

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
**SENATE BILLS NOS. 1, 92, 111,
129 & 222**

90TH GENERAL ASSEMBLY

Reported from the Committee on Judiciary, April 29, 1999, with recommendation that the House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1, 92, 111, 129 & 222 Do Pass.

ANNE C. WALKER, Chief Clerk

L0493.11C

AN ACT

To repeal sections 57.130, 88.013, 88.023, 211.031, 211.453, 211.477, 476.415, 476.681, 476.682, 476.760, 477.087, 478.320, 487.090, 491.300, 494.415, 494.425, 494.445, 494.455, 508.190, 511.440, 511.450, 528.620, 550.140, 550.240 and 600.040, RSMo 1994, and sections 57.280, 105.464, 452.310, 452.340, 452.400, 452.401, 452.552, 452.554, 455.205, 476.385, 476.515, 478.268, 479.261, 487.020, 488.015, 506.363, 506.369, 506.372, 506.375, 506.390, 514.040, 550.260, 590.140 and 632.492, RSMo Supp. 1998, relating to jurisdiction and procedure of courts, and to enact in lieu thereof fifty-three new sections relating to the same subject, with an expiration date for a certain section.

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

Section A. Sections 57.130, 88.013, 88.023, 211.031, 211.453, 211.477, 476.415, 476.681, 476.682, 476.760, 477.087, 478.320, 487.090, 491.300, 494.415, 494.425, 494.445, 494.455, 508.190, 511.440, 511.450, 528.620, 550.140, 550.240 and 600.040, RSMo 1994, and sections 57.280, 105.464, 452.310, 452.340, 452.400, 452.401, 452.552, 452.554, 455.205, 476.385, 476.515, 478.268, 479.261, 487.020, 488.015, 506.363, 506.369, 506.372, 506.375, 506.390, 514.040, 550.260, 590.140 and 632.492, RSMo Supp. 1998, are repealed and fifty-three new sections enacted in lieu thereof, to be known as sections 57.130, 57.280, 88.013, 88.023, 105.464, 211.031, 211.453, 211.477, 452.310, 452.340, 452.400, 452.552, 452.554, 453.072, 455.205, 476.385, 476.415, 476.515, 476.681, 476.682, 476.760, 477.087, 478.268, 478.320, 479.261, 487.020, 487.090, 488.015, 491.300, 494.415, 494.425, 494.445, 494.455, 506.363, 506.369, 506.372, 506.375, 506.390, 508.190, 511.440, 511.450, 514.040, 528.620, 536.053, 550.140, 550.240, 550.260, 590.140, 600.040, 600.101, 632.492, 1 and 2, to read as follows:

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

57.130. 1. The sheriffs of the several counties shall collect and account for all the fines, penalties, forfeitures and other sums of money, by whatever name designated, accruing to the state or any county by virtue of any order, judgment or decree of a court of record, provided that by court rule provision may be made for a court clerk to collect fines, penalties, forfeitures and other sums of money accruing to the state by virtue of any order, judgment or decree of the court.

2. The provisions of this section shall expire and be of no force and effect on and after July 1, 2002.

57.280. 1. Sheriffs shall receive a charge for service of any summons, writ or other order of court, in connection with any civil case, and making on the same either a return indicating service, a non est return or a nulla bona return, the sum of twenty dollars for each item to be served, except that a sheriff shall receive a charge for service of any subpoena, and making a return on the same, the sum of ten dollars; however, no such charge shall be collected in any proceeding when court costs are to be paid by the state, county or municipality. In addition to such charge, the sheriff shall be entitled to receive for each mile actually traveled in serving any summons, writ, subpoena or other order of court, the rate prescribed by the Internal Revenue Service for all allowable expenses for motor vehicle use expressed as an amount per mile, provided that such mileage shall not be charged for more than one subpoena or summons or other writ served in the same cause on the same trip. All of such charges shall be received by the sheriff who is requested to perform the service. Except as otherwise provided by law, all charges made pursuant to this section shall be collected by the court clerk as court costs and are payable prior to the time the service is rendered; provided that if the amount of such charge cannot be readily determined, then the sheriff shall receive a deposit based upon the likely amount of such charge, and the balance of such charge shall be payable immediately upon ascertainment of the proper amount of said charge. A sheriff may refuse to perform any service in any action or proceeding, other than when court costs are waived as provided by law, until the charge provided by this section is paid. Failure to receive the charge shall not affect the validity of the service.

