

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 897

AN ACT

To repeal sections 193.265, 347.143, 435.014, 452.705, 452.730, 452.885, 455.010, 455.035, 455.513, 456.950, 456.1-108, 475.010, 475.045, 475.050, 478.001, 487.110, 488.040, 488.426, 488.2300, 491.075, 492.304, 494.455, 537.528, 559.125, 566.151, 567.030, 575.205, 595.045, and 600.042, RSMo, and to enact in lieu thereof one hundred fifteen new sections relating to judicial proceedings, with penalty provisions.

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

Section A. Sections 193.265, 347.143, 435.014, 452.705, 452.730, 452.885, 455.010, 455.035, 455.513, 456.950, 456.1-108, 475.010, 475.045, 475.050, 478.001, 487.110, 488.040, 488.426, 488.2300, 491.075, 492.304, 494.455, 537.528, 559.125, 566.151, 567.030, 575.205, 595.045, and 600.042, RSMo, are repealed and one hundred fifteen new sections enacted in lieu thereof, to be known as sections 67.137, 193.265, 320.500, 320.502, 320.504, 320.506, 320.508, 320.510, 320.512, 320.514, 320.516, 320.518, 320.520, 320.522, 320.524, 320.526, 320.528, 347.143, 435.300, 435.303, 435.306, 435.309, 435.312, 452.705, 452.730, 452.885, 452.1100, 452.1102, 452.1104, 452.1106, 452.1108, 452.1110, 452.1112, 452.1114, 452.1118, 452.1120, 452.1122, 453.700, 453.702, 453.704, 453.706, 453.708, 453.710, 453.712, 453.714, 453.716, 453.718, 453.720, 453.722, 453.724, 453.726, 453.728, 453.730, 453.732, 453.734, 453.736, 453.738, 453.740, 453.742, 455.010, 455.035, 455.513, 456.950, 456.1-108, 474.540, 474.542, 474.544, 474.546, 474.548, 474.550, 474.552, 474.554, 474.556, 474.558, 474.560, 474.562, 474.564, 474.600, 475.010, 475.045, 475.050, 475.063, 478.001, 487.110,

488.040, 488.426, 488.2300, 491.075, 492.304, 494.455, 510.500, 510.503, 510.506, 510.509, 510.512, 510.515, 510.518, 510.521, 534.157, 537.529, 537.1300, 537.1302, 537.1304, 537.1306, 537.1308, 537.1310, 537.1312, 537.1314, 537.1316, 559.125, 566.151, 567.030, 575.205, 595.045, and 600.042, to read as follows:

67.137. No county, municipality, or other political subdivision shall impose or enforce a moratorium on eviction proceedings unless specifically authorized by state law.

193.265. 1. For the issuance of a certification or copy of a death record, the applicant shall pay a fee of fourteen dollars for the first certification or copy and a fee of eleven dollars for each additional copy ordered at that time. For the issuance of a certification or copy of a birth, marriage, divorce, or fetal death record, the applicant shall pay a fee of fifteen dollars. No fee shall be required or collected for a certification of birth, death, or marriage if the request for certification is made by the children's division, the division of youth services, a guardian ad litem, or a juvenile officer on behalf of a child or person under twenty-one years of age who has come under the jurisdiction of the juvenile court under section 211.031. All fees collected under this subsection shall be deposited to the state department of revenue. Beginning August 28, 2004, for each vital records fee collected, the director of revenue shall credit four dollars to the general revenue fund, five dollars to the children's trust fund, one dollar shall be credited to the endowed care cemetery audit fund, one dollar for each certification or copy of death records to the Missouri state coroners' training fund established in section 58.208, and three dollars for the first copy of death records and five dollars for birth, marriage, divorce, and fetal death records shall be credited

to the Missouri public health services fund established in section 192.900. Money in the endowed care cemetery audit fund shall be available by appropriation to the division of professional registration to pay its expenses in administering sections 214.270 to 214.410. All interest earned on money deposited in the endowed care cemetery audit fund shall be credited to the endowed care cemetery fund. Notwithstanding the provisions of section 33.080 to the contrary, money placed in the endowed care cemetery audit fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds three times the amount of the appropriation from the endowed care cemetery audit fund for the preceding fiscal year. The money deposited in the public health services fund under this section shall be deposited in a separate account in the fund, and moneys in such account, upon appropriation, shall be used to automate and improve the state vital records system, and develop and maintain an electronic birth and death registration system. For any search of the files and records, when no record is found, the state shall be entitled to a fee equal to the amount for a certification of a vital record for a five-year search to be paid by the applicant. For the processing of each legitimation, adoption, court order or recording after the registrant's twelfth birthday, the state shall be entitled to a fee equal to the amount for a certification of a vital record. Except whenever a certified copy or copies of a vital record is required to perfect any claim of any person on relief, or any dependent of any person who was on relief for any claim upon the government of the state or United States, the state registrar shall, upon request, furnish a certified copy or so many certified copies as are necessary, without any fee or compensation therefor.

2. For the issuance of a certification of a death record by the local registrar, the applicant shall pay a fee of fourteen dollars for the first certification or copy and a fee of eleven dollars for each additional copy ordered at that time. For each fee collected under this subsection, one dollar shall be deposited to the state department of revenue and the remainder shall be deposited to the official city or county health agency. The director of revenue shall credit all fees deposited to the state department of revenue under this subsection to the Missouri state coroners' training fund established in section 58.208.

3. For the issuance of a certification or copy of a birth, marriage, divorce, or fetal death record, the applicant shall pay a fee of fifteen dollars; except that, in any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, a donation of one dollar may be collected by the local registrar over and above any fees required by law when a certification or copy of any marriage license or birth certificate is provided, with such donations collected to be forwarded monthly by the local registrar to the county treasurer of such county and the donations so forwarded to be deposited by the county treasurer into the housing resource commission fund to assist homeless families and provide financial assistance to organizations addressing homelessness in such county. The local registrar shall include a check-off box on the application form for such copies. All fees collected under this subsection, other than the donations collected in any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants for marriage licenses and birth certificates,

shall be deposited to the official city or county health agency.

4. A certified copy of a death record by the local registrar can only be issued after acceptance and registration with the state registrar. The fees paid to the official county health agency shall be retained by the local agency for local public health purposes.

5. No fee under this section shall be required or collected from a parent or guardian of a homeless child or homeless youth, as defined in subsection 1 of section 167.020, or an unaccompanied youth, as defined in 42 U.S.C. Section 11434a(6), for the issuance of a certification, or copy of such certification, of birth of such child or youth. An unaccompanied youth shall be eligible to receive a certification or copy of his or her own birth record without the consent or signature of his or her parent or guardian; provided, that only one certificate under this provision shall be provided without cost to the unaccompanied or homeless youth. For the issuance of any additional certificates, the statutory fee shall be paid.

6. (1) Notwithstanding any provision of law to the contrary, no fee shall be required or collected for a certification of birth if the request is made by a victim of domestic violence or abuse, as those terms are defined in section 455.010, and the victim provides documentation signed by an employee, agent, or volunteer of a victim service provider, an attorney, or a health care or mental health professional, from whom the victim has sought assistance relating to the domestic violence or abuse. Such documentation shall state that, under penalty of perjury, the employee, agent, or volunteer of a victim service provider, the attorney, or the health care or mental health

professional believes the victim has been involved in an incident of domestic violence or abuse.

(2) A victim may be eligible only one time for a fee waiver under this subsection.

7. No fee shall be required or collected for a certification of birth, death, or marriage if the request for certification is made by a prosecuting attorney, a circuit attorney, or the attorney general.

320.500. The provisions of sections 320.500 to 320.528 shall be known and referred to as the "Firefighters Procedural Bill of Rights Act".

320.502. For purposes of sections 320.500 to 320.528, the following terms mean:

(1) "Firefighter", a paid firefighter employed by a public agency and all first responders and ancillary service personnel, including emergency medical service workers, dispatchers, paramedics, emergency maintenance technicians, or emergency medical technicians (EMT) who are employed by a fire district, fire protection district, fire department, or fire authority. The term "firefighter" shall not include probationary employees;

(2) "Interrogation", any formal interview, inquiry, or questioning of any firefighter by the appointing authority's designee regarding misconduct or violation of policy;

(3) "Public agency", any fire district, municipal fire department, ambulance district, or emergency 911 dispatching agency;

(4) "Punitive action", any action that may lead to dismissal, demotion, suspension, reduction in salary, written reprimand, or transfer for purposes of punishment;

(5) "Representative", an individual that accompanies and advises a firefighter during an interrogation and during

the course of the investigation and who may intervene, raise objections, and provide moral support to the firefighter;

(6) "Social media account", any electronic service or account or any electronic content including, but not limited to, videos, photographs, blogs, video blogs, podcasts, instant or text messages, email programs or services, online services, or website profiles.

320.504. 1. Except as otherwise provided in chapter 36, or whenever on duty or in uniform, no firefighter shall be prohibited from engaging, or be coerced or required to engage, in political activity.

2. A firefighter shall not be prohibited from seeking election to, or serving as a member of, the governing board of a school district or any local agency or any other board where the firefighter is not employed including, but not limited to, any city, county, or political subdivision thereof, except as provided under section 321.015.

320.506. 1. When any firefighter is under investigation and subjected to interrogation by his or her commanding officer, or any other member designated by the employing department or licensing or certifying agency, that could lead to punitive action, the interrogation shall be conducted under the following conditions:

(1) The interrogation shall be conducted at a reasonable hour, at a time when the firefighter is on duty, unless an imminent threat to the safety of the public requires otherwise. If the interrogation does occur during off-duty time of the firefighter being interrogated, the firefighter shall be compensated for any off-duty time in accordance with regular department procedures. The firefighter's compensation shall not be reduced as a result of any work missed while being interrogated;

(2) The firefighter under investigation shall be informed, prior to the interrogation, of the rank, name, and command of the officer or other person in charge of the interrogation; the interrogating officer; and all other persons to be present during the interrogation. All questions directed to the firefighter under investigation shall be asked by and through no more than two interrogators at one time;

(3) The firefighter under investigation shall be informed of the nature of the investigation prior to any interrogation;

(4) The interrogating session shall be for a reasonable period taking into consideration the gravity and complexity of the issue being investigated. The firefighter under interrogation shall be allowed reasonable breaks to attend to his or her own personal physical necessities;

(5) Prior to an interview session, the investigator or investigators conducting the investigation shall advise the firefighter of the rule set out in *Garrity v. New Jersey*, 385 U.S. 493 (1967), specifically that the firefighter is being ordered to answer questions under threat of disciplinary action and that the firefighter's answers to the questions will not be used against the firefighter in criminal proceedings;

(6) (a) The firefighter under investigation shall not be subjected to offensive language or threatened with punitive action. A promise of reward shall not be made as an inducement to answer any question. Except that, firefighters may be compelled by their employer to give protected *Garrity* statements to an investigator under the direct control of the employer, but such compelled statements shall not be used or derivatively used against

the firefighter in any aspect of a criminal case brought against the firefighter;

(b) The employer shall not cause the firefighter under investigation to be subjected to visits by the press or news media without his or her express written consent free of duress, and the firefighter's photograph, home address, telephone number, or other contact information shall not be given to the press or news media without his or her express written consent free of duress. All personally identifying information of the firefighter's spouse, partner, children, or dependents shall be held confidential and protected from release including, but not limited to, names, addresses, phone numbers, email addresses, photographs, social media profiles or information, or any other contact information. Any information regarding the firefighter's assets, income, debts, or other financial information shall be held confidential and protected from release;

(7) A statement made during interrogation by a firefighter under coercion, or threat of punitive action shall not be admissible in any subsequent judicial proceeding, subject to the following qualifications:

(a) This subdivision shall not limit the use of statements otherwise made by a firefighter when the employing fire department is seeking civil service sanctions against any firefighter;

(b) This subdivision shall not prevent the admissibility of statements otherwise made by the firefighter during interrogation in any civil action, including administrative actions, brought by that firefighter, or that firefighter's exclusive representative, arising out of a disciplinary action;

(8) The complete interrogation of a firefighter may be recorded. If a recording is made of the interrogation, the

firefighter shall have access to the recording if any further proceedings are contemplated or prior to any further interrogation at a subsequent time. The firefighter shall be entitled to a transcribed copy of any notes made by a stenographer or to any reports or complaints made by investigators or other persons, except those portions that are otherwise required by law to be kept confidential. Notes or reports that are deemed to be confidential shall not be entered in the firefighter's personnel file. The firefighter being interrogated shall have the right to bring his or her own recording device and record any and all aspects of the interrogation;

(9) Upon the filing of a formal written statement of charges, or whenever an interrogation focuses on matters that may result in punitive action against any firefighter, that firefighter, at his or her request, shall have the right to be represented by a representative of his or her choice who may be present at all times during the interrogation. The representative shall not be a person subject to the same investigation. The representative shall not be required to disclose, or be subject to any punitive action for refusing to disclose, any information received from the firefighter under investigation for noncriminal matters; and

(10) An employer shall not, either directly or indirectly, require, request, suggest, or cause any firefighter to disclose the username, password, or any other information that would provide access to any of his or her personal social media accounts.

2. The provisions of this section shall not be construed to apply to counseling, instruction, or informal verbal admonishment by, or other routine or unplanned contact with, a supervisor or any other firefighter.

320.508. 1. A firefighter shall not be subjected to punitive action, or denied promotion, or threatened with that treatment, because of the lawful exercise of the rights granted under sections 320.500 to 320.528 or the exercise of any rights under any existing administrative grievance procedure.

2. Punitive action or denial of promotion on grounds other than merit shall not be undertaken by any employing department or licensing or certifying agency against any firefighter who has successfully completed the probationary period without providing the firefighter with an opportunity for administrative appeal.

3. A fire chief shall not be removed by a public agency or appointing authority without providing that fire chief with written notice, the reason or reasons for removal, and an opportunity for administrative appeal. For purposes of this subsection, the removal of a fire chief by a public agency or appointing authority, for the purpose of implementing the goals or policies, or both, of the public agency or appointing authority, or for reasons including, but not limited to, incompatibility of management styles or as a result of change in administration, shall be sufficient to constitute reason. Nothing in this subsection shall be construed to create a property interest, if one does not otherwise exist by rule or law, in the job of fire chief.

4. Punitive action or denial of promotion on grounds other than merit shall not be undertaken for any act, omission, or other allegation of misconduct if the investigation of the allegation is not completed within one year of discovery by the employing fire department or licensing or certifying agency. This one-year limitation period shall apply only if the discovery of the act, omission, or other misconduct occurred on or after August

28, 2024. If the employing department or licensing or certifying agency determines that discipline may be taken, it shall complete its investigation and notify the firefighter of its proposed disciplinary action within that year, except in any of the following circumstances:

(1) If the firefighter voluntarily waives the one-year time period in writing, the time period shall be tolled for the period of time specified in the written waiver;

(2) If the act, omission, or other allegation of misconduct is also the subject of a criminal investigation or criminal prosecution, the time during which the criminal investigation or criminal prosecution is pending shall toll the one-year period;

(3) If the investigation is a multi-jurisdictional investigation that requires a reasonable extension for coordination of the involved agencies;

(4) If the investigation involves an employee who is incapacitated or otherwise unavailable;

(5) If the investigation involves a matter in civil litigation where the firefighter is named as a party defendant, the one-year time period shall be tolled while that civil action is pending;

(6) If the investigation involves a matter in criminal litigation in which the complainant is a criminal defendant, the one-year time period shall be tolled during the period of that defendant's criminal investigation and prosecution;
or

(7) If the investigation involves an allegation of workers' compensation fraud on the part of the firefighter.

5. If a predisciplinary response or grievance procedure is required or utilized, the time for that response or procedure shall not be governed or limited by sections 320.500 to 320.528.

6. If, after investigation and any predisciplinary response or procedure, the employing department or licensing or certifying agency decides to impose discipline, that department or agency shall notify the firefighter in writing of its decision to impose discipline within thirty days of its decision but not less than forty-eight hours prior to imposing the discipline.

7. Notwithstanding the one-year time period specified in subsection 4 of this section, an investigation may be reopened against a firefighter if both of the following circumstances exist:

(1) Significant new evidence has been discovered that is likely to affect the outcome of the investigation; and

(2) One of the following conditions exists:

(a) The evidence could not reasonably be discovered in the normal course of investigation without resorting to extraordinary measures by the agency; or

(b) The evidence resulted from the firefighter's predisciplinary response or procedure.

320.510. 1. An administrative appeal instituted by a firefighter under sections 320.500 to 320.528 shall be conducted in accordance with rules and procedures adopted by the employing department or licensing or certifying agency that are in accordance with chapter 536.

2. Notwithstanding subsection 1 of this section, if the employing department is subject to a memorandum of understanding that provides for binding arbitration of administrative appeals, the arbitrator or arbitration panel shall serve as the hearing officer in accordance with chapter 536 and, notwithstanding any other provision of law, that hearing officer's decision shall be binding. However, a memorandum of understanding negotiated with an employing agency shall not control the process for administrative

appeals instituted with licensing or certifying agencies.
Any administrative appeal instituted with licensing or
certifying agencies shall adhere to the requirements
prescribed in subsection 1 of this section.

320.512. A firefighter shall not have any comment
adverse to his or her interest entered in his or her
personnel file, or any other file used for any personnel
purposes by his or her employer, without the firefighter
having first read and signed the instrument containing the
adverse comment indicating he or she is aware of the
comment. However, the entry may be made if after reading
the instrument, the firefighter refuses to sign it. That
fact shall be noted on that document and signed or initialed
by the firefighter.

320.514. A firefighter shall have thirty days to file
a written response to any adverse comment entered in his or
her personnel file. The written response shall be attached
to, and shall accompany, the adverse comment.

320.516. 1. Every employer shall, at reasonable times
and at reasonable intervals, upon the request of a
firefighter, during usual business hours, with no loss of
compensation to the firefighter, permit that firefighter to
inspect personnel files that are used or have been used to
determine that firefighter's qualifications for employment,
promotion, additional compensation, or termination or other
disciplinary action.

2. Each employer shall keep each firefighter's
personnel file or a true and correct copy thereof and shall
make the file or copy thereof available within a reasonable
period of time after a request therefor by the firefighter.

3. If, after examination of the firefighter's
personnel file, the firefighter believes that any portion of
the material is mistakenly or unlawfully placed in the file,

the firefighter may request, in writing, that the mistaken or unlawful portion be corrected or deleted. Any request made pursuant to this subsection shall include a statement by the firefighter describing the corrections or deletions from the personnel file requested and the reasons supporting those corrections or deletions. A statement submitted pursuant to this subsection shall become part of the personnel file of the firefighter.

4. Within thirty calendar days of receipt of a request made under subsection 3 of this section, the employer shall either grant the firefighter's request or notify the officer of the decision to refuse to grant the request. If the employer refuses to grant the request, in whole or in part, the employer shall state in writing the reasons for refusing the request and that written statement shall become part of the personnel file of the firefighter

320.518. 1. A firefighter shall not be compelled to submit to a lie detector test against his or her will.

2. Disciplinary action or other recrimination shall not be taken against a firefighter refusing to submit to a lie detector test.

