

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 100

97TH GENERAL ASSEMBLY

2013

0212S.04T

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.

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

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2 453.050, 454.475, 476.057, 477.405, 478.007, 478.320, 488.426, 488.2250, 3 488.5320, 513.430, and 514.040, RSMo, are repealed and eighteen new sections 4 enacted in lieu thereof, to be known as sections 32.056, 43.518, 432.047, 443.723, 5 452.400, 453.030, 453.050, 454.475, 476.057,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

32.056. Except for uses permitted under 18 U.S.C. Section 2721(b)(1), the 2 department of revenue shall not release the home address of or any information 3 that identifies any vehicle owned or leased by any person who is a county, state 4 or federal parole officer, a federal pretrial officer, a peace officer pursuant to 5 section 590.010, a person vested by article V, section 1 of the Missouri 6 Constitution with the judicial power of the state, a member of the federal 7 judiciary, or a member of such person's immediate family contained in the 8 department's motor vehicle or driver registration records, based on a specific 9 request for such information from any person. Any such person may notify the 10 department of his or her status and the department shall protect the 11 confidentiality of the home address and vehicle records on such a person and his 12 or her immediate family as required by this section. [If such member of the

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

13 judiciary's status changes and he or she and his or her immediate family do not
14 qualify for the exemption contained in this subsection, such person shall notify
15 the department and the department's records shall be revised.] This section shall
16 not prohibit the department from releasing information on a motor registration
17 list pursuant to section 32.055 or from releasing information on any officer who
18 holds a class A, B or C commercial driver's license pursuant to the Motor Carrier
19 Safety Improvement Act of 1999, as amended, 49 U.S.C. 31309.

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

4 (1) Recommend general policies with respect to the philosophy, concept
5 and operational principles of the Missouri criminal history record information
6 system established by sections 43.500 to 43.530, in regard to the collection,
7 processing, storage, dissemination and use of criminal history record information
8 maintained by the central repository;

9 (2) Assess the current state of electronic justice information sharing; and

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

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

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

29 force, to serve on the committee; and, at the discretion of the director of public
30 safety, as many as three other representatives of other criminal justice records
31 systems or law enforcement agencies may be appointed by the director of public
32 safety. The director of the department of public safety will serve as the
33 permanent chairman of this committee.

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

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

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

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

4 2. A debtor party may not maintain an action upon or a defense,
5 regardless of legal theory in which it is based, in any way related to a credit
6 agreement unless the credit agreement is in writing, provides for the payment of
7 interest or for other consideration, [and] sets forth the relevant terms and
8 conditions, **and the credit agreement is executed by the debtor and the**
9 **lender.**

10 3. (1) **[If] When** a written credit agreement has been signed by a debtor,
11 subsection 2 of this section shall not apply to any credit agreement between such
12 debtor and creditor unless such written credit agreement contains the following
13 language in boldface ten-point type: "Oral **or unexecuted** agreements or
14 commitments to loan money, extend credit or to forbear from enforcing repayment
15 of a debt including promises to extend or renew such debt are not enforceable,
16 regardless of the legal theory upon which it is based that is in any way related
17 to the credit agreement. To protect you (borrower(s)) and us (creditor) from
18 misunderstanding or disappointment, any agreements we reach covering such
19 matters are contained in this writing, which is the complete and exclusive
20 statement of the agreement between us, except as we may later agree in writing
21 to modify it."

22 (2) Notwithstanding any other law to the contrary in this chapter, the

23 provisions of this section shall apply to commercial credit agreements only and
24 shall not apply to credit agreements for personal, family, or household purposes.

25 4. Nothing contained in this section shall affect the enforceability by a
26 creditor of any promissory note, guaranty, security agreement, deed of trust,
27 mortgage, or other instrument, agreement, or document evidencing or creating an
28 obligation for the payment of money or other financial accommodation, lien, or
29 security interest.

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

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

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

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

10 **(4) One hour of Missouri law and regulations.**

11 2. For purposes of subsection 1 of this section, continuing education
12 courses shall be reviewed, and approved by the NMLSR based upon reasonable
13 standards. Review and approval of a continuing education course shall include
14 review and approval of the course provider.

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

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

21 5. A licensed mortgage loan originator:

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

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

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

29 mortgage loan originator's own annual continuing education requirement at the
30 rate of two hours credit for every one hour taught.

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

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

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

452.400. 1. (1) A parent not granted custody of the child is entitled to
2 reasonable visitation rights unless the court finds, after a hearing, that visitation
3 would endanger the child's physical health or impair his or her emotional
4 development. The court shall enter an order specifically detailing the visitation
5 rights of the parent without physical custody rights to the child and any other
6 children for whom such parent has custodial or visitation rights. In determining
7 the granting of visitation rights, the court shall consider evidence of domestic
8 violence. If the court finds that domestic violence has occurred, the court may
9 find that granting visitation to the abusive party is in the best interests of the
10 child.