2. The sheriff shall receive for receiving and paying moneys on execution or other process, where lands or goods have been levied and advertised and sold, five percent on five hundred dollars and four percent on all sums above five hundred dollars, and half of these sums, when the money is paid to the sheriff without a levy, or where the lands or goods levied on shall not be sold and the money is paid to the sheriff or person entitled thereto, his agent or attorney. The party at whose application any writ, execution, subpoena or other process has issued from the [supreme] court shall pay **the sheriff's costs** for the removal, transportation, storage, safekeeping and support of any property to be seized pursuant to legal process before such seizure [and]. **The sheriff** shall [cause the same to be returned without charge unless the court shall, for special reasons, order the personal attendance of the sheriff, in which case he shall] be allowed for each mile, going and returning from the courthouse of the county in which he resides to the place where the court is held, the rate prescribed by the Internal Revenue Service for all allowable expenses for motor vehicle use expressed as an amount per mile. **The provisions of this subsection shall not apply to garnishment proceeds.**

3. The sheriff upon the receipt of the charge herein provided for shall pay into the treasury of the county any and all charges received pursuant to the provisions of this section; however, in any county, any funds, not to exceed fifty thousand dollars in any calendar year, other than as a result of regular budget allocations or land sale proceeds, coming into the possession of the sheriff's office, such as from the sale of recovered evidence, shall be held in a fund established by the county

treasurer, which may be expended at the discretion of the sheriff for the furtherance of the sheriff's set duties. Any such funds in excess of fifty thousand dollars, other than regular budget allocations or land sale proceeds, shall be placed to the credit of the general revenue fund of the county. Moneys in the fund shall be used only for the procurement of services and equipment to support the operation of the sheriff's office. Moneys in the fund established pursuant to this subsection shall not lapse to the county general revenue fund at the end of any county budget or fiscal year.

88.013. Thereupon the attorney for the city, in the name of the city, shall apply to the circuit court of the county where the city is located, by petition, setting forth the limits of the benefit district, a correct description of the property that is sought to be acquired or condemned, the use for which such land is to be taken and dedicated or the general nature of the improvements proposed to be made, the names of the owners of the several lots, tracts or parcels of land if known, or if unknown a correct description of the parcels whose owners are unknown, and praying the appointment of three disinterested commissioners, who are residents of the [city] **county, in which the real estate or a portion thereof is situated**, to assess the damages which the owners may severally sustain by reason of the appropriation and condemnation of such real estate by the city for any of the purposes described in this section, and to assess the property especially benefited by the improvements within the benefited district, in proportion to the benefits accruing to each from the proposed improvements.

88.023. The court on being satisfied that proper notice has been given to all the defendants and to the owners of property within the benefited district and that the ordinance and petition are regular and valid, shall appoint three persons, who are residents of the [city] **county, in which the real estate or a portion thereof is situated**, as commissioners to assess the damages which the owners of the land may severally sustain by reason of such appropriation, and to assess the property especially benefited by said improvements within the benefited district to pay therefor.

105.464. 1. No person serving in a judicial or quasi-judicial capacity shall participate in such capacity in any proceeding in which[:

(1)] the person knows that a party is any of the following: the person or the person's great-grandparent, grandparent, parent, stepparent, guardian, foster parent, spouse, former spouse, child, stepchild, foster child, ward, niece, nephew, brother, sister, uncle, aunt, or cousin[, or any firm or corporation in which the person has an ownership interest, or any trust in which the person has any legal, equitable or beneficial interest;

(2) The person knows the subject matter is such that the person may receive a direct or indirect financial gain from any potential result of the proceeding, except that no provision in this subsection shall be construed to prohibit the person from participating in any proceeding by reason of the fact that the state, or any agency of the state, or any agency of a political subdivision thereof, is a party].