3. No comment shall be entered anywhere in the investigator's notes or anywhere else that the firefighter refused to take, or did not take, a lie detector test.

4. Testimony or evidence to the effect that the firefighter refused to take, or was subjected to, a lie detector test shall not be admissible at a subsequent hearing, trial, or proceeding, judicial or administrative.

5. For purposes of this section, the term "lie detector" means a polygraph, deceptograph, voice stress analyzer, psychological stress evaluator, or any other similar device, whether mechanical or electrical, that is used, or the results of which are used, for the purpose of

rendering a diagnostic opinion regarding the honesty or dishonesty of an individual.

320.520. A firefighter shall not be required or requested for purposes of job assignment or other personnel action to disclose any item of his or her property, income, assets, source of income, debts, or personal or domestic expenditures, including those of any member of his or her family or household, unless that information is otherwise required to be furnished under state law or obtained pursuant to court order.

320.522. 1. A firefighter shall not have his or her locker that may be assigned to him or her searched, except:

- (1) In his or her presence;
- (2) With his or her consent;
- (3) If exigent circumstances exist;
- (4) If a valid search warrant has been obtained; or
- (5) If he or she has been given notice that a search will be conducted.

2. This section shall apply only to lockers that are owned or leased by the employing department or licensing or certifying agency.

320.524. 1. It shall be unlawful for any employing department or licensing or certifying agency to deny or refuse to any firefighter the rights and protections guaranteed by sections 320.500 to 320.528.

2. The circuit court of the county of proper venue shall have initial jurisdiction over any proceeding brought by any firefighter against any employing department or licensing or certifying agency for alleged violations of sections 320.500 to 320.528.

3. (1) If the court finds that the employing department or licensing or certifying agency has violated any of the provisions of sections 320.500 to 320.528, the

court shall render appropriate injunctive or other extraordinary relief to remedy the violation and to prevent future violations of a like or similar nature including, but not limited to, the granting of a temporary restraining order or preliminary or permanent injunction prohibiting the employing department or licensing or certifying agency from taking any punitive action against the firefighter.

(2) If the court finds that a bad faith or frivolous action or a filing for an improper purpose has been brought under sections 320.500 to 320.528, the court may order sanctions against the party filing the action, the party's attorney, or both, pursuant to the applicable Missouri rules of civil procedure. Those sanctions may include, but not be limited to, reasonable expenses, including attorney's fees, incurred by a fire department as the court deems appropriate.

(3) Nothing in this subsection is intended to subject actions or filings under this section to rules or standards that are different from those applicable to other civil actions or filings subject to the Missouri supreme court rules of civil procedure.

4. In addition to the extraordinary relief afforded under sections 320.500 to 320.528, upon a finding by the court that a fire department, its employees, agents, or assigns, with respect to acts taken within the scope of employment, maliciously violated any provision of sections 320.500 to 320.528 with the intent to injure the firefighter, the fire department shall, for each and every violation, be liable for a civil penalty not to exceed twenty-five thousand dollars to be awarded to the firefighter whose right or protection was denied and for reasonable attorney's fees as may be determined by the court. If the court so finds, and there is sufficient evidence to establish actual damages suffered by the

firefighter whose right or protection was denied, the fire department shall also be liable for the amount of the actual damages. Notwithstanding these provisions, a fire department shall not be required to indemnify a contractor for the contractor's liability under this subsection if there is, within the contract between the fire department and the contractor, a hold harmless or similar provision that protects the fire department from liability for the actions of the contractor. An individual shall not be liable for any act for which a fire department is liable under this section.

320.526. Nothing in sections 320.500 to 320.528 shall in any way be construed to limit the ability of any employment department, licensing or certifying agency, or any firefighter to fulfill mutual aid agreements with other jurisdictions or agencies, and the provisions of sections 320.500 to 320.528 shall not be construed in any way to limit any jurisdictional or interagency cooperation under any circumstances where that activity is deemed necessary or desirable by the jurisdictions or agencies involved.

320.528. 1. The rights and protections described in sections 320.500 to 320.528 shall apply only to a firefighter during events and circumstances involving the performance of his or her official duties.

2. Any employer shall provide legal defense for any firefighter who, while acting in the normal course of his or her duties, is named as a defendant in civil litigation relating to such duties.

3. Volunteer fire departments may opt into the provisions of sections 320.500 to 320.528.

347.143. 1. A limited liability company may be dissolved involuntarily by a decree of the circuit court for the county in which the registered office of the limited

liability company is situated in an action filed by the attorney general when it is established that the limited liability company:

(1) Has procured its articles of organization through fraud;

(2) Has exceeded or abused the authority conferred upon it by law;

(3) Has carried on, conducted, or transacted its business in a fraudulent or illegal manner; or

(4) By the abuse of its powers contrary to the public policy of the state, has become liable to be dissolved.

2. On application by or for a member, the circuit court for the county in which the registered office of the limited liability company is located may decree dissolution of a limited liability company [whenever] if the court determines:

(1) It is not reasonably practicable to carry on the business in conformity with the operating agreement;

(2) Dissolution is reasonably necessary for the protection of the rights or interests of the complaining members;

(3) The business of the limited liability company has been abandoned;

(4) The management of the limited liability company is deadlocked or subject to internal dissension; or

(5) Those in control of the limited liability company have been found guilty of, or have knowingly countenanced, persistent and pervasive fraud, mismanagement, or abuse of authority.

435.300. As used in sections 435.300 to 435.312, the following terms mean:

(1) "Alternative dispute resolution communication", a statement, whether communicated orally, in writing, or by nonverbal conduct, that is either:

(a) Related to the subject matter of the dispute and made during an alternative dispute resolution process; or

(b) Made as part of considering, conducting, participating in, initiating, continuing, or reconvening an alternative dispute resolution process.

The term "alternative dispute resolution communication" shall not include the notifications or reports made pursuant to subsection 2 of section 435.303 or subsection 8 of section 435.306 or a written agreement as described in section 435.312;

(2) "Alternative dispute resolution process", mediation, arbitration, or early neutral evaluation used in conjunction with a pending civil action, and any other alternative to trial that has been included in a local court rule applicable to a civil dispute;

(3) "Arbitration", a procedure in which a neutral or panel of neutrals hears and decides a dispute between two or more parties;

(4) "Conflict of interest", any direct or indirect financial or personal interest in the outcome of a dispute or any existing or prior financial, business, professional, familial, or social relationship with any participant in an alternative dispute resolution process that is likely to affect the impartiality of the neutral or that may reasonably create an appearance of partiality or bias;

(5) "Early neutral evaluation", a process in which a neutral provides parties to a dispute with a nonbinding assessment of their dispute;

(6) "In camera", a proceeding held in a judge's chambers or in a courtroom from which the public is excluded;

(7) "Mandated reporter", an individual who is required to report abuse or neglect pursuant to the provisions of section 192.2405, 192.2475, 198.070, 208.912, 210.115, 352.400, 630.162, or 630.165;

(8) "Mediation", a process in which a neutral facilitates communications among the parties and assists the parties in their efforts to reach a voluntary agreement regarding the dispute;

(9) "Mediator", a neutral who conducts mediation;

(10) "Neutral", an individual who, acting independently and not as a representative, agent, or advocate of any of the parties, assists the parties in their efforts to reach a resolution of their dispute through an alternative dispute resolution process;

(11) "Participant", any person or entity, including any neutral or party, who participates in an alternative dispute resolution process;

(12) "Party", an individual or entity named as a party in a pending civil action, or in an agreement to use an alternative dispute resolution process as described in sections 435.309 and 435.312;

(13) "Person", an individual; a public or private corporation, business trust, estate, trust, partnership, limited liability company, or insurance company; an association; a joint venture; a governmental unit, subdivision, agency, or instrumentality of the state; or any other legal or commercial entity;

(14) "Proceeding", a judicial, administrative, arbitral, or other adjudicative process, including related prehearing and posthearing motions, conferences, hearings, and discovery;

(15) "Writing" or "written", a tangible or electronic record of a communication or representation, including

handwriting, typewriting, printing, photostating, photography, audio or video recording, and electronic communication;

(16) "Written agreement", a writing that:

(a) Contains the essential terms of an agreement; and

(b) Is signed, executed, or adopted by the parties, by any process described in subdivision (15) of this section, including electronic signatures as permitted by section 432.230, with the intent to sign and be bound by the writing, and attached to or logically associated with the writing.

435.303. 1. A court may refer any individual civil case or category of civil cases to mediation or any other nonbinding alternative dispute resolution process, either by rule or court order.

2. Within thirty days of referral by a court to a nonbinding alternative dispute resolution process pursuant to subsection 1 of this section, or such longer time as may be set by the court, or with leave of the court, the parties may:

(1) Notify the court that all of the parties have chosen to pursue an alternative dispute resolution process different from the nonbinding alternative dispute resolution process ordered by the court if such choice is evidenced in a written agreement between the parties;

(2) Notify the court that all of the parties have agreed to delay such alternative dispute resolution process until a date certain, which date may be subsequently modified by the court, to allow for the exchange of specified information, the identification of representatives with authority, or any other identified action or event related to the ability of the parties to participate effectively in the alternative dispute resolution process; or

(3) If any party, after conferring with all other parties, concludes that referral to a nonbinding alternative dispute resolution process has no reasonable chance of helping the parties to better understand or resolve one or more of the procedural or substantive issues in the matter or there is a compelling circumstance for not participating in the alternative dispute resolution process, the party may file a motion for relief from the referral, setting forth the reasons for not participating. Once a motion for relief has been filed, the alternative dispute resolution process ordered by the court shall not occur until the court has ruled on the motion. If the court grants the motion, the matter shall not thereafter be referred by the court to an alternative dispute resolution process without compelling circumstances, which shall be set out by the court in any order referring the matter to an alternative dispute resolution process.

3. In an action referred to an alternative dispute resolution process, discovery may proceed as in any other action before, during, and after the alternative dispute resolution process is held. The court may stay discovery in whole or in part during the pendency of an alternative dispute resolution process in order to promote savings in time and expense without sacrificing the quality of justice.

4. A neutral who is appointed by the court or requested by the parties to serve in an alternative dispute resolution process pursuant to sections 435.300 to 435.312 shall avoid any conflict of interest. Even if the neutral believes that no disqualifying conflict exists, the neutral shall:

(1) Make a reasonable inquiry to determine whether there are any facts that would cause a reasonable person to

believe that the neutral has an actual or potential conflict of interest before agreeing to serve in a matter;

(2) Disclose to the parties, as soon as practicable, facts and information relevant to any actual or potential conflicts of interest that are reasonably known to the neutral; and

(3) If, after accepting a designation by the parties or the court, the neutral learns of any previously undisclosed information that could reasonably suggest a conflict of interest, promptly disclose the information to the parties.

5. After the neutral's disclosure of a conflict, the alternative dispute resolution process may proceed if:

(1) All parties agree in writing to service by the neutral; or

(2) An organization independently administering the alternative dispute resolution process pursuant to the rules of procedure that were adopted by a written agreement of the parties determines under such rules that the neutral may continue to serve.

6. Any party who believes a court-appointed neutral has a conflict of interest may request that the neutral recuse himself or herself if a conflict is disclosed or otherwise discovered. If the neutral declines, the party may timely file a motion with the court for disqualification of the neutral. Failure to file a motion waives that objection. On its own motion, the court may also review the choice of a neutral in any alternative dispute resolution process involving a party that is not represented by counsel and require a change of neutral if necessary to protect the rights of the unrepresented party.

435.306. 1. Alternative dispute resolution communications shall not be admissible as evidence in any

proceeding or subject to discovery, except as otherwise provided in subsections 2, 3, and 7 of this section. Exceptions shall be narrowly construed and only the portion of the communication necessary for the application of the exception to the general rule of nonadmissibility shall be admitted.

2. Evidence or information that is otherwise admissible or subject to discovery, including information that would be available to the public pursuant to sections 610.010 to 610.035, shall not become inadmissible or protected from discovery solely by reason of its disclosure or use in an alternative dispute resolution process.

3. A court may admit an alternative dispute resolution communication upon motion of a party, which motion shall not reveal the substance of the communication, and following a hearing, only if the court finds that one or more of the exceptions in this subsection applies and that the communication is otherwise relevant and admissible. The party seeking admission shall ensure that timely notice is given to the neutral and parties that participated in the alternative dispute resolution process in which the alternative dispute resolution communication was made. The hearing shall be conducted in camera if requested by a party or if the court determines on its own motion that an in camera proceeding is necessary to ensure the confidentiality of the communications that are the subject to the hearing. The only exceptions to the general rule of nonadmissibility of alternative dispute resolution communications stated in subsection 1 of this section are as follows:

(1) The alternative dispute resolution communication was made in the presence of a mandated reporter and pertains to abuse or neglect that such mandated reporter is required by state law or regulation to report;

(2) The alternative dispute resolution communication is a substantial threat or statement of a plan to inflict bodily injury capable of causing death or substantial bodily harm that is reasonably certain to occur;

(3) The alternative dispute resolution communication is intentionally used to plan a crime, attempt to commit a crime, or to conceal an ongoing crime or ongoing criminal activity; or

(4) The alternative dispute resolution communication is necessary to establish or defend against a claim of professional misconduct or malpractice that is filed against or on behalf of a participant based on conduct occurring during the alternative dispute resolution process.

4. The admission of evidence in a proceeding under any of the exceptions stated in subsection 3 of this section shall not in itself render the evidence or any other alternative dispute resolution communication discoverable or admissible for any other purpose or proceeding.

5. Any participant in an alternative dispute resolution process has standing to intervene in any proceeding to object to the admissibility of an alternative dispute resolution communication made by that participant during or relating to that alternative dispute resolution process. A neutral who participated in an alternative dispute resolution process also has standing to intervene in any proceeding to object to the admissibility of an alternative dispute resolution communication made by the neutral or an agent or employee of a neutral or of an organization through which the neutral provided the alternative dispute resolution services for such process, but the neutral is under no requirement to do so.

6. Except as provided in subsection 7 of this section, no neutral, agent or employee of that neutral, or agent or

employee of an organization through which the neutral provided alternative dispute resolution services shall be subpoenaed or otherwise compelled to disclose any alternative dispute resolution communication, including any alternative dispute resolution communication that would otherwise fall within the exceptions identified in subsection 3 of this section. No neutral who is a licensed attorney, nor an agent or employee of such neutral or of an organization through which the neutral provided alternative dispute resolution services pursuant to sections 435.300 to 435.312, shall be required to disclose any alternative dispute resolution communication to which a reporting obligation might otherwise apply under the rules regulating the professional conduct of attorneys.

7. A neutral, an agent or employee of that neutral, or an agent or employee of an organization through which the neutral provided the alternative dispute resolution services may be subpoenaed in an action to enforce a written agreement as described in subsection 2 of section 435.309, but only for the limited purpose of testifying that the written agreement was signed by the parties in the presence of the neutral.

8. The court may request that the neutral or the parties provide the court with progress reports on alternative dispute resolution processes related to pending civil actions, except such reports shall be limited to a statement that the matter has been resolved in its entirety, partially resolved, or not resolved and whether future dates for an alternative dispute resolution process are scheduled. A neutral may also report to the court that a payment has not been received from one or more parties. A court shall not require the disclosure of alternative dispute resolution communication in any such report.

9. The court may order the party or parties seeking admission of an alternative dispute resolution communication to pay the costs and fees of the neutral or other person participating in an alternative dispute resolution process who intervenes to contest the disclosure and admission of alternative dispute resolution communication or who responds to a subpoena prohibited by subsection 6 of this section or a subpoena pursuant to subsection 7 of this section.

435.309. 1. Unless the parties have entered into a written agreement providing for entry into a binding alternative dispute resolution process, all alternative dispute resolution processes pursuant to sections 435.300 to 435.312 shall be nonbinding.

2. In order to be binding on the parties, a settlement agreement that is reached in an alternative dispute resolution process shall be in a written agreement.

3. Alternative dispute resolution processes included in consumer contracts for goods or services shall be independently administered.

435.312. 1. Except as provided in subsection 6 of this section, sections 435.300 to 435.312 shall apply only to those alternative dispute resolution processes referred by rule or court order, or when the parties enter into a written agreement to resolve their dispute through an alternative dispute resolution process expressly providing that sections 435.300 to 435.312 shall apply to such alternative dispute resolution process.

2. The parties to a dispute may enter into a written agreement to attempt to resolve their differences through an alternative dispute resolution process and may agree that sections 435.300 to 435.312 will apply to such alternative dispute resolution process before the filing of an action or after the entry of a judgment, as well as during the

pendency of an action. If the matter resolves and the parties file a case to present the settlement for approval by the court, the case shall be exempted from any local rule that refers a class of cases to any alternative dispute resolution process.

3. Nothing in sections 435.300 to 435.312 shall preclude any court from referring any individual matter to a nonbinding alternative dispute resolution process so as to effectuate the timely, fair, and efficient administration of justice, subject only to the provisions of subsection 2 of section 435.303.

4. Nothing in sections 435.300 to 435.312 is intended to undermine the right of litigants to a jury trial in the event that a resolution satisfactory to the parties is not achieved through a nonbinding alternative dispute resolution process.

5. Nothing in sections 435.300 to 435.312 shall be deemed to require:

(1) Any party or party representative who appears at an alternative dispute resolution process in compliance with a court order to settle all or part of any claim; or

(2) Any party to attend a mediation with counsel if such party is self-represented.

6. If the court has not referred the case to an alternative dispute resolution process pursuant to section 435.303 or if the parties do not elect to use sections 435.300 to 435.312, the process shall be regarded as settlement negotiations and subject to the rules of confidentiality that generally apply to such negotiations. If the parties to the dispute have agreed in writing to submit their dispute to such alternative dispute resolution process but have not invoked the protections of sections 435.300 to 435.312, no person who serves as a neutral in

such process, nor any agent or employee of that person or of an organization through which the neutral provided the alternative dispute resolution process, shall be subpoenaed or otherwise compelled to disclose any matter revealed in the process of setting up or conducting such alternative dispute resolution process. All settlement agreements shall be in writing as described in sections 435.300 to 435.312.

