

CONFERENCE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 100

AN ACT

To repeal sections 32.056, 43.518, 432.047, 443.723, 452.400, 453.030, 453.050, 454.475, 476.057, 477.405, 478.007, 478.320, 488.426, 488.2250, 488.5320, 513.430, and 514.040, RSMo, and to enact in lieu thereof eighteen new sections relating to judicial procedures, with penalty provisions.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

1           Section A. Sections 32.056, 43.518, 432.047, 443.723,  
2 452.400, 453.030, 453.050, 454.475, 476.057, 477.405, 478.007,  
3 478.320, 488.426, 488.2250, 488.5320, 513.430, and 514.040, RSMo,  
4 are repealed and eighteen new sections enacted in lieu thereof,  
5 to be known as sections 32.056, 43.518, 432.047, 443.723,  
6 452.400, 453.030, 453.050, 454.475, 476.057, 477.405, 478.007,  
7 478.320, 488.426, 488.2230, 488.2250, 488.5320, 513.430, and  
8 514.040, to read as follows:

9           32.056. Except for uses permitted under 18 U.S.C. Section  
10 2721(b)(1), the department of revenue shall not release the home  
11 address of or any information that identifies any vehicle owned  
12 or leased by any person who is a county, state or federal parole  
13 officer, a federal pretrial officer, a peace officer pursuant to  
14 section 590.010, a person vested by article V, section 1 of the

1 Missouri Constitution with the judicial power of the state, a  
2 member of the federal judiciary, or a member of such person's  
3 immediate family contained in the department's motor vehicle or  
4 driver registration records, based on a specific request for such  
5 information from any person. Any such person may notify the  
6 department of his or her status and the department shall protect  
7 the confidentiality of the home address and vehicle records on  
8 such a person and his or her immediate family as required by this  
9 section. [If such member of the judiciary's status changes and he  
10 or she and his or her immediate family do not qualify for the  
11 exemption contained in this subsection, such person shall notify  
12 the department and the department's records shall be revised.]  
13 This section shall not prohibit the department from releasing  
14 information on a motor registration list pursuant to section  
15 32.055 or from releasing information on any officer who holds a  
16 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.  
18 31309.

19 43.518. 1. There is hereby established within the  
20 department of public safety a "Criminal Records and Justice  
21 Information Advisory Committee" whose purpose is to:

22 (1) Recommend general policies with respect to the  
23 philosophy, concept and operational principles of the Missouri  
24 criminal history record information system established by  
25 sections 43.500 to 43.530, in regard to the collection,  
26 processing, storage, dissemination and use of criminal history  
27 record information maintained by the central repository;

28 (2) Assess the current state of electronic justice

1 information sharing; and

2 (3) Recommend policies and strategies, including standards  
3 and technology, for promoting electronic justice information  
4 sharing, and coordinating among the necessary agencies and  
5 institutions; and

6 (4) Provide guidance regarding the use of any state or  
7 federal funds appropriated for promoting electronic justice  
8 information sharing.

9 2. The committee shall be composed of the following  
10 officials or their designees: the director of the department of  
11 public safety; the director of the department of corrections and  
12 human resources; the attorney general; the director of the  
13 Missouri office of prosecution services; the president of the  
14 Missouri prosecutors association; the president of the Missouri  
15 court clerks association; the chief clerk of the Missouri state  
16 supreme court; the director of the state courts administrator;  
17 the chairman of the state judicial record committee; the chairman  
18 of the [circuit court budget] court automation committee; the  
19 presidents of the Missouri peace officers association; the  
20 Missouri sheriffs association; the Missouri police chiefs  
21 association or their successor agency; the superintendent of the  
22 Missouri highway patrol; the chiefs of police of agencies in  
23 jurisdictions with over two hundred thousand population; except  
24 that, in any county of the first class having a charter form of  
25 government, the chief executive of the county may designate  
26 another person in place of the police chief of any countywide  
27 police force, to serve on the committee; and, at the discretion  
28 of the director of public safety, as many as three other

1 representatives of other criminal justice records systems or law  
2 enforcement agencies may be appointed by the director of public  
3 safety. The director of the department of public safety will  
4 serve as the permanent chairman of this committee.

5 3. The committee shall meet as determined by the director  
6 but not less than semiannually to perform its duties. A majority  
7 of the appointed members of the committee shall constitute a  
8 quorum.

9 4. No member of the committee shall receive any state  
10 compensation for the performance of duties associated with  
11 membership on this committee.

12 5. Official minutes of all committee meetings will be  
13 prepared by the director, promptly distributed to all committee  
14 members, and filed by the director for a period of at least five  
15 years.

16 432.047. 1. For the purposes of this section, the term  
17 "credit agreement" means an agreement to lend or forbear  
18 repayment of money, to otherwise extend credit, or to make any  
19 other financial accommodation.

20 2. A debtor party may not maintain an action upon or a  
21 defense, regardless of legal theory in which it is based, in any  
22 way related to a credit agreement unless the credit agreement is  
23 in writing, provides for the payment of interest or for other  
24 consideration, [and] sets forth the relevant terms and  
25 conditions, and the credit agreement is executed by the debtor  
26 and the lender.

27 3. (1) [If] When a written credit agreement has been  
28 signed by a debtor, subsection 2 of this section shall not apply

1 to any credit agreement between such debtor and creditor unless  
2 such written credit agreement contains the following language in  
3 boldface ten-point type: "Oral or unexecuted agreements or  
4 commitments to loan money, extend credit or to forbear from  
5 enforcing repayment of a debt including promises to extend or  
6 renew such debt are not enforceable, regardless of the legal  
7 theory upon which it is based that is in any way related to the  
8 credit agreement. To protect you (borrower(s)) and us (creditor)  
9 from misunderstanding or disappointment, any agreements we reach  
10 covering such matters are contained in this writing, which is the  
11 complete and exclusive statement of the agreement between us,  
12 except as we may later agree in writing to modify it.".

13 (2) Notwithstanding any other law to the contrary in this  
14 chapter, the provisions of this section shall apply to commercial  
15 credit agreements only and shall not apply to credit agreements  
16 for personal, family, or household purposes.

17 4. Nothing contained in this section shall affect the  
18 enforceability by a creditor of any promissory note, guaranty,  
19 security agreement, deed of trust, mortgage, or other instrument,  
20 agreement, or document evidencing or creating an obligation for  
21 the payment of money or other financial accommodation, lien, or  
22 security interest.

23 443.723. 1. To meet the annual continuing education  
24 requirements referred to in sections 443.701 to 443.893, a  
25 licensed mortgage loan originator shall complete at least eight  
26 hours of education approved in accordance with subsection 2 of  
27 this section, which shall include at least:

28 (1) Three hours of federal law and regulations;

1           (2) Two hours of ethics, which shall include instruction on  
2 fraud, consumer protection, and fair lending issues; [and]

3           (3) Two hours of training related to lending standards for  
4 the nontraditional mortgage product marketplace; and

5           (4) One hour of Missouri law and regulations.

6           2. For purposes of subsection 1 of this section, continuing  
7 education courses shall be reviewed, and approved by the NMLSR  
8 based upon reasonable standards. Review and approval of a  
9 continuing education course shall include review and approval of  
10 the course provider.