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

15 a. A felony violation of section 566.030, 566.032, 566.040, 566.060,
16 566.062, 566.064, 566.067, 566.068, 566.070, 566.083, 566.090, 566.100, 566.111,
17 566.151, 566.203, 566.206, 566.209, 566.212, or 566.215;

18 b. A violation of section 568.020;

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

20 d. A violation of section 568.065;

21 e. A violation of section 568.080;

22 f. A violation of section 568.090; or

23 g. A violation of section 568.175.

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

31 (3) The court shall consider the parent's history of inflicting, or tendency
32 to inflict, physical harm, bodily injury, assault, or the fear of physical harm,
33 bodily injury, or assault on other persons and shall grant visitation in a manner
34 that best protects the child and the parent or other family or household member
35 who is the victim of domestic violence, and any other children for whom the
36 parent has custodial or visitation rights from any further harm.

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

42 2. (1) The court may modify an order granting or denying visitation rights
43 whenever modification would serve the best interests of the child, but the court
44 shall not restrict a parent's visitation rights unless it finds that the visitation
45 would endanger the child's physical health or impair his or her emotional
46 development.

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

51 a. A felony violation of section 566.030, 566.032, 566.040, 566.060,
52 566.062, 566.064, 566.067, 566.068, 566.070, 566.083, 566.090, 566.100, 566.111,
53 566.151, 566.203, 566.206, 566.209, 566.212, or 566.215;

54 b. A violation of section 568.020;

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

56 d. A violation of section 568.065;

57 e. A violation of section 568.080;

58 f. A violation of section 568.090; or

59 g. A violation of section 568.175.

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

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

73 3. The court shall mandate compliance with its order by all parties to the
74 action, including parents, children and third parties. In the event of
75 noncompliance, the aggrieved person may file a verified motion for contempt. If
76 custody, visitation or third-party custody is denied or interfered with by a parent
77 or third party without good cause, the aggrieved person may file a family access
78 motion with the court stating the specific facts which constitute a violation of the
79 judgment of dissolution, [or] legal separation **or judgment of paternity**. The
80 state courts administrator shall develop a simple form for pro se motions to the
81 aggrieved person, which shall be provided to the person by the circuit
82 clerk. Clerks, under the supervision of a circuit clerk, shall explain to aggrieved
83 parties the procedures for filing the form. Notice of the fact that clerks will
84 provide such assistance shall be conspicuously posted in the clerk's offices. The
85 location of the office where the family access motion may be filed shall be
86 conspicuously posted in the court building. The performance of duties described
87 in this section shall not constitute the practice of law as defined in section
88 484.010. Such form for pro se motions shall not require the assistance of legal
89 counsel to prepare and file. The cost of filing the motion shall be the standard
90 court costs otherwise due for instituting a civil action in the circuit court.

91 4. Within five court days after the filing of the family access motion
92 pursuant to subsection 3 of this section, the clerk of the court shall issue a
93 summons pursuant to applicable state law, and applicable local or supreme court

94 rules. A copy of the motion shall be personally served upon the respondent by
95 personal process server as provided by law or by any sheriff. Such service shall
96 be served at the earliest time and shall take priority over service in other civil
97 actions, except those of an emergency nature or those filed pursuant to chapter
98 455. The motion shall contain the following statement in boldface type:

99 "PURSUANT TO SECTION 452.400, RSMO, YOU ARE REQUIRED TO
100 RESPOND TO THE CIRCUIT CLERK WITHIN TEN DAYS OF THE DATE OF
101 SERVICE. FAILURE TO RESPOND TO THE CIRCUIT CLERK MAY RESULT
102 IN THE FOLLOWING:

- 103 (1) AN ORDER FOR A COMPENSATORY
104 PERIOD OF CUSTODY, VISITATION OR
105 THIRD-PARTY CUSTODY AT A TIME
106 CONVENIENT FOR THE AGGRIEVED
107 PARTY NOT LESS THAN THE PERIOD OF
108 TIME DENIED;
- 109 (2) PARTICIPATION BY THE VIOLATOR IN
110 COUNSELING TO EDUCATE THE
111 VIOLATOR ABOUT THE IMPORTANCE OF
112 PROVIDING THE CHILD WITH A
113 CONTINUING AND MEANINGFUL
114 RELATIONSHIP WITH BOTH PARENTS;
- 115 (3) ASSESSMENT OF A FINE OF UP TO FIVE
116 HUNDRED DOLLARS AGAINST THE
117 VIOLATOR;
- 118 (4) REQUIRING THE VIOLATOR TO POST
119 BOND OR SECURITY TO ENSURE
120 FUTURE COMPLIANCE WITH THE
121 COURT'S ORDERS;
- 122 (5) ORDERING THE VIOLATOR TO PAY THE
123 COST OF COUNSELING TO REESTABLISH
124 THE PARENT-CHILD RELATIONSHIP
125 BETWEEN THE AGGRIEVED PARTY AND
126 THE CHILD; AND
- 127 (6) A JUDGMENT IN AN AMOUNT NOT LESS
128 THAN THE REASONABLE EXPENSES,

129 INCLUDING ATTORNEY'S FEES AND
130 COURT COSTS ACTUALLY INCURRED BY
131 THE AGGRIEVED PARTY AS A RESULT OF
132 THE DENIAL OF CUSTODY, VISITATION
133 OR THIRD-PARTY CUSTODY."