452.705. As used in sections 452.700 to 452.930:

(1) "Abandoned" means left without provision for reasonable and necessary care or supervision;

(2) "Child" means an individual who has not attained eighteen years of age;

(3) "Child custody determination" means a judgment, decree, or other order of a court providing for the legal custody, physical custody, or visitation with respect to a child. The term includes a permanent, temporary, initial, or modification order. The term shall not include an order relating to child support or other monetary obligation of an individual;

(4) "Child custody proceeding" means a proceeding in which legal custody, physical custody, or visitation with respect to a child is an issue. The term includes a proceeding for divorce, separation, neglect, abuse, dependency, guardianship, paternity, termination of parental rights, and protection from domestic violence in which the issue may appear. The term shall not include a proceeding involving juvenile delinquency, contractual emancipation, or enforcement under sections 452.850 to 452.915;

(5) "Commencement" means the filing of the first pleading in a proceeding;

(6) "Court" means an entity authorized under the law of a state to establish, enforce, or modify a child custody determination;

(7) "Decree" or "custody decree" means a custody determination contained in a judicial decree or order made in a custody proceeding, and includes an initial decree and a modification decree;

(8) "Home state" means the state in which a child has lived with a parent or a person acting as a parent for at least six consecutive months immediately prior to the commencement of a child custody proceeding. In the case of a child less than six months of age, the term means the state in which the child has lived from birth with any of the persons mentioned. A period of temporary absence of any of the mentioned persons is part of such period;

(9) "Initial determination" means the first child custody determination concerning a particular child;

(10) "Issuing court" means the court making a child custody determination for which enforcement is sought under sections 452.700 to 452.930;

(11) "Issuing state" means the state in which a child custody determination is made;

(12) "Litigant" means a person, including a parent, grandparent, or stepparent, who claims a right to custody or visitation with respect to a child;

(13) "Modification" means a child custody determination that changes, replaces, supersedes or is otherwise made after a previous determination concerning the same child, whether or not it is made by the court that made the previous determination;

(14) "Person" includes government, a governmental subdivision, agency or instrumentality, or any other legal or commercial entity;

(15) "Person acting as a parent" means a person, other than a parent, who:

(a) Has physical custody of the child or has had physical custody for a period of six consecutive months, including any temporary absence, within one year immediately prior to the commencement of a child custody proceeding; and

(b) Has been awarded legal custody by a court or claims a right to legal custody under the law of this state;

(16) "Physical custody" means the physical care and supervision of a child;

(17) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States;

(18) "Warrant" means an order issued by a court authorizing law enforcement officers to take physical custody of a child;

(19) "Wrongful removal" means the taking of a child that breaches rights of custody or visitation given or recognized under the laws of this state.

452.730. 1. A court of this state may communicate with a court in another state concerning a proceeding arising under sections 452.700 to 452.930 or arising under sections 452.1100 to 452.1122.

2. The court may allow the parties to participate in the communication. If the parties are not able to participate in the communication, the parties shall be given the opportunity to present facts and legal arguments before a decision on jurisdiction is made.

3. A communication between courts on schedules, calendars, court records, and similar matters may occur without informing the parties. A record need not be made of such communication.

4. Except as provided in subsection 3 of this section, a record shall be made of the communication. The parties

shall be informed promptly of the communication and granted access to the record.

5. For the purposes of this section, "record" means information that is inscribed on a tangible medium, or that which is stored in an electronic or other medium and is retrievable in perceivable form. A record includes notes or transcripts of a court reporter who listened to a conference call between the courts, an electronic recording of a telephone call, a memorandum or an electronic record of the communication between the courts, or a memorandum or an electronic record made by a court after the communication.

452.885. 1. (1) Upon the filing of a petition seeking enforcement of a child custody determination[, the petitioner may file] with a verified application for the issuance of a warrant to take physical custody of the child or upon the filing of a petition under sections 452.1100 to 452.1122, the court may issue an ex parte warrant to take physical custody of the child if the court finds, upon review of the petition or verified application or upon the testimony of the petitioner or other witnesses, that the child is likely to suffer serious imminent physical harm or there is a credible risk that the child is imminently likely to suffer wrongful removal [from this state].

(2) Prior to issuing a warrant in response to a petition filed under sections 452.1100 to 452.1122 and before determining the placement of the child after the warrant is executed, the court may order a search of the relevant databases of the National Crime Information Center system and similar state databases to determine if the petitioner or respondent has a history of domestic violence, stalking, or child abuse or neglect.

2. [If the court, upon the testimony of the petitioner or other witnesses, finds that the child is likely to suffer

serious imminent physical harm or be imminently removed from this state, the court may issue a warrant to take physical custody of the child. The petition shall be heard on the next judicial day after the warrant is executed. The warrant shall include the statements required under subsection 2 of section 452.870.

3.] A warrant to take physical custody of a child shall:

(1) Recite the facts upon which a **[conclusion]** determination of serious imminent physical harm or a credible risk of imminent wrongful removal from the jurisdiction is based;

(2) Direct law enforcement officers to take physical custody of the child immediately; **[and]**

(3) State the date and time for the hearing on the petition;

(4) Provide for the safe interim placement of the child pending further order of the court or final relief; and

(5) Include the statements required under subsection 2 of section 452.870 if a warrant is issued in response to a petition seeking enforcement of a child custody determination.

[4.] 3. The respondent shall be served with the petition, warrant and order immediately after the child is taken into physical custody.

4. The respondent shall be afforded an opportunity to be heard at the earliest possible time after the ex parte warrant is executed but no later than the next judicial day unless a hearing on that date is impossible. In that event, the court shall hold the hearing on the first judicial day possible.

5. If the court finds, after a hearing, that a petitioner sought a warrant under subsection 1 of this

section for the purpose of harassment or in bad faith, the court may award the respondent reasonable attorney's fees, costs, and expenses.

[5.] 6. A warrant to take physical custody of a child is enforceable throughout this state. If the court finds on the basis of the testimony of the petitioner or other witness that a less intrusive remedy is not effective, the court may authorize law enforcement officers to enter private property to take physical custody of the child. If required by the exigency of the case, the court may authorize law enforcement officers to make a forcible entry at any hour.

[6.] 7. The court may impose conditions on the placement of a child to ensure the appearance of the child and the child's custodian.

8. This section does not affect the availability of relief allowed under the laws of this state other than sections 452.700 to 452.930 and sections 452.1100 to 452.1122.

452.1100. Sections 452.1100 to 452.1122 shall be known and may be cited as the "Uniform Child Abduction Prevention Act".

452.1102. As used in sections 452.1100 to 452.1122, the following terms mean:

(1) "Abduction", the wrongful removal or wrongful retention of a child;

(2) "Child", an unemancipated individual who is less than eighteen years of age;

(3) "Child abduction prevention measures", measures and conditions that are reasonably calculated to prevent the abduction of a child, including provisions of subsections 3, 4, and 5 of section 452.1114, and other measures that the court deems appropriate to prevent the abduction of a child;

(4) "Child-custody determination", a judgment, decree, or other order of a court providing for the legal custody, physical custody, or visitation with respect to a child. The term "child-custody determination" includes a permanent, temporary, initial, and modification order;

(5) "Child custody proceeding", a proceeding in which legal custody, physical custody, or visitation with respect to a child is at issue. The term "child custody proceeding" includes a proceeding for divorce, dissolution of marriage, separation, neglect, abuse, dependency, guardianship, paternity, termination of parental rights, or protection from domestic violence;

(6) "Court", an entity authorized under the law of a state to establish, enforce, or modify a child-custody determination;

(7) "Petition", includes a motion or its equivalent;

(8) "Record", information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form;

(9) "State", a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term "state" includes a federally recognized Indian tribe or nation;

(10) "Travel document", records relating to a travel itinerary, including travel tickets, passes, reservations for transportation, or accommodations. The term "travel document" does not include a passport or visa;

(11) "Warrant", an order issued by a court authorizing law enforcement officers to take physical custody of a child;

(12) "Wrongful removal", the taking of a child that breaches rights of custody or visitation given or recognized under the law of this state;

(13) "Wrongful retention", the keeping or concealing of a child that breaches rights of custody or visitation given or recognized under the law of this state.

452.1104. Sections 452.730, 452.735, and 452.820 of the uniform child custody jurisdiction and enforcement act apply to cooperation and communications among courts in proceedings under sections 452.1100 to 452.1122.

452.1106. 1. A court on its own motion may order abduction prevention measures in a child custody proceeding if the court finds that the evidence establishes a credible risk of abduction of the child.

2. A party to a child custody determination or another individual or entity having a right under the law of this state or any other state to seek a child custody determination for the child may file a petition seeking abduction prevention measures to protect the child under sections 452.1100 to 452.1122.

3. A prosecutor or public authority designated under section 452.910 may seek a warrant to take physical custody of a child under section 452.885 or other appropriate prevention measures.

452.1108. 1. A petition under sections 452.1100 to 452.1122 may be filed only in a court that has jurisdiction to make a child custody determination with respect to the child at issue under sections 452.700 to 452.930.

2. A court of this state has temporary emergency jurisdiction under section 452.755 if the court finds a credible risk of abduction.

452.1110. A petition under sections 452.1100 to 452.1122 shall be verified and include a copy of any existing child custody determination, if available. The petition shall specify the risk factors for abduction, including the relevant factors described in section

452.1112. Subject to subsection 5 of section 452.780, if reasonably ascertainable, the petition shall contain:

(1) The name, date of birth, and sex of the child;

(2) The customary address and current physical location of the child;

(3) The identity, customary address, and current physical location of the respondent;

(4) A statement of whether a prior action to prevent abduction or domestic violence has been filed by a party or other individual or entity having custody of the child, and the date, location, and disposition of the action;

(5) A statement of whether a party to the proceeding has been arrested for a crime related to domestic violence, stalking, or child abuse or neglect, and the date, location, and disposition of the case; and

(6) Any other information required to be submitted to the court for a child custody determination under section 452.780.

452.1112. 1. In determining whether there is a credible risk of abduction of a child, the court shall consider any evidence that the petitioner or respondent:

(1) Has previously abducted or attempted to abduct the child;

(2) Has threatened to abduct the child;

(3) Has recently engaged in activities that may indicate a planned abduction, including:

(a) Abandoning employment;

(b) Selling a primary residence;

(c) Terminating a lease;

(d) Closing bank or other financial management accounts, liquidating assets, hiding or destroying financial documents, or conducting any unusual financial activities;

(e) Applying for a passport or visa or obtaining travel documents for the respondent, a family member, or the child; or

(f) Seeking to obtain the child's birth certificate or school or medical records;

(4) Has engaged in domestic violence, stalking, or child abuse or neglect;

(5) Has refused to follow a child custody determination;

(6) Lacks strong familial, financial, emotional, or cultural ties to the state or the United States;

(7) Has strong familial, financial, emotional, or cultural ties to another state or country;

(8) Is likely to take the child to a country that:

(a) Is not a party to the Hague Convention on the Civil Aspects of International Child Abduction and does not provide for the extradition of an abducting parent or for the return of an abducted child;

(b) Is a party to the Hague Convention on the Civil Aspects of International Child Abduction but:

a. The Hague Convention on the Civil Aspects of International Child Abduction is not in force between the United States and that country;

b. Is noncompliant according to the most recent compliance report issued by the United States Department of State; or

c. Lacks legal mechanisms for immediately and effectively enforcing a return order under the Hague Convention on the Civil Aspects of International Child Abduction;

(c) Poses a risk that the child's physical or emotional health or safety would be endangered in the country because of specific circumstances relating to the

child or because of human rights violations committed against children;

(d) Has laws or practices that would:

a. Enable the respondent, without due cause, to prevent the petitioner from contacting the child;

b. Restrict the petitioner from freely traveling to or exiting from the country because of the petitioner's sex, nationality, marital status, or religion; or

c. Restrict the child's ability legally to leave the country after the child reaches the age of majority because of a child's sex, nationality, or religion;

(e) Is included by the United States Department of State on a current list of state sponsors of terrorism;

(f) Does not have an official United States diplomatic presence in the country; or

(g) Is engaged in active military action or war, including a civil war, to which the child may be exposed;

(9) Is undergoing a change in immigration or citizenship status that would adversely affect the respondent's ability to remain in the United States legally;

(10) Has had an application for United States citizenship denied;

(11) Has forged or presented misleading or false evidence on government forms or supporting documents to obtain or attempt to obtain a passport, a visa, travel documents, a Social Security card, a driver's license, or other government-issued identification card or has made a misrepresentation to the United States government;

(12) Has used multiple names to attempt to mislead or defraud; or

(13) Has engaged in any other conduct the court considers relevant to the risk of abduction.

2. In the hearing on a petition under sections 452.1100 to 452.1122, the court shall consider any evidence that the respondent believed in good faith that the respondent's conduct was necessary to avoid imminent harm to the child or respondent and any other evidence that may be relevant to whether the respondent may be permitted to remove or retain the child.

452.1114. 1. If a petition is filed under sections 452.1100 to 452.1122, the court may enter an order that shall include:

(1) The basis for the court's exercise of jurisdiction;
(2) The manner in which notice and opportunity to be heard were given to the persons entitled to notice of the proceeding;

(3) A detailed description of each party's custody and visitation rights and residential arrangements for the child;

(4) A provision stating that a violation of the order may subject the party in violation to civil and criminal penalties; and

(5) Identification of the child's country of habitual residence at the time of the issuance of the order.

2. If, at a hearing on a petition under sections 452.1100 to 452.1122 or on the court's own motion, the court after reviewing the evidence finds a credible risk of abduction of the child, the court shall enter an abduction prevention order. The order shall include the provisions required by subsection 1 of this section and measures and conditions, including those in subsections 3, 4, and 5 of this section, that are reasonably calculated to prevent abduction of the child, giving due consideration to the potential harm to the child from an abduction, the legal and practical difficulties of returning the child to the jurisdiction if abducted, and the reasons for the potential

abduction, including evidence of domestic violence, stalking, or child abuse or neglect.

3. An abduction prevention order may include one or more of the following:

(1) An imposition of travel restrictions that require that a party traveling with the child outside a designated geographical area provide the other party with the following:

(a) The travel itinerary of the child;

(b) A list of physical addresses and telephone numbers at which the child can be reached at specified times; and

(c) Copies of all travel documents;

(2) A prohibition of the respondent directly or indirectly:

(a) Removing the child from this state, the United States, or another geographic area without permission of the court or the petitioner's written consent;

(b) Removing or retaining the child in violation of a child custody determination;

(c) Removing the child from school or a child care or similar facility; or

(d) Approaching the child at any location other than a site designated for supervised visitation;

(3) A requirement that a party register the order in another state as a prerequisite to allowing the child to travel to that state;

(4) With regard to the child's passport:

(a) A direction that the petitioner place the child's name in the United States Department of State's Child Passport Issuance Alert Program;

(b) A requirement that the respondent surrender to the court or the petitioner's attorney any United States or foreign passport issued in the child's name, including a

passport issued in the name of both the parent and the child; and

(c) A prohibition upon the respondent from applying on behalf of the child for a new or replacement passport or visa;

(5) As a prerequisite to exercising custody or visitation, a requirement that the respondent provide:

(a) To the United States Department of State Office of Children's Issues and the relevant foreign consulate or embassy, an authenticated copy of the order detailing passport and travel restrictions for the child;

(b) To the court:

a. Proof that the respondent has provided the information in paragraph (a) of this subdivision; and

b. An acknowledgment in a record from the relevant foreign consulate or embassy that no passport application has been made, or passport issued, on behalf of the child;

(c) To the petitioner, proof of registration with the United States Embassy or other United States diplomatic presence in the destination country and with the Central Authority for the Hague Convention on the Civil Aspects of International Child Abduction, if that Convention is in effect between the United States and the destination country, unless one of the parties objects; and

(d) A written waiver under 5 U.S.C. Section 552a of the Privacy Act of 1974, as amended, with respect to any document, application, or other information pertaining to the child authorizing its disclosure to the court and the petitioner; and

(6) Upon the petitioner's request, a requirement that the respondent obtain an order from the relevant foreign country containing terms identical to the child custody determination issued in the United States.

4. In an abduction prevention order, the court may impose conditions on the exercise of custody or visitation that:

(1) Limit visitation or require that visitation with the child by the respondent be supervised until the court finds that supervision is no longer necessary and order the respondent to pay the costs of supervision;

(2) Require the respondent to post a bond or provide other security in an amount sufficient to serve as a financial deterrent to abduction, the proceeds of which may be used to pay for the reasonable expenses of recovery of the child, including reasonable attorneys' fees and costs if there is an abduction; and

(3) Require the respondent to obtain education on the potentially harmful effects to the child from abduction.

5. To prevent imminent abduction of a child, a court may:

(1) Issue a warrant to take physical custody of the child;

(2) Direct the use of law enforcement to take any action reasonably necessary to locate the child, obtain return of the child, or enforce a custody determination under sections 452.1100 to 452.1122 or the law of this state other than sections 452.1100 to 452.1122; or

(3) Grant any other relief allowed under the law of this state other than sections 452.1100 to 452.1122.

6. The remedies provided in sections 452.1100 to 452.1122 are cumulative and do not affect the availability of other remedies to prevent abduction.

452.1118. An abduction prevention order remains in effect until the earliest of:

(1) The time stated in the order;

(2) The emancipation of the child;

(3) The child's attaining eighteen years of age; or
(4) The time the order is modified, revoked, vacated,
or superseded by a court with jurisdiction under sections
452.740, 452.745, and 452.750 and applicable law of this
state.

452.1120. In applying and construing sections 452.1100
to 452.1122, consideration shall be given to the need to
promote uniformity of the law with respect to its subject
matter among states that enact it.

452.1122. Sections 452.1100 to 452.1122 modifies,
limits, and supersedes the federal Electronic Signatures in
Global and National Commerce Act, 15 U.S.C. Section 7001 et
seq., but does not modify, limit, or supersede Section
101(c) of the act, 15 U.S.C. Section 7001(c), or authorize
electronic delivery of any of the notices described in
Section 103(b) of that act, 15 U.S.C. Section 7003(b).

453.700. Sections 453.700 to 453.740 shall be known
and may be cited as the "Uniform Unregulated Child Custody
Transfer Act".

453.702. As used in sections 453.700 to 453.740, the
following terms mean:

(1) "Child", an unemancipated individual under
eighteen years of age;

(2) "Child-placing agency", a person with authority
under other law of this state to identify or place a child
for adoption. The term "child-placing agency" does not
include a parent of the child;

(3) "Custody", the exercise of physical care and
supervision of a child;

(4) "Intercountry adoption", an adoption or placement
for adoption of a child who resides in a foreign country at
the time of adoption or placement. The term "intercountry

adoption" includes an adoption finalized in the child's country of residence or in a state;

(5) "Parent", an individual recognized as a parent under other law of this state;

(6) "Person", an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity;

(7) "Record", information:

(a) Inscribed on a tangible medium; or

(b) Stored in an electronic or other medium and retrievable in perceivable form;

(8) "State", a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any other territory or possession subject to the jurisdiction of the United States. The term "state" includes a federally recognized Indian tribe.

453.704. Sections 453.700 to 453.740 do not apply to custody of an Indian child, as defined in Section 4(4) of the Indian Child Welfare Act of 1978, 25 U.S.C. Section 1903(4), as amended, to the extent custody is governed by the Indian Child Welfare Act of 1978, 25 U.S.C. Sections 1901 through 1963, as amended.

453.706. As used in sections 453.706 to 453.716, the following terms mean:

(1) "Guardian", a person recognized as a guardian under other law of this state;

(2) "Intermediary", a person that assists or facilitates a transfer of custody of a child, whether or not for compensation.

453.708. Sections 453.706 to 453.716 do not apply to a transfer of custody of a child by a parent or guardian of the child to:

- (1) A parent of the child;
- (2) A stepparent of the child;
- (3) An adult who is related to the child by blood, marriage, or adoption;
- (4) An adult who, at the time of the transfer, had a close relationship with the child or the parent or guardian of the child for a substantial period, and whom the parent or guardian reasonably believes, at the time of the transfer, to be a fit custodian of the child;
- (5) An Indian custodian, as defined in Section 4(6) of the Indian Child Welfare Act of 1978, 25 U.S.C. Section 1903(6), as amended, of the child; or
- (6) A member of the child's customary family unit recognized by the child's indigenous group under other law of this state.

