that fails to record such notice of rights shall be deemed to waive and forfeit any right to assert a mechanic's lien against such property. Despite any such waiver and forfeiture of mechanic's lien rights, the claimant shall retain all other rights and remedies allowed by law to collect payment for its work, labor, and materials.

36 **7. Notwithstanding any other provision of this section, a notice of rights recorded**
37 **after the owner's conveyance of the property to a bona fide purchaser for value shall not**
38 **be effective to preserve the claimant's mechanic's lien rights to the property.**

39 **8. The notice of rights shall comply with section 59.310 and be on a form**
40 **substantially as follows:**

41

42 **NOTICE OF RIGHTS**

43

44 **Date: The date of the document.**

45 **Owner: Identify Property owner, as "Grantor" by correct name.**

46 **Claimant: Identify Claimant, as "Grantee" by correct name, current address, contact**
47 **persons and current telephone number.**

48 **Property: The legal description of the property.**

49 **Person Contracting with Claimant for Work: Identify person or entity contracting with**
50 **Claimant by correct name, current address, and current telephone number.**

51

52 **Persons performing work for or supplying materials to Claimant:**

53 **Claimant may, but is not obligated to, identify any persons or entities which have or will**
54 **be performing work or supplying materials on behalf of Claimant for the Property. Said**
55 **persons or entities must be identified by correct legal name, address, and current telephone**
56 **number.**

57

58 **A recorded notice correctly identifies a person or entity so long as the identifying**
59 **information in the notice is neither deceptively similar to another person or entity**
60 **reasonably likely to provide labor, materials, supplies, or equipment for the improvement**
61 **of property nor so deficient in information as to make it unreasonably difficult to identify**
62 **such person or entity. The form shall be signed by a person authorized to execute the form**
63 **on behalf of the claimant, and such signature shall be notarized. The name of the person**
64 **signing the form shall be printed legibly or typed immediately below the signature.**

65 **9. The notice of rights shall be recorded by the claimant in the office of the recorder**
66 **of deeds of the county in which the property is located.**

67 **10. The recorder of deeds shall record such notice of rights in the land records and**
68 **index notice of rights such that owners shall be deemed grantors and claimants shall be**
69 **deemed grantees, and the grantor's signature shall not be required for recording.**

70 **11. (1) The owner of residential real property upon which a claimant is to perform**
71 **or provide work, labor, or materials, or such owner's designated agent, shall provide any**

72 claimant with the name of the current record property owner and the deed (which deed
73 shall include the legal description of the subject property) by which such owner of record
74 obtained the subject property, within five calendar days after the owner, or its designated
75 agent, receives a written request for the same from any claimant. The claimant may
76 further request a copy of a survey of the subject property, a copy of the subdivision or
77 other plat of the subject property, or such other information, document, or instrument, as
78 may allow the claimant to identify the subject property with reasonable certainty, but the
79 owner and/or its agent shall not be required to provide the same. The owner, or its
80 designated agent, shall not be liable to any claimant, or other person, for any error,
81 omission, or inaccuracy in the content of the deed described above which is provided and
82 disclosed by the owner, or its designated agent, except as otherwise expressly provided in
83 this section.

84 (2) If any owner, or its designated agent, fails to comply with the requirements of
85 this section, the requesting claimant shall be entitled to receive, as its sole and exclusive
86 remedy for failure to comply with this section, the claimant's actual and reasonable costs
87 (excluding attorney fees) to obtain a legal description of the subject property necessary for
88 the claimant to record its notice of rights. The costs described in this section shall be
89 lienable expenses.

90 (3) If:

91 (a) A claimant receives from the owner, or its designated agent, a copy of the deed
92 by which the owner acquired title to the subject residential real property as contemplated
93 in this section; and

94 (b) The claimant relies in good faith upon the legal description contained in such
95 deed and includes such legal description in a notice of rights as required in this section;
96 and

97 (c) The claimant's notice of rights otherwise complies with the requirements of this
98 section,

99

100 then any such claimant's notice of rights shall be deemed to comply with the requirements
101 of this section, and such claimant's right to assert a mechanics lien as to the subject
102 residential real property shall be retained even if subsequently it is determined that such
103 legal description contained in such deed is in error or inaccurate as to the subject
104 residential real property.

105 12. Each notice of rights or renewal notice of rights as hereafter provided shall only
106 be valid for, and shall automatically expire, one year after recording, unless the claimant
107 shall record a renewal of notice of rights with the recorder of deeds of the county in which

108 the property is located prior to the expiration of any previously recorded notice of rights
109 or renewal notice of rights, and any failure to record a renewal of notice of rights prior to
110 the expiration of any previously recorded notice will constitute a waiver of lien rights as
111 to the property. If a claimant fails to file its mechanic's lien prior to the expiration of any
112 such one-year period, then the claimant's lien rights will be extinguished.

113 **13. The recording of a notice of rights, or any number of renewal of notice of rights,**
114 **shall not extend the time for filing a mechanic's lien as provided under section 429.080.**

115 **14. The renewal of notice of rights shall be in substantially the same form as the**
116 **notice of rights. However, the renewal of notice of rights shall be titled as such and shall**
117 **contain the date and recording information for the original notice of rights, as well as the**
118 **dates and recording information for any earlier renewals of rights applicable to the**
119 **property. A renewal of notice of rights affecting multiple lots must omit any lot for which**
120 **the claimant has executed an unconditional final lien waiver.**

121 **15. A separate notice of rights shall be recorded for each lot or parcel of residential**
122 **real property upon which the claimant performs its work. Nothing herein shall be**
123 **construed to prohibit the claimant from providing a notice of rights covering multiple lots**
124 **in the same subdivision if common ownership of lots exists. If the claimant commences its**
125 **work prior to the platting or subdivision of a tract of land comprising residential real**
126 **property, the claimant is only required to record one notice of rights provided that the**
127 **entire tract of land upon which any such lien is to be asserted is described in such notice**
128 **of rights.**

129 **16. The claimant shall not be required to provide the notice required under section**
130 **429.100, but compliance with the requirements of this section shall not relieve the claimant**
131 **of its duty to comply with all other applicable sections of this chapter, except as specifically**
132 **modified herein, in order to preserve, assert, and enforce its mechanic's lien rights.**

133 **17. For purposes of any mechanic's liens against residential real property only, a**
134 **claimant satisfies the just and true account requirement contained in section 429.080 by**
135 **providing the following information and documentation as part of its mechanic's lien claim**
136 **filed with the clerk of the circuit court:**

137 **(1) A photocopy of the file-stamped notice of rights and any renewals of notice of**
138 **rights recorded by or identifying claimant;**

139 **(2) The name and address of the person or entity which claimant contracted with**
140 **to perform work on the property;**

141 **(3) A copy of any contract or contracts, purchase order or orders, or proposal or**
142 **proposals, hereinafter collectively referred to as agreements, and any agreed change orders**

143 or modifications to such agreement or agreements under which claimant performed its
144 work on the property;

145 (4) In the absence of any written agreement or agreements, a general description
146 of the scope of work agreed to be performed by claimant on the property and the basis for
147 payment for such work as agreed to by claimant and the contracting party;

148 (5) All invoices submitted by claimant for its work on the property;

149 (6) An accurate statement of account which shows all payments or credits against
150 amounts otherwise due to claimant for the work performed on the property and the
151 calculation or basis for the amount claimed by claimant in its mechanic's lien statement;
152 and

153 (7) The last date that claimant performed any work or labor upon, or provided any
154 materials or equipment to, the property;

155 (8) The claimant shall attach a file-stamped copy of his or her notice of rights to
156 claimant's mechanic's lien statement if and when filed with the circuit clerk under section
157 429.080.

158 18. To the extent that any error in the information contained in the claimant's
159 notice of rights prejudices the owner, any lender, disbursing company, title insurance
160 company, or subsequent purchaser of the property, the claimant's rights to assert a
161 mechanic's lien shall be forfeited to the extent of the prejudice caused by such error.

162 19. A person having an interest in any residential real property against which a
163 mechanic's lien has been filed may release such residential real property from any such
164 mechanic's lien by:

165 (1) Depositing in the office of the circuit clerk a sum of money, in cash or certified
166 check, an irrevocable letter of credit, which may be secured, issued by a federally or state
167 chartered bank, savings and loan association or savings bank (referred to hereafter as a
168 bank) authorized to and doing business in the state of Missouri, or a surety bond issued by
169 a surety company authorized to do surety business in the state of Missouri and having a
170 certificate of authority to do business with the United States government in accordance
171 with 31 CFR Section 223.1, in an amount not less than one hundred fifty percent of the
172 amount of the mechanic's lien being released; and

173 (2) Recording with the recorder of deeds and filing with the circuit clerk a
174 certificate of deposit signed by the circuit clerk which provides the following information:

175 (a) Amount of money deposited, amount of the letter of credit deposited, or penal
176 sum of the bond deposited, along with the name and address of the bank issuing the letter
177 of credit or surety company issuing the bond, as well as a service address for the bank or
178 surety company;

179 (b) Name of claimant, number assigned to the mechanic's lien being released, and
180 the amount of the mechanic's lien being released;

181 (c) Legal description of the property against which the mechanic's lien was filed;

182 (d) Name, address, and property interest of the person making the deposit of
183 money, providing the letter of credit or surety bond; and

184 (e) A certification by the person making the deposit of money, letter of credit, or
185 surety bond that they have mailed a copy of the certificate of deposit to the claimant at the
186 address listed on the mechanic's lien being released, along with a copy of any letter of
187 credit or bond deposited by said person.

188 20. Any surety bond deposited as substitute collateral shall obligate the surety
189 company, to the extent of the penal sum of the bond, to pay any judgment entered under
190 section 429.210.

191 21. Any letter of credit deposited as substitute collateral shall obligate the issuing
192 bank, to the extent of the amount of the letter of credit, to pay any judgment entered under
193 section 429.210.

194 22. Upon release of the residential real property from a mechanic's lien by the
195 deposit of substitute collateral, the claimant's rights are transferred from the residential
196 real property to the substitute collateral.

197 23. Upon determination of the amount of claimant's claim, if any, against the
198 substitute collateral, the court shall either:

199 (1) Order the circuit clerk to pay the claimant any sums awarded out of the
200 deposited funds and release any remainder to the person or entity who made the cash
201 deposit;

202 (2) Order the bank to issue payment under the letter of credit for the awarded
203 amount but not exceeding the amount of the letter of credit;

204 (3) Render judgment against the surety company on the bond for the amount
205 awarded up to but not exceeding the penal sum of the bond; or

206 (4) Release the substitute collateral

207

208 all as deemed appropriate by the court.

209 24. The deposit of substitute collateral and release of claimant's mechanic's lien
210 shall not modify any aspect of the priority of claimant's interest, claimant's burden of
211 proving compliance with the mechanic's lien statute, or claimant's obligations with respect
212 to enforcement of its mechanic's lien claim, including, but not limited to, time for filing suit
213 to enforce and necessary parties to the suit to enforce. It is the intent only that the

214 deposited substitute collateral shall be the ultimate source of any potential recovery by
215 claimant instead of the funds generated by foreclosure of the residential real property.

216 **25. A release of a mechanic's lien under the deposit of substitute collateral shall not**
217 **relieve any claimant of potential liability for slander of title or otherwise due to the filing**
218 **of claimant's mechanic's lien.**

219 **26. The surety company for any bond or the bank which issued the letter of credit**
220 **deposited under this section shall be made a party to any mechanic's lien enforcement**
221 **action with respect to any mechanic's lien released by the deposit of said bond or letter of**
222 **credit.**

223 **27. Any claimant may waive its right to assert a mechanic's lien against residential**
224 **real property by executing a partial or full waiver of mechanic's lien rights, whether**
225 **conditioned upon receipt of payment or unconditional, provided that a waiver of**
226 **mechanic's lien rights shall not be deemed or interpreted to waive or release mechanic's**
227 **lien rights in exchange for a payment of less than the amount claimed due at that time**
228 **unless such mechanic's lien waiver is an unconditional, final mechanic's lien waiver in**
229 **compliance with this section.**

230 **28. An unconditional, final lien waiver is a complete and absolute waiver of any**
231 **mechanic's lien rights against the residential real property described in the mechanic's lien**
232 **waiver, including any rights which might otherwise arise from remedial or additional**
233 **labor, services, or materials provided to the residential real property, or which might**
234 **benefit the residential real property, under either an initial agreement or a supplemental**
235 **agreement entered into by the same parties prior to the execution of the unconditional,**
236 **final mechanic's lien waiver.**

237 **29. An unconditional, final mechanic's lien waiver shall only be valid if it is on a**
238 **form that is substantially as follows:**

239 **UNCONDITIONAL FINAL LIEN WAIVER FOR RESIDENTIAL REAL**
240 **PROPERTY**

241

242 **Claimant (provide legal name and address of Claimant) hereby fully, finally, and**
243 **unconditionally waives and releases any right to assert or enforce a mechanic's lien claim**
244 **against the residential real property identified below for all work performed by Claimant**
245 **prior to the date set forth below and for any work hereafter performed by or on behalf of**
246 **Claimant under any agreements executed by Claimant prior to said date set forth below:**

247

248 **(Provide legal description of the Property)**

249

250 **Claimant's legal name and the name, title or position, address, and telephone number of**
251 **the person executing the unconditional final lien waiver on behalf of claimant shall be**
252 **typed or legibly printed immediately above or below the signature, and the date that the**
253 **document was signed shall be typed or legibly printed immediately adjacent to the**
254 **signature.**

255 **30. A claimant executing an unconditional, final mechanic's lien waiver for less**
256 **than full consideration shall be bound by such mechanic's lien waiver as it relates to any**
257 **rights to assert a mechanic's lien against the property, but such mechanic's lien waiver**
258 **shall not constitute a waiver or release of any other claim, remedy, or cause of action.**

259 **31. An unconditional, final mechanic's lien waiver meeting the requirements of this**
260 **section is valid and enforceable as to claimant's mechanic's lien rights as to the property**
261 **identified on the unconditional, final mechanic's lien waiver notwithstanding claimant's**
262 **failure to receive any promised payment or other consideration.**

263 **32. Any claimant who has recorded a notice of rights and who has been paid in full**
264 **for the work performed on the property shall timely execute an unconditional, final**
265 **mechanic's lien waiver, shall not unreasonably withhold such a waiver when circumstances**
266 **require prompt execution, and in no event shall fail to provide a waiver any later than five**
267 **calendar days after claimant's receipt of a written request to do so by any person or entity.**
268 **A claimant who fails or refuses timely to execute an unconditional, final lien waiver when**
269 **such claimant has been paid in full for any labor, materials, services, or equipment**
270 **supplied or used in the improvement to the property shall be presumed liable for slander**
271 **of title and for any damages sustained as a result thereof, together with a statutory penalty**
272 **of five hundred dollars.**

273 **33. The provisions of this section shall not apply to a residential structure which**
274 **was substantially completed prior to September 1, 2010. Notwithstanding the provisions**
275 **of subsection 3 of this section, a notice of rights recorded on or prior to October 1, 2010,**
276 **shall apply to all labor, material, services, or equipment supplied or used at any time in the**
277 **improvement to any residential real property which was not substantially completed prior**
278 **to September 1, 2010, and the provisions of subsection 7 shall only apply to a conveyance**
279 **of property occurring after October 1, 2010.**

452.430. Any pleadings, other than the interlocutory or final judgment **or any**
2 **modification thereof**, in a dissolution of marriage [or] , legal separation, **or modification**
3 **proceeding** filed prior to August 28, 2009, shall be subject to inspection only by the parties [or]
4 , an attorney of record [or upon order of the court for good cause shown, or by] , the family
5 support division within the department of social services when services are being provided under
6 section 454.400, [RSMo.] **a person or designee of a person licensed and acting under**

7 **chapter 381 who shall keep any information obtained confidential except as necessary to**
 8 **the performance of functions required by chapter 381, or upon order of the court for good**
 9 **cause shown. Such persons may receive or make copies of documents without the clerk**
 10 **being required to redact the Social Security number, unless the court specifically orders**
 11 **the clerk to do otherwise.** The clerk shall redact the Social Security number from any **copy of**
 12 **a judgment [or pleading] or satisfaction of judgment** before releasing the **copy of the**
 13 **interlocutory or final judgment or satisfaction of judgment** to the public.

454.515. 1. A judgment or order for child support or maintenance payable in periodic
 2 installments shall not be a lien on the real estate of the person against whom the judgment or
 3 order is rendered until the person entitled to receive payments pursuant to the judgment or order,
 4 the division or IV-D agency files a lien and the lien is recorded in the office of the circuit clerk
 5 of any county in this state in which such real estate is situated in the manner provided for by the
 6 supreme court and chapter 511, RSMo. Thereafter, the judgment shall become a lien on all real
 7 property of the obligor in such county, owned by the obligor at the time, or which the obligor
 8 may acquire afterwards and before the lien expires.

9 2. Liens pursuant to this section shall commence on the day filed and shall continue for
 10 a period of three years. A judgment creditor, the division or IV-D agency may revive a lien by
 11 filing another lien on or before each three-year anniversary of the original judgment. At the time
 12 each lien is revived, all unpaid installments shall remain a lien for the subsequent three-year
 13 period.

14 3. The lien shall state the name, last known address of the obligor, the **last four digits**
 15 **of the** obligor's Social Security number, the obligor's date of birth, if known, and the amount of
 16 support or maintenance due and unpaid.

17 4. A copy of the lien shall be mailed by the person entitled to receive payments under
 18 the judgment or order, the division or IV-D agency to the last known address of the obligor.

19 5. The person entitled to receive payments pursuant to the judgment or order, the
 20 division or IV-D agency may execute a partial or total release of the liens created by this section,
 21 either generally or as to specific property.

22 **ARTICLE 1**
 23 **GENERAL PROVISIONS**

454.1500. This act, sections 454.1500 to 454.1728, may be cited as the Uniform
 2 **Interstate Family Support Act.**

454.1503. In this act, sections 454.1500 to 454.1728:

2 **(1) "Child" means an individual, whether over or under the age of majority, who**
 3 **is or is alleged to be owed a duty of support by the individual's parent or who is or is**
 4 **alleged to be the beneficiary of a support order directed to the parent.**

5 (2) "Child support order" means a support order for a child, including a child who
6 has attained the age of majority under the law of the issuing state or foreign country.

7 (3) "Convention" means the Convention on the International Recovery of Child
8 Support and Other Forms of Family Maintenance, concluded at The Hague on November
9 23, 2007.

10 (4) "Duty of support" means an obligation imposed or imposable by law to provide
11 support for a child, spouse, or former spouse, including an unsatisfied obligation to provide
12 support.

13 (5) "Foreign country" means a country, including a political subdivision thereof,
14 other than the United States, that authorizes the issuance of support orders and:

15 (A) which has been declared under the law of the United States to be a foreign
16 reciprocating country;

17 (B) which has established a reciprocal arrangement for child support with this state
18 as provided in section 454.1569;

19 (C) which has enacted a law or established procedures for the issuance and
20 enforcement of support orders which are substantially similar to the procedures under
21 sections 454.1500 to 454.1728; or

22 (D) in which the Convention is in force with respect to the United States.

23 (6) "Foreign support order" means a support order of a foreign tribunal.

24 (7) "Foreign tribunal" means a court, administrative agency, or quasi-judicial
25 entity of a foreign country which is authorized to establish, enforce, or modify support
26 orders or to determine parentage of a child. The term includes a competent authority
27 under the Convention.

28 (8) "Home state" means the state or foreign country in which a child lived with a
29 parent or a person acting as parent for at least six consecutive months immediately
30 preceding the time of filing of a petition or comparable pleading for support and, if a child
31 is less than six months old, the state or foreign country in which the child lived from birth
32 with any of them. A period of temporary absence of any of them is counted as part of the
33 six-month or other period.

34 (9) "Income" includes earnings or other periodic entitlements to money from any
35 source and any other property subject to withholding for support under the law of this
36 state.

37 (10) "Income-withholding order" means an order or other legal process directed
38 to an obligor's employer or other debtor, as defined by section 452.350 or 454.505, to
39 withhold support from the income of the obligor.

40 (11) "Initiating tribunal" means the tribunal of a state or foreign country from
41 which a petition or comparable pleading is forwarded or in which a petition or comparable
42 pleading is filed for forwarding to another state or foreign country.

43 (12) "Issuing foreign country" means the foreign country in which a tribunal issues
44 a support order or a judgment determining parentage of a child.

45 (13) "Issuing state" means the state in which a tribunal issues a support order or
46 a judgment determining parentage of a child.

47 (14) "Issuing tribunal" means the tribunal of a state or foreign country that issues
48 a support order or a judgment determining parentage of a child.

49 (15) "Law" includes decisional and statutory law and rules and regulations having
50 the force of law.

51 (16) "Obligee" means:

52 (A) an individual to whom a duty of support is or is alleged to be owed or in whose
53 favor a support order or a judgment determining parentage of a child has been issued;

54 (B) a foreign country, state, or political subdivision of a state to which the rights
55 under a duty of support or support order have been assigned or which has independent
56 claims based on financial assistance provided to an individual obligee in place of child
57 support;

58 (C) an individual seeking a judgment determining parentage of the individual's
59 child; or

60 (D) a person that is a creditor in a proceeding under Article 7, sections 454.1680 to
61 454.1716.