2. No provision in the section shall be construed to prohibit him from entering an order disqualifying himself or herself or transferring the matter to another court, body, or person for further proceedings.

211.031. 1. Except as otherwise provided in this chapter, the juvenile court or the family court in circuits that have a family court as provided in sections 487.010 to 487.190, RSMo, shall have exclusive original jurisdiction in proceedings:

(1) Involving any child or person seventeen years of age who may be a resident of or found within the county and who is alleged to be in need of care and treatment because:

(a) The parents, or other persons legally responsible for the care and support of the child or person seventeen years of age, neglect or refuse to provide proper support, education which is

required by law, medical, surgical or other care necessary for his **or her** well-being; except that reliance by a parent, guardian or custodian upon remedial treatment other than medical or surgical treatment for a child or person seventeen years of age shall not be construed as neglect when the treatment is recognized or permitted [under] **pursuant to** the laws of this state;

(b) The child or person seventeen years of age is otherwise without proper care, custody or support; or

(c) The child or person seventeen years of age was living in a room, building or other structure at the time such dwelling was found by a court of competent jurisdiction to be a public nuisance pursuant to section 195.130, RSMo;

(2) Involving any child who may be a resident of or found within the county and who is alleged to be in need of care and treatment because:

(a) The child while subject to compulsory school attendance is repeatedly and without justification absent from school; or

(b) The child disobeys the reasonable and lawful directions of his **or her** parents or other custodian and is beyond their control; or

(c) The child is habitually absent from his **or her** home without sufficient cause, permission, or justification; or

(d) The behavior or associations of the child are otherwise injurious to his **or her** welfare or to the welfare of others; or

(e) The child is charged with an offense not classified as criminal, or with an offense applicable only to children; except that, the juvenile court shall not have jurisdiction over any child fifteen and one-half years of age who is alleged to have violated a state or municipal traffic ordinance or regulation, the violation of which does not constitute a felony, **or any child who is alleged to have violated a state or municipal ordinance or regulation prohibiting possession or use of any tobacco product;**

(3) Involving any child who is alleged to have violated a state law or municipal ordinance, or any person who is alleged to have violated a state law or municipal ordinance prior to attaining the age of seventeen years, in which cases jurisdiction may be taken by the court of the circuit in which the child or person resides or may be found or in which the violation is alleged to have occurred; except that, the juvenile court shall not have jurisdiction over any child fifteen and one-half years of age who is alleged to have violated a state or municipal traffic ordinance or regulation, the violation of which does not constitute a felony, **or any child who is alleged to have violated a state or municipal ordinance or regulation prohibiting possession or use of any tobacco product;**

(4) For the adoption of a person;

(5) For the commitment of a child or person seventeen years of age to the guardianship of the department of social services as provided by law.

2. Transfer of a matter, proceeding, jurisdiction or supervision for a child or person seventeen years of age who resides in a county of this state shall be made as follows:

(1) Prior to the filing of a petition and upon request of any party or at the discretion of the juvenile officer, the matter in the interest of a child or person seventeen years of age may be transferred by the juvenile officer, with the prior consent of the juvenile officer of the receiving court, to the county of the child's residence or the residence of the person seventeen years of age for future action;

(2) Upon the motion of any party or on its own motion prior to final disposition on the pending matter, the court in which a proceeding is commenced may transfer the proceeding of a child

or person seventeen years of age to the court located in the county of the child's residence or the residence of the person seventeen years of age, or the county in which the offense [under] **pursuant to** subdivision (3) of subsection 1 of this section is alleged to have occurred for further action;