453.710. 1. Except as provided in subsection 2 of this section, a parent or guardian of a child or an individual with whom a child has been placed for adoption shall not transfer custody of the child to another person with the intent, at the time of the transfer, to abandon the rights and responsibilities concerning the child.

2. A parent or guardian of a child or an individual with whom a child has been placed for adoption may transfer custody of the child to another person with the intent, at the time of the transfer, to abandon the rights and responsibilities concerning the child only through:

- (1) Adoption or guardianship;
- (2) Judicial award of custody;
- (3) Placement by or through a child-placing agency;
- (4) Other judicial or tribal action; or
- (5) Safe place for newborns act of 2002 under section 210.950.

3. A person shall not receive custody of a child, or act as an intermediary in a transfer of custody of a child, if the person knows or reasonably should know the transfer violates subsection 1 of this section. This prohibition does not apply if the person, as soon as practicable after the transfer, notifies the children's division of the transfer or takes appropriate action to establish custody under subsection 2 of this section.

4. Violation of this section is a class B misdemeanor.

5. Violation of subsection 1 of this section is not established solely because a parent or guardian that transfers custody of a child does not regain custody.

453.712. 1. If the children's division has a reasonable basis to believe that a person has transferred or will transfer custody of a child in violation of subsection 1 of section 453.710, the children's division may conduct a home visit as provided by other law of this state and take appropriate action to protect the welfare of the child.

2. If the children's division conducts a home visit for a child adopted or placed through an intercountry adoption, the children's divisions shall:

(1) Prepare a report on the welfare and plan for permanent placement of the child; and

(2) Provide a copy to the United States Department of State.

3. Sections 453.700 to 453.740 do not prevent the children's division from taking appropriate action under other law of this state.

453.714. 1. A person shall not solicit or advertise to:

(1) Identify a person to which to make a transfer of custody in violation of subsection 1 of section 453.710;

(2) Identify a child for a transfer of custody in violation of subsection 3 of section 453.710; or

(3) Act as an intermediary in a transfer of custody in violation of subsection 3 of section 453.710.

2. Violation of this section is a class B misdemeanor.

453.716. A law enforcement agency may investigate a possible violation of sections 453.706 to 453.716 and take legal action as provided by law of this state.

453.718. As used in sections 453.718 to 453.732, the term "prospective adoptive parent" means an individual who has been approved or permitted under other law of this state to adopt a child.

453.720. Sections 453.718 to 453.732 apply to placement for adoption of a child who:

(1) Has been or is in foster or institutional care;

(2) Previously has been adopted in a state;

(3) Has been or is being adopted under the law of a foreign country;

(4) Has come or is coming to a state from a foreign country to be adopted; or

(5) Is not a citizen of the United States.

453.722. Within a reasonable time before a child-placing agency places a child for adoption with a prospective adoptive parent, the agency shall provide or cause to be provided to the prospective adoptive parent general adoption information. The information shall address:

(1) Possible physical, mental, emotional, and behavioral issues concerning:

(a) Identity, loss, and trauma that a child might experience before, during, or after adoption; and

(b) A child leaving familiar ties and surroundings;

(2) The effect that access to resources, including health insurance, may have on the ability of an adoptive parent to meet the needs of a child;

(3) Causes of disruption of an adoptive placement or dissolution of an adoption and resources available to help avoid disruption or dissolution; and

(4) Prohibitions under sections 453.710 and 453.714.

453.724. 1. Except as prohibited by other law of this state, within a reasonable time before a child-placing agency places a child for adoption with a prospective adoptive parent, the agency shall provide or cause to be provided to the prospective adoptive parent information specific to the child that is known to or reasonably obtainable by the agency and material to the prospective adoptive parent's informed decision to adopt the child. The information shall include:

(1) The child's family, cultural, racial, religious, ethnic, linguistic, and educational background;

(2) The child's physical, mental, emotional, and behavioral health;

(3) Circumstances that might adversely affect the child's physical, mental, emotional, or behavioral health;

(4) The child's medical history, including immunizations;

(5) The medical history of the child's genetic parents and siblings;

(6) The history of an adoptive or out-of-home placement of the child and the reason the adoption or placement ended;

(7) The child's United States immigration status;

(8) Medical, therapeutic, and educational resources, including language-acquisition training, available to the adoptive parent and child after placement for adoption or

adoption to assist in responding effectively to physical, mental, emotional, or behavioral health issues; and

(9) Available records relevant to the information in subdivisions (1) through (8) of this subsection.

2. If, before an adoption is finalized, additional information under subsection 1 of this section that is material to a prospective adoptive parent's informed decision to adopt the child becomes known to or reasonably obtainable by the child-placing agency, the agency shall provide the information to the prospective adoptive parent.

3. If, after an adoption is finalized, additional information under subsection 1 of this section becomes known to the child-placing agency, the agency shall make a reasonable effort to provide the information to the adoptive parent.

453.726. 1. A child-placing agency placing a child for adoption shall provide or cause to be provided to the prospective adoptive parent guidance and instruction specific to the child to help prepare the parent to respond effectively to needs of the child that are known to or reasonably ascertainable by the agency.

2. The guidance and instruction under subsection 1 of this section shall address, if applicable:

(1) The potential effect on the child of:

(a) A previous adoption or out-of-home placement;

(b) Multiple previous adoptions or out-of-home placements;

(c) Trauma, insecure attachment, fetal alcohol exposure, or malnutrition;

(d) Neglect, abuse, drug exposure, or similar adversity;

(e) Separation from a sibling or significant caregiver; and

(f) A difference in ethnicity, race, or cultural identity between the child and the prospective adoptive parent or other child of the parent;

(2) Information available from the federal government on the process for the child to acquire United States citizenship; and

(3) Any other matter the child-placing agency considers material to the adoption.

3. The guidance and instruction under subsection 1 of this section shall be provided:

(1) For adoption of a child residing in the United States, a reasonable time before the adoption is finalized;
or

(2) For an intercountry adoption, in accordance with federal law.

453.728. On request of a child who was placed for adoption or the child's adoptive parent, the child-placing agency placing the child or the children's division shall provide information about how to obtain financial assistance or support services:

(1) To assist the child or parent to respond effectively to adjustment, behavioral health, and other challenges; and

(2) To help preserve the placement or adoption.

453.730. 1. A law enforcement agency may investigate an allegation that a child-placing agency has failed to comply with sections 453.718 to 453.732 and commence an action for injunctive or other relief or initiate an administrative proceeding against the child-placing agency to enforce sections 453.718 to 453.732.

2. The children's division may initiate a proceeding to determine whether a child-placing agency has failed to comply with sections 453.718 to 453.732. If the children's

divisions finds that the child-placing agency has failed to comply, the children's division may suspend or revoke the agency's license or take other action permitted by law of this state.

453.732. The children's division may adopt rules under chapter 536 to implement sections 453.722, 453.724, and 453.728.

453.734. In applying and construing this uniform act, a court shall consider the promotion of uniformity of the law among jurisdictions that enact it.

453.736. Sections 453.700 to 453.740 modify, limit, or supersede the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001 et seq., as amended, but do not modify, limit, or supersede 15 U.S.C. Section 7001(c), or authorize electronic delivery of any of the notices described in 15 U.S.C. Section 7003(b).

453.738. 1. Sections 453.706 to 453.716 apply to:

(1) A transfer of custody on or after August 28, 2024;
and

(2) Soliciting or advertising on or after August 28, 2024.

2. Sections 453.718 to 453.732 apply to placement of a child for adoption more than sixty days after August 28, 2024.

453.740. If a provision of sections 453.700 to 453.740 or its application to a person or circumstance is held invalid, the invalidity does not affect another provision or application that can be given effect without the invalid provision.

453.742. Sections 453.700 to 453.740 supplement the provisions under this chapter and chapter 210 for the transfer of custody of a child. To the extent the provisions under this chapter or chapter 210 are

inconsistent with sections 453.700 to 453.740, the provisions of sections 453.700 to 453.740 control regarding the transfer of custody of a child.

455.010. As used in this chapter, unless the context clearly indicates otherwise, the following terms shall mean:

(1) "Abuse", includes but is not limited to the occurrence of any of the following acts, attempts or threats against a person who may be protected pursuant to this chapter, except abuse shall not include abuse inflicted on a child by accidental means by an adult household member or discipline of a child, including spanking, in a reasonable manner:

(a) "Abusing a pet", purposely or knowingly causing, attempting to cause, or threatening to cause physical injury to a pet with the intent to control, punish, intimidate, or distress the petitioner;

(b) "Assault", purposely or knowingly placing or attempting to place another in fear of physical harm;

(c) "Battery", purposely or knowingly causing physical harm to another with or without a deadly weapon;

(d) "Coercion", compelling another by force or threat of force to engage in conduct from which the latter has a right to abstain or to abstain from conduct in which the person has a right to engage;

(e) "Harassment", engaging in a purposeful or knowing course of conduct involving more than one incident that alarms or causes distress to an adult or child and serves no legitimate purpose. The course of conduct must be such as would cause a reasonable adult or child to suffer substantial emotional distress and must actually cause substantial emotional distress to the petitioner or child. Such conduct might include, but is not limited to:

a. Following another about in a public place or places;

b. Peering in the window or lingering outside the residence of another; but does not include constitutionally protected activity;

(f) "Sexual assault", causing or attempting to cause another to engage involuntarily in any sexual act by force, threat of force, duress, or without that person's consent;

(g) "Unlawful imprisonment", holding, confining, detaining or abducting another person against that person's will;

(2) "Adult", any person [~~seventeen~~] eighteen years of age or older or otherwise emancipated;

(3) "Child", any person under [~~seventeen~~] eighteen years of age unless otherwise emancipated;

(4) "Court", the circuit or associate circuit judge or a family court commissioner;

(5) "Domestic violence", abuse or stalking committed by a family or household member, as such terms are defined in this section;

(6) "Ex parte order of protection", an order of protection issued by the court before the respondent has received notice of the petition or an opportunity to be heard on it;

(7) "Family" or "household member", spouses, former spouses, any person related by blood or marriage, persons who are presently residing together or have resided together in the past, any person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, and anyone who has a child in common regardless of whether they have been married or have resided together at any time;

(8) "Full order of protection", an order of protection issued after a hearing on the record where the respondent

has received notice of the proceedings and has had an opportunity to be heard;

(9) "Order of protection", either an ex parte order of protection or a full order of protection;

(10) "Pending", exists or for which a hearing date has been set;

(11) "Pet", a living creature maintained by a household member for companionship and not for commercial purposes;

(12) "Petitioner", a family or household member who has been a victim of domestic violence, or any person who has been the victim of stalking or sexual assault, or a person filing on behalf of a child pursuant to section 455.503 who has filed a verified petition pursuant to the provisions of section 455.020 or section 455.505;

(13) "Respondent", the family or household member alleged to have committed an act of domestic violence, or person alleged to have committed an act of stalking or sexual assault, against whom a verified petition has been filed or a person served on behalf of a child pursuant to section 455.503;

(14) "Sexual assault", as defined under subdivision (1) of this section;

(15) "Stalking", is when any person purposely engages in an unwanted course of conduct that causes alarm to another person, or a person who resides together in the same household with the person seeking the order of protection when it is reasonable in that person's situation to have been alarmed by the conduct. As used in this subdivision:

(a) "Alarm", to cause fear of danger of physical harm; and

(b) "Course of conduct", two or more acts that serve no legitimate purpose including, but not limited to, acts in

which the stalker directly, indirectly, or through a third party follows, monitors, observes, surveils, threatens, or communicates to a person by any action, method, or device.

455.035. 1. Upon the filing of a verified petition pursuant to sections 455.010 to 455.085 and for good cause shown in the petition, the court may immediately issue an ex parte order of protection. An immediate and present danger of domestic violence to the petitioner or the child on whose behalf the petition is filed shall constitute good cause for purposes of this section. An ex parte order of protection entered by the court shall take effect when entered and shall remain in effect until there is valid service of process and a hearing is held on the motion. The court shall deny the ex parte order and dismiss the petition if the petitioner is not authorized to seek relief pursuant to section 455.020.

2. Failure to serve an ex parte order of protection on the respondent shall not affect the validity or enforceability of such order. If the respondent is less than ~~seventeen~~ eighteen years of age, unless otherwise emancipated, service of process shall be made upon a custodial parent or guardian of the respondent, or upon a guardian ad litem appointed by the court, requiring that the person appear and bring the respondent before the court at the time and place stated.

3. If an ex parte order is entered and the respondent is less than ~~seventeen~~ eighteen years of age, the court shall transfer the case to juvenile court for a hearing on a full order of protection. The court shall appoint a guardian ad litem for any such respondent not represented by a parent or guardian.

455.513. 1. The court may immediately issue an ex parte order of protection upon the filing of a verified

petition under sections 455.500 to 455.538, for good cause shown in the petition, and upon finding that:

(1) No prior order regarding custody involving the respondent and the child is pending or has been made; or

(2) The respondent is less than **[seventeen]** eighteen years of age.

An immediate and present danger of domestic violence, including danger to the child's pet, stalking, or sexual assault to a child shall constitute good cause for purposes of this section. An ex parte order of protection entered by the court shall be in effect until the time of the hearing. The court shall deny the ex parte order and dismiss the petition if the petitioner is not authorized to seek relief pursuant to section 455.505.

2. Upon the entry of the ex parte order of protection, the court shall enter its order appointing a guardian ad litem or court-appointed special advocate to represent the child victim.

3. If the allegations in the petition would give rise to jurisdiction under section 211.031, the court may direct the children's division to conduct an investigation and to provide appropriate services. The division shall submit a written investigative report to the court and to the juvenile officer within thirty days of being ordered to do so. The report shall be made available to the parties and the guardian ad litem or court-appointed special advocate.

4. If the allegations in the petition would give rise to jurisdiction under section 211.031 because the respondent is less than **[seventeen]** eighteen years of age, the court may issue an ex parte order and shall transfer the case to juvenile court for a hearing on a full order of protection. Service of process shall be made pursuant to section 455.035.

456.950. 1. As used in this section, "qualified spousal trust" means a trust:

(1) The settlors of which are married to each other at the time of the creation of the trust; and

(2) The terms of which provide that during the joint lives of the settlors or the life of the sole surviving settlor all property transferred to, or held by, the trustee are:

(a) Held and administered in one trust for the benefit of both settlors, which may be revocable by either settlor or both settlors while either or both are alive, and by one settlor after the death or incapacity of the other, and each settlor having the right to receive distributions of income or principal, whether mandatory or within the discretion of the trustee, from the entire trust for the joint lives of the settlors and for the survivor's life; or

(b) Held and administered in two or more separate shares of one trust for the benefit of each or both of the settlors, with the trust revocable by each settlor with respect to that settlor's separate share of that trust without the participation or consent of the other settlor, and each settlor having the right to receive distributions of income or principal, whether mandatory or within the discretion of the trustee, from that settlor's separate share for that settlor's life; or

(c) Held and administered under the terms and conditions contained in paragraphs (a) and (b) of this subdivision.

2. A qualified spousal trust may contain any other trust terms that are not inconsistent with the provisions of this section, including, without limitation, a discretionary power to distribute trust property to a person in addition to a settlor.

3. All property at any time held in a qualified spousal trust, without regard to how such property was titled prior to it being so held[,]:

(1) Shall have the same immunity from the claims of a separate creditor of either settlor as if such property were held outside the trust by the settlors as tenants by the entirety, unless otherwise provided in writing by the settlor or settlors who transferred such property to the trust, and such property shall be treated for that purpose, including without limitation, federal and state bankruptcy laws, as tenants by entirety property[. Property held in a qualified spousal trust];

(2) With the exception of any written financial obligations, written guarantees, or secured or unsecured transactions, executed by the settlors and held in a qualified spousal trust, all property, including the appreciation therein, shall continue to be immune and exempt from attachment during the life of the surviving settlor to the extent the property was held in a qualified spousal trust prior to the death of the first settlor and remains in a qualified spousal trust; and

(3) Shall cease to receive immunity from the claims of creditors upon the dissolution of marriage of the settlors by a court.

4. As used in this section, "property" means any interest in any type of property held in a qualified spousal trust, the income thereon, and any property into which such interest, proceeds, or income may be converted.

5. Upon the death of each settlor, all property held by the trustee of the qualified spousal trust shall be distributed as directed by the then current terms of the governing instrument of such trust. Upon the death of the first settlor to die, if immediately prior to death the

predeceased settlor's interest in the qualified spousal trust was then held or deemed to be held in such settlor's separate share, the property held in such settlor's separate share may pass into an irrevocable trust for the benefit of the surviving settlor or other beneficiary upon such terms as the governing instrument shall direct, including without limitation a spendthrift provision as provided in section 456.5-502. Property may be held in or transferred to a settlor's joint or separate share of a trust by:

(a) Designation under the current terms of the governing instrument of such trust; or

(b) Pursuant to the specified titling of property or other designation that refers to such joint or separate share of such trust; or

(c) Designation to the trustee as the owner as provided in section 456.1-113.

6. The respective rights of settlors who are married to each other in any property for purposes of a dissolution of the settlors' marriage shall not be affected or changed by reason of the transfer of that property to, or its subsequent administration as an asset of, a qualified spousal trust during the marriage of the settlors, unless both settlors expressly agree otherwise in writing.

7. No transfer to a qualified spousal trust shall avoid or defeat the Missouri uniform fraudulent transfer act in chapter 428.

8. This section shall apply to all trusts which fulfill the criteria set forth in this section for a qualified spousal trust regardless of whether such trust was created before, on, or after August 28, 2011.

456.1-108. 1. Without precluding other means for establishing a sufficient connection with the designated

jurisdiction, terms of a trust designating the principal place of administration are valid and controlling if:

(1) a trustee's principal place of business is located in or a trustee is a resident of the designated jurisdiction; or

(2) all or part of the administration occurs in the designated jurisdiction.

2. Without precluding the right of the court to order, approve, or disapprove a transfer, the trustee may transfer the trust's principal place of administration to another state or to a jurisdiction outside of the United States that is appropriate to the trust's purposes, its administration, and the interests of the beneficiaries.

3. The trustee shall notify the qualified beneficiaries of a proposed transfer of a trust's principal place of administration not less than sixty days before initiating the transfer. The notice of proposed transfer must include:

(1) the name of the jurisdiction to which the principal place of administration is to be transferred;

(2) the address and telephone number at the new location at which the trustee can be contacted;

(3) an explanation of the reasons for the proposed transfer;

(4) a notice that states a change in the place of administration may result in a change of the governing law, which may affect the rights of any beneficiaries in ways that are different from the current governing law;

(5) the date on which the proposed transfer is anticipated to occur; and

[(5)] (6) the date, not less than sixty days after the giving of the notice, by which the qualified beneficiary

must notify the trustee of an objection to the proposed transfer.

4. The authority of a trustee under this section to transfer a trust's principal place of administration without an order of a court terminates if a qualified beneficiary notifies the trustee of an objection to the proposed transfer on or before the date specified in the notice.