62 (17) "Obligor" means an individual, or the estate of a decedent that:

63 (A) owes or is alleged to owe a duty of support;

64 (B) is alleged but has not been adjudicated to be a parent of a child;

65 (C) is liable under a support order; or

66 (D) is a debtor in a proceeding under Article 7, sections 454.1680 to 454.1716.

67 (18) "Outside this state" means a location in another state or a country other than
68 the United States, whether or not the country is a foreign country.

69 (19) "Person" means an individual, corporation, business trust, estate, trust,
70 partnership, limited liability company, association, joint venture, public corporation,
71 government or governmental subdivision, agency, or instrumentality, or any other legal
72 or commercial entity.

73 (20) "Record" means information that is inscribed on a tangible medium or that
74 is stored in an electronic or other medium and is retrievable in perceivable form.

75 (21) "Register" means to record or file in a tribunal of this state a support order
76 or judgment determining parentage of a child issued in another state or a foreign country.

77 (22) "Registering tribunal" means a tribunal in which a support order or judgment
78 determining parentage of a child is registered.

79 (23) "Responding state" means a state in which a petition or comparable pleading
80 for support or to determine parentage of a child is filed or to which a petition or
81 comparable pleading is forwarded for filing from another state or a foreign country.

82 (24) "Responding tribunal" means the authorized tribunal in a responding state
83 or foreign country.

84 (25) "Spousal support order" means a support order for a spouse or former spouse
85 of the obligor.

86 (26) "State" means a state of the United States, the District of Columbia, Puerto
87 Rico, the United States Virgin Islands, or any territory or insular possession under the
88 jurisdiction of the United States. The term includes an Indian nation or tribe.

89 (27) "Support enforcement agency" means a public official, governmental entity,
90 or private agency authorized to:

91 (A) seek enforcement of support orders or laws relating to the duty of support;

92 (B) seek establishment or modification of child support;

93 (C) request determination of parentage of a child;

94 (D) attempt to locate obligors or their assets; or

95 (E) request determination of the controlling child support order.

96 (28) "Support order" means a judgment, decree, order, decision, or directive,
97 whether temporary, final, or subject to modification, issued in a state or foreign country
98 for the benefit of a child, a spouse, or a former spouse, which provides for monetary
99 support, health care, arrearages, retroactive support, or reimbursement for financial
100 assistance provided to an individual obligee in place of child support. The term may
101 include related costs and fees, interest, income withholding, automatic adjustment,
102 reasonable attorney's fees, and other relief.

103 (29) "Tribunal" means a court, administrative agency, or quasi-judicial entity
104 authorized to establish, enforce, or modify support orders or to determine parentage of a
105 child.

 454.1506. (a) The courts and the family support division are the tribunals of this
2 state.

3 (b) The family support division is the support enforcement agency of this state.

13 **(6) the individual engaged in sexual intercourse in this state and the child may have**
14 **been conceived by that act of intercourse;**

15 **(7) the individual asserted parentage of a child in the putative father registry**
16 **maintained in this state by the department of health and senior services; or**

17 **(8) there is any other basis consistent with the constitutions of this state and the**
18 **United States for the exercise of personal jurisdiction.**

19 **(b) The bases of personal jurisdiction set forth in subsection (a) or in any other law**
20 **of this state may not be used to acquire personal jurisdiction for a tribunal of this state to**
21 **modify a child support order of another state unless the requirements of section 454.1662**
22 **are met, or, in the case of a foreign support order, unless the requirements of section**
23 **454.1674 are met.**

454.1518. Personal jurisdiction acquired by a tribunal of this state in a proceeding
2 **under sections 454.1500 to 454.1728 or other law of this state relating to a support order**
3 **continues as long as a tribunal of this state has continuing, exclusive jurisdiction to modify**
4 **its order or continuing jurisdiction to enforce its order as provided by sections 454.1527,**
5 **454.1530, and 454.1545.**

454.1521. Under sections 454.1500 to 454.1728, a tribunal of this state may serve
2 **as an initiating tribunal to forward proceedings to a tribunal of another state and as a**
3 **responding tribunal for proceedings initiated in another state or a foreign country.**

454.1524. (a) A tribunal of this state may exercise jurisdiction to establish a
2 **support order if the petition or comparable pleading is filed after a pleading is filed in**
3 **another state or a foreign country only if:**

4 **(1) the petition or comparable pleading in this state is filed before the expiration**
5 **of the time allowed in the other state or the foreign country for filing a responsive pleading**
6 **challenging the exercise of jurisdiction by the other state or the foreign country;**

7 **(2) the contesting party timely challenges the exercise of jurisdiction in the other**
8 **state or the foreign country; and**

9 **(3) if relevant, this state is the home state of the child.**

10 **(b) A tribunal of this state may not exercise jurisdiction to establish a support order**
11 **if the petition or comparable pleading is filed before a petition or comparable pleading is**
12 **filed in another state or a foreign country if:**

13 **(1) the petition or comparable pleading in the other state or foreign country is filed**
14 **before the expiration of the time allowed in this state for filing a responsive pleading**
15 **challenging the exercise of jurisdiction by this state;**

16 **(2) the contesting party timely challenges the exercise of jurisdiction in this state;**
17 **and**

18 **(3) if relevant, the other state or foreign country is the home state of the child.**

454.1527. (a) A tribunal of this state that has issued a child support order
2 **consistent with the law of this state has and shall exercise continuing, exclusive jurisdiction**
3 **to modify its child support order if the order is the controlling order and:**

4 **(1) at the time of the filing of a request for modification this state is the residence**
5 **of the obligor, the individual obligee, or the child for whose benefit the support order is**
6 **issued; or**

7 **(2) even if this state is not the residence of the obligor, the individual obligee, or the**
8 **child for whose benefit the support order is issued, the parties consent in a record or in**
9 **open court that the tribunal of this state may continue to exercise jurisdiction to modify its**
10 **order.**

11 **(b) A tribunal of this state that has issued a child support order consistent with the**
12 **law of this state may not exercise continuing, exclusive jurisdiction to modify the order if:**

13 **(1) all of the parties who are individuals file consent in a record with the tribunal**
14 **of this state that a tribunal of another state that has jurisdiction over at least one of the**
15 **parties who is an individual or that is located in the state of residence of the child may**
16 **modify the order and assume continuing, exclusive jurisdiction; or**

17 **(2) its order is not the controlling order.**

18 **(c) If a tribunal of another state has issued a child support order pursuant to the**
19 **Uniform Interstate Family Support Act or a law substantially similar to that Act which**
20 **modifies a child support order of a tribunal of this state, tribunals of this state shall**
21 **recognize the continuing, exclusive jurisdiction of the tribunal of the other state.**

22 **(d) A tribunal of this state that lacks continuing, exclusive jurisdiction to modify**
23 **a child support order may serve as an initiating tribunal to request a tribunal of another**
24 **state to modify a support order issued in that state.**

25 **(e) A temporary support order issued ex parte or pending resolution of a**
26 **jurisdictional conflict does not create continuing, exclusive jurisdiction in the issuing**
27 **tribunal.**

454.1530. (a) A tribunal of this state that has issued a child support order
2 **consistent with the law of this state may serve as an initiating tribunal to request a tribunal**
3 **of another state to enforce:**

4 **(1) the order if the order is the controlling order and has not been modified by a**
5 **tribunal of another state that assumed jurisdiction pursuant to the Uniform Interstate**
6 **Family Support Act; or**

7 **(2) a money judgment for arrears of support and interest on the order accrued**
8 **before a determination that an order of a tribunal of another state is the controlling order.**

9 (b) A tribunal of this state having continuing jurisdiction over a support order may
10 act as a responding tribunal to enforce the order.

**454.1533. (a) If a proceeding is brought under sections 454.1500 to 454.1728 and
2 only one tribunal has issued a child support order, the order of that tribunal controls and
3 must be recognized.**

4 (b) If a proceeding is brought under sections 454.1500 to 454.1728, and two or more
5 child support orders have been issued by tribunals of this state, another state, or a foreign
6 country with regard to the same obligor and same child, a tribunal of this state having
7 personal jurisdiction over both the obligor and individual obligee shall apply the following
8 rules and by order shall determine which order controls and must be recognized:

9 (1) If only one of the tribunals would have continuing, exclusive jurisdiction under
10 sections 454.1500 to 454.1728, the order of that tribunal controls.

11 (2) If more than one of the tribunals would have continuing, exclusive jurisdiction
12 under sections 454.1500 to 454.1728:

13 (A) an order issued by a tribunal in the current home state of the child controls;
14 or

15 (B) if an order has not been issued in the current home state of the child, the order
16 most recently issued controls.

17 (3) If none of the tribunals would have continuing, exclusive jurisdiction under
18 sections 454.1500 to 454.1728, the tribunal of this state shall issue a child support order,
19 which controls.

20 (c) If two or more child support orders have been issued for the same obligor and
21 same child, upon request of a party who is an individual or that is a support enforcement
22 agency, a tribunal of this state having personal jurisdiction over both the obligor and the
23 obligee who is an individual shall determine which order controls under subsection (b).
24 The request may be filed with a registration for enforcement or registration for
25 modification pursuant to Article 6, sections 454.1632 to 454.1677, or may be filed as a
26 separate proceeding.

27 (d) A request to determine which is the controlling order must be accompanied by
28 a copy of every child support order in effect and the applicable record of payments. The
29 requesting party shall give notice of the request to each party whose rights may be affected
30 by the determination.

31 (e) The tribunal that issued the controlling order under subsections (a), (b), or (c)
32 has continuing jurisdiction to the extent provided in section 454.1527 or 454.1530.

33 (f) A tribunal of this state that determines by order which is the controlling order
34 under subsection (b)(1) or (2) or (c), or that issues a new controlling order under subsection
35 (b)(3), shall state in that order:

36 (1) the basis upon which the tribunal made its determination;

37 (2) the amount of prospective support, if any; and

38 (3) the total amount of consolidated arrears and accrued interest, if any, under all
39 of the orders after all payments made are credited as provided by section 454.1539.

40 (g) Within thirty days after issuance of an order determining which is the
41 controlling order, the party obtaining the order shall file a certified copy of it in each
42 tribunal that issued or registered an earlier order of child support. A party or support
43 enforcement agency obtaining the order that fails to file a certified copy is subject to
44 appropriate sanctions by a tribunal in which the issue of failure to file arises. The failure
45 to file does not affect the validity or enforceability of the controlling order.

46 (h) An order that has been determined to be the controlling order, or a judgment
47 for consolidated arrears of support and interest, if any, made pursuant to this section must
48 be recognized in proceedings under sections 454.1500 to 454.1728.

454.1536. In responding to registrations or petitions for enforcement of two or more
2 child support orders in effect at the same time with regard to the same obligor and
3 different individual obligees, at least one of which was issued by a tribunal of another state
4 or a foreign country, a tribunal of this state shall enforce those orders in the same manner
5 as if the orders had been issued by a tribunal of this state.

454.1539. A tribunal of this state shall credit amounts collected for a particular
2 period pursuant to any child support order against the amounts owed for the same period
3 under any other child support order for support of the same child issued by a tribunal of
4 this state, another state, or a foreign country.

454.1542. A tribunal of this state exercising personal jurisdiction over a nonresident
2 in a proceeding under sections 454.1500 to 454.1728, under other law of this state relating
3 to a support order, or recognizing a foreign support order may receive evidence from
4 outside this state pursuant to section 454.1593, communicate with a tribunal outside this
5 state pursuant to section 454.1596, and obtain discovery through a tribunal outside this
6 state pursuant to section 454.1599. In all other respects, Article 3 through 6, sections
7 454.1548 to 454.1677, do not apply, and the tribunal shall apply the procedural and
8 substantive law of this state.

454.1545. (a) A tribunal of this state issuing a spousal support order consistent
2 with the law of this state has continuing, exclusive jurisdiction to modify the spousal
3 support order throughout the existence of the support obligation.

4 (b) A tribunal of this state may not modify a spousal support order issued by a
5 tribunal of another state or a foreign country having continuing, exclusive jurisdiction over
6 that order under the law of that state or foreign country.

7 (c) A tribunal of this state that has continuing, exclusive jurisdiction over a spousal
8 support order may serve as:

9 (1) an initiating tribunal to request a tribunal of another state to enforce the
10 spousal support order issued in this state; or

11 (2) a responding tribunal to enforce or modify its own spousal support order.

12 **ARTICLE 3**

13 **CIVIL PROVISIONS OF GENERAL APPLICATION**

2 **454.1548.** (a) Except as otherwise provided in sections 454.1500 to 454.1728, this
3 article, sections 454.1548 to 454.1602, applies to all proceedings under sections 454.1500
4 to 454.1728.

5 (b) An individual petitioner or a support enforcement agency may initiate a
6 proceeding authorized under sections 454.1500 to 454.1728 by filing a petition in an
7 initiating tribunal for forwarding to a responding tribunal or by filing a petition or a
8 comparable pleading directly in a tribunal of another state or foreign country which has
9 or can obtain personal jurisdiction over the respondent.

2 **454.1551.** A minor parent, or a guardian or other legal representative of a minor
3 parent, may maintain a proceeding on behalf of or for the benefit of the minor's child.

2 **454.1554.** Except as otherwise provided by sections 454.1500 to 454.1728, a
3 responding tribunal of this state shall:

4 (1) apply the procedural and substantive law generally applicable to similar
5 proceedings originating in this state and may exercise all powers and provide all remedies
6 available in those proceedings; and

7 (2) determine the duty of support and the amount payable in accordance with the
8 law and support guidelines of this state.

2 **454.1557.** (a) Upon the filing of a petition authorized by sections 454.1500 to
3 454.1728, an initiating tribunal of this state shall forward the petition and its
4 accompanying documents:

5 (1) to the responding tribunal or appropriate support enforcement agency in the
6 responding state; or

7 (2) if the identity of the responding tribunal is unknown, to the state information
8 agency of the responding state with a request that they be forwarded to the appropriate
9 tribunal and that receipt be acknowledged.

9 (b) If requested by the responding tribunal, a tribunal of this state shall issue a
10 certificate or other document and make findings required by the law of the responding
11 state. If the responding tribunal is in a foreign country, upon request the tribunal of this
12 state shall specify the amount of support sought, convert that amount into the equivalent
13 amount in the foreign currency under applicable official or market exchange rate as
14 publicly reported, and provide any other documents necessary to satisfy the requirements
15 of the responding foreign tribunal.

454.1560. (a) When a responding tribunal of this state receives a petition or
2 comparable pleading from an initiating tribunal or directly pursuant to subsection (b) of
3 section 454.1548, it shall cause the petition or pleading to be filed and notify the petitioner
4 where and when it was filed.

5 (b) A responding tribunal of this state, to the extent not prohibited by other law,
6 may do one or more of the following:

7 (1) establish or enforce a support order, modify a child support order, determine
8 the controlling child support order, or determine parentage of the child;

9 (2) order an obligor to comply with a support order, specifying the amount and the
10 manner of compliance;

11 (3) order income withholding;

12 (4) determine the amount of any arrearages, and specify a method of payment;

13 (5) enforce orders by civil or criminal contempt, or both;

14 (6) set aside property for satisfaction of the support order;

15 (7) place liens and order execution on the obligor's property;

16 (8) order an obligor to keep the tribunal informed of the obligor's current
17 residential address, electronic mail address, telephone number, employer, address of
18 employment, and telephone number at the place of employment;

19 (9) issue a bench warrant for an obligor who has failed after proper notice to
20 appear at a hearing ordered by the tribunal and enter the bench warrant in any local and
21 state computer systems for criminal warrants;

22 (10) order the obligor to seek appropriate employment by specified methods;

23 (11) award reasonable attorney's fees and other fees and costs; and

24 (12) grant any other available remedy.

25 (c) A responding tribunal of this state shall include in a support order issued under
26 sections 454.1500 to 454.1728, or in the documents accompanying the order, the
27 calculations on which the support order is based.

28 (d) A responding tribunal of this state may not condition the payment of a support
29 order issued under sections 454.1500 to 454.1728 upon compliance by a party with
30 provisions for visitation.

31 (e) If a responding tribunal of this state issues an order under sections 454.1500 to
32 454.1728, the tribunal shall send a copy of the order to the petitioner and the respondent
33 and to the initiating tribunal, if any.

34 (f) If requested to enforce a support order, arrears, or judgment or modify a
35 support order stated in a foreign currency, a responding tribunal of this state shall convert
36 the amount stated in the foreign currency to the equivalent amount in dollars under the
37 applicable official or market exchange rate as publicly reported.

454.1563. If a petition or comparable pleading is received by an inappropriate
2 tribunal of this state, the tribunal shall forward the pleading and accompanying documents
3 to an appropriate tribunal of this state or another state and notify the petitioner where and
4 when the pleading was sent.

454.1566. (a) A support enforcement agency of this state, upon request, shall
2 provide services to a petitioner in a proceeding under sections 454.1500 to 454.1728.

3 (b) A support enforcement agency of this state that is providing services to the
4 petitioner as appropriate shall:

5 (1) take all steps necessary to enable an appropriate tribunal of this state, another
6 state, or a foreign country to obtain jurisdiction over the respondent;

7 (2) request an appropriate tribunal to set a date, time, and place for a hearing;

8 (3) make a reasonable effort to obtain all relevant information, including
9 information as to income and property of the parties;

10 (4) within two days, exclusive of Saturdays, Sundays, and legal holidays, after
11 receipt of notice in a record from an initiating, responding, or registering tribunal, send
12 a copy of the notice to the petitioner;

13 (5) within two days, exclusive of Saturdays, Sundays, and legal holidays, after
14 receipt of communication in a record from the respondent or the respondent's attorney,
15 send a copy of the communication to the petitioner; and

16 (6) notify the petitioner if jurisdiction over the respondent cannot be obtained.

17 (c) A support enforcement agency of this state that requests registration of a child
18 support order in this state for enforcement or for modification shall make reasonable
19 efforts:

20 (1) to ensure that the order to be registered is the controlling order; or

21 (2) if two or more child support orders exist and the identity of the controlling
22 order has not been determined, to ensure that a request for such a determination is made
23 in a tribunal having jurisdiction to do so.

24 (d) A support enforcement agency of this state that requests registration and
25 enforcement of a support order, arrears, or judgment stated in a foreign currency shall
26 convert the amounts stated in the foreign currency into the equivalent amounts in dollars
27 under the applicable official or market exchange rate as publicly reported.

28 (e) A support enforcement agency of this state shall issue or request a tribunal of
29 this state to issue a child support order and an income withholding order that redirect
30 payment of current support, arrears, and interest if requested to do so by a support
31 enforcement agency of another state pursuant to section 454.1602.

32 (f) Sections 454.1500 to 454.1728 do not create or negate a relationship of attorney
33 and client or other fiduciary relationship between a support enforcement agency or the
34 attorney for the agency and the individual being assisted by the agency.

 454.1569. (a) If the attorney general determines that the support enforcement
2 agency is neglecting or refusing to provide services to an individual, the attorney general
3 may order the agency to perform its duties under sections 454.1500 to 454.1728 or may
4 provide those services directly to the individual.

5 (b) The attorney general may determine that a foreign country has established a
6 reciprocal arrangement for child support with this state and take appropriate action for
7 notification of the determination.

 454.1572. An individual may employ private counsel to represent the individual in
2 proceedings authorized by sections 454.1500 to 454.1728.

 454.1575. (a) The family support division within the department of social services
2 is the state information agency under sections 454.1500 to 454.1728.

3 (b) The state information agency shall:

4 (1) compile and maintain a current list, including addresses, of the tribunals in this
5 state which have jurisdiction under sections 454.1500 to 454.1728 and any support
6 enforcement agencies in this state and transmit a copy to the state information agency of
7 every other state;

8 (2) maintain a register of names and addresses of tribunals and support
9 enforcement agencies received from other states;

10 (3) forward to the appropriate tribunal in the county in this state in which the
11 obligee who is an individual or the obligor resides, or in which the obligor's property is
12 believed to be located, all documents concerning a proceeding under sections 454.1500 to
13 454.1728 received from another state or a foreign country; and

14 (4) obtain information concerning the location of the obligor and the obligor's
15 property within this state not exempt from execution, by such means as postal verification
16 and federal or state locator services, examination of telephone directories, requests for the
17 obligor's address from employers, and examination of governmental records, including,
18 to the extent not prohibited by other law, those relating to real property, vital statistics, law
19 enforcement, taxation, motor vehicles, driver's licenses, and Social Security.

454.1578. (a) In a proceeding under sections 454.1500 to 454.1728, a petitioner
2 seeking to establish a support order, to determine parentage of a child, or to register and
3 modify a support order of a tribunal of another state or a foreign country must file a
4 petition. Unless otherwise ordered under section 454.1581, the petition or accompanying
5 documents must provide, so far as known, the name, residential address, and Social
6 Security numbers of the obligor and the obligee or the parent and alleged parent, and the
7 name, sex, residential address, Social Security number, and date of birth of each child for
8 whose benefit support is sought or whose parentage is to be determined. Unless filed at the
9 time of registration, the petition must be accompanied by a copy of any support order
10 known to have been issued by another tribunal. The petition may include any other
11 information that may assist in locating or identifying the respondent.

12 (b) The petition must specify the relief sought. The petition and accompanying
13 documents must conform substantially with the requirements imposed by the forms
14 mandated by federal law for use in cases filed by a support enforcement agency.