11           3. Nothing in this section shall preclude any education  
12 course, as approved by the NMLSR, that is provided by the  
13 employer of the mortgage loan originator or person who is  
14 affiliated with the mortgage loan originator by an agency  
15 contract, or any subsidiary or affiliate of such employer or  
16 person.

17           4. Continuing education may be offered either in a  
18 classroom, online, or by any other means approved by the NMLSR.

19           5. A licensed mortgage loan originator:

20           (1) Shall only receive credit for a continuing education  
21 course in the year in which the course is taken except in the  
22 case of an expired license and under subsection 9 of this  
23 section; and

24           (2) Shall not take the same approved course in the same or  
25 successive years to meet the annual requirements for continuing  
26 education.

27           6. A licensed mortgage loan originator who is an approved  
28 instructor of an approved continuing education course may receive

1 credit for the licensed mortgage loan originator's own annual  
2 continuing education requirement at the rate of two hours credit  
3 for every one hour taught.

4 7. A person having successfully completed the education  
5 requirements approved by the NMLSR in subdivisions (1) to (3) of  
6 subsection 1 of this section for any state shall be accepted as  
7 credit towards completion of continuing education requirements in  
8 Missouri.

9 8. A licensed mortgage loan originator who subsequently  
10 becomes unlicensed shall complete the continuing education  
11 requirements for the last year in which the license was held  
12 prior to issuance of a new or renewed license.

13 9. A person meeting the requirements of subdivisions (1)  
14 and (3) of subsection 2 of section 443.719 may make up any  
15 deficiency in continuing education as established by rule of the  
16 director.

17 452.400. 1. (1) A parent not granted custody of the child  
18 is entitled to reasonable visitation rights unless the court  
19 finds, after a hearing, that visitation would endanger the  
20 child's physical health or impair his or her emotional  
21 development. The court shall enter an order specifically  
22 detailing the visitation rights of the parent without physical  
23 custody rights to the child and any other children for whom such  
24 parent has custodial or visitation rights. In determining the  
25 granting of visitation rights, the court shall consider evidence  
26 of domestic violence. If the court finds that domestic violence  
27 has occurred, the court may find that granting visitation to the  
28 abusive party is in the best interests of the child.

1           (2) (a) The court shall not grant visitation to the parent  
2 not granted custody if such parent or any person residing with  
3 such parent has been found guilty of or pled guilty to any of the  
4 following offenses when a child was the victim:

5           a. A felony violation of section 566.030, 566.032, 566.040,  
6 566.060, 566.062, 566.064, 566.067, 566.068, 566.070, 566.083,  
7 566.090, 566.100, 566.111, 566.151, 566.203, 566.206, 566.209,  
8 566.212, or 566.215;

9           b. A violation of section 568.020;

10          c. A violation of subdivision (2) of subsection 1 of  
11 section 568.060;

12          d. A violation of section 568.065;

13          e. A violation of section 568.080;

14          f. A violation of section 568.090; or

15          g. A violation of section 568.175.

16          (b) For all other violations of offenses in chapters 566  
17 and 568 not specifically listed in paragraph (a) of this  
18 subdivision or for a violation of an offense committed in another  
19 state when a child is the victim that would be a violation of  
20 chapter 566 or 568 if committed in Missouri, the court may  
21 exercise its discretion in granting visitation to a parent not  
22 granted custody if such parent or any person residing with such  
23 parent has been found guilty of, or pled guilty to, any such  
24 offense.

25          (3) The court shall consider the parent's history of  
26 inflicting, or tendency to inflict, physical harm, bodily injury,  
27 assault, or the fear of physical harm, bodily injury, or assault  
28 on other persons and shall grant visitation in a manner that best



1 protects the child and the parent or other family or household  
2 member who is the victim of domestic violence, and any other  
3 children for whom the parent has custodial or visitation rights  
4 from any further harm.

5 (4) The court, if requested by a party, shall make specific  
6 findings of fact to show that the visitation arrangements made by  
7 the court best protect the child or the parent or other family or  
8 household member who is the victim of domestic violence, or any  
9 other child for whom the parent has custodial or visitation  
10 rights from any further harm.

11 2. (1) The court may modify an order granting or denying  
12 visitation rights whenever modification would serve the best  
13 interests of the child, but the court shall not restrict a  
14 parent's visitation rights unless it finds that the visitation  
15 would endanger the child's physical health or impair his or her  
16 emotional development.

17 (2) (a) In any proceeding modifying visitation rights, the  
18 court shall not grant unsupervised visitation to a parent if the  
19 parent or any person residing with such parent has been found  
20 guilty of or pled guilty to any of the following offenses when a  
21 child was the victim:

22 a. A felony violation of section 566.030, 566.032, 566.040,  
23 566.060, 566.062, 566.064, 566.067, 566.068, 566.070, 566.083,  
24 566.090, 566.100, 566.111, 566.151, 566.203, 566.206, 566.209,  
25 566.212, or 566.215;

26 b. A violation of section 568.020;

27 c. A violation of subdivision (2) of subsection 1 of  
28 section 568.060;

- 1 d. A violation of section 568.065;
- 2 e. A violation of section 568.080;
- 3 f. A violation of section 568.090; or
- 4 g. A violation of section 568.175.

5 (b) For all other violations of offenses in chapters 566  
6 and 568 not specifically listed in paragraph (a) of this  
7 subdivision or for a violation of an offense committed in another  
8 state when a child is the victim that would be a violation of  
9 chapter 566 or 568 if committed in Missouri, the division may  
10 exercise its discretion regarding the placement of a child taken  
11 into the custody of the state in which a parent or any person  
12 residing in the home has been found guilty of, or pled guilty to,  
13 any such offense.

14 (3) When a court restricts a parent's visitation rights or  
15 when a court orders supervised visitation because of allegations  
16 of abuse or domestic violence, a showing of proof of treatment  
17 and rehabilitation shall be made to the court before unsupervised  
18 visitation may be ordered. "Supervised visitation", as used in  
19 this section, is visitation which takes place in the presence of  
20 a responsible adult appointed by the court for the protection of  
21 the child.

22 3. The court shall mandate compliance with its order by all  
23 parties to the action, including parents, children and third  
24 parties. In the event of noncompliance, the aggrieved person may  
25 file a verified motion for contempt. If custody, visitation or  
26 third-party custody is denied or interfered with by a parent or  
27 third party without good cause, the aggrieved person may file a  
28 family access motion with the court stating the specific facts

1 which constitute a violation of the judgment of dissolution, [or]  
2 legal separation or judgment of paternity. The state courts  
3 administrator shall develop a simple form for pro se motions to  
4 the aggrieved person, which shall be provided to the person by  
5 the circuit clerk. Clerks, under the supervision of a circuit  
6 clerk, shall explain to aggrieved parties the procedures for  
7 filing the form. Notice of the fact that clerks will provide  
8 such assistance shall be conspicuously posted in the clerk's  
9 offices. The location of the office where the family access  
10 motion may be filed shall be conspicuously posted in the court  
11 building. The performance of duties described in this section  
12 shall not constitute the practice of law as defined in section  
13 484.010. Such form for pro se motions shall not require the  
14 assistance of legal counsel to prepare and file. The cost of  
15 filing the motion shall be the standard court costs otherwise due  
16 for instituting a civil action in the circuit court.