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

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

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

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

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

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

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

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

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

164 9. Motions filed pursuant to this section shall not be deemed an
165 independent civil action from the original action pursuant to which the judgment
166 or order sought to be enforced was entered.

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

4 2. The written consent of the person to be adopted shall be required in all
5 cases where the person sought to be adopted is fourteen years of age or older,
6 except where the court finds that such child has not sufficient mental capacity to
7 give the same. In a case involving a child under fourteen years of age, the
8 guardian ad litem shall ascertain the child's wishes and feelings about his or her
9 adoption by conducting an interview or interviews with the child, if appropriate
10 based on the child's age and maturity level, which shall be considered by the
11 court as a factor in determining if the adoption is in the child's best interests.

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

16 (1) The mother of the child; and

17 (2) Only the man who:

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

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

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

28 (3) The child's current adoptive parents or other legally recognized mother
29 and father. Upon request by the petitioner and within one business day of such
30 request, the clerk of the local court shall verify whether such written consents
31 have been filed with the court.

32 4. The written consent required in subdivisions (2) and (3) of subsection

33 3 of this section may be executed before or after the commencement of the
34 adoption proceedings, and shall be **executed in front of a judge or**
35 **acknowledged before a notary public. If consent is executed in front of a**
36 **judge, it shall be the duty of the judge to advise the consenting birth**
37 **parent of the consequences of the consent.** In lieu of such acknowledgment,
38 the signature of the person giving such written consent shall be witnessed by the
39 signatures of at least two adult persons whose signatures and addresses shall be
40 plainly written thereon. The two adult witnesses shall not be the prospective
41 adoptive parents or any attorney representing a party to the adoption
42 proceeding. The notary public or witnesses shall verify the identity of the party
43 signing the consent.

44 5. The written consent required in subdivision (1) of subsection 3 of this
45 section by the birth parent shall not be executed anytime before the child is
46 forty-eight hours old. Such written consent shall be executed in front of a judge
47 or **acknowledged before** a notary public. **If consent is executed in front**
48 **of a judge, it shall be the duty of the judge to advise the consenting**
49 **party of the consequences of the consent.** In lieu of such acknowledgment,
50 the signature of the person giving such written consent shall be witnessed by the
51 signatures of at least two adult persons who are present at the execution whose
52 signatures and addresses shall be plainly written thereon and who determine and
53 certify that the consent is knowingly and freely given. The two adult witnesses
54 shall not be the prospective adoptive parents or any attorney representing a party
55 to the adoption proceeding. The notary public or witnesses shall verify the
56 identity of the party signing the consent.

57 6. [The written consents shall be reviewed and, if found to be in
58 compliance with this section, approved by the court within three business days
59 of such consents being presented to the court. Upon review, in lieu of approving
60 the consent within three business days, the court may set a date for a prompt
61 evidentiary hearing upon notice to the parties. Failure to review and approve the
62 written consent within three business days shall not void the consent, but a party
63 may seek a writ of mandamus from the appropriate court, unless an evidentiary
64 hearing has been set by the court pursuant to this subsection.

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

67 8.] **A consent is final when executed, unless the consenting party,**

68 **prior to a final decree of adoption, alleges and proves by clear and**
69 **convincing evidence that the consent was not freely and voluntarily**
70 **given. The burden of proving the consent was not freely and**
71 **voluntarily given shall rest with the consenting party. Consents in all**
72 **cases shall have been executed not more than six months prior to the**
73 **date the petition for adoption is filed.**

74 7. A consent form shall be developed through rules and regulations
75 promulgated by the department of social services. No rule or portion of a rule
76 promulgated under the authority of this section shall become effective unless it
77 has been promulgated pursuant to the provisions of chapter 536. If a written
78 consent is obtained after August 28, 1997, but prior to the development of a
79 consent form by the department and the written consent complies with the
80 provisions of subsection [9] 8 of this section, such written consent shall be
81 deemed valid.

82 [9.] 8. However, the consent form must specify that:

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

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

87 [10.] 9. The written consent to adoption required by subsection 3 and
88 executed through procedures set forth in subsection 5 of this section shall be valid
89 and effective even though the parent consenting was under eighteen years of age,
90 if such parent was represented by a guardian ad litem, at the time of the
91 execution thereof.