(3) Upon motion of any party or on its own motion, the court in which jurisdiction has been taken pursuant to subsection 1 of this section may at any time thereafter transfer jurisdiction of a child or person seventeen years of age to the court located in the county of the child's residence or the residence of the person seventeen years of age for further action with the prior consent of the receiving court;

(4) Upon motion of any party or upon its own motion at any time following a judgment of disposition or treatment pursuant to section 211.181, the court having jurisdiction of the cause may place the child or person seventeen years of age under the supervision of another juvenile court within or without the state pursuant to section 210.570, RSMo, with the consent of the receiving court;

(5) Upon the transfer of any matter, proceeding, jurisdiction or supervision of a child or person seventeen years of age, certified copies of all legal and social documents and records pertaining to the case on file with the clerk of the transferring juvenile court shall accompany the transfer.

3. In any proceeding involving any child or person seventeen years of age taken into custody in a county other than the county of the child's residence or the residence of a person seventeen years of age, the juvenile court of the county of the child's residence or the residence of a person seventeen years of age shall be notified of such taking into custody within seventy-two hours.

211.453. 1. Service of summons shall be made as in other civil cases in the manner prescribed in section 506.150, RSMo. However, if service cannot be made as prescribed in section 506.150, RSMo, and it is not waived, then the service shall be made by mail or publication as provided in section 506.160, RSMo.

2. Persons who shall be summoned and receive a copy of the petition shall include:

(1) The parent of the child, including a putative father who has acknowledged the child as his own by affirmatively asserting his paternity, **unless the parent has filed a consent to the termination of parental rights in court;**

(2) The guardian of the person of the child;

(3) The person, agency or organization having custody of the child;

(4) The foster parent, relative or other person with whom the child has been placed; and

(5) Any other person whose presence the court deems necessary.

3. The court shall not require service in the case of a parent whose identity is unknown and cannot be ascertained, or cannot be located.

4. Any person required to receive summons may waive appearance or service of summons.

211.477. 1. If, after the dispositional hearing, the court finds that one or more of the grounds set out in section 211.447 exists or that the parent has consented to the termination pursuant to section 211.444 and that it is in the best interests of the child, the court may terminate the rights of the parent in and to the child. After ordering termination and after consideration of the social study and report, the court shall transfer legal custody to:

(1) The division of family services;

(2) A private child-placing agency;

(3) A foster parent, relative or other person participating in the proceedings pursuant to section 211.464; or

(4) Any other person or agency the court deems suitable to care for the child.

2. If only one parent consents or if the conditions specified in section 211.447 are found to exist as to only one parent, the rights of only that parent with reference to the child may be terminated and the rights of the other parent shall not be affected.

3. The court may order termination whether or not the child is in adoptive placement or an adoptive placement is available for the child.

4. If, after the dispositional hearing, the court finds that one or more of the grounds set out in section 211.447 exists, but that termination is not in the best interests of the child because the court finds that the child would benefit from the continued parent-child relationship or because the child is fourteen or more years of age and objects to the termination, the court may:

(1) Dismiss the petition and order that the child be returned to the custody of the parent;

(2) Retain jurisdiction of the case and order that the child be placed in the legal custody of the parent, the division, a private child-caring or placing agency, a foster parent, relative or other suitable person who is able to provide long-term care for the child. Any order of the court under this subdivision shall designate the period of time it shall remain in effect, with mandatory review by the court no later than six months thereafter. The court shall also specify what residual rights and responsibilities remain with the parent. Any individual granted legal custody shall exercise the rights and responsibilities personally unless otherwise authorized by the court; or

(3) Appoint a guardian under the provisions of chapter 475, RSMo.

5. Orders of the court issued pursuant to sections 211.442 to 211.487 shall recite the jurisdictional facts, factual findings on the existence of grounds for termination and that the best interests of the child are served by the disposition stated in the order. [The order shall be a final order after thirty days from the date of its entry for purposes of and subject to the rights of appeal.]