454.1581. If a party alleges in an affidavit or a pleading under oath that the health,
2 safety, or liberty of a party or child would be jeopardized by disclosure of specific
3 identifying information, that information must be sealed and may not be disclosed to the
4 other party or the public. After a hearing in which a tribunal takes into consideration the
5 health, safety, or liberty of the party or child, the tribunal may order disclosure of
6 information that the tribunal determines to be in the interest of justice.

454.1584. (a) The petitioner may not be required to pay a filing fee or other costs.

2 (b) If an obligee prevails, a responding tribunal of this state may assess against an
3 obligor filing fees, reasonable attorney's fees, other costs, and necessary travel and other
4 reasonable expenses incurred by the obligee and the obligee's witnesses. The tribunal may
5 not assess fees, costs, or expenses against the obligee or the support enforcement agency of
6 either the initiating or responding state or foreign country, except as provided by other
7 law. Attorney's fees may be taxed as costs, and may be ordered paid directly to the
8 attorney, who may enforce the order in the attorney's own name. Payment of support
9 owed to the obligee has priority over fees, costs, and expenses.

10 (c) The tribunal shall order the payment of costs and reasonable attorney's fees if
11 it determines that a hearing was requested primarily for delay. In a proceeding under
12 Article 6, sections 454.1632 to 454.1677, a hearing is presumed to have been requested
13 primarily for delay if a registered support order is confirmed or enforced without change.

 454.1587. (a) Participation by a petitioner in a proceeding under sections 454.1500
2 to 454.1728 before a responding tribunal, whether in person, by private attorney, or
3 through services provided by the support enforcement agency, does not confer personal
4 jurisdiction over the petitioner in another proceeding.

5 (b) A petitioner is not amenable to service of civil process while physically present
6 in this state to participate in a proceeding under sections 454.1500 to 454.1728.

7 (c) The immunity granted by this section does not extend to civil litigation based
8 on acts unrelated to a proceeding under sections 454.1500 to 454.1728 committed by a
9 party while physically present in this state to participate in the proceeding.

 454.1590. A party whose parentage of a child has been previously determined by
2 or pursuant to law may not plead nonparentage as a defense to a proceeding under sections
3 454.1500 to 454.1728.

 454.1593. (a) The physical presence of a nonresident party who is an individual in
2 a tribunal of this state is not required for the establishment, enforcement, or modification
3 of a support order or the rendition of a judgment determining parentage of a child.

4 (b) An affidavit, a document substantially complying with federally mandated
5 forms, or a document incorporated by reference in any of them, which would not be
6 excluded under the hearsay rule if given in person, is admissible in evidence if given under
7 penalty of perjury by a party or witness residing outside this state.

8 (c) A copy of the record of child support payments certified as a true copy of the
9 original by the custodian of the record may be forwarded to a responding tribunal. The
10 copy is evidence of facts asserted in it, and is admissible to show whether payments were
11 made.

12 (d) Copies of bills for testing for parentage of a child, and for prenatal and
13 postnatal health care of the mother and child, furnished to the adverse party at least ten
14 days before trial, are admissible in evidence to prove the amount of the charges billed and
15 that the charges were reasonable, necessary, and customary.

16 (e) Documentary evidence transmitted from outside this state to a tribunal of this
17 state by telephone, telecopier, or other electronic means that do not provide an original
18 record may not be excluded from evidence on an objection based on the means of
19 transmission.

20 (f) In a proceeding under sections 454.1500 to 454.1728, a tribunal of this state shall
21 permit a party or witness residing outside this state to be deposed or to testify under
22 penalty of perjury by telephone, audiovisual means, or other electronic means at a
23 designated tribunal or other location. A tribunal of this state shall cooperate with other
24 tribunals in designating an appropriate location for the deposition or testimony.

25 (g) If a party called to testify at a civil hearing refuses to answer on the ground that
26 the testimony may be self-incriminating, the trier of fact may draw an adverse inference
27 from the refusal.

28 (h) A privilege against disclosure of communications between spouses does not
29 apply in a proceeding under sections 454.1500 to 454.1728.

30 (i) The defense of immunity based on the relationship of husband and wife or
31 parent and child does not apply in a proceeding under sections 454.1500 to 454.1728.

32 (j) A voluntary acknowledgment of paternity, certified as a true copy, is admissible
33 to establish parentage of the child.

454.1596. A tribunal of this state may communicate with a tribunal outside this
2 state in a record or by telephone, electronic mail, or other means, to obtain information
3 concerning the laws, the legal effect of a judgment, decree, or order of that tribunal, and
4 the status of a proceeding. A tribunal of this state may furnish similar information by
5 similar means to a tribunal outside this state.

454.1599. A tribunal of this state may:

- 2 (1) request a tribunal outside this state to assist in obtaining discovery; and
- 3 (2) upon request, compel a person over which it has jurisdiction to respond to a
4 discovery order issued by a tribunal outside this state.

454.1602. (a) A support enforcement agency or tribunal of this state shall disburse
2 promptly any amounts received pursuant to a support order, as directed by the order. The
3 agency or tribunal shall furnish to a requesting party or tribunal of another state or a
4 foreign country a certified statement by the custodian of the record of the amounts and
5 dates of all payments received.

6 (b) If neither the obligor, nor the obligee who is an individual, nor the child resides
7 in this state, upon request from the support enforcement agency of this state or another
8 state, a tribunal of this state shall:

9 (1) direct that the support payment be made to the support enforcement agency in
10 the state in which the obligee is receiving services; and

11 (2) issue and send to the obligor's employer a conforming income withholding order
12 or an administrative notice of change of payee, reflecting the redirected payments.

13 (c) The support enforcement agency of this state receiving redirected payments
14 from another state pursuant to a law similar to subsection (b) shall furnish to a requesting
15 party or tribunal of the other state a certified statement by the custodian of the record of
16 the amount and dates of all payments received.

17 **ARTICLE 4**

18 **ESTABLISHMENT OF SUPPORT ORDER OR DETERMINATION OF**
19 **PARENTAGE**

2 **454.1605. (a) If a support order entitled to recognition under sections 454.1500 to**
3 **454.1728 has not been issued, a responding tribunal of this state with personal jurisdiction**
4 **over the parties may issue a support order if:**

- 4 (1) the individual seeking the order resides outside this state; or
- 5 (2) the support enforcement agency seeking the order is located outside this state.

6 (b) The tribunal may issue a temporary child support order if the tribunal
7 determines that such an order is appropriate and the individual ordered to pay is:

- 8 (1) a presumed father of the child;
- 9 (2) petitioning to have his paternity adjudicated;
- 10 (3) identified as the father of the child through genetic testing;
- 11 (4) an alleged father who has declined to submit to genetic testing;
- 12 (5) shown by clear and convincing evidence to be the father of the child;
- 13 (6) an acknowledged father as provided under section 210.823;
- 14 (7) the mother of the child; or
- 15 (8) an individual who has been ordered to pay child support in a previous

16 proceeding and the order has not been reversed or vacated.

17 (c) Upon finding, after notice and opportunity to be heard, that an obligor owes a
18 duty of support, the tribunal shall issue a support order directed to the obligor and may
19 issue other orders pursuant to section 454.1560.

2 **454.1608. A tribunal of this state authorized to determine parentage of a child may**
3 **serve as a responding tribunal in a proceeding to determine parentage of a child brought**
4 **under sections 454.1500 to 454.1728 or a law or procedure substantially similar to sections**
5 **454.1500 to 454.1728.**

6 **ARTICLE 5**

7 **ENFORCEMENT OF SUPPORT ORDER WITHOUT REGISTRATION**

8 **454.1611. An income withholding order issued in another state may be sent by or**
9 **on behalf of the obligee, or by the support enforcement agency, to the person defined as the**
10 **obligor's employer under section 452.350 or 454.505 without first filing a petition or**
11 **comparable pleading or registering the order with a tribunal of this state.**

2 **454.1614. (a) Upon receipt of an income withholding order, the obligor's employer**
3 **shall immediately provide a copy of the order to the obligor.**

4 **(b) The employer shall treat an income withholding order issued in another state**
5 **which appears regular on its face as if it had been issued by a tribunal of this state.**

6 **(c) Except as otherwise provided in subsection (d) of this section and section**
7 **454.1617, the employer shall withhold and distribute the funds as directed in the**
8 **withholding order by complying with terms of the order which specify:**

9 **(1) the duration and amount of periodic payments of current child support, stated**
10 **as a sum certain;**

11 **(2) the person designated to receive payments and the address to which the**
12 **payments are to be forwarded;**

13 **(3) medical support, whether in the form of periodic cash payment, stated as a sum**
14 **certain, or ordering the obligor to provide health insurance coverage for the child under**
15 **a policy available through the obligor's employment;**

16 **(4) the amount of periodic payments of fees and costs for a support enforcement**
17 **agency, the issuing tribunal, and the obligee's attorney, stated as sums certain; and**

18 **(5) the amount of periodic payments of arrearages and interest on arrearages,**
19 **stated as sums certain.**

20 **(d) An employer shall comply with the law of the state of the obligor's principal**
21 **place of employment for withholding from income with respect to:**

22 **(1) the employer's fee for processing an income withholding order;**

23 **(2) the maximum amount permitted to be withheld from the obligor's income; and**

24 **(3) the times within which the employer must implement the withholding order and**
forward the child support payment.

454.1617. If an obligor's employer receives two or more income withholding orders
2 **with respect to the earnings of the same obligor, the employer satisfies the terms of the**
3 **orders if the employer complies with the law of the state of the obligor's principal place of**
4 **employment to establish the priorities for withholding and allocating income withheld for**
5 **two or more child support obligees.**

454.1620. An employer that complies with an income withholding order issued in
2 **another state in accordance with sections 454.1611 to 454.1629 is not subject to civil**
3 **liability to an individual or agency with regard to the employer's withholding of child**
4 **support from the obligor's income.**

454.1623. An employer that willfully fails to comply with an income withholding
2 **order issued in another state and received for enforcement is subject to the same penalties**
3 **that may be imposed for noncompliance with an order issued by a tribunal of this state.**

454.1626. (a) An obligor may contest the validity or enforcement of an income withholding order issued in another state and received directly by an employer in this state by registering the order in a tribunal of this state and filing a contest to that order as provided in Article 6, sections 454.1632 to 454.1677, or otherwise contesting the order in the same manner as if the order had been issued by a tribunal of this state.

(b) The obligor shall give notice of the contest to:

(1) a support enforcement agency providing services to the obligee;

(2) each employer that has directly received an income withholding order relating to the obligor; and

(3) the person designated to receive payments in the income withholding order or, if no person is designated, to the obligee.

454.1629. (a) A party or support enforcement agency seeking to enforce a support order or an income withholding order, or both, issued in another state or a foreign support order may send the documents required for registering the order to a support enforcement agency of this state.

(b) Upon receipt of the documents, the support enforcement agency, without initially seeking to register the order, shall consider and, if appropriate, use any administrative procedure authorized by the law of this state to enforce a support order or an income withholding order, or both. If the obligor does not contest administrative enforcement, the order need not be registered. If the obligor contests the validity or administrative enforcement of the order, the support enforcement agency shall register the order pursuant to sections 454.1500 to 454.1728.

ARTICLE 6

REGISTRATION, ENFORCEMENT, AND MODIFICATION OF SUPPORT ORDER

Part 1

REGISTRATION FOR ENFORCEMENT OF SUPPORT ORDER

454.1632. A support order or income withholding order issued in another state or a foreign support order may be registered in this state for enforcement.

454.1635. (a) Except as otherwise provided in section 454.1695, a support order or income withholding order of another state or a foreign support order may be registered in this state by sending the following records to the appropriate tribunal in this state:

(1) a letter of transmittal to the tribunal requesting registration and enforcement;

(2) two copies, including one certified copy, of the order to be registered, including any modification of the order;

(3) a sworn statement by the person requesting registration or a certified statement by the custodian of the records showing the amount of any arrearage;

- 9 **(4) the name of the obligor and, if known:**
- 10 **(A) the obligor's address and Social Security number;**
- 11 **(B) the name and address of the obligor's employer and any other source of income**
- 12 **of the obligor; and**
- 13 **(C) a description and the location of property of the obligor in this state not exempt**
- 14 **from execution; and**
- 15 **(5) except as otherwise provided in section 454.1581, the name and address of the**
- 16 **obligee and, if applicable, the person to whom support payments are to be remitted.**
- 17 **(b) On receipt of a request for registration, the registering tribunal shall cause the**
- 18 **order to be filed as an order of a tribunal of another state or a foreign support order,**
- 19 **together with one copy of the documents and information, regardless of their form.**
- 20 **(c) A petition or comparable pleading seeking a remedy that must be affirmatively**
- 21 **sought under other law of this state may be filed at the same time as the request for**
- 22 **registration or later. The pleading must specify the grounds for the remedy sought.**
- 23 **(d) If two or more orders are in effect, the person requesting registration shall:**
- 24 **(1) furnish to the tribunal a copy of every support order asserted to be in effect in**
- 25 **addition to the documents specified in this section;**
- 26 **(2) specify the order alleged to be the controlling order, if any; and**
- 27 **(3) specify the amount of consolidated arrears, if any.**
- 28 **(e) A request for a determination of which is the controlling order may be filed**
- 29 **separately or with a request for registration and enforcement or for registration and**
- 30 **modification. The person requesting registration shall give notice of the request to each**
- 31 **party whose rights may be affected by the determination.**

2 **454.1638. (a) A support order or income withholding order issued in another state**
3 **or a foreign support order is registered when the order is filed in the registering tribunal**
4 **of this state.**

5 **(b) A registered support order issued in another state or a foreign country is**
6 **enforceable in the same manner and is subject to the same procedures as an order issued**
7 **by a tribunal of this state.**

8 **(c) Except as otherwise provided in sections 454.1500 to 454.1728, a tribunal of this**
9 **state shall recognize and enforce, but may not modify, a registered support order if the**
10 **issuing tribunal had jurisdiction.**

11 **454.1641. (a) Except as otherwise provided in subsection (d), the law of the issuing**
12 **state or foreign country governs:**

- 13 **(1) the nature, extent, amount, and duration of current payments under a**
- 14 **registered support order;**

21 (3) state that the procedures provided in subsection (b) apply to the determination
22 of which is the controlling order; and

23 (4) state that failure to contest the validity or enforcement of the order alleged to
24 be the controlling order in a timely manner may result in confirmation that the order is the
25 controlling order.

26 (d) Upon registration of an income withholding order for enforcement, the support
27 enforcement agency or the registering tribunal shall notify the obligor's employer pursuant
28 to section 452.350 or 454.505.

454.1647. (a) A nonregistering party seeking to contest the validity or enforcement
2 of a registered support order in this state shall request a hearing within the time required
3 by section 454.1644. The nonregistering party may seek to vacate the registration, to assert
4 any defense to an allegation of noncompliance with the registered order, or to contest the
5 remedies being sought or the amount of any alleged arrearages pursuant to section
6 454.1650.

7 (b) If the nonregistering party fails to contest the validity or enforcement of the
8 registered support order in a timely manner, the order is confirmed by operation of law.

9 (c) If a nonregistering party requests a hearing to contest the validity or
10 enforcement of the registered support order, the registering tribunal shall schedule the
11 matter for hearing and give notice to the parties of the date, time, and place of the hearing.

454.1650. (a) A party contesting the validity or enforcement of a registered support
2 order or seeking to vacate the registration has the burden of proving one or more of the
3 following defenses:

4 (1) the issuing tribunal lacked personal jurisdiction over the contesting party;

5 (2) the order was obtained by fraud;

6 (3) the order has been vacated, suspended, or modified by a later order;

7 (4) the issuing tribunal has stayed the order pending appeal;

8 (5) there is a defense under the law of this state to the remedy sought;

9 (6) full or partial payment has been made;

10 (7) the statute of limitation under section 454.1641 precludes enforcement of some
11 or all of the alleged arrearages; or

12 (8) the alleged controlling order is not the controlling order.

13 (b) If a party presents evidence establishing a full or partial defense under
14 subsection (a), a tribunal may stay enforcement of a registered support order, continue the
15 proceeding to permit production of additional relevant evidence, and issue other
16 appropriate orders. An uncontested portion of the registered support order may be
17 enforced by all remedies available under the law of this state.

18 (c) If the contesting party does not establish a defense under subsection (a) to the
19 validity or enforcement of a registered support order, the registering tribunal shall issue
20 an order confirming the order.

454.1653. Confirmation of a registered support order, whether by operation of law
2 or after notice and hearing, precludes further contest of the order with respect to any
3 matter that could have been asserted at the time of registration.

4 Part 3

5 REGISTRATION AND MODIFICATION OF CHILD SUPPORT ORDER OF 6 ANOTHER STATE

454.1656. A party or support enforcement agency seeking to modify, or to modify
2 and enforce, a child support order issued in another state shall register that order in this
3 state in the same manner provided in sections 454.1632 through 454.1653 if the order has
4 not been registered. A petition for modification may be filed at the same time as a request
5 for registration, or later. The pleading must specify the grounds for modification.

454.1659. A tribunal of this state may enforce a child support order of another state
2 registered for purposes of modification, in the same manner as if the order had been issued
3 by a tribunal of this state, but the registered support order may be modified only if the
4 requirements of section 454.1662 or 454.1668 have been met.

454.1662. (a) If section 454.1668 does not apply, upon petition a tribunal of this
2 state may modify a child support order issued in another state which is registered in this
3 state if, after notice and hearing, the tribunal finds that:

4 (1) the following requirements are met:

5 (A) neither the child, nor the obligee who is an individual, nor the obligor resides
6 in the issuing state;

7 (B) a petitioner who is a nonresident of this state seeks modification; and

8 (C) the respondent is subject to the personal jurisdiction of the tribunal of this
9 state; or

10 (2) this state is the residence of the child, or a party who is an individual is subject
11 to the personal jurisdiction of the tribunal of this state, and all of the parties who are
12 individuals have filed consents in a record in the issuing tribunal for a tribunal of this state
13 to modify the support order and assume continuing, exclusive jurisdiction.

14 (b) Modification of a registered child support order is subject to the same
15 requirements, procedures, and defenses that apply to the modification of an order issued
16 by a tribunal of this state and the order may be enforced and satisfied in the same manner.

17 (c) A tribunal of this state may not modify any aspect of a child support order that
18 may not be modified under the law of the issuing state, including the duration of the

19 obligation of support. If two or more tribunals have issued child support orders for the
20 same obligor and same child, the order that controls and must be so recognized under
21 section 454.1533 establishes the aspects of the support order which are nonmodifiable.

22 (d) In a proceeding to modify a child support order, the law of the state that is
23 determined to have issued the initial controlling order governs the duration of the
24 obligation of support. The obligor's fulfillment of the duty of support established by that
25 order precludes imposition of a further obligation of support by a tribunal of this state.

26 (e) On the issuance of an order by a tribunal of this state modifying a child support
27 order issued in another state, the tribunal of this state becomes the tribunal having
28 continuing, exclusive jurisdiction.

29 (f) Notwithstanding subsections (a) through (e) and subsection (b) of section
30 454.1515, a tribunal of this state retains jurisdiction to modify an order issued by a
31 tribunal of this state if:

- 32 (1) one party resides in another state; and
33 (2) the other party resides outside the United States.

454.1665. If a child support order issued by a tribunal of this state is modified by
2 a tribunal of another state which assumed jurisdiction pursuant to the Uniform Interstate
3 Family Support Act, a tribunal of this state:

- 4 (1) may enforce its order that was modified only as to arrears and interest accruing
5 before the modification;
6 (2) may provide appropriate relief for violations of its order which occurred before
7 the effective date of the modification; and
8 (3) shall recognize the modifying order of the other state, upon registration, for the
9 purpose of enforcement.

454.1668. (a) If all of the parties who are individuals reside in this state and the
2 child does not reside in the issuing state, a tribunal of this state has jurisdiction to enforce
3 and to modify the issuing state's child support order in a proceeding to register that order.

4 (b) A tribunal of this state exercising jurisdiction under this section shall apply the
5 provisions of Articles 1 and 2, sections 454.1500 to 454.1545; this article, sections 454.1632
6 to 454.1677, and the procedural and substantive law of this state to the proceeding for
7 enforcement or modification. Article 3, sections 454.1548 to 454.1602; Article 4, sections
8 454.1605 to 454.1608; Article 5, sections 454.1611 to 454.1629, Article 7, sections 454.1680
9 to 454.1716; and Article 8, sections 454.1719 to 454.1722, do not apply.

454.1671. Within thirty days after issuance of a modified child support order, the
2 party obtaining the modification shall file a certified copy of the order with the issuing
3 tribunal that had continuing, exclusive jurisdiction over the earlier order, and in each

4 tribunal in which the party knows the earlier order has been registered. A party who
5 obtains the order and fails to file a certified copy is subject to appropriate sanctions by a
6 tribunal in which the issue of failure to file arises. The failure to file does not affect the
7 validity or enforceability of the modified order of the new tribunal having continuing,
8 exclusive jurisdiction.

9

Part 4

10 REGISTRATION AND MODIFICATION OF FOREIGN CHILD SUPPORT ORDER

454.1674. (a) Except as otherwise provided in section 454.1710, if a foreign country
2 lacks or refuses to exercise jurisdiction to modify its child support order pursuant to its
3 laws, a tribunal of this state may assume jurisdiction to modify the child support order and
4 bind all individuals subject to the personal jurisdiction of the tribunal whether the consent
5 to modification of a child support order otherwise required of the individual pursuant to
6 section 454.1662 has been given or whether the individual seeking modification is a
7 resident of this state or of the foreign country.