92 [11.] 10. Where the person sought to be adopted is eighteen years of age
93 or older, his **or her** written consent alone to his **or her** adoption shall be
94 sufficient.

95 [12.] 11. A birth parent, including a birth parent less than eighteen years
96 of age, shall have the right to legal representation and payment of any reasonable
97 legal fees incurred throughout the adoption process. In addition, the court may
98 appoint an attorney to represent a birth parent if:

99 (1) A birth parent requests representation;

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

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

103 [13.] 12. Except in cases where the court determines that the adoptive
104 parents are unable to pay reasonable attorney fees and appoints pro bono counsel
105 for the birth parents, the court shall order the costs of the attorney fees incurred
106 pursuant to subsection [12] 11 of this section to be paid by the prospective
107 adoptive parents or the child-placing agency.

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

5 2. The waiver of consent may be executed before or after the institution
6 of the adoption proceedings, and shall be **executed in front of a judge or**
7 acknowledged before a notary public, or in lieu of such acknowledgment, the
8 signature of the person giving such written consent shall be witnessed by the
9 signatures of at least two adult persons whose addresses shall be plainly written
10 thereon. **If waiver of consent is executed in front of a judge, it shall be**
11 **the duty of the judge to advise the consenting party of the**
12 **consequences of the waiver of consent.**

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

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

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

15 3. After full and fair hearing, the hearing officer shall make specific

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

22 4. If the person who requests the hearing fails to appear at the time and
23 place set for the hearing, upon a showing of proper notice to that [parent]
24 **person**, the hearing officer shall enter findings and order in accordance with the
25 provisions of the notice [and finding of support responsibility] **or motion** unless
26 the hearing officer determines that no good cause therefor exists.

27 5. In contested cases, the findings and order of the hearing officer shall
28 be the decision of the director. Any parent or person having custody of the child
29 adversely affected by such decision may obtain judicial review pursuant to
30 sections 536.100 to 536.140 by filing a petition for review in the circuit court of
31 proper venue within thirty days of mailing of the decision. Copies of the decision
32 or order of the hearing officer shall be mailed to any parent, person having
33 custody of the child and the division within fourteen days of issuance.

34 6. If a hearing has been requested, and upon request of a parent, a person
35 having custody of the child, the division or a IV-D agency, the director shall enter
36 a temporary order requiring the provision of child support pending the final
37 decision or order pursuant to this section if there is clear and convincing evidence
38 establishing a presumption of paternity pursuant to section 210.822. In
39 determining the amount of child support, the director shall consider the factors
40 set forth in section 452.340. The temporary order, effective upon filing pursuant
41 to section 454.490, is not subject to a hearing pursuant to this section. The
42 temporary order may be stayed by a court of competent jurisdiction only after a
43 hearing and a finding by the court that the order fails to comply with rule 88.01.

44 **7. (1) Any administrative decision or order issued under this**
45 **section containing clerical mistakes arising from oversight or omission,**
46 **except proposed administrative modifications of judicial orders, may**
47 **be corrected by an agency administrative hearing officer at any time**
48 **upon their own initiative or written motion filed by the division or any**
49 **party to the action provided the written motion is mailed to all**
50 **parties. Any objection or response to the written motion shall be made**

51 in writing and filed with the hearing officer within fifteen days from
52 the mailing date of the motion. Proposed administrative modifications
53 of judicial orders may be corrected by an agency administrative
54 hearing officer prior to the filing of the proposed administrative
55 modification of a judicial order with the court that entered the
56 underlying judicial order as required in section 454.496, or upon
57 express order of the court that entered the underlying judicial order.
58 No correction shall be made during the court's review of the
59 administrative decision, order, or proposed order as authorized under
60 sections 536.100 to 536.140, except in response to an express order from
61 the reviewing court.

62 (2) Any administrative decision or order or proposed
63 administrative modification of judicial order issued under this section
64 containing errors arising from mistake, surprise, fraud,
65 misrepresentation, excusable neglect or inadvertence, may be corrected
66 prior to being filed with the court by an agency administrative hearing
67 officer upon their own initiative or by written motion filed by the
68 division or any party to the action provided the written motion is
69 mailed to all parties and filed within sixty days of the administrative
70 decision, order, or proposed decision and order. Any objection or
71 response to the written motion shall be made in writing and filed with
72 the hearing officer within fifteen days from the mailing date of the
73 motion. No decision, order, or proposed administrative modification of
74 judicial order may be corrected after ninety days from the mailing of
75 the administrative decision, order, or proposed order or during the
76 court's review of the administrative decision, order, or proposed order
77 as authorized under sections 536.100 to 536.140, except in response to
78 an express order from the reviewing court.