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

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

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

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

(3) The date on which the parties separated;

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

(5) Whether the wife is pregnant;

(6) The Social Security number of the petitioner, respondent and each child;

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

(8) The relief sought.

3. Upon the filing of the petition in a proceeding for dissolution of marriage or legal separation, each child shall immediately be subject to the jurisdiction of the court in which the proceeding is commenced, unless a proceeding involving allegations of abuse or neglect of the child is pending in juvenile court. Until permitted by order of the court, neither parent shall remove any

child from the jurisdiction of the court or from any parent with whom the child has primarily resided for the sixty days immediately preceding the filing of a petition for dissolution of marriage or legal separation.

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

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

- (1) The Social Security number of the petitioner, respondent and each child;
- (2) Any arrangements as to the custody and support of the child and the maintenance of each party; and
- (3) The relief sought.

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

7. [A party] **The petitioner and respondent** shall submit a proposed parenting plan [at the time of filing], **either individually or jointly, within thirty days after service of process** of a motion to modify or a petition involving custody or visitation issues. [A party shall submit a proposed parenting plan when filing the answer in such cases or within thirty days after service of a motion to modify.] The proposed parenting plan shall set forth the arrangements that the party believes to be in the best interest of the minor children and shall include but not be limited to:

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

- (a) Major holidays stating which holidays a party has each year;
- (b) School holidays for school age children;
- (c) The child's birthday, Mother's Day and Father's Day;
- (d) Weekday and weekend schedules and for school age children how the winter, spring, summer and other vacations from school will be spent;
- (e) The times and places for transfer of the child between the parties in connection with the residential schedule;
- (f) A plan for sharing transportation duties associated with the residential schedule;
- (g) Appropriate times for telephone access;
- (h) Suggested procedures for notifying the other party when a party requests a temporary variation from the residential schedule;

(i) Any suggested restrictions or limitations on access to a party and the reasons such restrictions are requested;

(2) A specific written plan regarding legal custody which details how the decision-making rights and responsibilities will be shared between the parties including the following:

(a) Educational decisions and methods of communicating information from the school to both parties;

(b) Medical, dental and health care decisions including how health care providers will be selected and a method of communicating medical conditions of the child and how emergency care will be handled;

(c) Extracurricular activities, including a method for determining which activities the child

will participate in when those activities involve time during which each party is the custodian;

- (d) Child care providers, including how such providers will be selected;
- (e) Communication procedures including access to telephone numbers as appropriate;

(f) A dispute resolution procedure for those matters on which the parties disagree or in interpreting the parenting plan;

(g) If a party suggests no shared decision-making, a statement of the reasons for such a request;

(3) How the expenses of the child, including child care, educational and extraordinary expenses as defined in the child support guidelines established by the supreme court, will be paid including:

(a) The suggested amount of child support to be paid by each party;

(b) The party who will maintain or provide health insurance for the child and how the medical, dental, vision, psychological and other health care expenses of the child not paid by insurance will be paid by the parties;

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

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

(e) Child care expenses, if any;

(f) Transportation expenses, if any.

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

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

452.340. 1. In a proceeding for dissolution of marriage, legal separation or child support, the court may order either or both parents owing a duty of support to a child of the marriage to pay an amount reasonable or necessary for the support of the child, including an award retroactive to the date of filing the petition, without regard to marital misconduct, after considering all relevant factors including:

(1) The financial needs and resources of the child;

(2) The financial resources and needs of the parents;

(3) The standard of living the child would have enjoyed had the marriage not been dissolved;

(4) The physical and emotional condition of the child, and the child's educational needs;

(5) The child's physical and legal custody arrangements, including the amount of time the child spends with each parent and the reasonable expenses associated with the custody or visitation arrangements; and

(6) The reasonable work-related child care expenses of each parent.