8 (b) An order issued by a tribunal of this state modifying a foreign child support
9 order pursuant to this section is the controlling order.

454.1677. A party or support enforcement agency seeking to modify, or to modify
2 and enforce, a foreign child support order not under the Convention may register that
3 order in this state under sections 454.1632 to 454.1653 if the order has not been registered.
4 A petition for modification may be filed at the same time as a request for registration, or
5 at another time. The petition must specify the grounds for modification.

6

ARTICLE 7

7

SUPPORT PROCEEDING UNDER CONVENTION

8

454.1680. In this Article, sections 454.1680 to 454.1716:

2

(1) "Application" means a request under the Convention by an obligee or obligor,
3 or on behalf of a child, made through a central authority for assistance from another
4 central authority.

5

(2) "Central authority" means the entity designated by the United States or a
6 foreign country described in section 454.1503(5)(D) to perform the functions specified in
7 the Convention.

8

(3) "Convention support order" means a support order of a tribunal of a foreign
9 country described in section 454.1503(5)(D).

10

(4) "Direct request" means a petition filed by an individual in a tribunal of this
11 state in a proceeding involving an obligee, obligor, or child residing outside the United
12 States.

13 (5) "Foreign central authority" means the entity designated by a foreign country
14 described in section 454.1503(5)(D) to perform the functions specified in the Convention.

15 (6) "Foreign support agreement":

16 (A) means an agreement for support in a record that:

17 (i) is enforceable as a support order in the country of origin;

18 (ii) has been:

19 (I) formally drawn up or registered as an authentic instrument by a foreign
20 tribunal; or

21 (II) authenticated by, or concluded, registered, or filed with a foreign tribunal; and

22 (iii) may be reviewed and modified by a foreign tribunal; and

23 (B) includes a maintenance arrangement or authentic instrument under the
24 Convention.

25 (7) "United States central authority" means the Secretary of the United States
26 Department of Health and Human Services.

 454.1683. This Article, sections 454.1680 to 454.1716, applies only to a support
2 proceeding under the Convention. In such a proceeding, if a provision of this Article,
3 sections 454.1680 to 454.1716, is inconsistent with Articles 1 through 6, sections 454.1500
4 to 454.1677, this article, sections 454.1680 to 454.1716, controls.

 454.1686. The family support division of this state is recognized as the agency
2 designated by the United States central authority to perform specific functions under the
3 Convention.

 454.1689. (a) In a support proceeding under this Article, sections 454.1680 to
2 454.1716, the family support division of this state shall:

3 (1) transmit and receive applications; and

4 (2) initiate or facilitate the institution of a proceeding regarding an application in
5 a tribunal of this state.

6 (b) The following support proceedings are available to an obligee under the
7 Convention:

8 (1) recognition or recognition and enforcement of a foreign support order;

9 (2) enforcement of a support order issued or recognized in this state;

10 (3) establishment of a support order if there is no existing order, including, if
11 necessary, determination of parentage of a child;

12 (4) establishment of a support order if recognition of a foreign support order is
13 refused under section 454.1701(b)(2), (4), or (9);

14 (5) modification of a support order of a tribunal of this state; and

15 **(6) modification of a support order of a tribunal of another state or a foreign**
16 **country.**

17 **(c) The following support proceedings are available under the Convention to an**
18 **obligor against which there is an existing support order:**

19 **(1) recognition of an order suspending or limiting enforcement of an existing**
20 **support order of a tribunal of this state;**

21 **(2) modification of a support order of a tribunal of this state; and**

22 **(3) modification of a support order of a tribunal of another state or a foreign**
23 **country.**

24 **(d) A tribunal of this state may not require security, bond, or deposit, however**
25 **described, to guarantee the payment of costs and expenses in proceedings under the**
26 **Convention.**

454.1692. (a) A petitioner may file a direct request seeking establishment or
2 **modification of a support order or determination of parentage of a child. In the**
3 **proceeding, the law of this state applies.**

4 **(b) A petitioner may file a direct request seeking recognition and enforcement of**
5 **a support order or support agreement. In the proceeding, sections 454.1695 through**
6 **454.1716 apply.**

7 **(c) In a direct request for recognition and enforcement of a Convention support**
8 **order or foreign support agreement:**

9 **(1) a security, bond, or deposit is not required to guarantee the payment of costs**
10 **and expenses; and**

11 **(2) an obligee or obligor that in the issuing country has benefitted from free legal**
12 **assistance is entitled to benefit, at least to the same extent, from any free legal assistance**
13 **provided for by the law of this state under the same circumstances.**

14 **(d) A petitioner filing a direct request is not entitled to assistance from the family**
15 **support division.**

16 **(e) This Article, sections 454.1680 to 454.1716, does not prevent the application of**
17 **laws of this state that provide simplified, more expeditious rules regarding a direct request**
18 **for recognition and enforcement of a foreign support order or foreign support agreement.**

454.1695. (a) Except as otherwise provided in this Article, sections 454.1680 to
2 **454.1716, a party who is an individual or a support enforcement agency seeking**
3 **recognition of a Convention support order shall register the order in this state as provided**
4 **in Article 6, sections 454.1632 to 454.1677.**

5 **(b) Notwithstanding sections 454.1578 and 454.1635(a), a request for registration**
6 **of a Convention support order must be accompanied by:**

- 7 **(1) a complete text of the support order;**
8 **(2) a record stating that the support order is enforceable in the issuing country;**
9 **(3) if the respondent did not appear and was not represented in the proceedings in**
10 **the issuing country, a record attesting, as appropriate, either that the respondent had**
11 **proper notice of the proceedings and an opportunity to be heard or that the respondent**
12 **had proper notice of the support order and an opportunity to be heard in a challenge or**
13 **appeal on fact or law before a tribunal;**
14 **(4) a record showing the amount of arrears, if any, and the date the amount was**
15 **calculated;**
16 **(5) a record showing a requirement for automatic adjustment of the amount of**
17 **support, if any, and the information necessary to make the appropriate calculations; and**
18 **(6) if necessary, a record showing the extent to which the applicant received free**
19 **legal assistance in the issuing country.**
20 **(c) A request for registration of a Convention support order may seek recognition**
21 **and partial enforcement of the order.**
22 **(d) A tribunal of this state may vacate the registration of a Convention support**
23 **order without the filing of a contest under section 454.1698 only if, acting on its own**
24 **motion, the tribunal finds that recognition and enforcement of the order would be**
25 **manifestly incompatible with public policy.**
26 **(e) The tribunal shall promptly notify the parties of the registration or the order**
27 **vacating the registration of a Convention support order.**
 454.1698. (a) Except as otherwise provided in this Article, sections 454.1680 to
2 **454.1716, sections 454.1644 to 454.1653 apply to a contest of a registered Convention**
3 **support order.**
4 **(b) A party contesting a registered Convention support order shall file a contest not**
5 **later than thirty days after notice of the registration, but if the contesting party does not**
6 **reside in the United States, the contest must be filed not later than sixty days after notice**
7 **of the registration.**
8 **(c) If the nonregistering party fails to contest the registered Convention support**
9 **order by the time specified in subsection (b), the order is enforceable.**
10 **(d) A contest of a registered Convention support order may be based only on**
11 **grounds set forth in section 454.1701. The contesting party bears the burden of proof.**
12 **(e) In a contest of a registered Convention support order, a tribunal of this state:**
13 **(1) is bound by the findings of fact on which the foreign tribunal based its**
14 **jurisdiction; and**
15 **(2) may not review the merits of the order.**

16 (f) A tribunal of this state deciding a contest of a registered Convention support
17 order shall promptly notify the parties of its decision.

18 (g) A challenge or appeal, if any, does not stay the enforcement of a Convention
19 support order unless there are exceptional circumstances.

2 454.1701. (a) Except as otherwise provided in subsection (b), a tribunal of this state
3 shall recognize and enforce a registered Convention support order.

4 (b) The following grounds are the only grounds on which a tribunal of this state
5 may refuse recognition and enforcement of a registered Convention support order:

6 (1) recognition and enforcement of the order is manifestly incompatible with public
7 policy, including the failure of the issuing tribunal to observe minimum standards of due
8 process, which include notice and an opportunity to be heard;

9 (2) the issuing tribunal lacked personal jurisdiction consistent with section
10 454.1515;

11 (3) the order is not enforceable in the issuing country;

12 (4) the order was obtained by fraud in connection with a matter of procedure;

13 (5) a record transmitted in accordance with section 454.1695 lacks authenticity or
14 integrity;

15 (6) a proceeding between the same parties and having the same purpose is pending
16 before a tribunal of this state and that proceeding was the first to be filed;

17 (7) the order is incompatible with a more recent support order involving the same
18 parties and having the same purpose if the more recent support order is entitled to
19 recognition and enforcement under sections 454.1500 to 454.1728 in this state;

20 (8) payment, to the extent alleged arrears have been paid in whole or in part;

21 (9) in a case in which the respondent neither appeared nor was represented in the
22 proceeding in the issuing foreign country:

23 (A) if the law of that country provides for prior notice of proceedings, the
24 respondent did not have proper notice of the proceedings and an opportunity to be heard;
25 or

26 (B) if the law of that country does not provide for prior notice of the proceedings,
27 the respondent did not have proper notice of the order and an opportunity to be heard in
28 a challenge or appeal on fact or law before a tribunal; or

29 (10) the order was made in violation of section 454.1710.

30 (c) If a tribunal of this state does not recognize a Convention support order under
31 subsection (b)(2), (4), or (9):

32 (1) the tribunal may not dismiss the proceeding without allowing a reasonable time
for a party to request the establishment of a new Convention support order; and

33 (2) the family support division shall take all appropriate measures to request a
34 child support order for the obligee if the application for recognition and enforcement was
35 received under section 454.1689.

454.1704. If a tribunal of this state does not recognize and enforce a Convention
2 support order in its entirety, it shall enforce any severable part of the order. An
3 application or direct request may seek recognition and partial enforcement of a
4 Convention support order.

454.1707. (a) Except as otherwise provided in subsections (c) and (d), a tribunal
2 of this state shall recognize and enforce a foreign support agreement registered in this
3 state.

 (b) An application or direct request for recognition and enforcement of a foreign
5 support agreement must be accompanied by:

6 (1) a complete text of the foreign support agreement; and

7 (2) a record stating that the foreign support agreement is enforceable as an order
8 of support in the issuing country.

9 (c) A tribunal of this state may vacate the registration of a foreign support
10 agreement only if, acting on its own motion, the tribunal finds that recognition and
11 enforcement would be manifestly incompatible with public policy.

12 (d) In a contest of a foreign support agreement, a tribunal of this state may refuse
13 recognition and enforcement of the agreement if it finds:

14 (1) recognition and enforcement of the agreement is manifestly incompatible with
15 public policy;

16 (2) the agreement was obtained by fraud or falsification;

17 (3) the agreement is incompatible with a support order involving the same parties
18 and having the same purpose in this state, another state, or a foreign country if the support
19 order is entitled to recognition and enforcement under sections 454.1500 to 454.1728 in this
20 state; or

21 (4) the record submitted under subsection (b) lacks authenticity or integrity.

22 (e) A proceeding for recognition and enforcement of a foreign support agreement
23 must be suspended during the pendency of a challenge to or appeal of the agreement before
24 a tribunal of another state or a foreign country.

454.1710. (a) A tribunal of this state may not modify a Convention child support
2 order if the obligee remains a resident of the foreign country where the support order was
3 issued unless:

4 (1) the obligee submits to the jurisdiction of a tribunal of this state, either expressly
5 or by defending on the merits of the case without objecting to the jurisdiction at the first
6 available opportunity; or

7 (2) the foreign tribunal lacks or refuses to exercise jurisdiction to modify its
8 support order or issue a new support order.

9 (b) If a tribunal of this state does not modify a Convention child support order
10 because the order is not recognized in this state, section 454.1701(c) applies.

454.1713. Personal information gathered or transmitted under this Article, sections
2 454.1680 to 454.1716, may be used only for the purposes for which it was gathered or
3 transmitted.

454.1716. A record filed with a tribunal of this state under this Article, sections
2 454.1680 to 454.1716, must be in the original language and, if not in English, must be
3 accompanied by an English translation.

4 ARTICLE 8

5 INTERSTATE RENDITION

454.1719. (a) For purposes of this Article, sections 454.1719 to 454.1722,
2 "governor" includes an individual performing the functions of governor or the executive
3 authority of a state covered under sections 454.1500 to 454.1728.

4 (b) The governor of this state may:

5 (1) demand that the governor of another state surrender an individual found in the
6 other state who is charged criminally in this state with having failed to provide for the
7 support of an obligee; or

8 (2) on the demand of the governor of another state, surrender an individual found
9 in this state who is charged criminally in the other state with having failed to provide for
10 the support of an obligee.

11 (c) A provision for extradition of individuals not inconsistent with sections 454.1500
12 to 454.1728 applies to the demand even if the individual whose surrender is demanded was
13 not in the demanding state when the crime was allegedly committed and has not fled
14 therefrom.

454.1722. (a) Before making a demand that the governor of another state
2 surrender an individual charged criminally in this state with having failed to provide for
3 the support of an obligee, the governor of this state may require a prosecutor of this state
4 to demonstrate that at least sixty days previously the obligee had initiated proceedings for
5 support pursuant to sections 454.1500 to 454.1728 or that the proceeding would be of no
6 avail.

7 (b) If, under sections 454.1500 to 454.1728 or a law substantially similar to sections
8 454.1500 to 454.1728, the governor of another state makes a demand that the governor of
9 this state surrender an individual charged criminally in that state with having failed to
10 provide for the support of a child or other individual to whom a duty of support is owed,
11 the governor may require a prosecutor to investigate the demand and report whether a
12 proceeding for support has been initiated or would be effective. If it appears that a
13 proceeding would be effective but has not been initiated, the governor may delay honoring
14 the demand for a reasonable time to permit the initiation of a proceeding.

15 (c) If a proceeding for support has been initiated and the individual whose
16 rendition is demanded prevails, the governor may decline to honor the demand. If the
17 petitioner prevails and the individual whose rendition is demanded is subject to a support
18 order, the governor may decline to honor the demand if the individual is complying with
19 the support order.

20 ARTICLE 9

21 MISCELLANEOUS PROVISIONS

2 454.1725. In applying and construing this Uniform Act, consideration must be
3 given to the need to promote uniformity of the law with respect to its subject matter among
4 states that enact it.

2 454.1727. If any provision of sections 454.1500 to 454.1728 or its application to any
3 person or circumstance is held invalid, the invalidity does not affect other provisions or
4 applications of sections 454.1500 to 454.1728 which can be given effect without the invalid
5 provision or application, and to this end the provisions of sections 454.1500 to 454.1728 are
6 severable.

2 454.1728. Sections 454.1500 to 454.1728 shall become effective upon the United
3 States filing its instrument of ratification of The Hague Convention on the International
4 Recovery of Child Support and Other Forms of Family Maintenance, adopted at The
5 Hague Conference on Private International Law on November 23, 2007.

2 454.1730. The provisions of sections 210.817, 210.822, 210.823, 210.834, and 210.836
3 shall apply to a proceeding under sections 454.1500 to 454.1728, but no other provisions
4 of sections 210.817 through 210.852 shall apply.

2 455.038. Every circuit clerk shall be responsible for providing information to individuals
3 petitioning for ex parte orders of protection regarding notification of service of these orders of
4 protection. Such notification to the petitioner is required if the petitioner has registered a
5 telephone number with the victim notification system, established under subsection 3 of section
6 650.310, RSMo. The petitioner shall be informed of his or her option to receive notification of
service of an ex parte order of protection on the respondent by the circuit clerk and shall be

7 provided information on how to receive notification of service of ex parte orders of protection.
8 The local law enforcement agency or any other government agency responsible for serving ex
9 parte orders of protection shall **enter service information into the Missouri uniform law**
10 **enforcement system or future secure electronic databases that are intended for law**
11 **enforcement use within twenty-four hours after the ex parte order is served on the**
12 **respondent or shall** notify the circuit clerk when no more service attempts are planned by that
13 agency. The provisions of this section shall only apply to those circuit clerks able to access a
14 statewide victim notification system designed to provide notification of service of orders of
15 protection.

455.040. 1. Not later than fifteen days after the filing of a petition pursuant to sections
2 455.010 to 455.085 a hearing shall be held unless the court deems, for good cause shown, that
3 a continuance should be granted. At the hearing, if the petitioner has proved the allegation of
4 abuse or stalking by a preponderance of the evidence, the court shall issue a full order of
5 protection for a period of time the court deems appropriate, except that the protective order shall
6 be valid for at least one hundred eighty days and not more than one year. Upon motion by the
7 petitioner, and after a hearing by the court, the full order of protection may be renewed for a
8 period of time the court deems appropriate, except that the protective order shall be valid for at
9 least one hundred eighty days and not more than one year from the expiration date of the
10 originally issued full order of protection. If for good cause a hearing cannot be held on the
11 motion to renew the full order of protection prior to the expiration date of the originally issued
12 full order of protection, an ex parte order of protection may be issued until a hearing is held on
13 the motion. Upon motion by the petitioner, and after a hearing by the court, the second full order
14 of protection may be renewed for an additional period of time the court deems appropriate,
15 except that the protective order shall be valid for at least one hundred eighty days and not more
16 than one year. For purposes of this subsection, a finding by the court of a subsequent act of
17 abuse is not required for a renewal order of protection.

18 2. The court shall cause a copy of the petition and notice of the date set for the hearing
19 on such petition and any ex parte order of protection to be served upon the respondent as
20 provided by law or by any sheriff or police officer at least three days prior to such hearing. Such
21 notice shall be served at the earliest time, and service of such notice shall take priority over
22 service in other actions, except those of a similar emergency nature. The court shall cause a copy
23 of any full order of protection to be served upon or mailed by certified mail to the respondent at
24 the respondent's last known address. Failure to serve or mail a copy of the full order of
25 protection to the respondent shall not affect the validity or enforceability of a full order of
26 protection.

27 3. A copy of any order of protection granted pursuant to sections 455.010 to 455.085
28 shall be issued to the petitioner and to the local law enforcement agency in the jurisdiction where
29 the petitioner resides. The clerk shall also issue a copy of any order of protection to the local law
30 enforcement agency responsible for maintaining the Missouri uniform law enforcement system
31 or any other comparable law enforcement system the same day the order is granted. The law
32 enforcement agency responsible for maintaining MULES shall enter information contained in
33 the order for purposes of verification within twenty-four hours from the time the order is granted.
34 A notice of expiration or of termination of any order of protection shall be issued to the local law
35 enforcement agency and to the law enforcement agency responsible for maintaining MULES or
36 any other comparable law enforcement system. The law enforcement agency responsible for
37 maintaining the applicable law enforcement system shall enter such information in the system
38 **within twenty-four hours of receipt of information evidencing such expiration or**
39 **termination.** The information contained in an order of protection may be entered in the
40 Missouri uniform law enforcement system or comparable law enforcement system using a direct
41 automated data transfer from the court automated system to the law enforcement system.

**456.8-818. 1. A trust instrument may provide for the appointment of a trust
2 protector. For the purposes of this section, a person designated with a status or title, other
3 than that of a beneficiary or as a trustee, with powers similar to those specified in
4 subsection 2 of this section is a trust protector, except to the extent otherwise provided in
5 the trust instrument.**

6 **2. A trust protector appointment by the trust instrument has the powers,
7 delegations and functions conferred on the trust protector by the trust instrument. These
8 powers, delegations and functions may include the following:**

- 9 **(1) Remove and appoint a trustee or name a successor trust protector;**
10 **(2) Modify or amend the trust instrument for any valid purpose or reason,
11 including, without limitation, to:**
12 **(a) achieve favorable tax status or to respond to changes in the Internal Revenue
13 Code or state law, or the rulings and regulations under such Code or law;**
14 **(b) modify or amend the trustee's administration, financial and investment powers
15 as set forth in the trust instrument;**
16 **(c) modify or amend the trust principal and income distribution provisions;**
17 **(d) reflect legal changes that affect trust administration;**
18 **(e) correct errors or ambiguities that might otherwise require court construction;**
19 **or**
20 **(f) correct a drafting error that defeats a grantor's clear intent;**

21 **(3) Increase, decrease, modify or restrict the interests of any beneficiary of the**
22 **trust;**

23 **(4) Modify the terms of a power of appointment granted by the trust; or**

24 **(5) Change the applicable law governing the trust or the trust situs.**

25 **3. Except to the extent otherwise specifically provided in the trust instrument, a**
26 **modification authorized under subsection 2 of this section shall not:**

27 **(1) Grant a beneficial interest to an individual or a class of individuals unless the**
28 **individual or class of individuals is specifically provided for under the trust instrument;**
29 **or**

30 **(2) Modify the beneficial interest of a governmental unit in a trust created under**
31 **42 U.S.C. Section 1396p(d)(4).**

32 **4. Notwithstanding any provision of the Missouri uniform trust code to the**
33 **contrary, but except to the extent otherwise provided by the trust instrument, a trust**
34 **protector:**

35 **(1) is not a trustee or fiduciary and is not liable or accountable as a trustee or**
36 **fiduciary because of an act or omission of the trust protector when performing or failing**
37 **to perform the duties of a trust protector under the trust instrument;**

38 **(2) is permitted and authorized to exercise the trust protector's best judgment in**
39 **its course of service and will not be liable for any act or omission to act unless it is**
40 **conclusively established that the act or omission to act was motivated by an actual intent**
41 **to harm any trust created hereunder, or any beneficiary, or is an act of self-dealing for**
42 **personal pecuniary benefit;**

43 **(3) is entitled to payment or reimbursement of the reasonable costs and expenses**
44 **(including attorney's fees) of defending, settlement or judgment of any claim made against**
45 **the trust protector unless it is conclusively established by a court decision from which no**
46 **appeal may be taken that the trust protector's conduct was in bad faith; and**

47 **(4) absent bad faith on the part of the trust protector, is exonerated from any and**
48 **all liability for the trust protector's acts or omissions or the acts or omissions of any**
49 **fiduciary or any beneficiary under the trust instrument or arising from any exercise or**
50 **nonexercise of the powers and discretions conferred under the trust instrument.**

475.375. 1. Any individual over the age of eighteen years who has been adjudged
2 incapacitated under this chapter or who has been involuntarily committed under chapter 632,
3 RSMo, or who is prohibited from possessing a firearm pursuant to 18 U.S.C. Section 922
4 (d)(4) or (g)(4) may file a petition for the removal of the disqualification to purchase, possess,
5 or transfer a firearm imposed under 18 U.S.C. Section 922(d)(4) or (g)(4) when:

6 (1) The individual no longer suffers from the condition that resulted in the individual's
7 incapacity or involuntary commitment;

8 (2) The individual [no longer poses a danger to self or others for purposes of the
9 purchase, possession, or transfer of firearms under 18 U.S.C. Section 922] **will not be likely to**
10 **act in a manner dangerous to public safety;** and

11 (3) Granting relief under this section is not contrary to the public interest. [No individual
12 who has been found guilty by reason of mental disease or defect may petition a court for
13 restoration under this section.]