5. In connection with a transfer of the trust's principal place of administration, the trustee may transfer some or all of the trust property to a successor trustee designated in the terms of the trust or appointed pursuant to section 456.7-704.

474.540. The provisions of sections 474.540 to 474.564 shall be known and may be cited as the "Missouri Electronic Wills and Electronic Estate Planning Documents Act".

474.542. As used in sections 474.540 to 474.564, the following terms mean:

(1) "Electronic", technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities;

(2) "Electronic presence", the relationship of two or more individuals in different locations in real time using technology enabling live, interactive audio-visual communication that allows for observation, direct interaction, and communication between or among the individuals;

(3) "Electronic will", a will executed electronically in compliance with subsection 1 of section 474.548;

(4) "Record", information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form;

(5) "Security procedure", a procedure to verify that an electronic signature, record, or performance is that of a

specific person or to detect a change or error in an electronic record, including a procedure that uses an algorithm, code, identifying word or number, encryption, or callback or other acknowledgment procedure;

(6) "Sign", with present intent to authenticate or adopt a record to:

(a) Execute or adopt a tangible symbol; or

(b) Affix to or logically associate with the record an electronic symbol or process;

(7) "State", a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, a federally recognized Indian tribe, or any territory or insular possession subject to the jurisdiction of the United States;

(8) "Will", a codicil and any testamentary instrument that appoints an executor, revokes or revises another will, nominates a guardian, or expressly excludes or limits the right of an individual or class to succeed to property of the decedent passing by intestate succession.

474.544. An electronic will shall be a will for all purposes of the laws of this state. The provisions of law of this state applicable to wills and principles of equity shall apply to an electronic will, except as modified by sections 474.540 to 474.564.

474.546. A will executed electronically but not in compliance with subsection 1 of section 474.548 shall be an electronic will under the provisions of sections 474.540 to 474.564 if executed in compliance with the law of the jurisdiction where the testator is:

(1) Physically located when the will is signed; or

(2) Domiciled, or where the testator resides, when the will is signed or when the testator dies.

474.548. 1. An electronic will shall be:

(1) A record that is readable as text at the time of signing as provided in subdivision (2) of this subsection and remains accessible as text for later reference;

(2) Signed by:

(a) The testator; or

(b) Another individual in the testator's name, in the testator's physical presence, and by the testator's direction; and

(3) Signed in the physical or electronic presence of the testator by at least two individuals after witnessing:

(a) The signing of the will pursuant to subdivision (2) of this subsection; or

(b) The testator's acknowledgment of the signing of the will pursuant to subdivision (2) of this subsection or acknowledgment of the will.

2. The intent of a testator that the record in subdivision (1) of subsection 1 of this section be the testator's electronic will may be established by extrinsic evidence.

3. In accordance with the provisions of sections 474.337 or 474.550, a witness to a will shall be a resident of a state and physically located in a state at the time of signing if no self-proving affidavit is signed contemporaneously with the execution of the electronic will.

474.550. At the time of its execution or at any subsequent date, an electronic will may be made self-proved in the same manner as specified in section 474.337 or, if fewer than two witnesses are physically present in the same location as the testator at the time of such acknowledgments, before a remote online notary authorized to perform a remote online notarization in this state under the law of any state or the United States, and evidenced by a remote online notarial certificate, in form and content

substantially as follows, subject to the additional requirements under section 486.1165:

State of _____

County (and/or City) of _____

I, the undersigned notary, certify that _____, the testator, and the witnesses, whose names are signed to the attached or foregoing instrument, having personally appeared before me by remote online means, and having been first duly sworn, each then declared to me that the testator signed and executed the instrument as the testator's last will, and that the testator had willingly signed or willingly directed another to sign for the testator, and that the testator executed it as the testator's free and voluntary act for the purposes therein expressed; and that each of the witnesses, in the presence and hearing of the testator, signed the will as witness and that to the best of the witnesses' knowledge the testator was at that time eighteen or more years of age, of sound mind, and under no constraint or undue influence.

In witness thereof I have hereunto subscribed my name and affixed my official seal this _____ (date).

_____ (official signature and seal of notary)

474.552. 1. An electronic will may revoke all or part of a previous will.

2. All or part of an electronic will shall be revoked by:

(1) A subsequent will that revokes all or part of the electronic will expressly or by inconsistency;

(2) A written instrument signed by the testator declaring the revocation; or

(3) A physical act, if it is established by a preponderance of the evidence that the testator, with the intent of revoking all or part of the will, performed the

act or directed another individual who performed the act in the testator's physical presence.

3. If there is evidence that a testator signed an electronic will and neither the electronic will nor a certified paper copy of the electronic will can be located after a testator's death, there shall be a presumption that the testator revoked the electronic will even if no instrument or later will revoking the electronic will can be located.

474.554. Without further notice, at any time during the administration of the estate or, if there is no grant of administration, upon such notice and in such manner as the court directs, the court may issue an order pursuant to sections 472.400 to 472.490 for a custodian of an account held under a terms-of-service agreement to disclose digital assets for the purposes of obtaining an electronic will from the account of a deceased user. If there is no grant of administration at the time the court issues the order, the court's order shall grant disclosure to the petitioner who is deemed a personal representative under sections 472.400 to 472.490.

474.556. 1. An individual may create a certified paper copy of an electronic will by affirming under penalty of perjury that a paper copy of the electronic will is a complete, true, and accurate copy of the electronic will. If the electronic will is made self-proving, the certified paper copy of the will shall include a self-proving affidavit as provided in sections 474.337 or 474.550.

2. If a provision of law or rule of procedure requires a will to be presented or retained in its original form or provides consequences for the information not being presented or retained in its original form, that provision

or rule shall be satisfied by a certified paper copy of an electronic will.

474.558. In applying and construing the provisions of sections 474.540 to 474.564, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact similar provisions.

474.560. 1. Any written estate planning document may be executed electronically, and no such estate planning document shall be invalid or void solely because it is in electronic form or because it is signed electronically by a settlor, trustee, principal, grantor, declarant, or owner, or by a witness to any such person's signature. For purposes of this section, "estate planning document" shall include, but not be limited to:

- (1) A power of attorney or durable power of attorney;
- (2) A health care declaration;
- (3) An advance directive;
- (4) A power of attorney for health care or durable power of attorney for health care;
- (5) A revocable trust or amendment thereto, or modification or revocation thereof;
- (6) An irrevocable trust;
- (7) A beneficiary deed;
- (8) A nonprobate transfer; or
- (9) A document modifying, amending, correcting, or revoking any written estate planning document.

2. (1) An electronic estate planning document or an electronic signature on such document shall be attributable to a person if it was the act of the person. The act of the person may be shown in any manner, including a showing of the efficacy of a security procedure applied to determine

the person to which the electronic record or signature was attributable.

(2) The effect of attribution of a document or signature to a person pursuant to subdivision (1) of this subsection shall be determined from the context and surrounding circumstances at the time of its creation, execution, or adoption and as provided by other provisions of law.

3. (1) Unless otherwise provided under its terms, any electronic estate planning document may be signed in one or more counterparts, and each separate counterpart may be an electronic document or a paper document, provided that all signed counterpart pages of each document are incorporated into, or attached to, the document.

(2) An individual may create a certified paper copy of any such electronic estate planning document by affirming under penalty of perjury that a paper copy of the electronic estate planning document is a complete, true, and accurate copy of such document. If a provision of law or a rule of procedure requires an estate planning document to be presented or retained in its original form or provides consequences for the information not being presented or retained in its original form, such provision or rule shall be satisfied by a certified paper copy of an electronic document.

4. Any written estate planning document, other than a will, that requires one or more witnesses to the signature of a principal may be witnessed by any individual or individuals in the electronic presence of the principal.

5. A person who acts in reliance upon an electronically executed written estate planning document shall not be liable to any person for so relying and may

assume without inquiry the valid execution of the electronically executed written estate planning document.

6. This section does not require a written estate planning document to be electronically signed.

7. The laws of this state and principles of equity applicable to any estate planning document shall apply to any electronic estate planning document except as modified by this section.

474.562. The provisions of sections 474.540 to 474.564 modify, limit, and supersede the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001 et seq., but do not modify, limit, or supersede Section 101(c) of that act, 15 U.S.C. Section 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of that act, 15 U.S.C. Section 7003(b).

474.564. The provisions of sections 474.540 to 474.564 shall apply to any will of a decedent who dies on or after August 28, 2024, and to any other written estate planning document, as the term "estate planning document" is defined in section 474.560, signed or remotely witnessed on or after August 28, 2024.

474.600. 1. As used in this section, the following terms mean:

(1) "Applicable state of emergency", the period between April 6, 2020, and December 31, 2021, during which a state of emergency existed due to a COVID-19 public health threat, as proclaimed by the governor, and during which executive orders 20-08, 20-10, 20-12, 20-14, 20-19, 21-07, and 21-09 temporarily suspended the physical appearance requirements in this chapter and authorized the use of audio-visual technology to the extent that any Missouri statute required the physical presence of any testator, settlor,

principal, witness, notary, or other person necessary for the effective execution of any estate planning document such as a will, trust, or power of attorney, or a self-proving affidavit of the execution of such document, if the conditions set forth in the executive orders were met;

(2) "Estate planning document", includes, but is not limited to:

(a) A will;

(b) A codicil;

(c) A power of attorney or durable power of attorney;

(d) A health care declaration;

(e) An advance directive;

(f) A power of attorney for health care or a durable power of attorney for health care;

(g) A revocable trust or amendment thereto, or modification or revocation thereof;

(h) An irrevocable trust;

(i) A beneficiary deed;

(j) A nonprobate transfer; or

(k) A document modifying, amending, correcting, or revoking any written estate planning document;

(3) "Necessary person", any testator, settlor, grantor, principal, declarant, witness, notary, or other person required for the effective execution of any estate planning document in this state;

(4) "Physical presence requirement", includes, but is not limited to, any requirement of physical presence under section 404.705, 459.015, 474.320, or 474.337 or chapter 486.

2. With respect to the execution of an estate planning document, a necessary person shall be deemed to have satisfied any physical presence requirement under Missouri law during the applicable state of emergency if the following requirements were met:

(1) The signer affirmatively represented that the signer was physically situated in the state of Missouri;

(2) The notary was physically located in the state of Missouri and stated in which county the notary was physically located for the jurisdiction on the acknowledgment;

(3) The notary identified the signers to the satisfaction of the notary and Missouri law;

(4) Any person whose signature was required appeared using video conference software where live, interactive audio-visual communication between the principal, notary, and any other necessary person allowed for observation, direct interaction, and communication at the time of signing; and

(5) The notary recorded in the notary's journal the exact time and means used to perform the notarial act, along with all other required information, absent the wet signatures.

3. The requirements of subdivisions (1) to (5) of subsection 2 of this section shall be deemed satisfied if an attorney who is licensed or authorized to practice law in Missouri and who was present at the remote execution signs a written acknowledgment made before an officer authorized to administer oaths under the laws of this state, and evidenced by the officer's certificate, under official seal, affixed to or logically associated with the acknowledgment. The form and content of the acknowledgment shall be substantially as follows:

State of _____

County of _____

AFFIDAVIT OF REMOTE EXECUTION OF DOCUMENTS

I, _____, am an attorney licensed or authorized to practice law in the state of Missouri.

On _____ (date), I convened with the following individuals via video conference software that allowed for live, interactive audio-visual communication between the parties to the conference and that also allowed for observation, direction, interaction, and communication between:

_____, the (testator, settlor, grantor, principal, or declarant);

_____, a witness;

_____, a second witness; and

_____, a notary public.

During the conference, _____, the (testator, settlor, grantor, principal, or declarant) signed the following estate planning document or documents: (a will, codicil, power of attorney, durable power of attorney, health care declaration, advance directive, health care power of attorney, revocable trust, irrevocable trust, beneficiary deed, nonprobate transfer, self-proving affidavit of the execution of a will, or a document modifying, amending, correcting, or revoking one of these estate planning documents).

All the parties to the conference represented that they were physically located in the state of Missouri at the time of the signing.

I have reviewed and am familiar with the requirements of the applicable executive order or orders in effect at the time and affirm that the remote execution of the estate planning document or documents met all the requirements of the applicable executive order or orders.

In witness whereof I, an officer authorized to administer oaths, have hereunto subscribed my name and affixed my official seal this _____ (date).

(Signed) _____

(SEAL) _____

(Official capacity of officer)

475.010. When used in this chapter, unless otherwise apparent from the context, the following terms mean:

(1) "Adult", a person who has reached the age of eighteen years;

(2) "Claims", liabilities of the protectee arising in contract, in tort or otherwise, before or after the appointment of a conservator, and liabilities of the estate which arise at or after the adjudication of disability or after the appointment of a conservator of the estate, including expenses of the adjudication and of administration. The term does not include demands or disputes regarding title of the protectee to specific assets alleged to be included in the estate;

(3) "Conservator", one appointed by a court to have the care and custody of the estate of a minor or a disabled person. A "limited conservator" is one whose duties or powers are limited. The term "conservator", as used in this chapter, includes limited conservator unless otherwise specified or apparent from the context;

(4) "Conservator ad litem", one appointed by the court in which particular litigation is pending regarding the management of financial resources on behalf of a minor, a disabled person, or an unborn person in that particular proceeding or as otherwise specified in this chapter;

(5) "Custodial parent", the parent of a minor who has been awarded sole or joint physical custody of such minor, or the parent of an incapacitated person who has been appointed as guardian of such person, by an order or judgment of a court of this state or of another state or territory of the United States, or if there is no such order

or judgment, the parent with whom the minor or incapacitated person primarily resides;

(6) "Disabled" or "disabled person", one who is:

(a) Unable by reason of any physical, mental, or cognitive condition to receive and evaluate information or to communicate decisions to such an extent that the person lacks ability to manage the person's financial resources; or

(b) The term disabled or disabled person, as used in this chapter includes the terms partially disabled or partially disabled person unless otherwise specified or apparent from the context;

(7) "Eligible person" or "qualified person", a natural person, social service agency, corporation or national or state banking organization qualified to act as guardian of the person or conservator of the estate pursuant to the provisions of section 475.055;

(8) "Guardian", one appointed by a court to have the care and custody of the person of a minor or of an incapacitated person. A "limited guardian" is one whose duties or powers are limited. A "standby guardian" is one approved by the court to temporarily assume the duties of guardian of a minor or of an incapacitated person under section 475.046. The term guardian, as used in this chapter, includes limited guardian and standby guardian unless otherwise specified or apparent from the context;

(9) "Guardian ad litem", one appointed by a court, in which particular litigation is pending on behalf of a minor, an incapacitated person, a disabled person, or an unborn person in that particular proceeding or as otherwise specified in this code;

(10) "Habilitation", a process of treatment, training, care, or specialized attention that seeks to enhance and maximize the ability of a person with an intellectual

disability or a developmental disability to cope with the environment and to live as determined by the person as much as possible, as is appropriate for the person considering his or her physical and mental condition and financial means;

(11) "Incapacitated person", one who is unable by reason of any physical, mental, or cognitive condition to receive and evaluate information or to communicate decisions to such an extent that the person, even with appropriate services and assistive technology, lacks capacity to manage the person's essential requirements for food, clothing, shelter, safety or other care such that serious physical injury, illness, or disease is likely to occur. The term incapacitated person as used in this chapter includes the term partially incapacitated person unless otherwise specified or apparent from the context;

(12) "Interested persons", spouses, children, parents, persons acting as parents, adult members of a ward's or protectee's family, creditors or any others having a property right or claim against the estate of a protectee being administered, trustees of a trust of which the ward or protectee is a beneficiary, agents of a durable power of attorney for a ward or protectee, and children of a protectee who may have a property right or claim against or an interest in the estate of a protectee. This meaning may vary at different stages and different parts of a proceeding and shall be determined according to the particular purpose and matter involved;

(13) "Least restrictive alternative", with respect to the guardianship order and the exercise of power by the guardian, a course of action or an alternative that allows the incapacitated person to live, learn, and work with minimum restrictions on the person, as are appropriate for the person considering his or her physical and mental

condition and financial means. Least restrictive alternative also means choosing the decision or approach that:

(a) Places the least possible restriction on the person's personal liberty and exercise of rights and that promotes the greatest possible inclusion of the person into his or her community, as is appropriate for the person considering his or her physical and mental condition and financial means; and

(b) Is consistent with meeting the person's essential requirements for health, safety, habilitation, treatment, and recovery and protecting the person from abuse, neglect, and financial exploitation;

(14) "Manage financial resources", either those actions necessary to obtain, administer, and dispose of real and personal property, intangible property, business property, benefits, income or any assets, or those actions necessary to prevent waste, loss or dissipation of property, or those actions necessary to provide for the care and support of such person or anyone legally dependent upon such person by a person of ordinary skills and intelligence commensurate with his or her training and education;

(15) "Minor", any person who is under the age of eighteen years;

(16) "Parent", the biological or adoptive mother or father of a child whose parental rights have not been terminated under chapter 211, including:

(a) A person registered as the father of the child by reason of an unrevoked notice of intent to claim paternity under section 192.016;

(b) A person who has acknowledged paternity of the child and has not rescinded that acknowledgment under section 193.215; and

(c) A person presumed to be the natural father of the child under section 210.822;

(17) "Partially disabled person", one who is unable by reason of any physical, mental, or cognitive condition to receive and evaluate information or to communicate decisions to such an extent that such person lacks capacity to manage, in part, his or her financial resources;

(18) "Partially incapacitated person", one who is unable by reason of any physical, mental, or cognitive condition to receive and evaluate information or to communicate decisions to the extent that such person lacks capacity to meet, in part, essential requirements for food, clothing, shelter, safety, or other care without court-ordered assistance;

(19) "Persons acting as parents" or "person acting as a parent", a person, other than a parent, who has physical custody of the child or has had physical custody for a period of six consecutive months, including any temporary absence, immediately prior to the commencement of a guardianship or conservatorship under this chapter;

(20) "Physical custody", the physical care and supervision of a child;

(21) "Protectee", a person for whose estate a conservator or limited conservator has been appointed or with respect to whose estate a transaction has been authorized by the court under section 475.092 without appointment of a conservator or limited conservator;

[(20)] (22) "Seriously ill", a significant likelihood that a person will become incapacitated or die within twelve months;

[(21)] (23) "Social service agency", a charitable organization organized and incorporated as a not-for-profit corporation under the laws of this state and which qualifies

as an exempt organization within the meaning of Section 501(c) (3), or any successor provision thereto of the federal Internal Revenue Code;

[(22)] (24) "Standby guardian", one who is authorized to have the temporary care and custody of the person of a minor or of an incapacitated person under the provisions of section 475.046;

[(23)] (25) "Treatment", the prevention, amelioration or cure of a person's physical and mental illnesses or incapacities;

[(24)] (26) "Ward", a minor or an incapacitated person for whom a guardian, limited guardian, or standby guardian has been appointed.

475.045. 1. Except in cases where they fail or refuse to give required security or are adjudged unfit for the duties of guardianship or conservatorship, or waive their rights to be appointed, the following persons, if otherwise qualified, shall be appointed as guardians or conservators of minors:

(1) The parent or parents of the minor, except as provided in section 475.030 or 475.050;

(2) A person acting as a parent for the minor entering adult guardianship or conservatorship;

(3) If any minor over the age of fourteen years has no qualified parent living, a person nominated by the minor, unless the court finds appointment contrary to the best interests of the minor;

[(3)] (4) Where both parents of a minor are dead, any person appointed under this section or section 475.046 by the will of the last surviving parent, who has not been adjudged unfit or incompetent for the duties of guardian or conservator.