79 (3) Any administrative decision or order or proposed
80 administrative modification of judicial order, issued under this section
81 may be vacated by an agency administrative hearing officer upon their
82 own initiative or by written motion filed by the division or any party
83 to the action provided the written motion is mailed to all parties, if the
84 administrative hearing officer determines that the decision or order
85 was issued without subject matter jurisdiction, without personal
86 jurisdiction, or without affording the parties due process. Any

87 **objection or response to the written motion shall be made in writing**
88 **and filed with the hearing officer within fifteen days from the mailing**
89 **date of the motion. A proposed administrative modification of a**
90 **judicial order may only be vacated prior to being filed with the court.**
91 **No decision, order, or proposed administrative modification of a**
92 **judicial order may be vacated during the court's review of the**
93 **administrative decision, order, or proposed order as authorized under**
94 **sections 536.100 to 536.140, except in response to an express order from**
95 **the reviewing court.**

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

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

24 3. **In addition, any moneys received by or on behalf of the state**
25 **courts administrator from fees, grants, or any other sources in**
26 **connection with providing training to judicial personnel shall be**

27 **deposited in the fund provided, however, that moneys collected in the**
28 **fund in connection with a particular purpose shall be segregated and**
29 **shall not be disbursed for any other purpose.**

30 4. The state treasurer shall administer the fund and, pursuant to
31 appropriations, shall disburse moneys from the fund to the state courts
32 administrator in order to provide training and to purchase goods and services
33 determined appropriate by the state courts administrator related to the training
34 and education of judicial personnel. As used in this section, the term "judicial
35 personnel" shall include court personnel as defined in section 476.058, and
36 judges.

477.405. On or before [March 1, 1989] **January 1, 2015**, the supreme
2 court of the state of Missouri shall recommend guidelines appropriate for use by
3 the general assembly in determining the need for additional judicial personnel or
4 reallocation of existing personnel in this state, and shall recommend guidelines
5 appropriate for the evaluation of judicial performance. The guidelines shall be
6 filed with the [chairmen] **chairs** of the house and senate judiciary committees
7 **for distribution to the members of the general assembly**, and the court
8 shall file therewith a report measuring and assessing judicial performance in the
9 appellate and circuit courts of this state, **including a judicial weighted**
10 **workload model and a clerical weighted workload model.**

478.007. 1. Any circuit court, or any county with a charter form of
2 government and with more than six hundred thousand but fewer than seven
3 hundred thousand inhabitants with a county municipal court established under
4 section 66.010, may establish a docket or court to provide an alternative for the
5 judicial system to dispose of cases in which a person has pleaded guilty to driving
6 while intoxicated or driving with excessive blood alcohol content and:

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

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

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

15 2. This docket or court shall combine judicial supervision, drug testing,

16 continuous alcohol monitoring, substance abuse traffic offender program
17 compliance, and treatment of DWI court participants. The court may assess any
18 and all necessary costs for participation in DWI court against the
19 participant. Any money received from such assessed costs by a court from a
20 defendant shall not be considered court costs, charges, or fines. This docket or
21 court may operate in conjunction with a drug court established pursuant to
22 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 who**
25 **wishes to enter a DWI court, a court-approved private probation service**
26 **may be utilized by the DWI court to fill the division's role. In such**
27 **case, any and all necessary additional costs may be assessed against the**
28 **participant. No person shall be rejected from participating in DWI**
29 **court solely for the reason that the person does not reside in the city**
30 **or county where the applicable DWI court is located but the DWI court**
31 **can base acceptance into a treatment court program on its ability to**
32 **adequately provide services for the person or handle the additional**
33 **caseload.**

478.320. 1. In counties having a population of thirty thousand or less,
2 there shall be one associate circuit judge. In counties having a population of
3 more than thirty thousand and less than one hundred thousand, there shall be
4 two associate circuit judges. In counties having a population of one hundred
5 thousand or more, there shall be three associate circuit judges and one additional
6 associate circuit judge for each additional one hundred thousand inhabitants.

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

18 **3.** For purposes of this section, notwithstanding the provisions of section
19 1.100, population of a county shall be determined on the basis of the last previous
20 decennial census of the United States; and, beginning after certification of the
21 year 2000 decennial census, on the basis of annual population estimates prepared
22 by the United States Bureau of the Census, provided that the number of associate
23 circuit judge positions in a county shall be adjusted only after population
24 estimates for three consecutive years indicate population change in the county to
25 a level provided by subsection 1 of this section.

26 **[3.] 4.** Except in circuits where associate circuit judges are selected under
27 the provisions of sections 25(a) to (g) of article V of the constitution, the election
28 of associate circuit judges shall in all respects be conducted as other elections and
29 the returns made as for other officers.