2. The obligation of the parent ordered to make support payments shall abate, in whole or in part, for such periods of time in excess of thirty consecutive days that the other parent has voluntarily relinquished physical custody of a child to the parent ordered to pay child support, notwithstanding any periods of visitation or temporary physical and legal or physical or legal custody

pursuant to a judgment of dissolution or legal separation or any modification thereof. In a IV-D case, the division of child support enforcement may determine the amount of the abatement under this subsection for any child support order. In such cases, upon notification by the division, the circuit clerk shall record the amount of abatement on the child support trusteeship record established pursuant to this chapter and chapter 454, RSMo.

3. Unless the circumstances of the child manifestly dictate otherwise and the court specifically so provides, the obligation of a parent to make child support payments shall terminate when the child:

- (1) Dies;
- (2) Marries;
- (3) Enters active duty in the military;
- (4) Becomes self-supporting, provided that the custodial parent has relinquished the child from parental control by express or implied consent; [or]
- (5) Reaches age eighteen, unless the provisions of subsection 4 or 5 of this section apply; **or**
- (6) Reaches age twenty-two, unless the provisions of the child support order specifically extend the parental support order past the child's twenty-second birthday for reasons provided by subsection 4 of this section.**

4. If the child is physically or mentally incapacitated from supporting himself and insolvent and unmarried, the court may extend the parental support obligation past the child's eighteenth birthday.

5. If when a child reaches age eighteen, the child is enrolled in and attending a secondary school program of instruction, the parental support obligation shall continue, if the child continues to attend and progresses toward completion of said program, until the child completes such program or reaches age twenty-one, whichever first occurs. If the child is enrolled in an institution of vocational or higher education not later than October first following graduation from a secondary school or completion of a graduation equivalence degree program and so long as the child enrolls for and completes at least twelve hours of credit each semester, not including the summer semester, at an institution of vocational or higher education and achieves grades sufficient to reenroll at such institution, the parental support obligation shall continue until the child completes his or her education, or until the child reaches the age of twenty-two, whichever first occurs. To remain eligible for such continued parental support, at the beginning of each semester the child shall submit to each parent a transcript or similar official document provided by the institution of vocational or higher education which includes the courses the child is enrolled in and has completed for each term, the grades and credits received for each such course, and an official document from the institution listing the courses which the child is enrolled in for the upcoming term and the number of credits for each such course. If the circumstances of the child manifestly dictate, the court may waive the October first deadline for enrollment required by this subsection. If the child is enrolled in such an institution, the child or parent obligated to pay support may petition the court to amend the order to direct the obligated parent to make the payments directly to the child. As used in this section, an "institution of vocational education" means any postsecondary training or schooling for which the student is assessed a fee and attends classes regularly. "Higher education" means any junior college, community college, college, or university at which the child attends classes regularly. A child who has been diagnosed with a learning disability, or whose physical disability or diagnosed health problem limits the child's ability to carry the number of credit hours prescribed in this subsection, shall remain eligible for child support so long as such child is enrolled in and attending an institution of vocational or higher education, and the child continues to meet the other requirements of this subsection. A child

who is employed at least fifteen hours per week during the semester may take as few as nine credit hours per semester and remain eligible for child support so long as all other requirements of this subsection are complied with.

6. The court shall consider ordering a parent to waive the right to claim the tax dependency exemption for a child enrolled in an institution of vocational or higher education in favor of the other parent if the application of state and federal tax laws and eligibility for financial aid will make an award of the exemption to the other parent appropriate.

7. The general assembly finds and declares that it is the public policy of this state that frequent, continuing and meaningful contact with both parents after the parents have separated or dissolved their marriage is in the best interest of the child except for cases where the court specifically finds that such contact is not in the best interest of the child. In order to effectuate this public policy, a court with jurisdiction shall enforce visitation, custody and child support orders in the same manner. A court with jurisdiction may abate, in whole or in part, any past or future obligation of support and may transfer the physical and legal or physical or legal custody of one or more children if it finds that a parent has, without good cause, failed to provide visitation or physical and legal or physical or legal custody to the other parent pursuant to the terms of a judgment of dissolution, legal separation or modifications thereof. The court shall also award, if requested and for good cause shown, reasonable expenses, attorney's fees and court costs incurred by the prevailing party.