14 2. The petition shall be filed in the circuit court that entered the letters of guardianship
15 or the most recent order for involuntary commitment, **or the most recent disqualifying order,**
16 whichever is later. **The petition shall include: (a) the circumstances regarding the firearms**
17 **disabilities, (b) the applicant's record which at a minimum shall include the applicant's**
18 **mental health and criminal history records and (c) the applicant's reputation through**
19 **character witness statements, testimony, or other character evidence.** Upon receipt of the
20 petition, the clerk shall schedule a hearing and provide notice of the hearing to the petitioner.

21 3. The burden is on the petitioner to establish by clear and convincing evidence that:

22 (1) The petitioner no longer suffers from the condition that resulted in the incapacity or
23 the involuntary commitment;

24 (2) The individual [no longer poses a danger to self or others for purposes of the
25 purchase, possession, or transfer of firearms under 18 U.S.C. Section 922] **will not be likely to**
26 **act in a manner dangerous to public safety;** and

27 (3) Granting relief [under this section] **from the firearm restriction imposed under 18**
28 **U.S.C. Section 922 (d)(4) or (g)(4)** is not contrary to the public interest.

29 4. Upon the filing of the petition the court shall review the petition and determine if the
30 petition is based upon frivolous grounds and if so may deny the petition without a hearing. In
31 order to determine whether petitioner has met the burden pursuant to this section, the court may
32 request the local prosecuting attorney, circuit attorney, or attorney general to provide a written
33 recommendation as to whether relief should be granted. In any order requiring such review the
34 court may grant access to any and all mental health records, juvenile records, and criminal history
35 of the petitioner wherever maintained. The court may allow presentation of evidence at the
36 hearing if requested by the local prosecuting attorney, circuit attorney, or attorney general,
37 **including but not limited to evidence of the reputation of the petitioner.**

38 5. If the petitioner is filing the petition as a result of an involuntary commitment under
39 chapter 632, RSMo, the hearing and records shall be closed to the public, unless the court finds
40 that public interest would be better served by conducting the hearing in public. If the court

41 determines the hearing should be open to the public, upon motion by the petitioner, the court may
42 allow for the in-camera inspection of mental health records. The court may allow the use of the
43 record but shall restrict from public disclosure, unless it finds that the public interest would be
44 better served by making the record public.

45 6. The court shall enter an order that:

46 (1) The petitioner does or does not continue to suffer from the condition that resulted in
47 commitment;

48 (2) The individual does or does not [continue to pose a danger to self or others for
49 purposes of the purchase, possession, or transfer of firearms under 18 U.S.C. Section 922]
50 **appear likely to act in a manner dangerous to public safety;** and

51 (3) Granting relief [under this section] **from the firearm restriction imposed under 18**
52 **U.S.C. Section 922 (d)(4) or (g)(4)** is not contrary to the public interest. The court shall include
53 in its order the specific findings of fact on which it bases its decision.

54 7. Upon a judicial determination to grant a petition under this section, the clerk in the
55 county where the petition was granted shall forward the order to the Missouri state highway
56 patrol for updating of the petitioner's record with the National Instant Criminal Background
57 Check System (NICS).

58 8. (1) Any person who has been denied a petition for the removal of the disqualification
59 to purchase, possess, or transfer a firearm pursuant to this section shall not be eligible to file
60 another petition for removal of the disqualification to purchase, possess, or transfer a firearm
61 until the expiration of one year from the date of such denial.

62 (2) If a person has previously filed a petition for the removal of the disqualification to
63 purchase, possess, or transfer a firearm and the court determined that:

64 (a) The petitioner's petition was frivolous; or

65 (b) The petitioner's condition had not so changed such that the person continued to suffer
66 [form] **from** the condition that resulted in the individual's incapacity or involuntary commitment
67 and continued to pose a danger to self or others for purposes of the purchase, possession, or
68 transfer of firearms under 18 U.S.C. Section 922; or

69 (3) Granting relief under this section would be contrary to the public interest, then the
70 court shall deny the subsequent petition unless the petition contains the additional facts upon
71 which the court could find the condition of the petitioner had so changed that a hearing was
72 warranted.

73 **9. Any finding under this section shall apply solely to the relief of the federal**
74 **firearms disqualification under 18 U.S.C. Section 922(d)(4) and (g)(4) and shall not grant**
75 **relief from any state statute that forbids ownership of firearms.**

478.240. 1. The presiding judge of each circuit which is provided by subsection 3 of section 15 of article V of the constitution shall be selected for a two-year term. The circuit and associate circuit judges in each circuit shall select by secret ballot a circuit judge from their number to serve as presiding judge. Selection and removal procedures, not inconsistent with the rules of the supreme court, may be provided by local court rule. If a presiding judge is disqualified from acting as a judicial officer pursuant to the constitution, article V, section 24, the circuit judges and associate circuit judges of the circuit shall select a circuit judge as presiding judge. If the circuit does not have an eligible judge to be elected presiding judge, then the chief justice of the supreme court may designate an acting presiding judge until a successor is chosen or until the disability of the presiding judge terminates.

2. Subject to the authority of the supreme court and the chief justice under article V of the constitution, the presiding judge of the circuit shall have general administrative authority over all judicial personnel and court officials in the circuit, including the authority to assign any judicial or court personnel anywhere in the circuit, and shall have the authority to assign judges to hear such cases or classes of cases as the presiding judge may designate, and to assign judges to divisions. Such assignment authority shall include the authority to authorize particular associate circuit judges to hear and determine cases or classes of cases. By this subsection the presiding judge shall not, however, be authorized to make the following assignments:

(1) Assignment of a municipal judge to hear any case other than to initially hear a municipal ordinance violation case of the municipality which makes provision for such municipal judge, except that the presiding judge of a circuit may assign a municipal judge of a municipality within the circuit to hear and determine municipal ordinance violations in a court of another municipality within the circuit if the municipality to which the judge is especially assigned by the presiding judge has made provision for the compensation of such judge;

(2) Assignment of a judge to hear the trial of a felony case when he **or she** has previously conducted the preliminary hearing in that case, **unless the defendant has signed a written waiver stating that he or she waives any right to object or argue about any potential conflict that might occur as a result of having the same judge hear both the preliminary hearing and the trial;**

(3) Assignment of a case to a judge contrary to provisions of supreme court rules or local circuit court rules; and

(4) Assignment of a case or class of cases not within the class of cases specified in section 472.020, RSMo, to a circuit judge who is also judge of the probate division and who was on January 1, 1979, a probate judge shall only be with the consent of such judge of the probate division.

36 3. If any circuit judge or associate circuit judge shall proceed to hear and determine any
37 case or class of cases which has not been assigned to him by the presiding judge pursuant to
38 subsection 1 or 2 of this section, or to which he had not been transferred by the chief justice of
39 the supreme court, or in the event the purported assignment to him shall be determined to be
40 defective or deficient in any manner, any order or judgment he may have entered may be set
41 aside, as otherwise provided by rule or by law, and the judge may be subject to discipline under
42 article V, section 24 of the Missouri Constitution, but he shall not be deemed to have acted other
43 than as a judicial officer because of any such absence, defect or deficiency of assignment under
44 this section, or transfer by the chief justice.

483.015. 1. At the general election in the year 1982, and every four years thereafter,
2 except as herein provided and except as otherwise provided by law, circuit clerks shall be elected
3 by the qualified voters of each county and of the city of St. Louis, who shall be commissioned
4 by the governor, and shall enter upon the discharge of their duties on the first day in January next
5 ensuing their election, and shall hold their offices for the term of four years, and until their
6 successors shall be duly elected and qualified, unless sooner removed from office.

7 2. The court administrator for Jackson County provided by the charter of Jackson County
8 shall be selected as provided in the county charter and shall exercise all of the powers and duties
9 of the circuit clerk of Jackson County. The director of judicial administration and the circuit
10 clerk of St. Louis County shall be selected as provided in the charter of St. Louis County.

11 3. When provision is made in a county charter for the appointment of a court
12 administrator to perform the duties of a circuit clerk or for the appointment of a circuit clerk,
13 such provisions shall prevail over the provisions of this chapter providing for a circuit clerk to
14 be elected. The persons appointed to fill any such appointive positions shall be paid by the
15 counties as provided by the county charter or ordinance; provided, however, that if provision is
16 now or hereafter made by law for the salaries of circuit clerks to be paid by the state, the state
17 shall pay over to the county a sum which is equivalent to the salary that would be payable by law
18 by the state to an elected circuit clerk in such county if such charter provision was not in effect.
19 The sum shall be paid in semimonthly or monthly installments, as designated by the
20 commissioner of administration.

21 4. The circuit [clerk] **clerks** in the sixth judicial circuit and in the seventh judicial circuit
22 shall be appointed by a majority of the circuit judges and associate circuit judges of the circuit
23 court, en banc. The circuit [clerk] **clerks** in those circuits shall be removable for cause by a
24 majority of the circuit judges and associate circuit judges of such circuit, en banc, in accordance
25 with supreme court administrative rules governing court personnel. This subsection shall
26 become effective on January 1, 2004, and the elected circuit clerks in those circuits in office at

27 that time shall continue to hold such office for the remainder of their elected terms as if they had
28 been appointed pursuant to the terms of this subsection.

29 **5. The circuit clerks in all counties of the twenty-eighth judicial circuit shall be**
30 **appointed by a majority of the circuit judges and associate circuit judges of such circuit,**
31 **en banc. The circuit clerk in those counties shall be removable for cause by a majority of**
32 **the circuit judges and associate circuit judges of each county, en banc, in accordance with**
33 **supreme court administrative rules governing court personnel. The elected circuit clerks**
34 **in those counties in office on the effective date of this section shall continue to hold such**
35 **office for the remainder of their elected terms as if they had been appointed under the**
36 **terms of this subsection.**

37 **6. The circuit clerk in Scott County shall be appointed by a majority of the circuit**
38 **judges and associate circuit judges of such county, en banc. The circuit clerk in Scott**
39 **County shall be removable for cause by a majority of the circuit judges and associate**
40 **circuit judges of Scott County, en banc, in accordance with supreme court administrative**
41 **rules governing court personnel. The elected circuit clerk in Scott County on the effective**
42 **date of this section shall continue to hold such office for the remainder of his or her elected**
43 **term as if he or she had been appointed under the terms of this subsection.**

484.350. Recognizing that Missouri children have a right to adequate and effective
2 representation in child welfare cases, the September 17, 1996, Missouri supreme court standards
3 for representation by guardians ad litem shall be **updated and** adopted statewide and each circuit
4 shall devise a plan for implementation which takes into account the individual needs of their
5 circuit as well as the negative impact that excessive caseloads have upon effectiveness of
6 counsel. These plans shall be approved by the supreme court en banc and fully implemented by
7 July 1, 2011.

494.455. 1. Each county or city not within a county may elect to compensate its jurors
2 pursuant to subsection 2 of this section except as otherwise provided in [subsection] **subsections**
3 **3 and 4** of this section.

4 2. Each grand and petit juror shall receive six dollars per day, for every day he or she
5 may actually serve as such, and seven cents for every mile he or she may necessarily travel going
6 from his or her place of residence to the courthouse and returning, to be paid from funds of the
7 county or a city not within a county. The governing body of each county or a city not within a
8 county may authorize additional daily compensation and mileage allowance for jurors, which
9 additional compensation shall be paid from the funds of the county or a city not within a county.
10 The governing body of each county or a city not within a county may authorize additional daily
11 compensation and mileage allowance for jurors attending a coroner's inquest. Jurors may receive

12 the additional compensation and mileage allowance authorized by this subsection only if the
13 governing body of the county or the city not within a county authorizes the additional
14 compensation. The provisions of this subsection authorizing additional compensation shall
15 terminate upon the issuance of a mandate by the Missouri supreme court which results in the
16 state of Missouri being obligated or required to pay any such additional compensation even if
17 such additional compensation is formally approved or authorized by the governing body of a
18 county or a city not within a county. Provided that a county or a city not within a county
19 authorizes daily compensation payable from county or city funds for jurors who serve in that
20 county pursuant to this subsection in the amount of at least six dollars per day in addition to the
21 amount required by this subsection, a person shall receive an additional six dollars per day to be
22 reimbursed by the state of Missouri so that the total compensation payable shall be at least
23 eighteen dollars, plus mileage for each day that the person actually serves as a petit juror in a
24 particular case; or for each day that a person actually serves as a grand juror during a term of a
25 grand jury. The state shall reimburse the county for six dollars of the additional juror
26 compensation provided by this subsection.

27 3. In any county of the first classification without a charter form of government and with
28 a population of at least two hundred thousand inhabitants, no grand or petit juror shall receive
29 compensation for the first two days of service, but shall receive fifty dollars per day for the third
30 day and each subsequent day he or she may actually serve as such, and seven cents for every mile
31 he or she may necessarily travel going from his or her place of residence to the courthouse and
32 returning, to be paid from funds of the county.

33 4. **In any county with a charter form of government and with more than six**
34 **hundred thousand but fewer than seven hundred thousand inhabitants no grand or petit**
35 **juror shall receive compensation for the first day of service. For the second day of service**
36 **each grand and petit juror shall receive six dollars per day. For the third and each**
37 **subsequent day he or she may actually serve as such each grand and petit juror shall**
38 **receive forty dollars per day. No petit or grand juror shall receive pay for mileage for any**
39 **day of service.**

40 5. When each panel of jurors summoned and attending court has completed its service,
41 the board of jury commissioners shall cause to be submitted to the governing body of the county
42 or a city not within a county a statement of fees earned by each juror. Within thirty days of the
43 submission of the statement of fees, the governing body shall cause payment to be made to those
44 jurors summoned the fees earned during their service as jurors.

511.580. 1. Satisfaction may be entered by the plaintiff in person, by his attorney of
2 record, or by his agent duly authorized, in writing, under the hand of the plaintiff.

3 **2. When a judgment from any other state or territory of the United States is paid**
4 **or presumed to be paid and satisfied by operation of law in that state or territory, it shall**
5 **have the same effect in this state.**

6 **3. When a judgment under subsection 2 of this section is deemed satisfied, the**
7 **judgment debtor may file a verified motion in any action seeking to enforce such satisfied**
8 **judgment to acknowledge that the judgment is satisfied. The verified motion shall set forth**
9 **a copy of the judgment and the date of its entry, all authenticated in the manner authorized**
10 **by the laws of the United States or this state, and either proof of payment or a copy of the**
11 **applicable statute from the other state or territory demonstrating that the judgment is**
12 **presumed to be paid and satisfied by operation of law in that state or territory. The**
13 **judgment debtor shall serve such motion upon the judgment creditor or assignee. Such**
14 **acknowledgment of satisfaction shall be entered by the court unless the judgment creditor**
15 **or assignee objects within thirty days after service. In the event a judgment creditor**
16 **objects within the thirty days after service, the court shall set a hearing to determine**
17 **whether the judgment debtor has complied with this section.**

 513.430. 1. The following property shall be exempt from attachment and execution to
2 the extent of any person's interest therein:

3 (1) Household furnishings, household goods, wearing apparel, appliances, books,
4 animals, crops or musical instruments that are held primarily for personal, family or household
5 use of such person or a dependent of such person, not to exceed three thousand dollars in value
6 in the aggregate;

7 (2) A wedding ring not to exceed one thousand five hundred dollars in value and other
8 jewelry held primarily for the personal, family or household use of such person or a dependent
9 of such person, not to exceed five hundred dollars in value in the aggregate;

10 (3) Any other property of any kind, not to exceed in value six hundred dollars in the
11 aggregate;

12 (4) Any implements or professional books or tools of the trade of such person or the
13 trade of a dependent of such person not to exceed three thousand dollars in value in the
14 aggregate;

15 (5) Any motor [vehicle in the aggregate] **vehicles**, not to exceed three thousand dollars
16 in value **in the aggregate**;

17 (6) Any mobile home used as the principal residence but not [on or] attached to real
18 property in which the debtor has a fee interest, not to exceed five thousand dollars in value;

19 (7) Any one or more unmaturred life insurance contracts owned by such person, other
20 than a credit life insurance contract;

21 (8) The amount of any accrued dividend or interest under, or loan value of, any one or
22 more unmaturred life insurance contracts owned by such person under which the insured is such
23 person or an individual of whom such person is a dependent; provided, however, that if
24 proceedings under Title 11 of the United States Code are commenced by or against such person,
25 the amount exempt in such proceedings shall not exceed in value one hundred fifty thousand
26 dollars in the aggregate less any amount of property of such person transferred by the life
27 insurance company or fraternal benefit society to itself in good faith if such transfer is to pay a
28 premium or to carry out a nonforfeiture insurance option and is required to be so transferred
29 automatically under a life insurance contract with such company or society that was entered into
30 before commencement of such proceedings. No amount of any accrued dividend or interest
31 under, or loan value of, any such life insurance contracts shall be exempt from any claim for
32 child support. Notwithstanding anything to the contrary, no such amount shall be exempt in such
33 proceedings under any such insurance contract which was purchased by such person within one
34 year prior to the commencement of such proceedings;

35 (9) Professionally prescribed health aids for such person or a dependent of such person;

36 (10) Such person's right to receive:

37 (a) A Social Security benefit, unemployment compensation or a local public assistance
38 benefit;

39 (b) A veteran's benefit;

40 (c) A disability, illness or unemployment benefit;

41 (d) Alimony, support or separate maintenance, not to exceed seven hundred fifty dollars
42 a month;

43 (e) Any payment under a stock bonus plan, pension plan, disability or death benefit plan,
44 profit-sharing plan, nonpublic retirement plan or any plan described, defined, or established
45 pursuant to section 456.072, RSMo, the person's right to a participant account in any deferred
46 compensation program offered by the state of Missouri or any of its political subdivisions, or
47 annuity or similar plan or contract on account of illness, disability, death, age or length of
48 service, to the extent reasonably necessary for the support of such person and any dependent of
49 such person unless:

50 a. Such plan or contract was established by or under the auspices of an insider that
51 employed such person at the time such person's rights under such plan or contract arose;

52 b. Such payment is on account of age or length of service; and

53 c. Such plan or contract does not qualify under Section 401(a), 403(a), 403(b), 408, 408A
54 or 409 of the Internal Revenue Code of 1986, as amended, (26 U.S.C. 401(a), 403(a), 403(b),
55 408, 408A or 409); except that any such payment to any person shall be subject to attachment

56 or execution pursuant to a qualified domestic relations order, as defined by Section 414(p) of the
57 Internal Revenue Code of 1986, as amended, issued by a court in any proceeding for dissolution
58 of marriage or legal separation or a proceeding for disposition of property following dissolution
59 of marriage by a court which lacked personal jurisdiction over the absent spouse or lacked
60 jurisdiction to dispose of marital property at the time of the original judgment of dissolution;

61 (f) Any money or assets, payable to a participant or beneficiary from, or any interest of
62 any participant or beneficiary in, a retirement plan or profit-sharing plan that is qualified under
63 Section 401(a), 403(a), 403(b), 408, 408A or 409 of the Internal Revenue Code of 1986, as
64 amended, except as provided in this paragraph. Any plan or arrangement described in this
65 paragraph shall not be exempt from the claim of an alternate payee under a qualified domestic
66 relations order; however, the interest of any and all alternate payees under a qualified domestic
67 relations order shall be exempt from any and all claims of any creditor, other than the state of
68 Missouri through its division of family services. As used in this paragraph, the terms "alternate
69 payee" and "qualified domestic relations order" have the meaning given to them in Section
70 414(p) of the Internal Revenue Code of 1986, as amended. If proceedings under Title 11 of the
71 United States Code are commenced by or against such person, no amount of funds shall be
72 exempt in such proceedings under any such plan, contract, or trust which [is fraudulent as
73 defined in section 456.630, RSMo,] **was transferred with actual intent to hinder, delay, or**
74 **defraud any creditor of the debtor** and for the period such person participated within three
75 years prior to the commencement of such proceedings. For the purposes of this section, when
76 the fraudulently conveyed funds are recovered and after, such funds shall be deducted and then
77 treated as though the funds had never been contributed to the plan, contract, or trust;

78 (11) The debtor's right to receive, or property that is traceable to, a payment on account
79 of the wrongful death of an individual of whom the debtor was a dependent, to the extent
80 reasonably necessary for the support of the debtor and any dependent of the debtor;

81 **(12) An unliquidated personal injury claim.**

82 2. Nothing in this section shall be interpreted to exempt from attachment or execution
83 for a valid judicial or administrative order for the payment of child support or maintenance any
84 money or assets, payable to a participant or beneficiary from, or any interest of any participant
85 or beneficiary in, a retirement plan which is qualified pursuant to Section 408A of the Internal
86 Revenue Code of 1986, as amended.