30 **[4.] 5.** In counties not subject to sections 25(a) to (g) of article V of the
31 constitution, associate circuit judges shall be elected by the county at large.

32 **[5.] 6.** No associate circuit judge shall practice law, or do a law business,
33 nor shall he **or she** accept, during his **or her** term of office, any public
34 appointment for which he **or she** receives compensation for his **or her** services.

35 **[6.] 7.** No person shall be elected as an associate circuit judge unless he
36 **or she** has resided in the county for which he **or she** is to be elected at least one
37 year prior to the date of his **or her** election; provided that, a person who is
38 appointed by the governor to fill a vacancy may file for election and be elected
39 notwithstanding the provisions of this subsection.

488.426. 1. The judges of the circuit court, en banc, in any circuit in this
2 state may require any party filing a civil case in the circuit court, at the time of
3 filing the suit, to deposit with the clerk of the court a surcharge in addition to all
4 other deposits required by law or court rule. Sections 488.426 to 488.432 shall
5 not apply to proceedings when costs are waived or are to be paid by the county
6 or state or any city.

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

14 **under section 487.020** may change the fee to any amount not to exceed twenty
15 dollars. A change in the fee shall become effective and remain in effect until
16 further changed.

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

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

**488.2230. 1. In addition to all other court costs for municipal
2 ordinance violations, any home rule city with more than four hundred
3 thousand inhabitants and located in more than one county may provide
4 for additional court costs in an amount up to seven dollars per case for
5 each municipal ordinance violation case, except that no such additional
6 cost shall be collected in any proceeding involving a violation of an
7 ordinance when the proceeding or defendant has been dismissed by the
8 court.**

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

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

488.2250. [For all transcripts of testimony given or proceedings had in
2 any circuit court, the court reporter shall receive the sum of two dollars per
3 twenty-five-line page for the original of the transcript, and the sum of thirty-five
4 cents per twenty-five-line page for each carbon copy thereof; the page to be
5 approximately eight and one-half inches by eleven inches in size, with left-hand
6 margin of approximately one and one-half inches and the right-hand margin of
7 approximately one-half inch; answer to follow question on same line when
8 feasible; such page to be designated as a legal page. Any judge, in his or her

9 discretion, may order a transcript of all or any part of the evidence or oral
10 proceedings, and the court reporter's fees for making the same shall be paid by
11 the state upon a voucher approved by the court, and taxed against the state. In
12 criminal cases where an appeal is taken by the defendant, and it appears to the
13 satisfaction of the court that the defendant is unable to pay the costs of the
14 transcript for the purpose of perfecting the appeal, the court shall order the court
15 reporter to furnish three transcripts in duplication of the notes of the evidence,
16 for the original of which the court reporter shall receive two dollars per legal page
17 and for the copies twenty cents per page. The payment of court reporter's fees
18 provided in this section shall be made by the state upon a voucher approved by
19 the court] **1. For all appeal transcripts of testimony given or**
20 **proceedings in any circuit court, the court reporter shall receive the**
21 **sum of three dollars and fifty cents per legal page for the preparation**
22 **of a paper and an electronic version of the transcript.**

23 **2. In criminal cases where an appeal is taken by the defendant**
24 **and it appears to the satisfaction of the court that the defendant is**
25 **unable to pay the costs of the transcript for the purpose of perfecting**
26 **the appeal, the court reporter shall receive a fee of two dollars and**
27 **sixty cents per legal page for the preparation of a paper and an**
28 **electronic version of the transcript.**

29 **3. Any judge, in his or her discretion, may order a transcript of**
30 **all or any part of the evidence or oral proceedings and the court**
31 **reporter shall receive the sum of two dollars and sixty cents per legal**
32 **page for the preparation of a paper and an electronic version of the**
33 **transcript.**

34 **4. For purposes of this section, a legal page, other than the first**
35 **page and the final page of the transcript, shall be twenty-five lines,**
36 **approximately eight and one-half inches by eleven inches in size, with**
37 **the left-hand margin of approximately one and one-half inches, and**
38 **with the right-hand margin of approximately one-half inch.**

39 **5. Notwithstanding any law to the contrary, the payment of court**
40 **reporter's fees provided in subsections 2 and 3 of this section shall be**
41 **made by the state upon a voucher approved by the court. The cost to**
42 **prepare all other transcripts of testimony or proceedings shall be borne**
43 **by the party requesting their preparation and production, who shall**

44 **reimburse the court reporter the sum provided in subsection 1 of this**
45 **section.**