8. The Missouri supreme court shall have in effect a rule establishing guidelines by which any award of child support shall be made in any judicial or administrative proceeding. Said guidelines shall contain specific, descriptive and numeric criteria which will result in a computation of the support obligation. The guidelines shall address how the amount of child support shall be calculated when an award of joint physical custody results in the child or children spending substantially equal time with both parents. Not later than October 1, 1998, the Missouri supreme court shall publish child support guidelines and specifically list and explain the relevant factors and assumptions that were used to calculate the child support guidelines. Any rule made pursuant to this subsection shall be reviewed by the promulgating body not less than once every three years to ensure that its application results in the determination of appropriate child support award amounts.

9. There shall be a rebuttable presumption, in any judicial or administrative proceeding for the award of child support, that the amount of the award which would result from the application of the guidelines established pursuant to subsection 8 of this section is the correct amount of child support to be awarded. A written finding or specific finding on the record in a judicial or administrative proceeding that the application of the guidelines would be unjust or inappropriate in a particular case, after considering all relevant factors, including the factors set out in subsection 1 of this section, is required if requested by a party and shall be sufficient to rebut the presumption in the case. The written finding or specific finding on the record shall detail the specific relevant factors that required a deviation from the application of the guidelines.

10. Pursuant to this or any other chapter, when a court determines the amount owed by a parent for support provided to a child by another person, other than a parent, prior to the date of filing of a petition requesting support, or when the director of the division of child support enforcement establishes the amount of state debt due pursuant to subdivision (2) of subsection 1 of section 454.465, RSMo, the court or director shall use the guidelines established pursuant to subsection 8 of this section. The amount of child support resulting from the application of the guidelines shall be applied retroactively for a period prior to the establishment of a support order and the length of the period of retroactivity shall be left to the discretion of the court or director. There

shall be a rebuttable presumption that the amount resulting from application of the guidelines under subsection 8 of this section constitutes the amount owed by the parent for the period prior to the date of the filing of the petition for support or the period for which state debt is being established. In applying the guidelines to determine a retroactive support amount, when information as to average monthly income is available, the court or director may use the average monthly income of the noncustodial parent, as averaged over the period of retroactivity, in determining the amount of presumed child support owed for the period of retroactivity. The court or director may enter a different amount in a particular case upon finding, after consideration of all relevant factors, including the factors set out in subsection 1 of this section, that there is sufficient cause to rebut the presumed amount.

11. The obligation of the noncustodial parent to make child support payments may be terminated as follows:

(1) Provided that the child support order contains the child's date of birth, the obligation shall be deemed terminated without further judicial or administrative process when the child reaches age twenty-two if the child support order does not specifically require payment of child support beyond age twenty-two for reasons provided by subsection 4 of this section;

(2) The obligation shall be deemed terminated without further judicial or administrative process when the custodial parent furnishes a sworn statement or affidavit notifying the noncustodial parent of the child's emancipation in accordance with the requirements of subsection 4 of section 452.370, and a copy of such sworn statement or affidavit is filed with the court which entered the order establishing the child support obligation, or the division of child support enforcement;

(3) The obligation shall be deemed terminated without further judicial or administrative process, when the noncustodial parent files a sworn statement or affidavit with the court which entered the order establishing the child support obligation, or the division of child support enforcement, stating that the child is emancipated; which statement or affidavit is served by the court or division on the child support obligee; and which is either acknowledged and affirmed by the child support obligee in writing, or which is not responded to in writing within thirty days of receipt by the child support obligee;

(4) The obligation shall be terminated as provided by this subdivision by the court which entered the order establishing the child support obligation, or the division of child support enforcement, when the noncustodial parent files a sworn statement or affidavit with the court which entered the order establishing the child support obligation, or the division of child support enforcement, stating that the child is emancipated; and which statement or affidavit is served by the court or division on the child support obligee. If the obligee denies the statement or affidavit, the court or division shall thereupon treat the sworn statement or affidavit as a motion to modify the support obligation pursuant to section 452.370 or section 454.496, RSMo, and shall proceed to hear and adjudicate such motion as provided by law; provided that the court may require the payment of a deposit as security for court costs and any accrued court costs, as provided by law, in relation to such motion to modify.