2. Unfitness of any of the persons mentioned in subsection 1 for the duties of guardianship or conservatorship may be adjudged by the court after due notice and hearing.

3. If no appointment is made under subsection 1 of this section, the court shall appoint as guardian or conservator of a minor the most suitable person who is willing to serve and whose appointment serves the best interests of the child to a stable and permanent placement.

475.050. 1. Before appointing any other eligible person as guardian of an incapacitated person, or conservator of a disabled person, the court shall consider the suitability of appointing any of the following persons, listed in the order of priority, who appear to be willing to serve:

(1) If the incapacitated or disabled person is, at the time of the hearing, able to make and communicate a reasonable choice, any eligible person nominated by the person;

(2) Any eligible person nominated in a durable power of attorney executed by the incapacitated or disabled person, or in an instrument in writing signed by the incapacitated or disabled person and by two witnesses who signed at the incapacitated or disabled person's request, before the inception of the person's incapacity or disability;

(3) The spouse, parents, persons acting as parents, adult children, adult brothers and sisters and other close adult relatives of the incapacitated or disabled person;

(4) Any other eligible person or, with respect to the estate only, any eligible organization or corporation, nominated in a duly probated will of such a spouse or relative.

2. The court shall not appoint an unrelated third party as a guardian or conservator unless there is no relative suitable and willing to serve or if the appointment of a relative or nominee is otherwise contrary to the best interests of the incapacitated or disabled person. If the incapacitated or disabled person is a minor under the care of the children's division or a person acting as a parent and is entering adult guardianship or conservatorship, it shall be a rebuttable presumption that he or she has no relative suitable and willing to serve as guardian or conservator.

3. Except for good cause shown, the court shall make its appointment in accordance with the incapacitated or disabled person's most recent valid nomination of an eligible person qualified to serve as guardian of the person or conservator of the estate.

4. Except for those individuals specified in subdivisions (1) and (2) of this subsection, the court shall require all guardians and conservators who are seeking appointment and who have a fiduciary responsibility to a ward, an incapacitated person, or a disabled person to submit at their own expense to a background screening that shall include the disqualification lists of the departments of mental health, social services, and health and senior services; the abuse and neglect registries for adults and children; a Missouri criminal record review; and the sexual offender registry. Individuals seeking appointment as a conservator shall also submit, at their own expense, to a credit history investigation. The nominated guardian or conservator shall file the results of the reports with the court at least ten days prior to the appointment hearing date unless waived or modified by the court for good cause shown by an affidavit filed simultaneously with the petition

for appointment or in the event the protected person requests an expedited hearing. The provisions of this subsection shall not apply to:

(1) Public administrators; or

(2) Unless requested by any party, the ward's, incapacitated person's, or disabled person's spouse, parents, persons acting as parents, children who have reached eighteen years of age, [or] siblings who have reached eighteen years of age, or grandparents seeking guardianship or conservatorship of a minor grandchild unless such background reports are requested by any other party to the proceeding, the guardian ad litem for the minor child, or otherwise ordered by the court on its own motion.

5. Any grandparent seeking guardianship or conservatorship of a minor grandchild shall not be subject to a home assessment unless the home assessment is requested by any other party to the proceeding, the guardian ad litem for the minor child, or otherwise ordered by the court on its own motion.

6. Guardians certified by a national accrediting organization may file proof of certification in lieu of the requirements of subsections 4 and [6] 7 of this section.

[6.] 7. An order appointing a guardian or conservator shall not be signed by the judge until such reports have been filed with the court and reviewed by the judge, who shall consider the reports in determining whether to appoint a guardian or conservator. Such reports, or lack thereof, shall be certified either by an affidavit or by obtaining a certified copy of the reports. No reports or national criminal history record check shall be required by the court upon the application of a petitioner for an emergency temporary guardianship or emergency temporary conservatorship. The court may waive the requirements of

this subsection for good cause shown. If appointed, a guardian or conservator may petition the court for reimbursement of the reasonable expenses of the credit history investigation and background screenings.

475.063. 1. A petition for emergency, temporary, and full orders regarding a minor entering adult guardianship or conservatorship shall be filed as provided in this chapter.

2. (1) A clerk of a court shall make available to a petitioner uniform forms adopted by the Missouri supreme court for a proceeding under this section.

(2) Except as otherwise provided by law, a clerk under the supervision of a circuit clerk shall provide assistance to a petitioner who is not represented by counsel with the procedures for filing all forms and pleadings necessary for the presentation of the petitioner's petition under this section. Notice of the fact that a clerk will provide such assistance shall be conspicuously posted in the clerk's office. The location of the office where a petition may be filed shall be conspicuously posted in the court building. The performance of duties prescribed in this section shall not constitute the practice of law as defined in section 484.010.

(3) All duties of the clerk prescribed in this section shall be performed without cost to the petitioner. The Missouri supreme court may promulgate rules as necessary to govern the conduct of a court clerk pursuant to this chapter and provide forms for petitions and written instructions on completing all forms and pleadings necessary for the presentation of the petition to the court.

3. No filing fees or court costs shall be assessed to the petitioner in an action commenced pursuant to this section.

4. Any expenses incurred by the clerk under this section may be reimbursed from moneys deposited into a family services and justice fund under section 488.2300.

478.001. 1. For purposes of sections 478.001 to 478.009, the following terms shall mean:

(1) "Adult treatment court", a treatment court focused on addressing the substance use disorder or co-occurring disorder of defendants charged with a criminal offense;

(2) "Community-based substance use disorder treatment program", an agency certified by the department of mental health as a substance use disorder treatment provider;

(3) "Co-occurring disorder", the coexistence of both a substance use disorder and a mental health disorder;

(4) "DWI court", a treatment court focused on addressing the substance use disorder or co-occurring disorder of defendants who have pleaded guilty to or been found guilty of driving while intoxicated or driving with excessive blood alcohol content;

(5) "Family treatment court", a treatment court focused on addressing a substance use disorder or co-occurring disorder existing in families in the juvenile court, family court, or criminal court in which a parent or other household member has been determined to have a substance use disorder or co-occurring disorder that impacts the safety and well-being of the children in the family;

(6) "Juvenile treatment court", a treatment court focused on addressing the substance use disorder or co-occurring disorder of juveniles in the juvenile court;

(7) "Medication-assisted treatment", the use of pharmacological medications, in combination with counseling and behavioral therapies, to provide a whole-patient approach to the treatment of substance use disorders;

(8) "Mental health court", a treatment court focused on addressing the mental health disorder or co-occurring disorder of defendants charged with a criminal offense;

(9) "Mental health disorder", any organic, mental, or emotional impairment that has substantial adverse effects on a person's cognitive, volitional, or emotional function and that constitutes a substantial impairment in a person's ability to participate in activities of normal living;

[(9)] (10) "Risk and needs assessment", an actuarial tool, approved by the treatment courts coordinating commission and validated on a targeted population of drug-involved adult offenders, scientifically proven to determine a person's risk to recidivate and to identify criminal risk factors that, when properly addressed, can reduce that person's likelihood of committing future criminal behavior;

[(10)] (11) "Substance use disorder", the recurrent use of alcohol or drugs that causes clinically significant impairment, including health problems, disability, and failure to meet major responsibilities at work, school, or home;

[(11)] (12) "Treatment court commissioner", a person appointed by a majority of the circuit and associate circuit judges in a circuit to preside as the judicial officer in the treatment court division;

[(12)] (13) "Treatment court division", a specialized, nonadversarial court division with jurisdiction over cases involving substance-involved offenders and making extensive use of comprehensive supervision, drug or alcohol testing, and treatment services. Treatment court divisions include, but are not limited to, the following specialized courts: adult treatment court, DWI court, family treatment court, juvenile treatment court, mental health court, veterans treatment court, or any combination thereof;

[(13)] (14) "Treatment court team", the following members who are assigned to the treatment court: the judge or treatment court commissioner, treatment court administrator or coordinator, prosecutor, public defender or member of the criminal defense bar, a representative from the division of probation and parole, a representative from law enforcement, substance use disorder or mental health disorder treatment providers, and any other person selected by the treatment court team;

[(14)] (15) "Veterans treatment court", a treatment court focused on substance use disorders, co-occurring disorders, or mental health disorders of defendants charged with a criminal offense who are military veterans or current military personnel.

2. A treatment court division shall be established, prior to August 28, 2021, by any circuit court pursuant to sections 478.001 to 478.009 to provide an alternative for the judicial system to dispose of cases which stem from, or are otherwise impacted by, a substance use disorder or mental health disorder. The treatment court division may include, but not be limited to, cases assigned to an adult treatment court, DWI court, family treatment court, juvenile treatment court, mental health court, veterans treatment court, or any combination thereof. A treatment court shall combine judicial supervision, drug or alcohol testing, and treatment of participants. Except for good cause found by the court, a treatment court making a referral for substance use disorder or mental health disorder treatment, when such program will receive state or federal funds in connection with such referral, shall refer the person only to a program which is certified by the department of mental health, unless no appropriate certified treatment program is located within the same county as the treatment court. Upon

successful completion of the treatment court program, the charges, petition, or penalty against a treatment court participant may be dismissed, reduced, or modified, unless otherwise stated. Any fees received by a court from a defendant as payment for substance or mental health treatment programs shall not be considered court costs, charges or fines.

3. An adult treatment court may be established by any circuit court [under sections 478.001 to 478.009] to provide an alternative for the judicial system to dispose of cases which stem from substance use.

4. [Under sections 478.001 to 478.009,] A DWI court may be established by any circuit court to provide an alternative for the judicial system to dispose of cases that stem from driving while intoxicated.

5. A family treatment court may be established by any circuit court. The juvenile division of the circuit court or the family court, if one is established under section 487.010, may refer one or more parents or other household members subject to its jurisdiction to the family treatment court if he or she has been determined to have a substance use disorder or co-occurring disorder that impacts the safety and well-being of the children in the family.

6. A juvenile treatment court may be established by the juvenile division of any circuit court. The juvenile division may refer a juvenile to the juvenile treatment court if the juvenile is determined to have committed acts that violate the criminal laws of the state or ordinances of a municipality or county and a substance use disorder or co-occurring disorder contributed to the commission of the offense.

7. The general assembly finds and declares that it is the public policy of this state to encourage and provide an

alternative method for the disposal of cases for military veterans and current military personnel with substance use disorders, mental health disorders, or co-occurring disorders. In order to effectuate this public policy, a veterans treatment court may be established by any circuit court, or combination of circuit courts upon agreement of the presiding judges of such circuit courts, to provide an alternative for the judicial system to dispose of cases that stem from a substance use disorder, mental health disorder, or co-occurring disorder of military veterans or current military personnel. A veterans treatment court shall combine judicial supervision, drug or alcohol testing, and substance use and mental health disorder treatment to participants who have served or are currently serving the United States Armed Forces, including members of the Reserves or National Guard, with preference given to individuals who have combat service. For the purposes of this section, combat service shall be shown through military service documentation that reflects service in a combat theater, receipt of combat service medals, or receipt of imminent danger or hostile fire pay or tax benefits. Except for good cause found by the court, a veterans treatment court shall make a referral for substance use or mental health disorder treatment, or a combination of substance use and mental health disorder treatment, through the Department of Defense health care, the Veterans Administration, or a community-based substance use disorder treatment program. Community-based programs utilized shall receive state or federal funds in connection with such referral and shall only refer the individual to a program certified by the department of mental health, unless no appropriate certified treatment program is located within the same circuit as the veterans treatment court.

8. A mental health court may be established by any circuit court to provide an alternative for the judicial system to dispose of cases that stem from a mental health disorder or co-occurring disorder.

487.110. The uniform child custody jurisdiction and enforcement act, as enacted in sections [452.440 to 452.550] 452.700 to 452.930, shall apply to all child custody proceedings, as defined in section 452.705, in the family court.

488.040. [1.] Each grand and petit juror shall [, pursuant to the provisions of section 494.455, receive six dollars per day for every day he or she may actually serve as such and seven cents for every mile he or she may necessarily travel going from his or her place of residence to the courthouse and returning, to be paid from funds of the county or a city not within a county.

2. Provided that a county or a city not within a county authorizes daily compensation payable from county or city funds for jurors who serve in that county pursuant to subsection 3 of this section in the amount of at least six dollars per day in addition to the amount required by subsection 1 of this section, a person shall receive an additional six dollars per day, pursuant to the provisions of section 494.455, to be reimbursed by the state of Missouri so that the total compensation payable shall be at least eighteen dollars, plus mileage as indicated in subsection 1 of this section, for each day that the person actually serves as a petit juror in a particular case; or for each day that a person actually serves as a grand juror during a term of a grand jury. The state shall reimburse the county for six dollars of the additional juror compensation provided by this subsection.

3. The governing body of each county or a city not within a county may authorize additional daily compensation and mileage allowance for jurors, which additional compensation shall be paid from the funds of the county or a city not within a county. The governing body of each county or a city not within a county may authorize additional daily compensation and mileage allowance for jurors attending a coroner's inquest. Jurors may receive the additional compensation and mileage allowance authorized by this subsection only if the governing body of the county or the city not within a county authorizes the additional compensation. The provisions of this subsection authorizing additional compensation shall terminate upon the issuance of a mandate by the Missouri supreme court which results in the state of Missouri being obligated or required to pay any such additional compensation even if such additional compensation is formally approved or authorized by the governing body of a county or a city not within a county.

4. When each panel of jurors summoned and attending court has completed its service, the board of jury commissioners shall cause to be submitted to the governing body of the county or a city not within a county a statement of fees earned by each juror. Within thirty days of the submission of the statement of fees, the governing body shall cause payment to be made to those jurors summoned the fees earned during their service as jurors] receive daily compensation and mileage allowance in the amount provided by law pursuant to section 494.455.

488.426. 1. The judges of the circuit court, en banc, in any circuit in this state may require any party filing a civil case in the circuit court, at the time of filing the suit, to deposit with the clerk of the court a surcharge in addition to all other deposits required by law or court

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

2. The surcharge in effect on August 28, 2001, shall remain in effect until changed by the circuit court. The circuit court in any circuit, except the circuit court in Jackson County, the circuit court in the city of St. Louis, or the circuit court in any circuit that reimburses the state for the salaries of family court commissioners under and pursuant to section 487.020, may change the fee to any amount not to exceed fifteen dollars. The circuit court in Jackson County, the circuit court in the city of St. Louis, or the circuit court in any circuit that reimburses the state for the salaries of family court commissioners under and pursuant to section 487.020 may change the fee to any amount not to exceed twenty dollars. A change in the fee shall become effective and remain in effect until further changed.

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

4. In addition to any fee authorized by subsection 1 of this section, any county of the first classification with more than one hundred one thousand but fewer than one hundred fifteen thousand inhabitants may impose an additional fee of ten dollars excluding cases concerning adoption and those in small claims court. The provisions of this subsection shall expire on December 31, 2019.

488.2300. 1. A "Family Services and Justice Fund" is hereby established in each county or circuit with a family court, for the purpose of aiding with the operation of the family court divisions and services provided by those divisions. In circuits or counties having a family court,

the circuit clerk shall charge and collect a surcharge of thirty dollars in all proceedings falling within the jurisdiction of the family court. The surcharge shall not be charged when no court costs are otherwise required, shall not be charged against the petitioner for actions filed pursuant to the provisions of chapter 455, but may be charged to the respondent in such actions, shall not be charged to a government agency and shall not be charged in any proceeding when costs are waived or are to be paid by the state, county or municipality.

2. In juvenile proceedings under chapter 211, a judgment of up to thirty dollars may be assessed against the child, parent or custodian of the child, in addition to other amounts authorized by law, in informal adjustments made under the provisions of sections 211.081 and 211.083, and in an order of disposition or treatment under the provisions of section 211.181. The judgment may be ordered paid to the clerk of the circuit where the assessment is imposed.

3. All sums collected pursuant to this section and section 487.140 shall be payable to the various county family services and justice funds.

4. Nothing in this section prohibits the general assembly from appropriating moneys into the various county family services and justice funds to be expended for the purposes provided for in this section.

5. Any moneys in the family services and justice fund not expended for salaries of commissioners, family court administrators and family court staff shall be used toward funding the enhanced services provided as a result of the establishment of a family court; however, it shall not replace or reduce the current and ongoing responsibilities of the counties to provide funding for the courts as

required by law. Moneys collected for the family services and justice fund shall be expended for the benefit of litigants and recipients of services in the family court, with priority given to fees incurred under subsection 5 or 7 of section 475.075 or expenses incurred under section 475.063, and to services such as guardians ad litem, mediation, counseling, home studies, psychological evaluation and other forms of alternative dispute-resolution services. Expenditures shall be made at the discretion of the presiding judge or family court administrative judge, as designated by the circuit and associate circuit judges en banc, for the implementation of the family court system as set forth in this section. No moneys from the family services and justice fund may be used to pay for mediation in any cause of action in which domestic violence is alleged.

[5.] 6. From the funds collected pursuant to this section and retained in the family services and justice fund, each circuit or county in which a family court commissioner in addition to those commissioners existing as juvenile court commissioners on August 28, 1993, have been appointed pursuant to sections 487.020 to 487.040 shall pay to and reimburse the state for the actual costs of that portion of the salaries of family court commissioners appointed pursuant to the provisions of sections 487.020 to 487.040.

[6.] 7. No moneys deposited in the family services and justice fund may be expended for capital improvements.

491.075. 1. A statement made by a child under the age of **[fourteen]** eighteen, or a vulnerable person, relating to an offense under chapter 565, 566, 568 or 573, performed by another, not otherwise admissible by statute or court rule, is admissible in evidence in criminal proceedings in the

courts of this state as substantive evidence to prove the truth of the matter asserted if:

(1) The court finds, in a hearing conducted outside the presence of the jury that the time, content and circumstances of the statement provide sufficient indicia of reliability; and

(2) (a) The child or vulnerable person testifies at the proceedings; or

(b) The child or vulnerable person is unavailable as a witness; or

(c) The child or vulnerable person is otherwise physically available as a witness but the court finds that the significant emotional or psychological trauma which would result from testifying in the personal presence of the defendant makes the child or vulnerable person unavailable as a witness at the time of the criminal proceeding.

2. Notwithstanding subsection 1 of this section or any provision of law or rule of evidence requiring corroboration of statements, admissions or confessions of the defendant, and notwithstanding any prohibition of hearsay evidence, a statement by a child when under the age of **[fourteen]** eighteen, or a vulnerable person, who is alleged to be victim of an offense under chapter 565, 566, 568 or 573 is sufficient corroboration of a statement, admission or confession regardless of whether or not the child or vulnerable person is available to testify regarding the offense.

3. A statement may not be admitted under this section unless the prosecuting attorney makes known to the accused or the accused's counsel his or her intention to offer the statement and the particulars of the statement sufficiently in advance of the proceedings to provide the accused or the

accused's counsel with a fair opportunity to prepare to meet the statement.