513.440. Each head of a family may select and hold, exempt from execution, any other
2 property, real, personal or mixed, or debts and wages, not exceeding in value the amount of one
3 thousand two hundred fifty dollars plus three hundred fifty dollars for each of such person's
4 unmarried dependent children under the age of [eighteen] **twenty-one** years or dependent as

5 defined by the Internal Revenue Code of 1986, as amended, determined to be disabled by the
6 Social Security Administration, except ten percent of any debt, income, salary or wages due such
7 head of a family.

516.140. Within two years: An action for libel, slander, **injurious falsehood**, assault,
2 battery, false imprisonment, criminal conversation, malicious prosecution or actions brought
3 under section 290.140, RSMo. An action by an employee for the payment of unpaid minimum
4 wages, unpaid overtime compensation or liquidated damages by reason of the nonpayment of
5 minimum wages or overtime compensation, and for the recovery of any amount under and by
6 virtue of the provisions of the Fair Labor Standards Act of 1938 and amendments thereto, such
7 act being an act of Congress, shall be brought within two years after the cause accrued.

517.081. A case [shall] **may** be certified for assignment by the presiding judge of the
2 circuit or in accordance with local rules when:

3 (1) A party files a petition, a counterclaim, cross claim or third-party petition that
4 independently exceeds the jurisdiction of cases triable under this chapter; or

5 (2) Consolidation of cases appears proper, and such consolidation would result in a claim
6 exceeding the jurisdictional limit of the division.

525.233. The notice of garnishment and the writ of sequestration shall contain **only the**
2 **last four digits of** the federal taxpayer identification number, when available, on the judgment
3 debtor. When the **last four digits of the** federal taxpayer identification number is omitted from
4 the notice of garnishment or the writ of sequestration the garnishee shall not be held liable for
5 withholding from the incorrect debtor by the creditor garnishing the funds. The creditor shall
6 not have any action against the garnishee, when the federal taxpayer identification number is
7 omitted from the notice of garnishment or the writ of sequestration or does not match the **last**
8 **four digits of the** federal taxpayer identification, for failure to withhold from any person the
9 amount stated in the notice of garnishment or the writ of sequestration, except to serve a notice
10 of garnishment or writ of sequestration for the original amount to the garnishee with the correct
11 **last four digits of the** federal taxpayer identification number.

537.296. In any action for private nuisance where the amount in controversy exceeds one
2 million dollars, if any party requests the court or jury to visit the property alleged to be affected
3 by the nuisance, the court or jury [shall] **may** visit the property.

565.035. 1. Whenever the death penalty is imposed in any case, and upon the judgment
2 becoming final in the trial court, the sentence shall be reviewed on the record by the supreme
3 court of Missouri. The circuit clerk of the court trying the case, within ten days after receiving
4 the transcript, shall transmit the entire record and transcript to the supreme court together with
5 a notice prepared by the circuit clerk and a report prepared by the trial judge. The notice shall

6 set forth the title and docket number of the case, the name of the defendant and the name and
7 address of his attorney, a narrative statement of the judgment, the offense, and the punishment
8 prescribed. The report by the judge shall be in the form of a standard questionnaire prepared and
9 supplied by the supreme court of Missouri.

10 2. The supreme court of Missouri shall consider the punishment as well as any errors
11 enumerated by way of appeal.

12 3. With regard to the sentence, the supreme court shall determine:

13 (1) Whether the sentence of death was imposed under the influence of passion, prejudice,
14 or any other arbitrary factor; and

15 (2) Whether the evidence supports the jury's or judge's finding of a statutory aggravating
16 circumstance as enumerated in subsection 2 of section 565.032 and any other circumstance
17 found;

18 (3) Whether the sentence of death is excessive or disproportionate to the penalty imposed
19 in similar **death sentence** cases, considering both the crime, the strength of the evidence and the
20 defendant.

21 4. Both the defendant and the state shall have the right to submit briefs within the time
22 provided by the supreme court, and to present oral argument to the supreme court.

23 5. The supreme court shall include in its decision a reference to those similar cases
24 **where the death penalty was imposed** which it took into consideration. In addition to its
25 authority regarding correction of errors, the supreme court, with regard to review of death
26 sentences, shall be authorized to:

27 (1) Affirm the sentence of death; or

28 (2) Set the sentence aside and resentence the defendant to life imprisonment without
29 eligibility for probation, parole, or release except by act of the governor; or

30 (3) Set the sentence aside and remand the case for retrial of the punishment hearing. A
31 new jury shall be selected or a jury may be waived by agreement of both parties and then the
32 punishment trial shall proceed in accordance with this chapter, with the exception that the
33 evidence of the guilty verdict shall be admissible in the new trial together with the official
34 transcript of any testimony and evidence properly admitted in each stage of the original trial
35 where relevant to determine punishment.

36 6. There shall be an assistant to the supreme court, who shall be an attorney appointed
37 by the supreme court and who shall serve at the pleasure of the court. The court shall accumulate
38 the records of all cases in which the sentence of death or life imprisonment without probation
39 or parole was imposed after May 26, 1977, or such earlier date as the court may deem
40 appropriate. **The supreme court is not required to consider cases where life imprisonment**

41 **without probation or parole was imposed for the purpose of subsections 1 to 5 of this**
42 **section.** The assistant shall provide the court with whatever extracted information the court
43 desires with respect thereto, including but not limited to a synopsis or brief of the facts in the
44 record concerning the crime and the defendant. The court shall be authorized to employ an
45 appropriate staff, within the limits of appropriations made for that purpose, and such methods
46 to compile such data as are deemed by the supreme court to be appropriate and relevant to the
47 statutory questions concerning the validity of the sentence. The office of the assistant to the
48 supreme court shall be attached to the office of the clerk of the supreme court for administrative
49 purposes.

50 7. In addition to the mandatory sentence review, there shall be a right of direct appeal
51 of the conviction to the supreme court of Missouri. This right of appeal may be waived by the
52 defendant. If an appeal is taken, the appeal and the sentence review shall be consolidated for
53 consideration. The court shall render its decision on legal errors enumerated, the factual
54 substantiation of the verdict, and the validity of the sentence.

565.186. The department of health and senior services shall investigate incidents and
2 reports of elder abuse using the procedures established in sections 660.250 to 660.295, RSMo,
3 and, upon [substantiation] **receipt** of the report of elder abuse, shall promptly report the incident
4 to the appropriate law enforcement agency and prosecutor and shall determine whether protective
5 services are required pursuant to sections 660.250 to 660.295, RSMo. If the department is
6 unable to substantiate whether abuse occurred due to the failure of the operator or any of the
7 operator's agents or employees to cooperate with the investigation, the incident shall be promptly
8 reported to appropriate law enforcement agencies.

566.226. 1. After August 28, 2007, any information contained in any court record,
2 whether written or published on the Internet, that could be used to identify or locate any victim
3 of sexual assault, domestic assault, stalking, or forcible rape shall be closed and redacted from
4 such record prior to disclosure to the public. Identifying information shall include the name,
5 home or temporary address, telephone number, Social Security number or physical
6 characteristics. **Notwithstanding the foregoing, the name of the defendant in any criminal**
7 **proceeding shall never be redacted from the court record.**

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

12 3. Notwithstanding the provisions of subsection 1 of this section, the judge presiding
13 over a sexual assault, domestic assault, stalking, or forcible rape case shall have the discretion

14 to publicly disclose identifying information regarding the defendant which could be used to
15 identify or locate the victim of the crime. The victim may provide a statement to the court
16 regarding whether he or she desires such information to remain closed. When making the
17 decision to disclose such information, the judge shall consider the welfare and safety of the
18 victim and any statement to the court received from the victim regarding the disclosure.

**574.035. 1. A person commits the crime of disturbing a worship service if such
2 person knowingly disturbs, interrupts or disquiets any assembly of people met for religious
3 worship by using profane discourse, by rude or indecent behavior or by making noise
4 either within the place of worship or so near it as to disturb the order and solemnity of the
5 worship service.**

**6 2. Disturbing a worship service, for a first offense, is a class C misdemeanor. A
7 second offense is a class B misdemeanor and a third or subsequent offense is a class A
8 misdemeanor.**

**9 3. In addition to any criminal penalty for violating the provisions of this section any
10 person aggrieved by conduct which is prohibited by this section may commence a civil
11 action for appropriate relief, including temporary, preliminary or permanent injunctive
12 relief and compensatory and punitive damages, as well as the costs of the suit and
13 reasonable attorney fees.**

610.020. 1. All public governmental bodies shall give notice of the time, date, and place
2 of each meeting, and its tentative agenda, in a manner reasonably calculated to advise the public
3 of the matters to be considered, and if the meeting will be conducted by telephone or other
4 electronic means, the notice of the meeting shall identify the mode by which the meeting will be
5 conducted and the designated location where the public may observe and attend the meeting. If
6 a public body plans to meet by Internet chat, Internet message board, or other computer link, it
7 shall post a notice of the meeting on its website in addition to its principal office and shall notify
8 the public how to access that meeting. Reasonable notice shall include making available copies
9 of the notice to any representative of the news media who requests notice of meetings of a
10 particular public governmental body concurrent with the notice being made available to the
11 members of the particular governmental body and posting the notice on a bulletin board or other
12 prominent place which is easily accessible to the public and clearly designated for that purpose
13 at the principal office of the body holding the meeting, or if no such office exists, at the building
14 in which the meeting is to be held.

15 2. Notice conforming with all of the requirements of subsection 1 of this section shall
16 be given at least twenty-four hours, exclusive of weekends and holidays when the facility is
17 closed, prior to the commencement of any meeting of a governmental body unless for good cause

18 such notice is impossible or impractical, in which case as much notice as is reasonably possible
19 shall be given. Each meeting shall be held at a place reasonably accessible to the public and of
20 sufficient size to accommodate the anticipated attendance by members of the public, and at a
21 time reasonably convenient to the public, unless for good cause such a place or time is
22 impossible or impractical. Every reasonable effort shall be made to grant special access to the
23 meeting to handicapped or disabled individuals.

24 3. A public body shall allow for the recording by audiotape, videotape, or other
25 electronic means of any open meeting. A public body may establish guidelines regarding the
26 manner in which such recording is conducted so as to minimize disruption to the meeting. No
27 audio recording of any meeting, record, or vote closed pursuant to the provisions of section
28 610.021 shall be permitted without permission of the public body; any person who violates this
29 provision shall be guilty of a class C misdemeanor.

30 4. When it is necessary to hold a meeting on less than twenty-four hours' notice, or at a
31 place that is not reasonably accessible to the public, or at a time that is not reasonably convenient
32 to the public, the nature of the good cause justifying that departure from the normal requirements
33 shall be stated in the minutes.

34 5. A formally constituted subunit of a parent governmental body may conduct a meeting
35 without notice as required by this section during a lawful meeting of the parent governmental
36 body, a recess in that meeting, or immediately following that meeting, if the meeting of the
37 subunit is publicly announced at the parent meeting and the subject of the meeting reasonably
38 coincides with the subjects discussed or acted upon by the parent governmental body.

39 6. If another provision of law requires a manner of giving specific notice of a meeting,
40 hearing or an intent to take action by a governmental body, compliance with that section shall
41 constitute compliance with the notice requirements of this section.

42 7. A journal or minutes of open and closed meetings shall be taken and retained by the
43 public governmental body, including, but not limited to, a record of any votes taken at such
44 meeting. The minutes shall include the date, time, place, members present, members absent and
45 a record of any votes taken. When a roll call vote is taken, the minutes shall attribute each "yea"
46 and "nay" vote or abstinence if not voting to the name of the individual member of the public
47 governmental body.

48 **8. Notwithstanding any other provision of this section to the contrary, for any**
49 **public meeting addressing issues regarding a fee or tax increase, eminent domain, zoning**
50 **of a specific property or zoning map amendment, transportation development districts,**
51 **capital improvement districts, commercial improvement districts, or tax increment**
52 **financing, the governing body of any county, city, town, or village, or any entity created**

53 by such county, city, town, or village, shall give notice conforming with all the
 54 requirements of subsection 1 of this section at least four days before such entity may vote
 55 to address such issues, exclusive of weekends and holidays when the facility is closed. This
 56 subsection shall not apply to any votes or discussion related to proposed ordinances that
 57 require a minimum of two separate readings on different days for their passage, or in case
 58 of emergencies. Each public meeting described in this subsection shall include a period of
 59 time in which the members of the public may offer comments on matters of the public
 60 business of the entity holding the meeting. Public comment shall be taken after the
 61 proponents of the proposal have made their presentation. If the notice required under this
 62 subsection is not properly given, any discussion of such issues shall be postponed, and no
 63 vote on such issues shall be held until proper notice has been provided under this
 64 subsection. For the purpose of this subsection, a tax increase shall not include the setting
 65 of the annual tax rates provided for under sections 67.110 and 137.055. In zoning matters,
 66 the four-day notice of commencement of any meeting addressing a zoning matter as set out
 67 in this subsection shall apply to the first meeting at which the matter is heard, whether at
 68 a meeting of the jurisdiction's governing body, at a board of zoning adjustment meeting,
 69 or at a planning and zoning meeting.

630.220. For all debts and demands whatsoever to any of the residential facilities or day
 2 programs subject to the control of the department, and for all damages for failure of contract, for
 3 trespass and other wrongs to a facility operated by the department, or any of its property thereof,
 4 real or personal, actions in any court of competent jurisdiction may be maintained in the name
 5 of the director. Interest shall be recovered on any and all sums due any facility or program
 6 operated or funded by the department on account of any patient or resident thereof, the account
 7 therefor, certified by the [head of the facility, with the seal of the institution attached,] **director**
 8 **or the director's designee** shall be prima facie evidence of the amount due.

Section 1. 1. Sections 1 to 5 of this act shall be known and may be cited as the
 2 **"Conditional Post-Conviction Release Act".**

3 **2. As used in sections 1 to 5 of this act, the following terms shall mean:**

4 **(1) "Bond", the written undertaking delivered by the surety to the releasing**
 5 **authority and describing the terms and conditions of surety's duties;**

6 **(2) "Breach", any condition of release violated by the principal;**

7 **(3) "Breach penalty", the amount of money to be paid by the surety to the state**
 8 **upon the surety's failure to meet the requirements of sections 1 to 5 of this act. The breach**
 9 **penalty shall be equal to the face amount of the bond. There can be two breach penalties:**

10 **(a) An amount of money paid by the surety upon breach of a release condition; and**

- 11 (b) An amount of money paid by the surety if the principal is not back in custody
12 within a given amount of time following breach of release condition;
- 13 (4) "Charge", the amount of money the surety charges to write the bond. In no
14 case shall the charges be less than ten percent of the aggregate penalty amounts which
15 charge shall be fully earned when the bond is written;
- 16 (5) "Conditions", such conditions as the releasing authority may impose as a
17 prerequisite or prerequisites to being on release from custody;
- 18 (6) "Mandatory conditions", those conditions the releasing authority is required
19 to place upon the principal as a condition or conditions to early release;
- 20 (7) "Principal", any person to be released under sections 1 to 5 of this act;
- 21 (8) "Releasing authority", any state official, state board, or state subordinate
22 governmental unit having legal authority to release a prisoner onto probation, furlough,
23 or parole;
- 24 (9) "Revocation of bond", the use and effectiveness of the bond has ceased. The
25 releasing authority may revoke the bond upon a breach or continue the bond by nullifying
26 the breach, or the bond may be revoked at any time the releasing authority determines that
27 the principal is not attempting to abide by the conditions of the bond;
- 28 (10) "Surety", any insurance company licensed under the laws of this state to
29 execute bonds filed in criminal cases.

Section 2. Upon the decision of the releasing authority to return an inmate to
2 society, the releasing authority may release a principal by requiring the posting of an early
3 release bond by a surety. The releasing authority may set conditions of release, which shall
4 be appended to and made a part of the bond. The conditions may, unless otherwise
5 specified, be any of the following, but are not limited to such conditions and are to include
6 any conditions imposed by the releasing authority:

- 7 (1) The principal shall be drug and alcohol tested as specified;
- 8 (2) The principal shall take part in a specified recovery program or programs;
- 9 (3) The principal shall not contact, go about, or communicate directly with any
10 witness or witnesses involved in the principal's conviction;
- 11 (4) The principal shall not contact, go about, or communicate directly or indirectly
12 with any victim or victims involved in the principal's conviction;
- 13 (5) The principal shall obtain and keep employment;
- 14 (6) The principal shall be on home arrest via at minimum global positioning
15 satellite (GPS) monitoring devices approved by the state;
- 16 (7) The principal shall abide by specified travel restrictions;

- 17 **(8) The principal shall make all specified periodic restitution payments;**
- 18 **(9) The principal shall pay specified fines and court costs;**
- 19 **(10) The principal shall perform specified community services;**
- 20 **(11) The principal shall pursue specified education courses;**
- 21 **(12) The principal shall obtain such education as specified;**
- 22 **(13) The principal shall participate in such family or third-party involvement as**
- 23 **specified;**
- 24 **(14) The principal shall have, as a mandatory condition, that he or she pay the**
- 25 **surety's charge;**
- 26 **(15) The principal shall have, as a mandatory condition, that he or she personally**
- 27 **report to the surety at such time and in such manner as directed by the releasing authority**
- 28 **and the surety.**

Section 3. The early release bond put up by the surety shall:

- 2 **(1) Be for a term of one year and may be renewed annually;**
- 3 **(2) Be in favor of and payable to the state; and**
- 4 **(3) Be conditioned that the releasing authority shall:**
- 5 **(a) Give the surety written notice of any breach of condition within five calendar**
- 6 **days of the breach;**
- 7 **(b) If within one hundred eighty calendar days from date of receipt of written**
- 8 **notice by the releasing authority that the principal has failed to meet one or more of the**
- 9 **conditions of the principal's early release, the principal shall be placed back into custody,**
- 10 **whether by surety or another, and the bond shall be exonerated.**

Section 4. The surety shall pay a breach penalty upon breach of a condition by the principal and upon the principal not being back in custody within the prescribed one hundred eighty days required under sections 1 to 5 of this act.

Section 5. At any time after receiving notice of breach by the principal, the surety may arrest the principal and surrender him or her to the nearest county jail. If the principal is surrendered within one hundred eighty calendar days of receipt of the notice of the breach, the bond shall be exonerated.

[454.850. In sections 454.850 to 454.997:

- 2 (1) "Child" means an individual, whether over or under the age of
- 3 majority, who is or is alleged to be owed a duty of support by the individual's
- 4 parent or who is or is alleged to be the beneficiary of a support order directed to
- 5 the parent.
- 6 (2) "Child support order" means a support order for a child, including a
- 7 child who has attained the age of majority under the law of the issuing state.

8 (3) "Duty of support" means an obligation imposed or imposable by law
9 to provide support for a child, spouse, or former spouse, including an unsatisfied
10 obligation to provide support.

11 (4) "Home state" means the state in which a child lived with a parent or
12 a person acting as parent for at least six consecutive months immediately
13 preceding the time of filing of a petition or comparable pleading for support and,
14 if a child is less than six months old, the state in which the child lived from birth
15 with any of them. A period of temporary absence of any of them is counted as
16 part of the six-month or other period.

17 (5) "Income" includes earnings or other periodic entitlements to money
18 from any source and any other property subject to withholding for support under
19 the law of this state.

20 (6) "Income-withholding order" means an order or other legal process
21 directed to an obligor's employer or other debtor, as defined by section 452.350,
22 RSMo, or 454.505, to withhold support from the income of the obligor.

23 (7) "Initiating state" means a state from which a proceeding is forwarded
24 or in which a proceeding is filed for forwarding to a responding state under the
25 provisions of sections 454.850 to 454.997 or a law or procedure substantially
26 similar to sections 454.850 to 454.997, or under a law or procedure substantially
27 similar to the uniform reciprocal enforcement of support act, or the revised
28 uniform reciprocal enforcement of support act .

29 (8) "Initiating tribunal" means the authorized tribunal in an initiating
30 state.

31 (9) "Issuing state" means the state in which a tribunal issues a support
32 order or renders a judgment determining parentage.