488.5320. 1. Sheriffs, county marshals or other officers shall be allowed
2 a charge for their services rendered in criminal cases and in all proceedings for
3 contempt or attachment, as required by law, the sum of seventy-five dollars for
4 each felony case or contempt or attachment proceeding, ten dollars for each
5 misdemeanor case, and six dollars for each infraction, ~~[excluding]~~ **including**
6 cases disposed of by a ~~[traffic]~~ violations bureau established pursuant to law or
7 supreme court rule. Such charges shall be charged and collected in the manner
8 provided by sections 488.010 to 488.020 and shall be payable to the county
9 treasury; **except that, those charges from cases disposed of by a**
10 **violations bureau shall be distributed as follows: one-half of the**
11 **charges collected shall be forwarded and deposited to the credit of the**
12 **MODEX fund established in subsection 6 of this section for the**
13 **operational cost of the Missouri data exchange (MODEX) system, and**
14 **one-half of the charges collected shall be deposited to the credit of the**
15 **inmate security fund, established in section 488.5026, of the county or**
16 **municipal political subdivision from which the citation originated. If**
17 **the county or municipal political subdivision has not established an**
18 **inmate security fund, all of the funds shall be deposited in the MODEX**
19 **fund.**

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

26 3. The sheriff receiving any charge pursuant to subsection 1 of this section
27 shall reimburse the sheriff of any other county or the city of St. Louis the sum of
28 three dollars for each pleading, writ, summons, order of court or other document
29 served in connection with the case or proceeding by the sheriff of the other county
30 or city, and return made thereof, to the maximum amount of the total charge
31 received pursuant to subsection 1 of this section.

32 [3.] 4. The charges provided in subsection 1 of this section shall be taxed
33 as other costs in criminal proceedings immediately upon a plea of guilty or a

34 finding of guilt of any defendant in any criminal procedure. The clerk shall tax
35 all the costs in the case against such defendant, which shall be collected and
36 disbursed as provided by sections 488.010 to 488.020; provided, that no such
37 charge shall be collected in any proceeding in any court when the proceeding or
38 the defendant has been dismissed by the court; provided further, that all costs,
39 incident to the issuing and serving of writs of scire facias and of writs of fieri
40 facias, and of attachments for witnesses of defendant, shall in no case be paid by
41 the state, but such costs incurred under writs of fieri facias and scire facias shall
42 be paid by the defendant and such defendant's sureties, and costs for attachments
43 for witnesses shall be paid by such witnesses.

44 [4.] **5.** Mileage shall be reimbursed to sheriffs, county marshals and
45 guards for all services rendered pursuant to this section at the rate prescribed by
46 the Internal Revenue Service for allowable expenses for motor vehicle use
47 expressed as an amount per mile.

48 **6. (1) There is hereby created in the state treasury the "MODEX**
49 **Fund", which shall consist of money collected under subsection 1 of this**
50 **section. The fund shall be administered by the Peace Officers**
51 **Standards and Training Commission established in section 590.120. The**
52 **state treasurer shall be custodian of the fund. In accordance with**
53 **sections 30.170 and 30.180, the state treasurer may approve**
54 **disbursements. The fund shall be a dedicated fund and, upon**
55 **appropriation, money in the fund shall be used solely for the**
56 **operational support and expansion of the MODEX system.**

57 **(2) Notwithstanding the provisions of section 33.080 to the**
58 **contrary, any moneys remaining in the fund at the end of the biennium**
59 **shall not revert to the credit of the general revenue fund.**

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

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

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

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

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

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

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

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

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

23 (8) The amount of any accrued dividend or interest under, or loan value
24 of, any one or more unmaturred life insurance contracts owned by such person
25 under which the insured is such person or an individual of whom such person is
26 a dependent; provided, however, that if proceedings under Title 11 of the United
27 States Code are commenced by or against such person, the amount exempt in
28 such proceedings shall not exceed in value one hundred fifty thousand dollars in
29 the aggregate less any amount of property of such person transferred by the life
30 insurance company or fraternal benefit society to itself in good faith if such
31 transfer is to pay a premium or to carry out a nonforfeiture insurance option and
32 is required to be so transferred automatically under a life insurance contract with
33 such company or society that was entered into before commencement of such
34 proceedings. No amount of any accrued dividend or interest under, or loan value
35 of, any such life insurance contracts shall be exempt from any claim for child
36 support. Notwithstanding anything to the contrary, no such amount shall be
37 exempt in such proceedings under any such insurance contract which was
38 purchased by such person within one year prior to the commencement of such
39 proceedings;

40 (9) Professionally prescribed health aids for such person or a dependent
41 of such person;

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

43 (a) A Social Security benefit, unemployment compensation or a public
44 assistance benefit;

45 (b) A veteran's benefit;

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

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

49 (e) Any payment under a stock bonus plan, pension plan, disability or
50 death benefit plan, profit-sharing plan, nonpublic retirement plan or any plan
51 described, defined, or established pursuant to section 456.072, the person's right
52 to a participant account in any deferred compensation program offered by the
53 state of Missouri or any of its political subdivisions, or annuity or similar plan or
54 contract on account of illness, disability, death, age or length of service, to the
55 extent reasonably necessary for the support of such person and any dependent of
56 such person unless:

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

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

61 c. Such plan or contract does not qualify under Section 401(a), 403(a),
62 403(b), 408, 408A or 409 of the Internal Revenue Code of 1986, as amended, (26
63 U.S.C. 401(a), 403(a), 403(b), 408, 408A or 409); except that any such payment to
64 any person shall be subject to attachment or execution pursuant to a qualified
65 domestic relations order, as defined by Section 414(p) of the Internal Revenue
66 Code of 1986, as amended, issued by a court in any proceeding for dissolution of
67 marriage or legal separation or a proceeding for disposition of property following
68 dissolution of marriage by a court which lacked personal jurisdiction over the
69 absent spouse or lacked jurisdiction to dispose of marital property at the time of
70 the original judgment of dissolution;

71 (f) Any money or assets, payable to a participant or beneficiary from, or
72 any interest of any participant or beneficiary in, a retirement plan [or],
73 profit-sharing plan, **health savings plan, or similar plan, including an**
74 **inherited account or plan**, that is qualified under Section 401(a), 403(a),
75 403(b), 408, 408A or 409 of the Internal Revenue Code of 1986, as amended,
76 **whether such participant's or beneficiary's interest arises by**

77 **inheritance, designation, appointment, or otherwise**, except as provided
78 in this paragraph. Any plan or arrangement described in this paragraph shall
79 not be exempt from the claim of an alternate payee under a qualified domestic
80 relations order; however, the interest of any and all alternate payees under a
81 qualified domestic relations order shall be exempt from any and all claims of any
82 creditor, other than the state of Missouri through its division of family services.
83 As used in this paragraph, the terms "alternate payee" and "qualified domestic
84 relations order" have the meaning given to them in Section 414(p) of the Internal
85 Revenue Code of 1986, as amended. If proceedings under Title 11 of the United
86 States Code are commenced by or against such person, no amount of funds shall
87 be exempt in such proceedings under any such plan, contract, or trust which is
88 fraudulent as defined in subsection 2 of section 428.024 and for the period such
89 person participated within three years prior to the commencement of such
90 proceedings. For the purposes of this section, when the fraudulently conveyed
91 funds are recovered and after, such funds shall be deducted and then treated as
92 though the funds had never been contributed to the plan, contract, or trust;

93 (11) The debtor's right to receive, or property that is traceable to, a
94 payment on account of the wrongful death of an individual of whom the debtor
95 was a dependent, to the extent reasonably necessary for the support of the debtor
96 and any dependent of the debtor.

97 2. Nothing in this section shall be interpreted to exempt from attachment
98 or execution for a valid judicial or administrative order for the payment of child
99 support or maintenance any money or assets, payable to a participant or
100 beneficiary from, or any interest of any participant or beneficiary in, a retirement
101 plan which is qualified pursuant to Section 408A of the Internal Revenue Code
102 of 1986, as amended.

514.040. 1. Except as provided in subsection 3 of this section, if any court
2 shall, before or after the commencement of any suit pending before it, be satisfied
3 that the plaintiff is a poor person, and unable to prosecute his or her suit, and
4 pay all or any portion of the costs and expenses thereof, such court may, in its
5 discretion, permit him or her to commence and prosecute his or her action as a
6 poor person, and thereupon such poor person shall have all necessary process and
7 proceedings as in other cases, without fees, tax or charge as the court determines
8 the person cannot pay; and the court may assign to such person counsel, who, as
9 well as all other officers of the court, shall perform their duties in such suit

10 without fee or reward as the court may excuse; but if judgment is entered for the
11 plaintiff, costs shall be recovered, which shall be collected for the use of the
12 officers of the court.

13 2. In any civil action brought in a court of this state by any offender
14 convicted of a crime who is confined in any state prison or correctional center, the
15 court shall not reduce the amount required as security for costs upon filing such
16 suit to an amount of less than ten dollars pursuant to this section. This
17 subsection shall not apply to any action for which no sum as security for costs is
18 required to be paid upon filing such suit.

19 3. Where a party is represented in a civil action by a legal aid society or
20 a legal services or other nonprofit organization funded in whole or substantial
21 part by moneys appropriated by the general assembly of the state of Missouri,
22 which has as its primary purpose the furnishing of legal services to indigent
23 persons, **by a law school clinic which has as its primary purpose**
24 **educating law students through furnishing legal services to indigent**
25 **persons**, or by private counsel working on behalf of or under the auspices of such
26 society, all costs and expenses related to the prosecution of the suit may be
27 waived without the necessity of a motion and court approval, provided that a
28 determination has been made by such society or organization that such party is
29 unable to pay the costs, fees and expenses necessary to prosecute or defend the
30 action, and that a certification that such determination has been made is filed
31 with the clerk of the court.

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