17 4. Within five court days after the filing of the family  
18 access motion pursuant to subsection 3 of this section, the clerk  
19 of the court shall issue a summons pursuant to applicable state  
20 law, and applicable local or supreme court rules. A copy of the  
21 motion shall be personally served upon the respondent by personal  
22 process server as provided by law or by any sheriff. Such  
23 service shall be served at the earliest time and shall take  
24 priority over service in other civil actions, except those of an  
25 emergency nature or those filed pursuant to chapter 455. The  
26 motion shall contain the following statement in boldface type:  
27 "PURSUANT TO SECTION 452.400, RSMO, YOU ARE REQUIRED TO RESPOND  
28 TO THE CIRCUIT CLERK WITHIN TEN DAYS OF THE DATE OF SERVICE.

1 FAILURE TO RESPOND TO THE CIRCUIT CLERK MAY RESULT IN THE  
2 FOLLOWING:

- 3 (1) AN ORDER FOR A COMPENSATORY  
4 PERIOD OF CUSTODY, VISITATION OR  
5 THIRD-PARTY CUSTODY AT A TIME  
6 CONVENIENT FOR THE AGGRIEVED  
7 PARTY NOT LESS THAN THE PERIOD OF  
8 TIME DENIED;
- 9 (2) PARTICIPATION BY THE VIOLATOR IN  
10 COUNSELING TO EDUCATE THE  
11 VIOLATOR ABOUT THE IMPORTANCE OF  
12 PROVIDING THE CHILD WITH A  
13 CONTINUING AND MEANINGFUL  
14 RELATIONSHIP WITH BOTH PARENTS;
- 15 (3) ASSESSMENT OF A FINE OF UP TO FIVE  
16 HUNDRED DOLLARS AGAINST THE  
17 VIOLATOR;
- 18 (4) REQUIRING THE VIOLATOR TO POST  
19 BOND OR SECURITY TO ENSURE  
20 FUTURE COMPLIANCE WITH THE  
21 COURT'S ORDERS;
- 22 (5) ORDERING THE VIOLATOR TO PAY THE  
23 COST OF COUNSELING TO REESTABLISH  
24 THE PARENT-CHILD RELATIONSHIP  
25 BETWEEN THE AGGRIEVED PARTY AND  
26 THE CHILD; AND
- 27 (6) A JUDGMENT IN AN AMOUNT NOT LESS  
28 THAN THE REASONABLE EXPENSES,

1 INCLUDING ATTORNEY'S FEES AND  
2 COURT COSTS ACTUALLY INCURRED BY  
3 THE AGGRIEVED PARTY AS A RESULT OF  
4 THE DENIAL OF CUSTODY, VISITATION  
5 OR THIRD-PARTY CUSTODY.".

6 5. If an alternative dispute resolution program is  
7 available pursuant to section 452.372, the clerk shall also  
8 provide information to all parties on the availability of any  
9 such services, and within fourteen days of the date of service,  
10 the court may schedule alternative dispute resolution.

11 6. Upon a finding by the court pursuant to a motion for a  
12 family access order or a motion for contempt that its order for  
13 custody, visitation or third-party custody has not been complied  
14 with, without good cause, the court shall order a remedy, which  
15 may include, but not be limited to:

16 (1) A compensatory period of visitation, custody or  
17 third-party custody at a time convenient for the aggrieved party  
18 not less than the period of time denied;

19 (2) Participation by the violator in counseling to educate  
20 the violator about the importance of providing the child with a  
21 continuing and meaningful relationship with both parents;

22 (3) Assessment of a fine of up to five hundred dollars  
23 against the violator payable to the aggrieved party;

24 (4) Requiring the violator to post bond or security to  
25 ensure future compliance with the court's access orders; and

26 (5) Ordering the violator to pay the cost of counseling to  
27 reestablish the parent-child relationship between the aggrieved  
28 party and the child.

1           7. The reasonable expenses incurred as a result of denial  
2 or interference with custody or visitation, including attorney's  
3 fees and costs of a proceeding to enforce visitation rights,  
4 custody or third-party custody, shall be assessed, if requested  
5 and for good cause, against the parent or party who unreasonably  
6 denies or interferes with visitation, custody or third-party  
7 custody. In addition, the court may utilize any and all powers  
8 relating to contempt conferred on it by law or rule of the  
9 Missouri supreme court.

10           8. Final disposition of a motion for a family access order  
11 filed pursuant to this section shall take place not more than  
12 sixty days after the service of such motion, unless waived by the  
13 parties or determined to be in the best interest of the child.  
14 Final disposition shall not include appellate review.

15           9. Motions filed pursuant to this section shall not be  
16 deemed an independent civil action from the original action  
17 pursuant to which the judgment or order sought to be enforced was  
18 entered.

19           453.030. 1. In all cases the approval of the court of the  
20 adoption shall be required and such approval shall be given or  
21 withheld as the welfare of the person sought to be adopted may,  
22 in the opinion of the court, demand.

23           2. The written consent of the person to be adopted shall be  
24 required in all cases where the person sought to be adopted is  
25 fourteen years of age or older, except where the court finds that  
26 such child has not sufficient mental capacity to give the same.  
27 In a case involving a child under fourteen years of age, the  
28 guardian ad litem shall ascertain the child's wishes and feelings

1 about his or her adoption by conducting an interview or  
2 interviews with the child, if appropriate based on the child's  
3 age and maturity level, which shall be considered by the court as  
4 a factor in determining if the adoption is in the child's best  
5 interests.

6 3. With the exceptions specifically enumerated in section  
7 453.040, when the person sought to be adopted is under the age of  
8 eighteen years, the written consent of the following persons  
9 shall be required and filed in and made a part of the files and  
10 record of the proceeding:

11 (1) The mother of the child; and

12 (2) Only the man who:

13 (a) Is presumed to be the father pursuant to the  
14 subdivision (1), (2), or (3) of subsection 1 of section 210.822;  
15 or

16 (b) Has filed an action to establish his paternity in a  
17 court of competent jurisdiction no later than fifteen days after  
18 the birth of the child and has served a copy of the petition on  
19 the mother in accordance with section 506.100; or

20 (c) Filed with the putative father registry pursuant to  
21 section 192.016 a notice of intent to claim paternity or an  
22 acknowledgment of paternity either prior to or within fifteen  
23 days after the child's birth, and has filed an action to  
24 establish his paternity in a court of competent jurisdiction no  
25 later than fifteen days after the birth of the child; or

26 (3) The child's current adoptive parents or other legally  
27 recognized mother and father. Upon request by the petitioner and  
28 within one business day of such request, the clerk of the local

1 court shall verify whether such written consents have been filed  
2 with the court.