4. Nothing in this section shall be construed to limit the admissibility of statements, admissions or confessions otherwise admissible by law.

5. For the purposes of this section, "vulnerable person" shall mean a person who, as a result of an inadequately developed or impaired intelligence or a psychiatric disorder that materially affects ability to function, lacks the mental capacity to consent, or whose developmental level does not exceed that of an ordinary child of ~~fourteen~~ seventeen years of age.

492.304. 1. In addition to the admissibility of a statement under the provisions of section 492.303, the visual and aural recording of a verbal or nonverbal statement of a child when under the age of ~~fourteen who is alleged to be a victim of~~ eighteen or a vulnerable person, relating to an offense under the provisions of chapter 565, 566 ~~or~~ , 568, or 573 if performed by another, is admissible into evidence if:

(1) No attorney for either party was present when the statement was made; except that, for any statement taken at a state-funded child assessment center as provided for in subsection 2 of section 210.001, an attorney representing the state of Missouri in a criminal investigation may, as a member of a multidisciplinary investigation team, observe the taking of such statement, but such attorney shall not be present in the room where the interview is being conducted;

(2) The recording is both visual and aural and is recorded on film or videotape or by other electronic means;

(3) The recording equipment was capable of making an accurate recording, the operator of the equipment was

competent, and the recording is accurate and has not been altered;

(4) The statement was not made in response to questioning calculated to lead the child or vulnerable person to make a particular statement or to act in a particular way;

(5) Every voice on the recording is identified;

(6) The person conducting the interview of the child or vulnerable person in the recording is present at the proceeding and available to testify or be cross-examined by either party; and

(7) The defendant or the attorney for the defendant is afforded an opportunity to view the recording before it is offered into evidence.

2. If the child or vulnerable person does not testify at the proceeding, the visual and aural recording of a verbal or nonverbal statement of the child or vulnerable person shall not be admissible under this section unless the recording qualifies for admission under section 491.075.

3. If the visual and aural recording of a verbal or nonverbal statement of a child or vulnerable person is admissible under this section and the child or vulnerable person testifies at the proceeding, it shall be admissible in addition to the testimony of the child or vulnerable person at the proceeding whether or not it repeats or duplicates the child's or vulnerable person's testimony.

4. As used in this section, a nonverbal statement shall be defined as any demonstration of the child or vulnerable person by his or her actions, facial expressions, demonstrations with a doll or other visual aid whether or not this demonstration is accompanied by words.

5. For the purposes of this section, "vulnerable person" shall mean a person who, as a result of an

inadequately developed or impaired intelligence or a psychiatric disorder that materially affects the ability to function, lacks the mental capacity to consent, or whose developmental level does not exceed that of an ordinary child of seventeen years of age.

494.455. 1. [Each county or city not within a county may elect to compensate its jurors pursuant to subsection 2 of this section except as otherwise provided in subsection 3 of this section.]

2.] Each grand and petit juror shall receive a minimum of six dollars per day, for every day [he or she] the juror may actually serve as [such] a juror, and [seven cents] the mileage rate as provided by section 33.095 for state employees for every mile [he or she] the juror may necessarily travel going from [his or her] the juror's place of residence to the courthouse and returning, to be paid from funds of the county or a city not within a county. Each county or city not within a county may elect to compensate its jurors pursuant to subsection 2 of this section, except as otherwise provided in subsection 3 of this section.

2. The governing body of each county or a city not within a county may authorize additional daily compensation and mileage allowance for jurors, which additional compensation shall be paid from the funds of the county or a city not within a county. The governing body of each county or a city not within a county may authorize additional daily compensation and mileage allowance for jurors attending a coroner's inquest. Jurors may receive the additional compensation and mileage allowance authorized by this subsection only if the governing body of the county or the city not within a county authorizes the additional compensation. The provisions of this subsection authorizing

additional compensation shall terminate upon the issuance of a mandate by the Missouri supreme court which results in the state of Missouri being obligated or required to pay any such additional compensation even if such additional compensation is formally approved or authorized by the governing body of a county or a city not within a county. Provided that a county or a city not within a county authorizes daily compensation payable from county or city funds for jurors who serve in that county pursuant to this subsection in the amount of at least six dollars per day in addition to the amount required by [this] subsection 1 of this section, a person shall receive an additional six dollars per day to be reimbursed by the state of Missouri so that the total compensation payable shall be at least eighteen dollars, plus mileage for each day that the person actually serves as a petit juror in a particular case; or for each day that a person actually serves as a grand juror during a term of a grand jury. The state shall reimburse the county for six dollars of the additional juror compensation provided by this subsection.

3. [In any county of the first classification without a charter form of government and with a population of at least two hundred thousand inhabitants, no grand or petit juror shall receive compensation for the first two days of service, but shall receive fifty dollars per day for the third day and each subsequent day he or she may actually serve as such, and seven cents for every mile he or she may necessarily travel going from his or her place of residence to the courthouse and returning, to be paid from funds of the county] Notwithstanding the provisions of subsections 1 or 2 of this section to the contrary, by a majority vote, the governing body of a county or a city not within a county may adopt a system for juror compensation in the county or a

city not within a county as follows: each grand or petit juror shall receive fifty dollars per day for the third day the juror may actually serve as a juror and for each subsequent day of actual service, and the mileage rate as provided by section 33.095 for state employees for every mile the juror may necessarily travel from the juror's place of residence to the courthouse and returning, to be paid from funds of the county or a city not within a county; provided that no grand or petit juror shall receive compensation for the first two days the juror may actually serve as such.

4. When each panel of jurors summoned and attending court has completed its service, the board of jury commissioners shall cause to be submitted to the governing body of the county or a city not within a county a statement of fees earned by each juror. Within thirty days of the submission of the statement of fees, the governing body shall cause payment to be made to those jurors summoned the fees earned during their service as jurors.

510.500. Sections 510.500 to 510.521 shall be known and may be cited as the "Uniform Interstate Depositions and Discovery Act".

510.503. As used in sections 510.500 to 510.521, the following terms mean:

(1) "Foreign jurisdiction", a state other than this state;

(2) "Foreign subpoena", a subpoena issued under authority of a court of record of a foreign jurisdiction;

(3) "Person", an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or political subdivision, agency or instrumentality, or any other legal or commercial entity;

(4) "State", a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, a federally recognized Indian tribe, or any territory or insular possession subject to the jurisdiction of the United States;

(5) "Subpoena", a document, however denominated, issued under authority of a court of record requiring a person to:

(a) Attend and give testimony at a deposition;

(b) Produce and permit inspection and copying of designated books, documents, records, electronically stored information, or tangible items in the possession, custody, or control of the person; or

(c) Permit inspection of premises under the control of the person.

510.506. 1. To request issuance of a subpoena under this section, a party shall submit a foreign subpoena to a clerk of court in the county in which discovery is sought to be conducted in this state. A request for the issuance of a subpoena under sections 510.500 to 510.521 shall not constitute an appearance in the courts of this state.

2. If a party submits a foreign subpoena to a clerk of court in this state, the clerk, in accordance with such court's procedure, shall promptly issue a subpoena for service upon the person to which the foreign subpoena is directed.

3. A subpoena under subsection 2 of this section shall:

(1) Incorporate the terms used in the foreign subpoena; and

(2) Contain or be accompanied by the names, addresses, and telephone numbers of all counsel of record in the proceeding to which the subpoena relates and of any party not represented by counsel.

510.509. A subpoena issued by a clerk of court under section 510.506 shall be served in compliance with the Missouri supreme court rules of civil procedure and laws of this state.

510.512. The Missouri supreme court rules of civil procedure and laws of this state, and any amendments thereto, apply to subpoenas issued under section 510.506.

510.515. An application to the court for a protective order or to enforce, quash, or modify a subpoena issued by a clerk of court under section 510.506 shall comply with the Missouri supreme court rules of civil procedure and the laws of this state and be submitted to the court in the county in which discovery is to be conducted.

510.518. In applying and construing sections 510.500 to 510.521, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

510.521. Sections 510.500 to 510.521 apply to requests for discovery in cases pending on August 28, 2024.

534.157. All transfers of title of real property for rental properties with outstanding collectible judgments shall be filed in the circuit court within thirty days after transfer of title.

537.529. 1. This section shall be known and may be cited as the "Uniform Public Expression Protection Act".

2. As used in this section, the following terms mean:

(1) "Goods or services", does not include a dramatic, literary, musical, political, journalistic, or artistic work;

(2) "Governmental unit", any city, county, or other political subdivision of this state, or any department, division, board, or other agency of any political subdivision of this state;

(3) "Person", an individual, estate, trust, partnership, business or nonprofit entity, governmental unit, or other legal entity.

3. Except as otherwise provided in subsection 4 of this section, the provisions of this section shall apply to a cause of action asserted in a civil action against a person based on the person's:

(1) Communication in a legislative, executive, judicial, administrative, or other governmental proceeding;

(2) Communication on an issue under consideration or review in a legislative, executive, judicial, administrative, or other governmental proceeding; or

(3) Exercise of the right of freedom of speech or of the press, the right to assemble or petition, or the right of association, guaranteed by the Constitution of the United States or the Constitution of the state of Missouri, on a matter of public concern.

4. The provisions of this section shall not apply to a cause of action asserted:

(1) Against a governmental unit or an employee or agent of a governmental unit acting or purporting to act in an official capacity;

(2) By a governmental unit or an employee or agent of a governmental unit acting in an official capacity to enforce a law to protect against an imminent threat to public health or safety; or

(3) Against a person primarily engaged in the business of selling or leasing goods or services if the cause of action arises out of a communication related to the person's sale or lease of the goods or services.

5. No later than sixty days after a party is served with a complaint, crossclaim, counterclaim, third-party claim, or other pleading that asserts a cause of action to

which this section applies, or at a later time on a showing of good cause, the party may file a special motion to dismiss the cause of action or part of the cause of action.

6. (1) Except as otherwise provided in this subsection:

(a) All other proceedings between the moving party and responding party in an action, including discovery and a pending hearing or motion, are stayed on the filing of a motion under subsection 5 of this section; and

(b) On motion by the moving party, the court may stay:

a. A hearing or motion involving another party if the ruling on the hearing or motion would adjudicate a legal or factual issue that is material to the motion under subsection 5 of this section; or

b. Discovery by another party if the discovery relates to a legal or factual issue that is material to the motion under subsection 5 of this section.

(2) A stay under subdivision (1) of this subsection remains in effect until entry of an order ruling on the motion filed under subsection 5 of this section and the expiration of the time to appeal the order.

(3) If a party appeals from an order ruling on a motion under subsection 5 of this section, all proceedings between all parties in an action are stayed. The stay remains in effect until the conclusion of the appeal.

(4) During a stay under subdivision (1) of this subsection, the court may allow limited discovery if a party shows that specific information is necessary to establish whether a party has satisfied or failed to satisfy a burden imposed by subdivision (1) of subsection 9 of this section and is not reasonably available without discovery.

(5) A motion for costs and expenses under subsection 12 of this section shall not be subject to a stay under this section.

(6) A stay under this subsection does not affect a party's ability to voluntarily dismiss a cause of action or part of a cause of action or move to sever a cause of action.

(7) During a stay under this section, the court for good cause may hear and rule on:

(a) A motion unrelated to the motion under subsection 5 of this section; and

(b) A motion seeking a special or preliminary injunction to protect against an imminent threat to public health or safety.

7. (1) The court shall hear a motion under subsection 5 of this section no later than sixty days after filing of the motion, unless the court orders a later hearing:

(a) To allow discovery under subdivision (4) of subsection 6 of this section; or

(b) For other good cause.

(2) If the court orders a later hearing under paragraph (a) of subdivision (1) of this subsection, the court shall hear the motion under subsection 5 of this section no later than sixty days after the court order allowing the discovery, subject to paragraph (b) of subdivision (1) of this subsection.

8. In ruling on a motion under subsection 5 of this section, the court shall consider the parties' pleadings, the motion, any replies and responses to the motion, and any evidence that could be considered in ruling on a motion for summary judgment.

9. (1) In ruling on a motion under subsection 5 of this section, the court shall dismiss with prejudice a cause of action or part of a cause of action if:

(a) The moving party establishes under subsection 3 of this section that this section applies;

(b) The responding party fails to establish under subsection 4 of this section that this section does not apply; and

(c) Either:

a. The responding party fails to establish a prima facie case as to each essential element of the cause of action; or

b. The moving party establishes that:

(i) The responding party failed to state a cause of action upon which relief can be granted; or

(ii) There is no genuine issue as to any material fact and the party is entitled to judgment as a matter of law on the cause of action or part of the cause of action.

(2) A voluntary dismissal without prejudice of a responding party's cause of action, or part of a cause of action, that is the subject of a motion under subsection 5 of this section does not affect a moving party's right to obtain a ruling on the motion and seek costs, reasonable attorney's fees, and reasonable litigation expenses under subsection 12 of this section.

(3) A voluntary dismissal with prejudice of a responding party's cause of action, or part of a cause of action, that is the subject of a motion under subsection 5 of this section establishes for the purpose of subsection 12 of this section that the moving party prevailed on the motion.

10. The court shall rule on a motion under subsection 5 of this section no later than sixty days after the hearing under subsection 7 of this section.

11. A moving party may appeal within twenty-one days as a matter of right from an order denying, in whole or in part, a motion under subsection 5 of this section.

12. On a motion under subsection 5 of this section, the court shall award costs, reasonable attorney's fees, and reasonable litigation expenses related to the motion:

(1) To the moving party if the moving party prevails on the motion; or

(2) To the responding party if the responding party prevails on the motion and the court finds that the motion was frivolous or filed solely with intent to delay the proceeding.

13. This section shall be broadly construed and applied to protect the exercise of the right of freedom of speech and of the press, the right to assemble and petition, and the right of association, guaranteed by the Constitution of the United States or the Constitution of the state of Missouri.

14. In applying and construing this section, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

15. This section applies to a civil action filed or cause of action asserted in a civil action on or after August 28, 2024.

537.1300. Sections 537.1300 to 537.1316 shall be known and may be cited as the "Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act".

537.1302. As used in sections 537.1300 to 537.1316, the following terms mean:

(1) "Consent", affirmative, conscious, and voluntary authorization by an individual with legal capacity to give authorization;

(2) "Depicted individual", an individual whose body is shown in whole or in part in an intimate image;

(3) "Disclosure", transfer, publication, or distribution to another person. The term "disclose" has a corresponding meaning;

(4) "Identifiable", recognizable by a person other than the depicted individual:

(a) From an intimate image itself; or

(b) From an intimate image and identifying characteristic displayed in connection with the intimate image;

(5) "Identifying characteristic", information that may be used to identify a depicted individual;

(6) "Individual", a human being;

(7) "Intimate image", a photograph, film, video recording, or other similar medium that shows:

(a) The uncovered genitals, pubic area, anus, or female postpubescent nipple of a depicted individual; or

(b) A depicted individual engaging in or being subjected to sexual conduct;

(8) "Person", an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity;

(9) "Sexual conduct" includes:

(a) Masturbation;

(b) Genital, anal, or oral sex;

(c) Sexual penetration of, or with, an object;

(d) Bestiality; or

(e) The transfer of semen onto a depicted individual.

537.1304. 1. As used in this section, the following terms mean:

(1) "Harm", includes physical harm, economic harm, and emotional distress whether or not accompanied by physical or economic harm;

(2) "Private":

(a) Created or obtained under circumstances in which a depicted individual had a reasonable expectation of privacy;
or

(b) Made accessible through stealing, bribery, extortion, fraud, false pretenses, or exceeding authorized access to an account, message, file, device, resource, or property.

2. Except as otherwise provided in 537.1306, a depicted individual who is identifiable and who suffers harm from a person's intentional disclosure or threatened disclosure of an intimate image that was private without the depicted individual's consent has a cause of action against the person if the person knew or acted with reckless disregard for whether:

(1) The depicted individual did not consent to the disclosure;

(2) The intimate image was private; and

(3) The depicted individual was identifiable.

3. The following conduct by a depicted individual does not establish by itself that the individual consented to the disclosure of the intimate image that is the subject of an action under sections 537.1300 to 537.1316 or that the individual lacked a reasonable expectation of privacy:

(1) Consent to creation of the image; or

(2) Previous consensual disclosure of the image.

4. A depicted individual who does not consent to the sexual conduct or uncovering of the part of the body depicted in an intimate image of the individual retains a

reasonable expectation of privacy even if the image was created when the individual was in a public place.

537.1306. 1. As used in this section, the following terms mean:

(1) "Child", an unemancipated individual who is under eighteen years of age;

(2) "Parent", an individual recognized as a parent under law of this state other than in sections 537.1300 to 537.1316.

2. A person is not liable under sections 537.1300 to 537.1316 if the person proves that disclosure of, or a threat to disclose, an intimate image was:

(1) Made in good faith in:

(a) Law enforcement;

(b) A legal proceeding; or

(c) Medical education or treatment;

(2) Made in good faith in the reporting or

investigation of:

(a) Unlawful conduct; or

(b) Unsolicited and unwelcome conduct;

(3) Related to a matter of public concern or public

interest; or

(4) Reasonably intended to assist the depicted

individual.

3. Subject to subsection 4 of this section, a defendant who is a parent, legal guardian, or individual with legal custody of a child is not liable under sections 537.1300 to 537.1316 for a disclosure or threatened disclosure of an intimate image of the child.

4. If a defendant asserts an exception to liability under subsection 3 of this section, the exception does not apply if the plaintiff proves the disclosure was:

(1) Prohibited by law other than in sections 537.1300 to 537.1316; or

(2) Made for the purpose of sexual arousal, sexual gratification, humiliation, degradation, or monetary or commercial gain.

5. Disclosure of, or a threat to disclose, an intimate image is not a matter of public concern or public interest solely because the depicted individual is a public figure.

537.1308. In an action under sections 537.1300 to 537.1316:

(1) A plaintiff may proceed using a pseudonym in place of the true name of the plaintiff;

(2) The court may exclude or redact from all pleadings and documents filed in the action other identifying characteristics of the plaintiff;

(3) A plaintiff to whom subdivision (1) or (2) of this section applies shall file with the court and serve on the defendant a confidential information form that includes the excluded or redacted plaintiff's name and other identifying characteristics; and

(4) The court may make further orders as necessary to protect the identity and privacy of a plaintiff.

537.1310. 1. In an action under sections 537.1300 to 537.1316, a prevailing plaintiff may recover:

(1) The greater of:

(a) Economic and noneconomic damages proximately caused by the defendant's disclosure or threatened disclosure, including damages for emotional distress whether or not accompanied by other damages; or

(b) Statutory damages not to exceed ten thousand dollars against each defendant found liable under sections 537.1300 to 537.1316 for all disclosures and threatened disclosures by the defendant of which the plaintiff knew or

reasonably should have known when filing the action or which became known during the pendency of the action. In determining the amount of statutory damages under this paragraph, consideration shall be given to the age of the parties at the time of the disclosure or threatened disclosure, the number of disclosures or threatened disclosures made by the defendant, the breadth of distribution of the image by the defendant, and other exacerbating or mitigating factors;

(2) An amount equal to any monetary gain made by the defendant from disclosure of the intimate image; and

(3) Punitive damages as allowed under law of this state other than under sections 537.1300 to 537.1316.