33 (10) "Issuing tribunal" means the tribunal that issues a support order or
34 renders a judgment determining parentage.

35 (11) "Law" includes decisional and statutory law and rules and
36 regulations having the force of law.

37 (12) "Obligee" means:

38 (i) an individual to whom a duty of support is or is alleged to be owed or
39 in whose favor a support order has been issued or a judgment determining
40 parentage has been rendered;

41 (ii) a state or political subdivision to which the rights under a duty of
42 support or support order have been assigned or which has independent claims
43 based on financial assistance provided to an individual obligee; or

44 (iii) an individual seeking a judgment determining parentage of the
45 individual's child.

46 (13) "Obligor" means an individual, or the estate of a decedent:

47 (i) who owes or is alleged to owe a duty of support;

48 (ii) who is alleged but has not been adjudicated to be a parent of a child;

49 or

- 50 (iii) who is liable under a support order.
- 51 (14) "Register" means to record or file a support order or judgment
- 52 determining parentage in the tribunal having jurisdiction in such action.
- 53 (15) "Registering tribunal" means a tribunal in which a support order is
- 54 registered.
- 55 (16) "Responding state" means a state in which a proceeding is filed or
- 56 to which a proceeding is forwarded for filing from an initiating state under the
- 57 provisions of sections 454.850 to 454.997 or a law substantially similar to
- 58 sections 454.850 to 454.997, or under a law or procedure substantially similar to
- 59 the uniform reciprocal enforcement of support act, or the revised uniform
- 60 reciprocal enforcement of support act.
- 61 (17) "Responding tribunal" means the authorized tribunal in a responding
- 62 state.
- 63 (18) "Spousal-support order" means a support order for a spouse or
- 64 former spouse of the obligor.
- 65 (19) "State" means a state of the United States, the District of Columbia,
- 66 the Commonwealth of Puerto Rico, or any territory or insular possession subject
- 67 to the jurisdiction of the United States. The term "state" includes:
- 68 (i) an Indian tribe; and
- 69 (ii) a foreign jurisdiction that has enacted a law or established procedures
- 70 for issuance and enforcement of support orders which are substantially similar to
- 71 the procedures under sections 454.850 to 454.997 or the procedures under the
- 72 uniform reciprocal enforcement of support act or the revised uniform reciprocal
- 73 enforcement of support act.
- 74 (20) "Support enforcement agency" means a public official or agency
- 75 authorized to seek:
- 76 (i) enforcement of support orders or laws relating to the duty of support;
- 77 (ii) establishment or modification of child support;
- 78 (iii) determination of parentage; or
- 79 (iv) to locate obligors or their assets.
- 80 (21) "Support order" means a judgment, decree, or order, whether
- 81 temporary, final, or subject to modification, for the benefit of a child, a spouse,
- 82 or a former spouse, which provides for monetary support, health care, arrearages,
- 83 or reimbursement, and may include related costs and fees, interest, income
- 84 withholding, attorney's fees, and other relief.
- 85 (22) "Tribunal" means a court, administrative agency, or quasi-judicial
- 86 entity authorized to establish, enforce, or modify support orders or to determine
- 87 parentage.]
- 88

[454.853. The courts and the division of child support enforcement are
the tribunals of this state.]

2 [454.855. Remedies provided by sections 454.850 to 454.997 are
cumulative and do not affect the availability of remedies under other law.]

3
4 [454.857. In a proceeding to establish, enforce, or modify a support order
or to determine parentage, a tribunal of this state may exercise personal
jurisdiction over a nonresident individual or the individual's guardian or
conservator if:

- 5 (1) the individual is personally served with notice within this state;
6 (2) the individual submits to the jurisdiction of this state by consent, by
7 entering a general appearance, or by filing a responsive document having the
8 effect of waiving any contest to personal jurisdiction;
9 (3) the individual resided with the child in this state;
10 (4) the individual resided in this state and provided prenatal expenses or
11 support for the child;
12 (5) the child resides in this state as a result of the acts or directives of the
13 individual;
14 (6) the individual engaged in sexual intercourse in this state and the child
15 may have been conceived by that act of intercourse;
16 (7) the individual asserted parentage in the putative father registry
17 maintained in this state by the department of health and senior services; or
18 (8) there is any other basis consistent with the constitutions of this state
19 and the United States for the exercise of personal jurisdiction.]

20
2 [454.860. A tribunal of this state exercising personal jurisdiction over a
nonresident under section 454.857 may apply section 454.917 to receive evidence
3 from another state, and section 454.922 to obtain discovery through a tribunal of
4 another state. In all other respects, sections 454.880 to 454.983 do not apply and
5 the tribunal shall apply the procedural and substantive law of this state, including
6 the rules on choice of law other than those established by sections 454.850 to
7 454.997.]

8
2 [454.862. Under sections 454.850 to 454.997, a tribunal of this state may
serve as an initiating tribunal to forward proceedings to another state and as a
3 responding tribunal for proceedings initiated in another state.]

4
2 [454.865. (a) A tribunal of this state may exercise jurisdiction to
establish a support order if the petition or comparable pleading is filed after a
3 petition or comparable pleading is filed in another state only if:

- 4 (1) the petition or comparable pleading in this state is filed before the
5 expiration of the time allowed in the other state for filing a responsive pleading
6 challenging the exercise of jurisdiction by the other state;

- 7 (2) the contesting party timely challenges the exercise of jurisdiction in
- 8 the other state; and
- 9 (3) if relevant, this state is the home state of the child.
- 10 (b) A tribunal of this state may not exercise jurisdiction to establish a
- 11 support order if the petition or comparable pleading is filed before a petition or
- 12 comparable pleading is filed in another state if:
- 13 (1) the petition or comparable pleading in the other state is filed before
- 14 the expiration of the time allowed in this state for filing a responsive pleading
- 15 challenging the exercise of jurisdiction by this state;
- 16 (2) the contesting party timely challenges the exercise of jurisdiction in
- 17 this state; and
- 18 (3) if relevant, the other state is the home state of the child.]
- 19

2 [454.867. (a) A tribunal of this state issuing a support order consistent

3 with the law of this state has continuing, exclusive jurisdiction over a child

4 support order:

- 5 (1) as long as this state remains the residence of the obligor, the
- 6 individual obligee, or the child for whose benefit the support order is issued; or
- 7 (2) until each individual party has filed written consent with the tribunal
- 8 of this state for a tribunal of another state to modify the order and assume
- 9 continuing, exclusive jurisdiction.
- 10 (b) A tribunal of this state issuing a child support order consistent with
- 11 the law of this state may not exercise its continuing jurisdiction to modify the
- 12 order if the order has been modified by a tribunal of another state pursuant to
- 13 sections 454.850 to 454.997 or a law substantially similar to sections 454.850 to
- 14 454.997.
- 15 (c) If a child support order of this state is modified by a tribunal of
- 16 another state pursuant to sections 454.850 to 454.997 or a law substantially
- 17 similar to sections 454.850 to 454.997, a tribunal of this state loses its continuing,
- 18 exclusive jurisdiction with regard to prospective enforcement of the order issued
- 19 in this state, and may only:
- 20 (1) enforce the order that was modified as to amounts accruing before the
- 21 modification;
- 22 (2) enforce nonmodifiable aspects of that order; and
- 23 (3) provide other appropriate relief for violations of that order which
- 24 occurred before the effective date of the modification.
- 25 (d) A tribunal of this state shall recognize the continuing, exclusive
- 26 jurisdiction of a tribunal of another state which has issued a child support order
- 27 pursuant to sections 454.850 to 454.997 or a law substantially similar to sections
- 454.850 to 454.997.

28 (e) A temporary support order issued ex parte or pending resolution of
29 a jurisdictional conflict does not create continuing, exclusive jurisdiction in the
30 issuing tribunal.

31 (f) A tribunal of this state issuing a support order consistent with the law
32 of this state has continuing, exclusive jurisdiction over a spousal support order
33 throughout the existence of the support obligation. A tribunal of this state may
34 not modify a spousal support order issued by a tribunal of another state having
35 continuing, exclusive jurisdiction over that order under the law of that state.]
36

[454.869. (a) A tribunal of this state may serve as an initiating tribunal
2 to request a tribunal of another state to enforce or modify a support order issued
3 in that state.

4 (b) A tribunal of this state having continuing, exclusive jurisdiction over
5 a support order may act as a responding tribunal to enforce or modify the order.
6 If a party subject to the continuing, exclusive jurisdiction of the tribunal no
7 longer resides in the issuing state, in subsequent proceedings the tribunal may
8 apply section 454.917 to receive evidence from another state and section 454.922
9 to obtain discovery through a tribunal of another state.

10 (c) A tribunal of this state which lacks continuing, exclusive jurisdiction
11 over a spousal support order may not serve as a responding tribunal to modify a
12 spousal support order of another state.]
13

[454.871. (a) If a proceeding is brought under sections 454.850 to
2 454.997, and only one tribunal has issued a child support order, the order of that
3 tribunal is controlling and must be recognized.

4 (b) If a proceeding is brought under sections 454.850 to 454.997, and two
5 or more child support orders have been issued by tribunals of this state or another
6 state with regard to the same obligor and child, a tribunal of this state shall apply
7 the following rules in determining which order to recognize for purposes of
8 continuing, exclusive jurisdiction:

9 (1) If only one of the tribunals would have continuing, exclusive
10 jurisdiction under sections 454.850 to 454.997, the order of that tribunal is
11 controlling and must be recognized.

12 (2) If more than one of the tribunals would have continuing, exclusive
13 jurisdiction under sections 454.850 to 454.997, an order issued by a tribunal in
14 the current home state of the child must be recognized, but if an order has not
15 been issued in the current home state of the child, the order most recently issued
16 is controlling and must be recognized.

17 (3) If none of the tribunals would have continuing exclusive jurisdiction
18 under sections 454.850 to 454.997, the tribunal of this state having jurisdiction
19 over the parties must issue a child support order, which is controlling and must
20 be recognized.

21 (c) If two or more child support orders have been issued for the same
22 obligor and child and if the obligor or the individual obligee resides in this state,
23 a party may request a tribunal of this state to determine which order controls and
24 must be recognized under subsection (b) of this section. The request must be
25 accompanied by a certified copy of every support order in effect. Every party
26 whose rights may be affected by a determination of the controlling order must be
27 given notice of the request for that determination.

28 (d) The tribunal that issued the order that must be recognized as
29 controlling under subsection (a), (b) or (c) of this section is the tribunal that has
30 continuing, exclusive jurisdiction in accordance with section 454.867.

31 (e) A tribunal of this state which determines by order the identity of the
32 controlling child support order under subsection (b)(1) or (b)(2) of this section
33 or which issues a new controlling child support order under subsection (b)(3)
34 shall include in that order the basis upon which the tribunal made its
35 determination.

36 (f) Within thirty days after issuance of the order determining the identity
37 of the controlling order, the party obtaining that order shall file a certified copy
38 of it with each tribunal that had issued or registered an earlier order of child
39 support. Failure of the party obtaining the order to file a certified copy as
40 required subjects that party to appropriate sanctions by a tribunal in which the
41 issue of failure to file arises, but that failure has no effect on the validity or
42 enforceability of the controlling order.]

43

2 [454.874. In responding to multiple registrations or petitions for
3 enforcement of two or more child support orders in effect at the same time with
4 regard to the same obligor and different individual obligees, at least one of which
5 was issued by a tribunal of another state, a tribunal of this state shall enforce
6 those orders in the same manner as if the multiple orders had been issued by a
7 tribunal of this state.]

7

2 [454.877. Amounts collected and credited for a particular period pursuant
3 to a support order issued by a tribunal of another state must be credited against
4 the amounts accruing or accrued for the same period under a support order issued
5 by the tribunal of this state.]

5

2 [454.880. (a) Except as otherwise provided in sections 454.850 to
3 454.997, this article applies to all proceedings under sections 454.850 to 454.997.

3 (b) Sections 454.850 to 454.997, provide for the following proceedings:

4 (1) establishment of an order for spousal support or child support
5 pursuant to section 454.930;

6 (2) enforcement of a support order and income withholding order of
7 another state without registration pursuant to sections 454.932 to 454.946;

- 8 (3) registration of an order for spousal support or child support of another
- 9 state for enforcement pursuant to sections 454.948 to 454.981;
- 10 (4) modification of an order for child support or spousal support issued
- 11 by a tribunal of this state pursuant to sections 454.862 to 454.869;
- 12 (5) registration of an order for child support of another state for
- 13 modification pursuant to sections 454.948 to 454.981;
- 14 (6) determination of parentage pursuant to section 454.983; and
- 15 (7) assertion of jurisdiction over nonresidents pursuant to sections
- 16 454.857 to 454.860.
- 17 (c) An individual petitioner or a support enforcement agency may
- 18 commence a proceeding authorized under sections 454.850 to 454.997, by filing
- 19 a petition in an initiating tribunal for forwarding to a responding tribunal or by
- 20 filing a petition or a comparable pleading directly in a tribunal of another state
- 21 which has or can obtain personal jurisdiction over the respondent.]
- 22

2 [454.882. A minor parent, or a guardian or other legal representative of

3 a minor parent, may maintain a proceeding on behalf of or for the benefit of the

4 minor's child.]

2 [454.885. Except as otherwise provided by sections 454.850 to 454.997,

3 a responding tribunal of this state:

- 4 (1) shall apply the procedural and substantive law, including the rules on
- 5 choice of law, generally applicable to similar proceedings originating in this state
- 6 and may exercise all powers and provide all remedies available in those
- 7 proceedings; and
- 8 (2) shall determine the duty of support and the amount payable in
- 9 accordance with the law and support guidelines of this state.]

2 [454.887. (a) Upon the filing of a petition authorized by sections

3 454.850 to 454.997, an initiating tribunal of this state shall forward three copies

4 of the petition and its accompanying documents:

- 5 (1) to the responding tribunal or appropriate support enforcement agency
- 6 in the responding state; or
- 7 (2) if the identity of the responding tribunal is unknown, to the state
- 8 information agency of the responding state with a request that they be forwarded
- 9 to the appropriate tribunal and that receipt be acknowledged.

10 (b) If a responding state has not enacted the uniform interstate family

11 support act or a law or procedure substantially similar to the uniform interstate

12 family support act, a tribunal of this state may issue a certificate or other

13 documents and make findings required by the law of the responding state. If the

responding state is a foreign jurisdiction, the tribunal may specify the amount of

14 support sought and provide other documents necessary to satisfy the requirements
15 of the responding state.]
16

2 [454.890. (a) When a responding tribunal of this state receives a petition
3 or comparable pleading from an initiating tribunal or directly pursuant to
4 subsection (c) of section 454.880, it shall cause the petition or pleading to be filed
5 and notify the petitioner where and when it was filed.

6 (b) A responding tribunal of this state, to the extent otherwise authorized
7 by law, may do one or more of the following:

8 (1) issue or enforce a support order, modify a child support order, or
9 render a judgment to determine parentage;

10 (2) order an obligor to comply with a support order, specifying the
11 amount and the manner of compliance;

12 (3) order income withholding;

13 (4) determine the amount of any arrearages, and specify a method of
14 payment;

15 (5) enforce orders by civil or criminal contempt, or both;

16 (6) set aside property for satisfaction of the support order;

17 (7) place liens and order execution on the obligor's property;

18 (8) order an obligor to keep the tribunal informed of the obligor's current
19 residential address, telephone number, employer, address of employment, and
20 telephone number at the place of employment;

21 (9) issue a bench warrant for an obligor who has failed after proper notice
22 to appear at a hearing ordered by the tribunal and enter the bench warrant in any
23 local and state computer systems for criminal warrants;

24 (10) order the obligor to seek appropriate employment by specified
25 methods;

26 (11) award reasonable attorney's fees and other fees and costs; and

27 (12) grant any other available remedy.

28 (c) A responding tribunal of this state shall include a support order issued
29 under sections 454.850 to 454.997, or in the documents accompanying the order,
30 the calculations on which the support order is based.

31 (d) A responding tribunal of this state may not condition the payment of
32 a support order issued under sections 454.850 to 454.997, upon compliance by
33 a party with provisions for visitation.

34 (e) If a responding tribunal of this state issues an order under sections
35 454.850 to 454.997, the tribunal shall send a copy of the order to the petitioner
36 and the respondent and to the initiating tribunal, if any.]

2 [454.892. If a petition or comparable pleading is received by an
3 inappropriate tribunal of this state, it shall forward the pleading and
accompanying documents to an appropriate tribunal in this state or another state

4 and notify the petitioner by first class mail where and when the pleading was
5 sent.]
6

[454.895. (a) A support enforcement agency of this state, upon request,
2 shall provide services to a petitioner in a proceeding under sections 454.850 to
3 454.997.

4 (b) A support enforcement agency that is providing services to the
5 petitioner as appropriate shall:

6 (1) take all steps necessary to enable an appropriate tribunal in this state
7 or another state to obtain jurisdiction over the respondent;

8 (2) request an appropriate tribunal to set a date, time, and place for a
9 hearing;

10 (3) make a reasonable effort to obtain all relevant information, including
11 information as to income and property of the parties;

12 (4) within two days, exclusive of Saturdays, Sundays, and legal holidays,
13 after receipt of a written notice from an initiating, responding, or registering
14 tribunal, send a copy of the notice to the petitioner;

15 (5) within two days, exclusive of Saturdays, Sundays, and legal holidays,
16 after receipt of a written communication from the respondent or the respondent's
17 attorney, send a copy of the communication to the petitioner; and

18 (6) notify the petitioner if jurisdiction over the respondent cannot be
19 obtained.

20 (c) Sections 454.850 to 454.997, do not create or negate a relationship of
21 attorney and client or other fiduciary relationship between a support enforcement
22 agency or the attorney for the agency and the individual being assisted by the
23 agency.]
24

[454.897. If the attorney general determines that the support enforcement
2 agency is neglecting or refusing to provide services to an individual, the attorney
3 general may order the agency to perform its duties under sections 454.850 to
4 454.997 or may provide those services directly to the individual.]
5

[454.900. An individual may employ private counsel to represent the
2 individual in proceedings authorized by sections 454.850 to 454.997.]
3

[454.902. (a) The division of child support enforcement is the state
2 information agency under sections 454.850 to 454.997.

3 (b) The state information agency shall:

4 (1) compile and maintain a current list, including addresses, of the
5 tribunals in this state which have jurisdiction under sections 454.850 to 454.997,
6 and any support enforcement agencies in this state and transmit a copy to the state
7 information agency of every other state;

- 8 (2) maintain a register of tribunals and support enforcement agencies
9 received from other states;
- 10 (3) forward to the appropriate tribunal in the place in this state in which
11 the individual obligee or the obligor resides, or in which the obligor's property is
12 believed to be located, all documents concerning a proceeding under sections
13 454.850 to 454.997, received from an initiating tribunal or the state information
14 agency of the initiating state; and
- 15 (4) obtain information concerning the location of the obligor and the
16 obligor's property within this state not exempt from execution, by such means as
17 postal verification and federal or state locator services, examination of telephone
18 directories, requests for the obligor's address from employers, and examination
19 of governmental records, including, to the extent not prohibited by other law,
20 those relating to real property, vital statistics, law enforcement, taxation, motor
21 vehicles, driver's licenses, and Social Security.]

22
2 [454.905. (a) A petitioner seeking to establish or modify a support order
3 or to determine parentage in a proceeding under sections 454.850 to 454.997,
4 must verify the petition. Unless otherwise ordered under section 454.907, the
5 petition or accompanying documents must provide, so far as known, the name,
6 residential address, and Social Security numbers of the obligor and the obligee,
7 and the name, sex, residential address, Social Security number, and date of birth
8 of each child for whom support is sought. The petition must be accompanied by
9 a certified copy of any support order in effect. The petition may include any
10 other information that may assist in locating or identifying the respondent.

11 (b) The petition must specify the relief sought. The petition and
12 accompanying documents must conform substantially with the requirements
13 imposed by the forms mandated by federal law for use in cases filed by a support
14 enforcement agency.]

2 [454.907. Upon a finding, which may be made ex parte, that the health,
3 safety, or liberty of a party or child would be unreasonably put at risk by the
4 disclosure of identifying information, or if an existing order so provides, a
5 tribunal shall order that the address of the child or party or other identifying
6 information not be disclosed in a pleading or other document filed in a
7 proceeding under sections 454.850 to 454.997.]

2 [454.910. (a) The petitioner may not be required to pay a filing fee or
3 other costs.

4 (b) If an obligee prevails, a responding tribunal may assess against an
5 obligor filing fees, reasonable attorney's fees, other costs, and necessary travel
6 and other reasonable expenses incurred by the obligee and the obligee's
witnesses. The tribunal may not assess fees, costs, or expenses against the

7 obligee or the support enforcement agency of either the initiating or the
8 responding state, except as provided by other law. Attorney's fees may be taxed
9 as costs, and may be ordered paid directly to the attorney, who may enforce the
10 order in the attorney's own name. Payment of support owed to the obligee has
11 priority over fees, costs and expenses.

12 (c) The tribunal shall order the payment of costs and reasonable attorney's
13 fees if it determines that a hearing was requested primarily for delay. In a
14 proceeding under sections 454.948 to 454.981, a hearing is presumed to have
15 been requested primarily for delay if a registered support order is confirmed or
16 enforced without change.]