3 4. The written consent required in subdivisions (2) and (3)  
4 of subsection 3 of this section may be executed before or after  
5 the commencement of the adoption proceedings, and shall be  
6 executed in front of a judge or acknowledged before a notary  
7 public. If consent is executed in front of a judge, it shall be  
8 the duty of the judge to advise the consenting birth parent of  
9 the consequences of the consent. In lieu of such acknowledgment,  
10 the signature of the person giving such written consent shall be  
11 witnessed by the signatures of at least two adult persons whose  
12 signatures and addresses shall be plainly written thereon. The  
13 two adult witnesses shall not be the prospective adoptive parents  
14 or any attorney representing a party to the adoption proceeding.  
15 The notary public or witnesses shall verify the identity of the  
16 party signing the consent.

17 5. The written consent required in subdivision (1) of  
18 subsection 3 of this section by the birth parent shall not be  
19 executed anytime before the child is forty-eight hours old. Such  
20 written consent shall be executed in front of a judge or  
21 acknowledged before a notary public. If consent is executed in  
22 front of a judge, it shall be the duty of the judge to advise the  
23 consenting party of the consequences of the consent. In lieu of  
24 such acknowledgment, the signature of the person giving such  
25 written consent shall be witnessed by the signatures of at least  
26 two adult persons who are present at the execution whose  
27 signatures and addresses shall be plainly written thereon and who  
28 determine and certify that the consent is knowingly and freely



1 given. The two adult witnesses shall not be the prospective  
2 adoptive parents or any attorney representing a party to the  
3 adoption proceeding. The notary public or witnesses shall verify  
4 the identity of the party signing the consent.

5 6. [The written consents shall be reviewed and, if found to  
6 be in compliance with this section, approved by the court within  
7 three business days of such consents being presented to the  
8 court. Upon review, in lieu of approving the consent within  
9 three business days, the court may set a date for a prompt  
10 evidentiary hearing upon notice to the parties. Failure to  
11 review and approve the written consent within three business days  
12 shall not void the consent, but a party may seek a writ of  
13 mandamus from the appropriate court, unless an evidentiary  
14 hearing has been set by the court pursuant to this subsection.

15 7. The written consent required in subsection 3 of this  
16 section may be withdrawn anytime until it has been reviewed and  
17 accepted by a judge.

18 8.] A consent is final when executed, unless the consenting  
19 party, prior to a final decree of adoption, alleges and proves by  
20 clear and convincing evidence that the consent was not freely and  
21 voluntarily given. The burden of proving the consent was not  
22 freely and voluntarily given shall rest with the consenting  
23 party. Consents in all cases shall have been executed not more  
24 than six months prior to the date the petition for adoption is  
25 filed.

26 7. A consent form shall be developed through rules and  
27 regulations promulgated by the department of social services. No  
28 rule or portion of a rule promulgated under the authority of this

1 section shall become effective unless it has been promulgated  
2 pursuant to the provisions of chapter 536. If a written consent  
3 is obtained after August 28, 1997, but prior to the development  
4 of a consent form by the department and the written consent  
5 complies with the provisions of subsection [9] 8 of this section,  
6 such written consent shall be deemed valid.

7 [9.] 8. However, the consent form must specify that:

8 (1) The birth parent understands the importance of  
9 identifying all possible fathers of the child and may provide the  
10 names of all such persons; and

11 (2) The birth parent understands that if he denies  
12 paternity, but consents to the adoption, he waives any future  
13 interest in the child.

14 [10.] 9. The written consent to adoption required by  
15 subsection 3 and executed through procedures set forth in  
16 subsection 5 of this section shall be valid and effective even  
17 though the parent consenting was under eighteen years of age, if  
18 such parent was represented by a guardian ad litem, at the time  
19 of the execution thereof.

20 [11.] 10. Where the person sought to be adopted is eighteen  
21 years of age or older, his or her written consent alone to his or  
22 her adoption shall be sufficient.

23 [12.] 11. A birth parent, including a birth parent less  
24 than eighteen years of age, shall have the right to legal  
25 representation and payment of any reasonable legal fees incurred  
26 throughout the adoption process. In addition, the court may  
27 appoint an attorney to represent a birth parent if:

28 (1) A birth parent requests representation;

1           (2) The court finds that hiring an attorney to represent  
2 such birth parent would cause a financial hardship for the birth  
3 parent; and

4           (3) The birth parent is not already represented by counsel.

5           [13.] 12. Except in cases where the court determines that  
6 the adoptive parents are unable to pay reasonable attorney fees  
7 and appoints pro bono counsel for the birth parents, the court  
8 shall order the costs of the attorney fees incurred pursuant to  
9 subsection [12] 11 of this section to be paid by the prospective  
10 adoptive parents or the child-placing agency.

11           453.050. 1. The juvenile court may, upon application,  
12 permit a parent to waive the necessity of [his] such person's  
13 consent to a future adoption of the child. However, that  
14 approval cannot be granted until the child is at least two days  
15 old.

16           2. The waiver of consent may be executed before or after  
17 the institution of the adoption proceedings, and shall be  
18 executed in front of a judge or acknowledged before a notary  
19 public, or in lieu of such acknowledgment, the signature of the  
20 person giving such written consent shall be witnessed by the  
21 signatures of at least two adult persons whose addresses shall be  
22 plainly written thereon. If waiver of consent is executed in  
23 front of a judge, it shall be the duty of the judge to advise the  
24 consenting party of the consequences of the waiver of consent.

25           3. A waiver of consent shall be valid and effective even  
26 though the parent waiving consent was under eighteen years of age  
27 at the time of the execution thereof.

28           454.475. 1. Hearings provided for in this section shall

1 be conducted pursuant to chapter 536 by administrative hearing  
2 officers designated by the Missouri department of social  
3 services. The hearing officer shall provide the parents, the  
4 person having custody of the child, or other appropriate agencies  
5 or their attorneys with notice of any proceeding in which support  
6 obligations may be established or modified. The department shall  
7 not be stayed from enforcing and collecting upon the  
8 administrative order during the hearing process and during any  
9 appeal to the courts of this state, unless specifically enjoined  
10 by court order.

11 2. If no factual issue has been raised by the application  
12 for hearing, or the issues raised have been previously litigated  
13 or do not constitute a defense to the action, the director may  
14 enter an order without an evidentiary hearing, which order shall  
15 be a final decision entitled to judicial review as provided in  
16 sections 536.100 to 536.140.

17 3. After full and fair hearing, the hearing officer shall  
18 make specific findings regarding the liability and  
19 responsibility, if any, of the alleged responsible parent for the  
20 support of the dependent child, and for repayment of accrued  
21 state debt or arrearages, and the costs of collection, and shall  
22 enter an order consistent therewith. In making the determination  
23 of the amount the parent shall contribute toward the future  
24 support of a dependent child, the hearing officer shall consider  
25 the factors set forth in section 452.340.

26 4. If the person who requests the hearing fails to appear  
27 at the time and place set for the hearing, upon a showing of  
28 proper notice to that **[parent]** person, the hearing officer shall

1 enter findings and order in accordance with the provisions of the  
2 notice [and finding of support responsibility] or motion unless  
3 the hearing officer determines that no good cause therefor  
4 exists.

5 5. In contested cases, the findings and order of the  
6 hearing officer shall be the decision of the director. Any  
7 parent or person having custody of the child adversely affected  
8 by such decision may obtain judicial review pursuant to sections  
9 536.100 to 536.140 by filing a petition for review in the circuit  
10 court of proper venue within thirty days of mailing of the  
11 decision. Copies of the decision or order of the hearing officer  
12 shall be mailed to any parent, person having custody of the child  
13 and the division within fourteen days of issuance.