2. In an action under sections 537.1300 to 537.1316, the court may award a prevailing plaintiff:

(1) Reasonable attorney's fees and costs; and

(2) Additional relief, including injunctive relief.

3. Sections 537.1300 to 537.1316 do not affect a right or remedy available under law of this state other than under sections 537.1300 to 537.1316.

537.1312. 1. An action under subsection 2 of section 537.1304 for:

(1) An unauthorized disclosure shall not be brought later than four years from the date the disclosure was discovered or should have been discovered with the exercise of reasonable diligence; and

(2) A threat to disclose shall not be brought later than four years from the date of the threat to disclose.

2. Except as otherwise provided in subsection 3 of this section, this section is subject to the tolling statutes of this state.

3. In an action under subsection 2 of section 537.1304 by a depicted individual who was a minor on the date of the

disclosure or threat to disclose, the time specified in subsection 1 of this section does not begin to run until the depicted individual attains the age of majority.

537.1314. Sections 537.1300 to 537.1316 shall be construed to be consistent with the Communications Decency Act of 1996, 47 U.S.C. Section 230.

537.1316. In applying and construing sections 537.1300 to 537.1316, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

559.125. 1. The clerk of the court shall keep in a permanent file all applications for probation or parole by the court, and shall keep in such manner as may be prescribed by the court complete and full records of all presentence investigations requested, probations or paroles granted, revoked or terminated and all discharges from probations or paroles. All court orders relating to any presentence investigation requested and probation or parole granted under the provisions of this chapter and sections 558.011 and 558.026 shall be kept in a like manner, and, if the defendant subject to any such order is subject to an investigation or is under the supervision of the division of probation and parole, a copy of the order shall be sent to the division of probation and parole. In any county where a parole board ceases to exist, the clerk of the court shall preserve the records of that parole board.

2. [Information and data obtained by a probation or parole officer shall be privileged information and shall not be receivable in any court] Except in criminal proceedings, information and data obtained by a probation or parole officer is privileged information not receivable in any court unless for lawful criminal matters. Such information shall not be disclosed directly or indirectly to anyone

other than the members of a parole board and the judge entitled to receive reports, except the court, the division of probation and parole, or the parole board may in its discretion permit the inspection of the report, or parts of such report, by the defendant, or offender or his or her attorney, or other person having a proper interest therein.

3. The provisions of subsection 2 of this section notwithstanding, the presentence investigation report shall be made available to the state and all information and data obtained in connection with preparation of the presentence investigation report may be made available to the state at the discretion of the court upon a showing that the receipt of the information and data is in the best interest of the state.

566.151. 1. A person twenty-one years of age or older commits the offense of enticement of a child if he or she persuades, solicits, coaxes, entices, or lures whether by words, actions or through communication via the internet or any electronic communication, any person who is less than ~~[fifteen]~~ seventeen years of age for the purpose of engaging in sexual conduct.

2. It is not a defense to a prosecution for a violation of this section that the other person was a peace officer masquerading as a minor.

3. Enticement of a child or an attempt to commit enticement of a child is a felony for which the authorized term of imprisonment shall be not less than five years and not more than thirty years. No person convicted under this section shall be eligible for parole, probation, conditional release, or suspended imposition or execution of sentence for a period of five calendar years.

567.030. 1. A person commits the offense of patronizing prostitution if he or she:

(1) Pursuant to a prior understanding, gives something of value to another person as compensation for having engaged in sexual conduct with any person; or

(2) Gives or agrees to give something of value to another person with the understanding that such person or another person will engage in sexual conduct with any person; or

(3) Solicits or requests another person to engage in sexual conduct with any person in return for something of value.

2. It shall not be a defense that the person believed that the individual he or she patronized for prostitution was eighteen years of age or older.

3. The offense of patronizing prostitution is a class B misdemeanor, unless the individual who the person patronizes is less than eighteen years of age but older than ~~fourteen~~ fifteen years of age, in which case patronizing prostitution is a class E felony.

4. The offense of patronizing prostitution is a class ~~D~~ B felony if the individual who the person patronizes is ~~fourteen~~ fifteen years of age or younger. Nothing in this section shall preclude the prosecution of an individual for the offenses of:

(1) Statutory rape in the first degree pursuant to section 566.032;

(2) Statutory rape in the second degree pursuant to section 566.034;

(3) Statutory sodomy in the first degree pursuant to section 566.062; or

(4) Statutory sodomy in the second degree pursuant to section 566.064.

575.205. 1. A person commits the offense of tampering with electronic monitoring equipment if he or she

intentionally removes, alters, tampers with, damages, [or] destroys, fails to charge, or otherwise disables electronic monitoring equipment which a court, the division of probation and parole or the parole board has required such person to wear.

2. This section does not apply to the owner of the equipment or an agent of the owner who is performing ordinary maintenance or repairs on the equipment.

3. The offense of tampering with electronic monitoring equipment is a class D felony.

4. The offense of tampering with electronic monitoring equipment if a person fails to charge or otherwise disables electronic monitoring equipment is a class E felony, unless the offense for which the person was placed on electronic monitoring was a misdemeanor, in which case it is a class A misdemeanor.

595.045. 1. There is established in the state treasury the "Crime Victims' Compensation Fund". A surcharge of seven dollars and fifty cents shall be assessed as costs in each court proceeding filed in any court in the state in all criminal cases including violations of any county ordinance or any violation of criminal or traffic laws of the state, including an infraction and violation of a municipal ordinance; except that no such fee shall be collected in any proceeding in any court when the proceeding or the defendant has been dismissed by the court or when costs are to be paid by the state, county, or municipality. A surcharge of seven dollars and fifty cents shall be assessed as costs in a juvenile court proceeding in which a child is found by the court to come within the applicable provisions of subdivision (3) of subsection 1 of section 211.031.

2. Notwithstanding any other provision of law to the contrary, the moneys collected by clerks of the courts pursuant to the provisions of subsection 1 of this section shall be collected and disbursed in accordance with sections 488.010 to 488.020 and shall be payable to the director of the department of revenue.

3. The director of revenue shall deposit annually the amount of two hundred fifty thousand dollars to the state forensic laboratory account administered by the department of public safety to provide financial assistance to defray expenses of crime laboratories if such analytical laboratories are registered with the federal Drug Enforcement Agency or the Missouri department of health and senior services. Subject to appropriations made therefor, such funds shall be distributed by the department of public safety to the crime laboratories serving the courts of this state making analysis of a controlled substance or analysis of blood, breath or urine in relation to a court proceeding.

4. The remaining funds collected under subsection 1 of this section shall be denoted to the payment of an annual appropriation for the administrative and operational costs of the office for victims of crime and, if a statewide automated crime victim notification system is established pursuant to section 650.310, to the monthly payment of expenditures actually incurred in the operation of such system. Additional remaining funds shall be subject to the following provisions:

(1) On the first of every month, the director of revenue or the director's designee shall determine the balance of the funds in the crime victims' compensation fund available to satisfy the amount of compensation payable pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055;

(2) Beginning on September 1, 2004, and on the first of each month, the director of revenue or the director's designee shall deposit fifty percent of the balance of funds available to the credit of the crime victims' compensation fund and fifty percent to the services to victims' fund established in section 595.100.

5. The director of revenue or such director's designee shall at least monthly report the moneys paid pursuant to this section into the crime victims' compensation fund and the services to victims fund to the department of public safety.

6. The moneys collected by clerks of municipal courts pursuant to subsection 1 of this section shall be collected and disbursed as provided by sections 488.010 to 488.020. Five percent of such moneys shall be payable to the city treasury of the city from which such funds were collected. The remaining ninety-five percent of such moneys shall be payable to the director of revenue. The funds received by the director of revenue pursuant to this subsection shall be distributed as follows:

(1) On the first of every month, the director of revenue or the director's designee shall determine the balance of the funds in the crime victims' compensation fund available to satisfy the amount of compensation payable pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055;

(2) Beginning on September 1, 2004, and on the first of each month the director of revenue or the director's designee shall deposit fifty percent of the balance of funds available to the credit of the crime victims' compensation fund and fifty percent to the services to victims' fund established in section 595.100.

7. These funds shall be subject to a biennial audit by the Missouri state auditor. Such audit shall include all records associated with crime victims' compensation funds collected, held or disbursed by any state agency.

8. In addition to the moneys collected pursuant to subsection 1 of this section, the court shall enter a judgment in favor of the state of Missouri, payable to the crime victims' compensation fund, of sixty-eight dollars upon a plea of guilty or a finding of guilt for a class A or B felony; forty-six dollars upon a plea of guilty or finding of guilt for a class C [or], D, or E felony; and ten dollars upon a plea of guilty or a finding of guilt for any misdemeanor under Missouri law except for those in chapter 252 relating to fish and game, chapter 302 relating to drivers' and commercial drivers' license, chapter 303 relating to motor vehicle financial responsibility, chapter 304 relating to traffic regulations, chapter 306 relating to watercraft regulation and licensing, and chapter 307 relating to vehicle equipment regulations. Any clerk of the court receiving moneys pursuant to such judgments shall collect and disburse such crime victims' compensation judgments in the manner provided by sections 488.010 to 488.020. Such funds shall be payable to the state treasury and deposited to the credit of the crime victims' compensation fund.

9. The clerk of the court processing such funds shall maintain records of all dispositions described in subsection 1 of this section and all dispositions where a judgment has been entered against a defendant in favor of the state of Missouri in accordance with this section; all payments made on judgments for alcohol-related traffic offenses; and any judgment or portion of a judgment entered but not collected. These records shall be subject to audit by the

state auditor. The clerk of each court transmitting such funds shall report separately the amount of dollars collected on judgments entered for alcohol-related traffic offenses from other crime victims' compensation collections or services to victims collections.

10. The department of revenue shall maintain records of funds transmitted to the crime victims' compensation fund by each reporting court and collections pursuant to subsection 16 of this section and shall maintain separate records of collection for alcohol-related offenses.

11. The state courts administrator shall include in the annual report required by section 476.350 the circuit court caseloads and the number of crime victims' compensation judgments entered.

12. All awards made to injured victims under sections 595.010 to 595.105 and all appropriations for administration of sections 595.010 to 595.105, except sections 595.050 and 595.055, shall be made from the crime victims' compensation fund. Any unexpended balance remaining in the crime victims' compensation fund at the end of each biennium shall not be subject to the provision of section 33.080 requiring the transfer of such unexpended balance to the ordinary revenue fund of the state, but shall remain in the crime victims' compensation fund. In the event that there are insufficient funds in the crime victims' compensation fund to pay all claims in full, all claims shall be paid on a pro rata basis. If there are no funds in the crime victims' compensation fund, then no claim shall be paid until funds have again accumulated in the crime victims' compensation fund. When sufficient funds become available from the fund, awards which have not been paid shall be paid in chronological order with the oldest paid first. In the event an award was to be paid in installments and some

remaining installments have not been paid due to a lack of funds, then when funds do become available that award shall be paid in full. All such awards on which installments remain due shall be paid in full in chronological order before any other postdated award shall be paid. Any award pursuant to this subsection is specifically not a claim against the state, if it cannot be paid due to a lack of funds in the crime victims' compensation fund.

13. When judgment is entered against a defendant as provided in this section and such sum, or any part thereof, remains unpaid, there shall be withheld from any disbursement, payment, benefit, compensation, salary, or other transfer of money from the state of Missouri to such defendant an amount equal to the unpaid amount of such judgment. Such amount shall be paid forthwith to the crime victims' compensation fund and satisfaction of such judgment shall be entered on the court record. Under no circumstances shall the general revenue fund be used to reimburse court costs or pay for such judgment. The director of the department of corrections shall have the authority to pay into the crime victims' compensation fund from an offender's compensation or account the amount owed by the offender to the crime victims' compensation fund, provided that the offender has failed to pay the amount owed to the fund prior to entering a correctional facility of the department of corrections.

14. All interest earned as a result of investing funds in the crime victims' compensation fund shall be paid into the crime victims' compensation fund and not into the general revenue of this state.

15. Any person who knowingly makes a fraudulent claim or false statement in connection with any claim hereunder is guilty of a class A misdemeanor.

16. The department may receive gifts and contributions for the benefit of crime victims. Such gifts and contributions shall be credited to the crime victims' compensation fund as used solely for compensating victims under the provisions of sections 595.010 to 595.075.

600.042. 1. The director shall:

(1) Direct and supervise the work of the deputy directors and other state public defender office personnel appointed pursuant to this chapter; and he or she and the deputy director or directors may participate in the trial and appeal of criminal actions at the request of the defender;

(2) Submit to the commission, between August fifteenth and September fifteenth of each year, a report which shall include all pertinent data on the operation of the state public defender system, the costs, projected needs, and recommendations for statutory changes. Prior to October fifteenth of each year, the commission shall submit such report along with such recommendations, comments, conclusions, or other pertinent information it chooses to make to the chief justice, the governor, and the general assembly. Such reports shall be a public record, shall be maintained in the office of the state public defender, and shall be otherwise distributed as the commission shall direct;

(3) With the approval of the commission, establish such divisions, facilities and offices and select such professional, technical and other personnel, including investigators, as he deems reasonably necessary for the efficient operation and discharge of the duties of the state public defender system under this chapter;

(4) Administer and coordinate the operations of defender services and be responsible for the overall

supervision of all personnel, offices, divisions and facilities of the state public defender system, except that the director shall have no authority to direct or control the legal defense provided by a defender to any person served by the state public defender system;

(5) Develop programs and administer activities to achieve the purposes of this chapter;

(6) Keep and maintain proper financial records with respect to the provision of all public defender services for use in the calculating of direct and indirect costs of any or all aspects of the operation of the state public defender system;

(7) Supervise the training of all public defenders and other personnel and establish such training courses as shall be appropriate;

(8) With approval of the commission, promulgate necessary rules, regulations and instructions consistent with this chapter defining the organization of the state public defender system and the responsibilities of division directors, district defenders, deputy district defenders, assistant public defenders and other personnel;

(9) With the approval of the commission, apply for and accept on behalf of the public defender system any funds which may be offered or which may become available from government grants, private gifts, donations or bequests or from any other source. Such moneys shall be deposited in the [state general revenue] public defender - federal and other fund;

(10) Contract for legal services with private attorneys on a case-by-case basis and with assigned counsel as the commission deems necessary considering the needs of the area, for fees approved and established by the commission;

(11) With the approval and on behalf of the commission, contract with private attorneys for the collection and enforcement of liens and other judgments owed to the state for services rendered by the state public defender system.

2. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

3. The director and defenders shall, within guidelines as established by the commission and as set forth in subsection 4 of this section, accept requests for legal services from eligible persons entitled to counsel under this chapter or otherwise so entitled under the constitution or laws of the United States or of the state of Missouri and provide such persons with legal services when, in the discretion of the director or the defenders, such provision of legal services is appropriate.

4. The director and defenders shall provide legal services to an eligible person:

(1) Who is detained or charged with a felony, including appeals from a conviction in such a case;

(2) Who is detained or charged with a misdemeanor which will probably result in confinement in the county jail upon conviction, including appeals from a conviction in such a case, unless the prosecuting or circuit attorney has waived a jail sentence;

(3) Who is charged with a violation of probation when it has been determined by a judge that the appointment of counsel is necessary to protect the person's due process rights under section 559.036;

(4) Who has been taken into custody pursuant to section 632.489, including appeals from a determination that

the person is a sexually violent predator and petitions for release, notwithstanding any provisions of law to the contrary;

(5) For whom the federal constitution or the state constitution requires the appointment of counsel; and

(6) Who is charged in a case in which he or she faces a loss or deprivation of liberty, and in which the federal or the state constitution or any law of this state requires the appointment of counsel; however, the director and the defenders shall not be required to provide legal services to persons charged with violations of county or municipal ordinances, or misdemeanor offenses except as provided in this section.

5. The director may:

(1) Delegate the legal representation of an eligible person to any member of the state bar of Missouri;

(2) Designate persons as representatives of the director for the purpose of making indigency determinations and assigning counsel.

6. There is hereby created within the state treasury the "Public Defender - Federal and Other Fund", which shall be funded annually by appropriation, and which shall contain moneys received from any other funds from government grants, private gifts, donations, bequests, or any other source to be used for the purpose of funding local offices of the office of the state public defender. The state treasurer shall be the custodian of the fund and shall approve disbursements from the fund upon the request of the director of the office of state public defender. Any interest or other earnings with respect to amounts transferred to the fund shall be credited to the fund. Notwithstanding the provisions of section 33.080 to the contrary, any unexpended

balances in the fund at the end of any fiscal year shall not be transferred to the general revenue fund or any other fund.

[435.014. 1. If all the parties to a dispute agree in writing to submit their dispute to any forum for arbitration, conciliation or mediation, then no person who serves as arbitrator, conciliator or mediator, nor any agent or employee of that person, shall be subpoenaed or otherwise compelled to disclose any matter disclosed in the process of setting up or conducting the arbitration, conciliation or mediation.]

2. Arbitration, conciliation and mediation proceedings shall be regarded as settlement negotiations. Any communication relating to the subject matter of such disputes made during the resolution process by any participant, mediator, conciliator, arbitrator or any other person present at the dispute resolution shall be a confidential communication. No admission, representation, statement or other confidential communication made in setting up or conducting such proceedings not otherwise discoverable or obtainable shall be admissible as evidence or subject to discovery.]

[537.528. 1. Any action against a person for conduct or speech undertaken or made in connection with a public hearing or public meeting, in a quasi-judicial proceeding before a tribunal or decision-making body of the state or any political subdivision of the state is subject to a special motion to dismiss, motion for judgment on the pleadings, or motion for summary judgment that shall be considered by the court on a priority or expedited basis to ensure the early consideration of the issues raised by the motion and to prevent the unnecessary expense of litigation. Upon the filing of any special motion described in this subsection, all discovery shall be suspended pending a decision on the motion by the court and the exhaustion of all appeals regarding the special motion.]

2. If the rights afforded by this section are raised as an affirmative defense and if a court grants a motion to dismiss, a motion for

judgment on the pleadings or a motion for summary judgment filed within ninety days of the filing of the moving party's answer, the court shall award reasonable attorney fees and costs incurred by the moving party in defending the action. If the court finds that a special motion to dismiss or motion for summary judgment is frivolous or solely intended to cause unnecessary delay, the court shall award costs and reasonable attorney fees to the party prevailing on the motion.

3. Any party shall have the right to an expedited appeal from a trial court order on the special motions described in subsection 2 of this section or from a trial court's failure to rule on the motion on an expedited basis.

4. As used in this section, a "public meeting in a quasi-judicial proceeding" means and includes any meeting established and held by a state or local governmental entity, including without limitations meetings or presentations before state, county, city, town or village councils, planning commissions, review boards or commissions.

5. Nothing in this section limits or prohibits the exercise of a right or remedy of a party granted pursuant to another constitutional, statutory, common law or administrative provision, including civil actions for defamation.

6. If any provision of this section or the application of any provision of this section to a person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this section that can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.

7. The provisions of this section shall apply to all causes of actions.】