17

2 [454.912. (a) Participation by a petitioner in a proceeding before a
3 responding tribunal, whether in person, by private attorney, or through services
4 provided by the support enforcement agency, does not confer personal
5 jurisdiction over the petitioner in another proceeding.

6 (b) A petitioner is not amenable to service of civil process while
7 physically present in this state to participate in a proceeding under sections
8 454.850 to 454.997.

9 (c) The immunity granted by this section does not extend to civil
10 litigation based on acts unrelated to a proceeding under sections 454.850 to
11 454.997, committed by a party while present in this state to participate in the
12 proceeding.]

12

2 [454.915. A party whose parentage of a child has been previously
3 determined by or pursuant to law may not plead nonparentage as a defense to a
4 proceeding under sections 454.850 to 454.997.]

4

2 [454.917. (a) The physical presence of the petitioner in a responding
3 tribunal of this state is not required for the establishment, enforcement, or
4 modification of a support order or the rendition of a judgment determining
5 parentage.

6 (b) A verified petition, affidavit, document substantially complying with
7 federally mandated forms, and a document incorporated by reference in any of
8 them, not excluded under the hearsay rule if given in person, is admissible in
9 evidence if given under oath by a party or witness residing in another state.

10 (c) A copy of the record of child support payments certified as a true
11 copy of the original by the custodian of the record may be forwarded to a
12 responding tribunal. The copy is evidence of facts asserted in it, and is
13 admissible to show whether payments were made.

14 (d) Copies of bills for testing for parentage, and for prenatal and postnatal
health care of the mother and child, furnished to the adverse party at least ten

15 days before trial, are admissible in evidence to prove the amount of the charges
16 billed and that the charges were reasonable, necessary, and customary.

17 (e) Documentary evidence transmitted from another state to a tribunal of
18 this state by telephone, telecopier, or other means that do not provide an original
19 writing may not be excluded from evidence on an objection based on the means
20 of transmission.

21 (f) In a proceeding under sections 454.850 to 454.997, a tribunal of this
22 state may permit a party or witness residing in another state to be deposed or to
23 testify by telephone, audiovisual means, or other electronic means at a designated
24 tribunal or other location in that state. A tribunal of this state shall cooperate
25 with tribunals of other states in designating an appropriate location for the
26 deposition or testimony.

27 (g) If a party called to testify at a civil hearing refuses to answer on the
28 ground that the testimony may be self-incriminating, the trier of fact may draw
29 an adverse inference from the refusal.

30 (h) A privilege against disclosure of communications between spouses
31 does not apply in a proceeding under sections 454.850 to 454.997.

32 (i) The defense of immunity based on the relationship of husband and
33 wife or parent and child does not apply in a proceeding under sections 454.850
34 to 454.997.]

35

2 [454.920. A tribunal of this state may communicate with a tribunal of
3 another state in writing, or by telephone or other means, to obtain information
4 concerning the laws of that state, the legal effect of a judgment, decree, or order
5 of that tribunal, and the status of a proceeding in the other state. A tribunal of
6 this state may furnish similar information by similar means to a tribunal of
7 another state.]

7

[454.922. A tribunal of this state may:

2

(1) request a tribunal of another state to assist in obtaining discovery; and

3

(2) upon request, compel a person over whom it has jurisdiction to
4 respond to a discovery order issued by a tribunal of another state.]

5

2 [454.927. A support enforcement agency or tribunal of this state shall
3 disburse promptly any amounts received pursuant to a support order, as directed
4 by the order. The agency or tribunal shall furnish to a requesting party or tribunal
5 of another state a certified statement by the custodian of the record of the
6 amounts and dates of all payments received.]

6

2 [454.930. (a) If a support order entitled to recognition under sections
3 454.850 to 454.997, has not been issued, a responding tribunal of this state may
4 issue a support order if:

3

- 4 (1) the individual seeking the order resides in another state; or
- 5 (2) the support enforcement agency seeking the order is located in
- 6 another state.
- 7 (b) The tribunal may issue a temporary child support order if:
- 8 (1) the respondent has signed a verified statement acknowledging
- 9 parentage;
- 10 (2) the respondent has been determined by or pursuant to law to be the
- 11 parent; or
- 12 (3) there is other clear and convincing evidence that the respondent is the
- 13 child's parent.
- 14 (c) Upon finding, after notice and opportunity to be heard, that an obligor
- 15 owes a duty of support, the tribunal shall issue a support order directed to the
- 16 obligor and may issue other orders pursuant to section 454.890.]

17

[454.932. An income withholding order issued in another state may be sent to the person or entity defined as the obligor's employer under section 452.350, RSMo, or section 454.505 without first filing a petition or comparable pleading or registering the order with a tribunal of this state.]

2

[454.934. (a) Upon receipt of the order, the obligor's employer shall immediately provide a copy of the order to the obligor.

(b) The employer shall treat an income withholding order issued in another state which appears regular on its face as if it had been issued by a tribunal of this state.

(c) Except as provided in subsection (d) of this section and section 454.936, the employer shall withhold and distribute the funds as directed in the withholding order by complying with the terms of the order, as applicable, that specify:

- 10 (1) the duration and the amount of periodic payments of current child
- 11 support, stated as a sum certain;
- 12 (2) the person or agency designated to receive payments and the address
- 13 to which the payments are to be forwarded;
- 14 (3) medical support, whether in the form of periodic cash payment, stated
- 15 as a sum certain, or ordering the obligor to provide health insurance coverage for
- 16 the child under a policy available through the obligor's employment;
- 17 (4) the amount of periodic payments of fees and costs for a support
- 18 enforcement agency, the issuing tribunal, and the obligee's attorney, stated as
- 19 sums certain; and
- 20 (5) the amount of periodic payments of arrears and interest on arrears,
- 21 stated as sums certain.

(d) The employer shall comply with the law of the state of the obligor's principal place of employment for withholding from income with respect to:

22

23

- 24 (1) the employer's fee for processing an income withholding order;
- 25 (2) the maximum amount permitted to be withheld from the obligor's
- 26 income;
- 27 (3) the time periods within which the employer must implement the
- 28 withholding order and forward the child support payment.]

29

2 [454.936. If the obligor's employer receives multiple orders to withhold
3 support from the earnings of the same obligor, the employer shall be deemed to
4 have satisfied the terms of the multiple orders if the employer complied with the
5 law of the state of the obligor's principal place of employment to establish the
6 priorities for withholding and allocating income withheld for multiple child
7 support orders.]

7

2 [454.938. An employer who complies with an income withholding order
3 issued in another state in accordance with sections 454.932 to 454.946, is not
4 subject to civil liability to any individual or agency with regard to the employer's
5 withholding child support from the obligor's income.]

5

2 [454.941. An employer who willfully fails to comply with an income
3 withholding order issued by another state and received for enforcement is subject
4 to the same penalties that may be imposed for noncompliance with an order
5 issued by a tribunal of this state.]

5

2 [454.943. (a) An obligor may contest the validity or enforcement of an
3 income withholding order issued in another state and received directly by an
4 employer in this state in the same manner as if the order had been issued by a
5 tribunal of this state. Section 454.956 applies to the contest.

5

6 (b) The obligor shall give notice of the contest to:
7 (1) a support enforcement agency providing services to the obligee;
8 (2) each employer which has directly received an income withholding
9 order; and

9 (3) the person or agency designated to receive payments in the income
10 withholding order, or if no person or agency is designated, to the obligee.]

11

2 [454.946. (a) A party seeking to enforce a support order or an income
3 withholding order, or both, issued by a tribunal of another state may send the
4 documents required for registering the order to a support enforcement agency of
5 this state.

5

6 (b) Upon receipt of the documents, the support enforcement agency,
7 without initially seeking to register the order, shall consider and, if appropriate,
8 use any administrative procedure authorized by the law of this state to enforce a
9 support order or an income withholding order, or both. If the obligor does not

9 contest administrative enforcement, the order need not be registered. If the
10 obligor contests the validity or administrative enforcement of the order, the
11 support enforcement agency shall register the order pursuant to sections 454.850
12 to 454.997.]
13

2 [454.948. A support order or an income withholding order issued by a
3 tribunal of another state may be registered in this state for enforcement.]

2 [454.951. (a) A support order or income withholding order of another
3 state may be registered in this state by sending the following documents and
4 information to the appropriate tribunal in this state:

4 (1) a letter of transmittal to the tribunal requesting registration and
5 enforcement;

6 (2) two copies, including one certified copy, of all orders to be registered,
7 including any modification of an order;

8 (3) a sworn statement by the party seeking registration or a certified
9 statement by the custodian of the records showing the amount of any arrearage;

10 (4) the name of the obligor and, if known:

11 (i) the obligor's address and Social Security number;

12 (ii) the name and address of the obligor's employer and any other source
13 of income of the obligor; and

14 (iii) a description and the location of property of the obligor in this state
15 not exempt from execution; and

16 (5) the name and address of the obligee and, if applicable, the agency or
17 person to whom support payments are to be remitted.

18 (b) On receipt of a request for registration, the registering tribunal shall
19 cause the order to be filed as a foreign judgment, together with one copy of the
20 documents and information, regardless of their form.

21 (c) A petition or comparable pleading seeking a remedy that must be
22 affirmatively sought under other law of this state may be filed at the same time
23 as the request for registration or later. The pleading must specify the grounds for
24 the remedy sought.]
25

2 [454.953. (a) A support order or income withholding order issued in
3 another state is registered when the order is filed in the registering tribunal of this
4 state.

4 (b) A registered order issued in another state is enforceable in the same
5 manner and is subject to the same procedures as an order issued by a tribunal of
6 this state.

7 (c) Except as otherwise provided in sections 454.948 to 454.981, a
8 tribunal of this state shall recognize and enforce, but may not modify, a registered
9 order if the issuing tribunal had jurisdiction.]

10

[454.956. (a) The law of the issuing state governs the nature, extent, amount, and duration of current payments and other obligations of support and the payment of arrearages under the order.

2

3

4

(b) In a proceeding for arrearages, the statute of limitation under the laws of this state or of the issuing state, whichever is longer, applies.]

5

6

[454.958. (a) When a support order or income withholding order issued in another state is registered, the registering tribunal shall notify the nonregistering party. The notice must be accompanied by a copy of the registered order and the documents and relevant information accompanying the order.

2

3

4

5

(b) The notice must inform the nonregistering party:

6

(1) that a registered order is enforceable as of the date of registration in the same manner as an order issued by a tribunal of this state;

7

8

(2) that a hearing to contest the validity or enforcement of the registered order must be requested within twenty days after the date of mailing or personal service of the notice;

9

10

(3) that failure to contest the validity or enforcement of the registered order in a timely manner will result in confirmation of the order and enforcement of the order and the alleged arrearages and precludes further contest of that order with respect to any matter that could have been asserted; and

11

12

13

14

(4) of the amount of any alleged arrearages.

15

(c) Upon registration of an income withholding order for enforcement, the registering tribunal shall notify the obligor's employer pursuant to section 452.350, RSMo, or section 454.505.]

16

17

18

[454.961. (a) A nonregistering party seeking to contest the validity or enforcement of a registered order in this state shall request a hearing within twenty days after the date of mailing or personal service of notice of the registration. The nonregistering party may seek to vacate the registration, to assert any defense to an allegation of noncompliance with the registered order, or to contest the remedies being sought or the amount of any alleged arrearages pursuant to section 454.963.

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(b) If the nonregistering party fails to contest the validity or enforcement of the registered order in a timely manner, the order is confirmed by operation of law.

9

10

(c) If a nonregistering party requests a hearing to contest the validity or enforcement of the registered order, the registering tribunal shall schedule the matter for hearing and give notice to the parties of the date, time, and place of the hearing.]

11

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15

2 [454.963. (a) A party contesting the validity or enforcement of a
3 registered order or seeking to vacate the registration has the burden of proving
4 one or more of the following defenses:

- 5 (1) the issuing tribunal lacked personal jurisdiction over the contesting
6 party;
- 7 (2) the order was obtained by fraud;
- 8 (3) the order has been vacated, suspended, or modified by a later order;
- 9 (4) the issuing tribunal has stayed the order pending appeal;
- 10 (5) there is a defense under the law of this state to the remedy sought;
- 11 (6) full or partial payment has been made; or
- 12 (7) the statute of limitation under section 454.956 precludes enforcement
13 of some or all of the arrearages.

14 (b) If a party presents evidence establishing a full or partial defense under
15 subsection (a), a tribunal may stay enforcement of the registered order, continue
16 the proceeding to permit production of additional relevant evidence, and issue
17 other appropriate orders. An uncontested portion of the registered order may be
18 enforced by all remedies available under the law of this state.

19 (c) If the contesting party does not establish a defense under subsection
20 (a) to the validity or enforcement of the order, the registering tribunal shall issue
21 an order confirming the order.]

2 [454.966. Confirmation of a registered order, whether by operation of law
3 or after notice and hearing, precludes further contest of the order with respect to
4 any matter that could have been asserted at the time of registration.]

2 [454.968. A party or support enforcement agency seeking to modify, or
3 to modify and enforce, a child support order issued in another state shall register
4 that order in this state in the same manner provided in sections 454.948 to
5 454.956 if the order has not been registered. A petition for modification may be
6 filed at the same time as a request for registration, or later. The pleading must
7 specify the grounds for modification.]

2 [454.971. A tribunal of this state may enforce a child support order of
3 another state registered for purposes of modification, in the same manner as if the
4 order had been issued by a tribunal of this state, but the registered order may be
5 modified only if the requirements of section 454.973 have been met.]

2 [454.973. (a) After a child support order issued in another state has been
3 registered in this state, unless the provisions of section 454.978 apply, the
4 responding tribunal of this state may modify that order only if, after notice and
5 hearing, it finds that:

- 6 (1) the following requirements are met:

- 6 (i) the child, the individual obligee, and the obligor do not reside in the
7 issuing state;
- 8 (ii) a petitioner who is a nonresident of this state seeks modification; and
9 (iii) the respondent is subject to the personal jurisdiction of the tribunal
10 of this state; or
- 11 (2) an individual party or the child is subject to the personal jurisdiction
12 of the tribunal and all of the individual parties have filed a written consent in the
13 issuing tribunal providing that a tribunal of this state may modify the support
14 order and assume continuing, exclusive jurisdiction over the order. However, if
15 the issuing state is a foreign jurisdiction which has not enacted the Uniform
16 Interstate Family Support Act, as amended, the written consent of the individual
17 party residing in this state is not required for the tribunal to assume jurisdiction
18 to modify the child support order.
- 19 (b) Modification of a registered child support order is subject to the same
20 requirements, procedures, and defenses that apply to the modification of an order
21 issued by a tribunal of this state and the order may be enforced and satisfied in
22 the same manner.
- 23 (c) A tribunal of this state may not modify any aspect of a child support
24 order that may not be modified under the law of the issuing state. If two or more
25 tribunals have issued child support orders for the same obligor and child, the
26 order that is controlling and must be recognized under the provisions of section
27 454.871 establishes the nonmodifiable aspects of the support order.
- 28 (d) On issuance of an order modifying a child support order issued in
29 another state, a tribunal of this state becomes the tribunal of continuing, exclusive
30 jurisdiction.]
31

2 [454.976. A tribunal of this state shall recognize a modification of its
3 earlier child support order by a tribunal of another state which assumed
4 jurisdiction pursuant to sections 454.850 to 454.997 or a law substantially similar
5 to sections 454.850 to 454.997 and, upon request, except as otherwise provided
6 in sections 454.850 to 454.997 shall:

- 6 (1) enforce the order that was modified only as to amounts accruing
7 before the modification;
- 8 (2) enforce only nonmodifiable aspects of that order;
- 9 (3) provide other appropriate relief only for violations of that order which
10 occurred before the effective date of the modification; and
- 11 (4) recognize the modifying order of the other state, upon registration, for
12 the purpose of enforcement.]
13

2 [454.978. (a) If all of the individual parties reside in this state and the
child does not reside in the issuing state, a tribunal of this state has jurisdiction

3 to enforce and to modify the issuing state's child support order in a proceeding
4 to register that order.

5 (b) A tribunal of this state exercising jurisdiction as provided in this
6 section shall apply the provisions of sections 454.850 to 454.877 and sections
7 454.948 to 454.981 to the enforcement or modification proceeding. Sections
8 454.880 to 454.946 and sections 454.983 to 454.989 do not apply and the tribunal
9 shall apply the procedural and substantive law of this state.]
10

[454.981. Within thirty days after issuance of a modified child support
2 order, the party obtaining the modification shall file a certified copy of the order
3 with the issuing tribunal which had continuing, exclusive jurisdiction over the
4 earlier order, and in each tribunal in which the party knows that earlier order has
5 been registered. Failure of the party obtaining the order to file a certified copy
6 as required subjects that party to appropriate sanctions by a tribunal in which the
7 issue of failure to file arises, but that failure has no effect on the validity or
8 enforceability of the modified order of the new tribunal of continuing, exclusive
9 jurisdiction.]
10

[454.983. (a) A tribunal of this state may serve as an initiating or
2 responding tribunal in a proceeding brought under sections 454.850 to 454.997
3 or a law or procedure substantially similar to sections 454.850 to 454.997, or a
4 law or procedure substantially similar to the uniform reciprocal enforcement of
5 support act, or the revised uniform reciprocal enforcement of support act to
6 determine that the petitioner is a parent of a particular child or to determine that
7 a respondent is a parent of that child.

8 (b) In a proceeding to determine parentage, a responding tribunal of this
9 state shall apply the procedural and substantive law of this state and the rules of
10 this state on choice of law.]
11

[454.986. (a) For purposes of this article, "governor" includes an
2 individual performing the functions of governor or the executive authority of a
3 state covered by sections 454.850 to 454.997.

4 (b) The governor of this state may:

5 (1) demand that the governor of another state surrender an individual
6 found in the other state who is charged criminally in this state with having failed
7 to provide for the support of an obligee; or

8 (2) on the demand by the governor of another state, surrender an
9 individual found in this state who is charged criminally in the other state with
10 having failed to provide for the support of an obligee.

11 (c) A provision for extradition of individuals not inconsistent with
12 sections 454.850 to 454.997, applies to the demand even if the individual whose

13 surrender is demanded was not in the demanding state when the crime was
14 allegedly committed and has not fled therefrom.]

15

2 [454.989. (a) Before making demand that the governor of another state
3 surrender an individual charged criminally in this state with having failed to
4 provide for the support of an obligee, the governor of this state may require a
5 prosecutor of this state to demonstrate that at least sixty days previously the
6 obligee had initiated proceedings for support pursuant to sections 454.850 to
7 454.997 or that the proceeding would be of no avail.

8 (b) If, under sections 454.850 to 454.997 or a law substantially similar
9 to sections 454.850 to 454.997, the uniform reciprocal enforcement of support
10 act, or the revised uniform reciprocal enforcement of support act, the governor
11 of another state makes a demand that the governor of this state surrender an
12 individual charged criminally in that state with having failed to provide for the
13 support of a child or other individual to whom a duty of support is owed, the
14 governor may require a prosecutor to investigate the demand and report whether
15 a proceeding for support has been initiated or would be effective. If it appears
16 that a proceeding would be effective but has not been initiated, the governor may
17 delay honoring the demand for a reasonable time to permit the initiation of a
18 proceeding.

19 (c) If a proceeding for support has been initiated and the individual
20 whose rendition is demanded prevails, the governor may decline to honor the
21 demand. If the petitioner prevails and the individual whose rendition is
22 demanded is subject to a support order, the governor may decline to honor the
23 demand if the individual is complying with the support order.]

23

2 [454.991. Sections 454.850 to 454.997 shall be applied and construed to
3 effectuate its general purpose to make uniform the law with respect to the subject
4 of sections 454.850 to 454.997 among states enacting it.]

4

2 [454.993. Sections 454.850 to 454.997 may be cited as the "Uniform
3 Interstate Family Support Act".]

3

2 [454.995. If any provision of sections 454.850 to 454.997 or its
3 application to any person or circumstance is held invalid, the invalidity does not
4 affect other provisions or applications of sections 454.850 to 454.997, which can
5 be given effect without the invalid provision or application, and to this end the
6 provisions of 454.850 to 454.997 are severable.]

6

2 [454.999. The provisions of sections 210.822 and 210.834, RSMo, shall
3 apply to a proceeding under sections 454.850 to 454.997, but no other provisions
of sections 210.817 through 210.852, RSMo, shall apply.]

3

Section B. The repeal of sections 454.850 to 454.999 of section A of this act shall
2 become effective upon the United States filing its instrument of ratification of The Hague
3 Convention on the International Recovery of Child Support and Other Forms of Family
4 Maintenance, adopted at The Hague Conference on Private International Law on November 23,
5 2007.

Section C. The repeal and reenactment of sections 374.702, 374.705, 374.710, 374.715,
2 374.716, 374.720, 374.730, 374.740, 374.755, 374.757, 374.760, 374.763, 374.766, 374.770,
3 374.775, 374.783, 374.784, 374.785, and 374.788 of section A of this act shall become effective
4 January 1, 2011.

Section D. Because immediate action is necessary to protect the citizens of this state, the
2 repeal and reenactment of section 452.430 of section A of this act is deemed necessary for the
3 immediate preservation of the public health, welfare, peace and safety, and is hereby declared
4 to be an emergency act within the meaning of the constitution, and the repeal and reenactment
5 of section 452.430 of section A of this act shall be in full force and effect upon its passage and
6 approval.

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