14 6. If a hearing has been requested, and upon request of a  
15 parent, a person having custody of the child, the division or a  
16 IV-D agency, the director shall enter a temporary order requiring  
17 the provision of child support pending the final decision or  
18 order pursuant to this section if there is clear and convincing  
19 evidence establishing a presumption of paternity pursuant to  
20 section 210.822. In determining the amount of child support, the  
21 director shall consider the factors set forth in section 452.340.  
22 The temporary order, effective upon filing pursuant to section  
23 454.490, is not subject to a hearing pursuant to this section.  
24 The temporary order may be stayed by a court of competent  
25 jurisdiction only after a hearing and a finding by the court that  
26 the order fails to comply with rule 88.01.

27 7. (1) Any administrative decision or order issued under  
28 this section containing clerical mistakes arising from oversight

1 or omission, except proposed administrative modifications of  
2 judicial orders, may be corrected by an agency administrative  
3 hearing officer at any time upon their own initiative or written  
4 motion filed by the division or any party to the action provided  
5 the written motion is mailed to all parties. Any objection or  
6 response to the written motion shall be made in writing and filed  
7 with the hearing officer within fifteen days from the mailing  
8 date of the motion. Proposed administrative modifications of  
9 judicial orders may be corrected by an agency administrative  
10 hearing officer prior to the filing of the proposed  
11 administrative modification of a judicial order with the court  
12 that entered the underlying judicial order as required in section  
13 454.496, or upon express order of the court that entered the  
14 underlying judicial order. No correction shall be made during the  
15 court's review of the administrative decision, order, or proposed  
16 order as authorized under sections 536.100 to 536.140, except in  
17 response to an express order from the reviewing court.

18 (2) Any administrative decision or order or proposed  
19 administrative modification of judicial order issued under this  
20 section containing errors arising from mistake, surprise, fraud,  
21 misrepresentation, excusable neglect or inadvertence, may be  
22 corrected prior to being filed with the court by an agency  
23 administrative hearing officer upon their own initiative or by  
24 written motion filed by the division or any party to the action  
25 provided the written motion is mailed to all parties and filed  
26 within sixty days of the administrative decision, order, or  
27 proposed decision and order. Any objection or response to the  
28 written motion shall be made in writing and filed with the

1 hearing officer within fifteen days from the mailing date of the  
2 motion. No decision, order, or proposed administrative  
3 modification of judicial order may be corrected after ninety days  
4 from the mailing of the administrative decision, order, or  
5 proposed order or during the court's review of the administrative  
6 decision, order, or proposed order as authorized under sections  
7 536.100 to 536.140, except in response to an express order from  
8 the reviewing court.

9 (3) Any administrative decision or order or proposed  
10 administrative modification of judicial order, issued under this  
11 section may be vacated by an agency administrative hearing  
12 officer upon their own initiative or by written motion filed by  
13 the division or any party to the action provided the written  
14 motion is mailed to all parties, if the administrative hearing  
15 officer determines that the decision or order was issued without  
16 subject matter jurisdiction, without personal jurisdiction, or  
17 without affording the parties due process. Any objection or  
18 response to the written motion shall be made in writing and filed  
19 with the hearing officer within fifteen days from the mailing  
20 date of the motion. A proposed administrative modification of a  
21 judicial order may only be vacated prior to being filed with the  
22 court. No decision, order, or proposed administrative  
23 modification of a judicial order may be vacated during the  
24 court's review of the administrative decision, order, or proposed  
25 order as authorized under sections 536.100 to 536.140, except in  
26 response to an express order from the reviewing court.

27 476.057. 1. The state courts administrator shall determine  
28 the amount of the projected total collections of fees pursuant to

1 section 488.015, payable to the state pursuant to section  
2 488.023, or subdivision (4) of subsection 2 of section 488.018;  
3 and the amount of such projected total collections of fees  
4 required to be deposited into the fund in order to maintain the  
5 fund required pursuant to subsection 2 of this section. The  
6 amount of fees payable for court cases may thereafter be adjusted  
7 pursuant to section 488.015, as provided by said section. All  
8 proceeds of the adjusted fees shall thereupon be collected and  
9 deposited to the state general revenue fund as otherwise provided  
10 by law, subject to the transfer of a portion of such proceeds to  
11 the fund established pursuant to subsection 2 of this section.

12 2. There is hereby established in the state treasury a  
13 special fund for purposes of providing training and education for  
14 judicial personnel, including any clerical employees of each  
15 circuit court clerk. Moneys from collected fees shall be annually  
16 transferred by the state treasurer into the fund from the state  
17 general revenue fund in the amount of no more than two percent of  
18 the amount expended for personal service by state and local  
19 government entities for judicial personnel as determined by the  
20 state courts administrator pursuant to subsection 1 of this  
21 section. Any unexpended balance remaining in the fund at the end  
22 of each biennium shall be exempt from the provisions of section  
23 33.080 relating to the transfer of unexpended balances to the  
24 state general revenue fund, until the amount in the fund exceeds  
25 two percent of the amounts expended for personal service by state  
26 and local government for judicial personnel.

27 3. In addition, any moneys received by or on behalf of the  
28 state courts administrator from fees, grants, or any other



1 sources in connection with providing training to judicial  
2 personnel shall be deposited in the fund provided, however, that  
3 moneys collected in the fund in connection with a particular  
4 purpose shall be segregated and shall not be disbursed for any  
5 other purpose.

6 4. The state treasurer shall administer the fund and,  
7 pursuant to appropriations, shall disburse moneys from the fund  
8 to the state courts administrator in order to provide training  
9 and to purchase goods and services determined appropriate by the  
10 state courts administrator related to the training and education  
11 of judicial personnel. As used in this section, the term  
12 "judicial personnel" shall include court personnel as defined in  
13 section 476.058, and judges.

14 477.405. On or before ~~[March 1, 1989]~~ January 1, 2015, the  
15 supreme court of the state of Missouri shall recommend guidelines  
16 appropriate for use by the general assembly in determining the  
17 need for additional judicial personnel or reallocation of  
18 existing personnel in this state, and shall recommend guidelines  
19 appropriate for the evaluation of judicial performance. The  
20 guidelines shall be filed with the ~~[chairmen]~~ chairs of the house  
21 and senate judiciary committees for distribution to the members  
22 of the general assembly, and the court shall file therewith a  
23 report measuring and assessing judicial performance in the  
24 appellate and circuit courts of this state, including a judicial  
25 weighted workload model and a clerical weighted workload model.

26 478.007. 1. Any circuit court, or any county with a  
27 charter form of government and with more than six hundred  
28 thousand but fewer than seven hundred thousand inhabitants with a

1 county municipal court established under section 66.010, may  
2 establish a docket or court to provide an alternative for the  
3 judicial system to dispose of cases in which a person has pleaded  
4 guilty to driving while intoxicated or driving with excessive  
5 blood alcohol content and:

6 (1) The person was operating a motor vehicle with at least  
7 fifteen-hundredths of one percent or more by weight of alcohol in  
8 such person's blood; or

9 (2) The person has previously pleaded guilty to or has been  
10 found guilty of one or more intoxication-related traffic offenses  
11 as defined by section 577.023; or

12 (3) The person has two or more previous alcohol-related  
13 enforcement contacts as defined in section 302.525.

14 2. This docket or court shall combine judicial supervision,  
15 drug testing, continuous alcohol monitoring, substance abuse  
16 traffic offender program compliance, and treatment of DWI court  
17 participants. The court may assess any and all necessary costs  
18 for participation in DWI court against the participant. Any  
19 money received from such assessed costs by a court from a  
20 defendant shall not be considered court costs, charges, or fines.  
21 This docket or court may operate in conjunction with a drug court  
22 established pursuant to sections 478.001 to 478.006.

23 3. If the division of probation and parole is otherwise  
24 unavailable to assist in the judicial supervision of any person  
25 who wishes to enter a DWI court, a court-approved private  
26 probation service may be utilized by the DWI court to fill the  
27 division's role. In such case, any and all necessary additional  
28 costs may be assessed against the participant. No person shall

1 be rejected from participating in DWI court solely for the reason  
2 that the person does not reside in the city or county where the  
3 applicable DWI court is located but the DWI court can base  
4 acceptance into a treatment court program on its ability to  
5 adequately provide services for the person or handle the  
6 additional caseload.

7 478.320. 1. In counties having a population of thirty  
8 thousand or less, there shall be one associate circuit judge. In  
9 counties having a population of more than thirty thousand and  
10 less than one hundred thousand, there shall be two associate  
11 circuit judges. In counties having a population of one hundred  
12 thousand or more, there shall be three associate circuit judges  
13 and one additional associate circuit judge for each additional  
14 one hundred thousand inhabitants.

15 2. When the office of state courts administrator indicates  
16 in an annual weighted workload model for three consecutive years  
17 or more the need for four or more full-time judicial positions in  
18 any judicial circuit having a population of one hundred thousand  
19 or more, there shall be one additional associate circuit judge  
20 position in such circuit for every four full-time judicial  
21 positions needed as indicated in the weighted workload model. In  
22 a multicounty circuit, the additional associate circuit judge  
23 positions shall be apportioned among the counties in the circuit  
24 on the basis of population, starting with the most populous  
25 county, then the next most populous county, and so forth.

26 3. For purposes of this section, notwithstanding the  
27 provisions of section 1.100, population of a county shall be  
28 determined on the basis of the last previous decennial census of

1 the United States; and, beginning after certification of the year  
2 2000 decennial census, on the basis of annual population  
3 estimates prepared by the United States Bureau of the Census,  
4 provided that the number of associate circuit judge positions in  
5 a county shall be adjusted only after population estimates for  
6 three consecutive years indicate population change in the county  
7 to a level provided by subsection 1 of this section.

8 [3.] 4. Except in circuits where associate circuit judges  
9 are selected under the provisions of sections 25(a) to (g) of  
10 article V of the constitution, the election of associate circuit  
11 judges shall in all respects be conducted as other elections and  
12 the returns made as for other officers.

13 [4.] 5. In counties not subject to sections 25(a) to (g) of  
14 article V of the constitution, associate circuit judges shall be  
15 elected by the county at large.

16 [5.] 6. No associate circuit judge shall practice law, or  
17 do a law business, nor shall he or she accept, during his or her  
18 term of office, any public appointment for which he or she  
19 receives compensation for his or her services.

20 [6.] 7. No person shall be elected as an associate circuit  
21 judge unless he or she has resided in the county for which he or  
22 she is to be elected at least one year prior to the date of his  
23 or her election; provided that, a person who is appointed by the  
24 governor to fill a vacancy may file for election and be elected  
25 notwithstanding the provisions of this subsection.

26 488.426. 1. The judges of the circuit court, en banc, in  
27 any circuit in this state may require any party filing a civil  
28 case in the circuit court, at the time of filing the suit, to

1 deposit with the clerk of the court a surcharge in addition to  
2 all other deposits required by law or court rule. Sections  
3 488.426 to 488.432 shall not apply to proceedings when costs are  
4 waived or are to be paid by the county or state or any city.

5 2. The surcharge in effect on August 28, 2001, shall remain  
6 in effect until changed by the circuit court. The circuit court  
7 in any circuit, except the circuit court in Jackson County or the  
8 circuit court in any circuit that reimburses the state for the  
9 salaries of family court commissioners under section 487.020, may  
10 change the fee to any amount not to exceed fifteen dollars. The  
11 circuit court in Jackson County or the circuit court in any  
12 circuit that reimburses the state for the salaries of family  
13 court commissioners under section 487.020 may change the fee to  
14 any amount not to exceed twenty dollars. A change in the fee  
15 shall become effective and remain in effect until further  
16 changed.

17 3. Sections 488.426 to 488.432 shall not apply to  
18 proceedings when costs are waived or are paid by the county or  
19 state or any city.

20 4. In addition to any fee authorized by subsection 1 of  
21 this section, any county of the first classification with more  
22 than ninety-three thousand eight hundred but less than ninety-  
23 three thousand nine hundred inhabitants may impose an additional  
24 fee of ten dollars excluding cases concerning adoption and those  
25 in small claims court. The provisions of this subsection shall  
26 expire on December 31, 2014.

27 488.2230. 1. In addition to all other court costs for  
28 municipal ordinance violations, any home rule city with more than

1 four hundred thousand inhabitants and located in more than one  
2 county may provide for additional court costs in an amount up to  
3 seven dollars per case for each municipal ordinance violation  
4 case, except that no such additional cost shall be collected in  
5 any proceeding involving a violation of an ordinance when the  
6 proceeding or defendant has been dismissed by the court.

7 2. The judge may waive the assessment of the cost in those  
8 cases where the defendant is found by the judge to be indigent  
9 and unable to pay the costs.

10 3. Such cost shall be calculated by the clerk and disbursed  
11 to the city at least monthly. The city shall use such additional  
12 costs exclusively to fund special mental health, drug, and  
13 veterans courts, including indigent defense and ancillary  
14 services associated with such specialized courts.

15 488.2250. [For all transcripts of testimony given or  
16 proceedings had in any circuit court, the court reporter shall  
17 receive the sum of two dollars per twenty-five-line page for the  
18 original of the transcript, and the sum of thirty-five cents per  
19 twenty-five-line page for each carbon copy thereof; the page to  
20 be approximately eight and one-half inches by eleven inches in  
21 size, with left-hand margin of approximately one and one-half  
22 inches and the right-hand margin of approximately one-half inch;  
23 answer to follow question on same line when feasible; such page  
24 to be designated as a legal page. Any judge, in his or her  
25 discretion, may order a transcript of all or any part of the  
26 evidence or oral proceedings, and the court reporter's fees for  
27 making the same shall be paid by the state upon a voucher  
28 approved by the court, and taxed against the state. In criminal

1 cases where an appeal is taken by the defendant, and it appears  
2 to the satisfaction of the court that the defendant is unable to  
3 pay the costs of the transcript for the purpose of perfecting the  
4 appeal, the court shall order the court reporter to furnish three  
5 transcripts in duplication of the notes of the evidence, for the  
6 original of which the court reporter shall receive two dollars  
7 per legal page and for the copies twenty cents per page. The  
8 payment of court reporter's fees provided in this section shall  
9 be made by the state upon a voucher approved by the court] 1.

10 For all appeal transcripts of testimony given or proceedings in  
11 any circuit court, the court reporter shall receive the sum of  
12 three dollars and fifty cents per legal page for the preparation  
13 of a paper and an electronic version of the transcript.

14 2. In criminal cases where an appeal is taken by the  
15 defendant and it appears to the satisfaction of the court that  
16 the defendant is unable to pay the costs of the transcript for  
17 the purpose of perfecting the appeal, the court reporter shall  
18 receive a fee of two dollars and sixty cents per legal page for  
19 the preparation of a paper and an electronic version of the  
20 transcript.

21 3. Any judge, in his or her discretion, may order a  
22 transcript of all or any part of the evidence or oral proceedings  
23 and the court reporter shall receive the sum of two dollars and  
24 sixty cents per legal page for the preparation of a paper and an  
25 electronic version of the transcript.

26 4. For purposes of this section, a legal page, other than  
27 the first page and the final page of the transcript, shall be  
28 twenty-five lines, approximately eight and one-half inches by

1 eleven inches in size, with the left-hand margin of approximately  
2 one and one-half inches, and with the right-hand margin of  
3 approximately one-half inch.

4 5. Notwithstanding any law to the contrary, the payment of  
5 court reporter's fees provided in subsections 2 and 3 of this  
6 section shall be made by the state upon a voucher approved by the  
7 court. The cost to prepare all other transcripts of testimony or  
8 proceedings shall be borne by the party requesting their  
9 preparation and production, who shall reimburse the court  
10 reporter the sum provided in subsection 1 of this section.

11 488.5320. 1. Sheriffs, county marshals or other officers  
12 shall be allowed a charge for their services rendered in criminal  
13 cases and in all proceedings for contempt or attachment, as  
14 required by law, the sum of seventy-five dollars for each felony  
15 case or contempt or attachment proceeding, ten dollars for each  
16 misdemeanor case, and six dollars for each infraction,  
17 ~~[excluding]~~ including cases disposed of by a ~~[traffic]~~ violations  
18 bureau established pursuant to law or supreme court rule. Such  
19 charges shall be charged and collected in the manner provided by  
20 sections 488.010 to 488.020 and shall be payable to the county  
21 treasury; except that, those charges from cases disposed of by a  
22 violations bureau shall be distributed as follows: one-half of  
23 the charges collected shall be forwarded and deposited to the  
24 credit of the MODEX fund established in subsection 6 of this  
25 section for the operational cost of the Missouri data exchange  
26 (MODEX) system, and one-half of the charges collected shall be  
27 deposited to the credit of the inmate security fund, established  
28 in section 488.5026, of the county or municipal political



1 subdivision from which the citation originated. If the county or  
2 municipal political subdivision has not established an inmate  
3 security fund, all of the funds shall be deposited in the MODEX  
4 fund.

5 2. Notwithstanding subsection 1 of this section to the  
6 contrary, sheriffs, county marshals, or other officers in any  
7 county with a charter form of government and with more than nine  
8 hundred fifty thousand inhabitants or in any city not within a  
9 county shall not be allowed a charge for their services rendered  
10 in cases disposed of by a violations bureau established pursuant  
11 to law or supreme court rule.

12 3. The sheriff receiving any charge pursuant to subsection  
13 1 of this section shall reimburse the sheriff of any other county  
14 or the city of St. Louis the sum of three dollars for each  
15 pleading, writ, summons, order of court or other document served  
16 in connection with the case or proceeding by the sheriff of the  
17 other county or city, and return made thereof, to the maximum  
18 amount of the total charge received pursuant to subsection 1 of  
19 this section.

20 [3.] 4. The charges provided in subsection 1 of this  
21 section shall be taxed as other costs in criminal proceedings  
22 immediately upon a plea of guilty or a finding of guilt of any  
23 defendant in any criminal procedure. The clerk shall tax all the  
24 costs in the case against such defendant, which shall be  
25 collected and disbursed as provided by sections 488.010 to  
26 488.020; provided, that no such charge shall be collected in any  
27 proceeding in any court when the proceeding or the defendant has  
28 been dismissed by the court; provided further, that all costs,

1 incident to the issuing and serving of writs of scire facias and  
2 of writs of fieri facias, and of attachments for witnesses of  
3 defendant, shall in no case be paid by the state, but such costs  
4 incurred under writs of fieri facias and scire facias shall be  
5 paid by the defendant and such defendant's sureties, and costs  
6 for attachments for witnesses shall be paid by such witnesses.

7 [4.] 5. Mileage shall be reimbursed to sheriffs, county  
8 marshals and guards for all services rendered pursuant to this  
9 section at the rate prescribed by the Internal Revenue Service  
10 for allowable expenses for motor vehicle use expressed as an  
11 amount per mile.

12 6. (1) There is hereby created in the state treasury the  
13 "MODEX Fund", which shall consist of money collected under  
14 subsection 1 of this section. The fund shall be administered by  
15 the Peace Officers Standards and Training Commission established  
16 in section 590.120. The state treasurer shall be custodian of  
17 the fund. In accordance with sections 30.170 and 30.180, the  
18 state treasurer may approve disbursements. The fund shall be a  
19 dedicated fund and, upon appropriation, money in the fund shall  
20 be used solely for the operational support and expansion of the  
21 MODEX system.

22 (2) Notwithstanding the provisions of section 33.080 to the  
23 contrary, any moneys remaining in the fund at the end of the  
24 biennium shall not revert to the credit of the general revenue  
25 fund.

26 (3) The state treasurer shall invest moneys in the fund in  
27 the same manner as other funds are invested. Any interest and  
28 moneys earned on such investments shall be credited to the fund.

1           513.430. 1. The following property shall be exempt from  
2 attachment and execution to the extent of any person's interest  
3 therein:

4           (1) Household furnishings, household goods, wearing  
5 apparel, appliances, books, animals, crops or musical instruments  
6 that are held primarily for personal, family or household use of  
7 such person or a dependent of such person, not to exceed three  
8 thousand dollars in value in the aggregate;

9           (2) A wedding ring not to exceed one thousand five hundred  
10 dollars in value and other jewelry held primarily for the  
11 personal, family or household use of such person or a dependent  
12 of such person, not to exceed five hundred dollars in value in  
13 the aggregate;

14           (3) Any other property of any kind, not to exceed in value  
15 six hundred dollars in the aggregate;

16           (4) Any implements or professional books or tools of the  
17 trade of such person or the trade of a dependent of such person  
18 not to exceed three thousand dollars in value in the aggregate;

19           (5) Any motor vehicles, not to exceed three thousand  
20 dollars in value in the aggregate;

21           (6) Any mobile home used as the principal residence but not  
22 attached to real property in which the debtor has a fee interest,  
23 not to exceed five thousand dollars in value;

24           (7) Any one or more unmaturred life insurance contracts  
25 owned by such person, other than a credit life insurance  
26 contract;

27           (8) The amount of any accrued dividend or interest under,  
28 or loan value of, any one or more unmaturred life insurance

1 contracts owned by such person under which the insured is such  
2 person or an individual of whom such person is a dependent;  
3 provided, however, that if proceedings under Title 11 of the  
4 United States Code are commenced by or against such person, the  
5 amount exempt in such proceedings shall not exceed in value one  
6 hundred fifty thousand dollars in the aggregate less any amount  
7 of property of such person transferred by the life insurance  
8 company or fraternal benefit society to itself in good faith if  
9 such transfer is to pay a premium or to carry out a nonforfeiture  
10 insurance option and is required to be so transferred  
11 automatically under a life insurance contract with such company  
12 or society that was entered into before commencement of such  
13 proceedings. No amount of any accrued dividend or interest  
14 under, or loan value of, any such life insurance contracts shall  
15 be exempt from any claim for child support. Notwithstanding  
16 anything to the contrary, no such amount shall be exempt in such  
17 proceedings under any such insurance contract which was purchased  
18 by such person within one year prior to the commencement of such  
19 proceedings;

20 (9) Professionally prescribed health aids for such person  
21 or a dependent of such person;

22 (10) Such person's right to receive:

23 (a) A Social Security benefit, unemployment compensation or  
24 a public assistance benefit;

25 (b) A veteran's benefit;

26 (c) A disability, illness or unemployment benefit;

27 (d) Alimony, support or separate maintenance, not to exceed  
28 seven hundred fifty dollars a month;

1 (e) Any payment under a stock bonus plan, pension plan,  
2 disability or death benefit plan, profit-sharing plan, nonpublic  
3 retirement plan or any plan described, defined, or established  
4 pursuant to section 456.072, the person's right to a participant  
5 account in any deferred compensation program offered by the state  
6 of Missouri or any of its political subdivisions, or annuity or  
7 similar plan or contract on account of illness, disability,  
8 death, age or length of service, to the extent reasonably  
9 necessary for the support of such person and any dependent of  
10 such person unless:

11 a. Such plan or contract was established by or under the  
12 auspices of an insider that employed such person at the time such  
13 person's rights under such plan or contract arose;

14 b. Such payment is on account of age or length of service;  
15 and

16 c. Such plan or contract does not qualify under Section  
17 401(a), 403(a), 403(b), 408, 408A or 409 of the Internal Revenue  
18 Code of 1986, as amended, (26 U.S.C. 401(a), 403(a), 403(b), 408,  
19 408A or 409); except that any such payment to any person shall be  
20 subject to attachment or execution pursuant to a qualified  
21 domestic relations order, as defined by Section 414(p) of the  
22 Internal Revenue Code of 1986, as amended, issued by a court in  
23 any proceeding for dissolution of marriage or legal separation or  
24 a proceeding for disposition of property following dissolution of  
25 marriage by a court which lacked personal jurisdiction over the  
26 absent spouse or lacked jurisdiction to dispose of marital  
27 property at the time of the original judgment of dissolution;

28 (f) Any money or assets, payable to a participant or

1 beneficiary from, or any interest of any participant or  
2 beneficiary in, a retirement plan [or], profit-sharing plan,  
3 health savings plan, or similar plan, including an inherited  
4 account or plan, that is qualified under Section 401(a), 403(a),  
5 403(b), 408, 408A or 409 of the Internal Revenue Code of 1986, as  
6 amended, whether such participant's or beneficiary's interest  
7 arises by inheritance, designation, appointment, or otherwise,  
8 except as provided in this paragraph. Any plan or arrangement  
9 described in this paragraph shall not be exempt from the claim of  
10 an alternate payee under a qualified domestic relations order;  
11 however, the interest of any and all alternate payees under a  
12 qualified domestic relations order shall be exempt from any and  
13 all claims of any creditor, other than the state of Missouri  
14 through its division of family services. As used in this  
15 paragraph, the terms "alternate payee" and "qualified domestic  
16 relations order" have the meaning given to them in Section 414(p)  
17 of the Internal Revenue Code of 1986, as amended. If proceedings  
18 under Title 11 of the United States Code are commenced by or  
19 against such person, no amount of funds shall be exempt in such  
20 proceedings under any such plan, contract, or trust which is  
21 fraudulent as defined in subsection 2 of section 428.024 and for  
22 the period such person participated within three years prior to  
23 the commencement of such proceedings. For the purposes of this  
24 section, when the fraudulently conveyed funds are recovered and  
25 after, such funds shall be deducted and then treated as though  
26 the funds had never been contributed to the plan, contract, or  
27 trust;

28 (11) The debtor's right to receive, or property that is

1 traceable to, a payment on account of the wrongful death of an  
2 individual of whom the debtor was a dependent, to the extent  
3 reasonably necessary for the support of the debtor and any  
4 dependent of the debtor.

5 2. Nothing in this section shall be interpreted to exempt  
6 from attachment or execution for a valid judicial or  
7 administrative order for the payment of child support or  
8 maintenance any money or assets, payable to a participant or  
9 beneficiary from, or any interest of any participant or  
10 beneficiary in, a retirement plan which is qualified pursuant to  
11 Section 408A of the Internal Revenue Code of 1986, as amended.

12 514.040. 1. Except as provided in subsection 3 of this  
13 section, if any court shall, before or after the commencement of  
14 any suit pending before it, be satisfied that the plaintiff is a  
15 poor person, and unable to prosecute his or her suit, and pay all  
16 or any portion of the costs and expenses thereof, such court may,  
17 in its discretion, permit him or her to commence and prosecute  
18 his or her action as a poor person, and thereupon such poor  
19 person shall have all necessary process and proceedings as in  
20 other cases, without fees, tax or charge as the court determines  
21 the person cannot pay; and the court may assign to such person  
22 counsel, who, as well as all other officers of the court, shall  
23 perform their duties in such suit without fee or reward as the  
24 court may excuse; but if judgment is entered for the plaintiff,  
25 costs shall be recovered, which shall be collected for the use of  
26 the officers of the court.

27 2. In any civil action brought in a court of this state by  
28 any offender convicted of a crime who is confined in any state

1 prison or correctional center, the court shall not reduce the  
2 amount required as security for costs upon filing such suit to an  
3 amount of less than ten dollars pursuant to this section. This  
4 subsection shall not apply to any action for which no sum as  
5 security for costs is required to be paid upon filing such suit.

6 3. Where a party is represented in a civil action by a  
7 legal aid society or a legal services or other nonprofit  
8 organization funded in whole or substantial part by moneys  
9 appropriated by the general assembly of the state of Missouri,  
10 which has as its primary purpose the furnishing of legal services  
11 to indigent persons, by a law school clinic which has as its  
12 primary purpose educating law students through furnishing legal  
13 services to indigent persons, or by private counsel working on  
14 behalf of or under the auspices of such society, all costs and  
15 expenses related to the prosecution of the suit may be waived  
16 without the necessity of a motion and court approval, provided  
17 that a determination has been made by such society or  
18 organization that such party is unable to pay the costs, fees and  
19 expenses necessary to prosecute or defend the action, and that a  
20 certification that such determination has been made is filed with  
21 the clerk of the court.

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28 Joseph Keaveny

\_\_\_\_\_ Stanley Cox