12. The court may enter an order terminating child support pursuant to subdivisions (1) to (3) of subsection 11 of this section without necessity of a court appearance by either party. The clerk of the court shall mail a copy of an order terminating child support entered pursuant to subsection 11 of this section on both the custodial and noncustodial parents. The

supreme court may promulgate uniform forms for sworn statements and affidavits to terminate orders of child support obligations for use pursuant to subsection 11 of this section and subsection 4 of section 452.370.

452.400. 1. A parent not granted custody of the child is entitled to reasonable visitation rights unless the court finds, after a hearing, that visitation would endanger the child's physical health or impair his emotional development. The court shall enter an order specifically detailing the visitation rights of the parent without physical custody rights. In determining the granting of visitation rights, the court shall consider evidence of domestic violence. If the court finds that domestic violence has occurred, the court may find that granting visitation to the abusive party is in the best interests of the child. The court shall not grant visitation to the parent not granted custody if such parent has been found guilty of or pled guilty to a felony violation of chapter 566, RSMo, when the child was the victim, or a violation of chapter 568, RSMo, except for section 568.040, RSMo, when the child was the victim or an offense committed in another state, when the child is the victim, that would be a felony violation of chapter 566, RSMo, or chapter 568, RSMo, except for section 568.040, RSMo, if committed in Missouri. The court shall consider the parent's history of inflicting, or tendency to inflict, physical harm, bodily injury, assault, or the fear of physical harm, bodily injury, or assault on other persons and shall grant visitation in a manner that best protects the child and the parent or other family or household member who is the victim of domestic violence from any further harm. The court, if requested by a party, shall make specific findings of fact to show that the visitation arrangements made by the court best protect* the child or the parent or other family or household member who is the victim of domestic violence from any further harm.

2. The court may modify an order granting or denying visitation rights whenever modification would serve the best interests of the child, but the court shall not restrict a parent's visitation rights unless it finds that the visitation would endanger the child's physical health or impair his emotional development. When a court restricts a parent's visitation rights or when a court orders supervised visitation because of allegations of abuse or domestic violence, a showing of proof of treatment and rehabilitation shall be made to the court before unsupervised visitation may be ordered. "Supervised visitation", as used in this section, is visitation which takes place in the presence of a responsible adult appointed by the court for the protection of the child.

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

4. Within five **court** days after the filing of the family access motion pursuant to subsection

3 of this section, the clerk of the court shall issue a summons pursuant to applicable state law, and applicable local or supreme court rules. A copy of the motion shall be personally served upon the respondent by personal process server as provided by law or by any sheriff. Such service shall be served at the earliest time and shall take priority over service in other actions, except those of an emergency nature or those filed pursuant to chapter 455, RSMo. The motion shall contain the following statement in boldface type: "PURSUANT TO SECTION 452.400, RSMO, YOU ARE REQUIRED TO RESPOND TO THE CIRCUIT CLERK WITHIN TEN DAYS OF THE DATE OF SERVICE. FAILURE TO RESPOND TO THE CIRCUIT CLERK MAY RESULT IN THE FOLLOWING:

(1) AN ORDER FOR A COMPENSATORY PERIOD OF CUSTODY, VISITATION OR THIRD-PARTY CUSTODY AT A TIME CONVENIENT FOR THE AGGRIEVED PARTY NOT LESS THAN THE PERIOD OF TIME DENIED;

(2) PARTICIPATION BY THE VIOLATOR IN COUNSELING TO EDUCATE THE VIOLATOR ABOUT THE IMPORTANCE OF PROVIDING THE CHILD WITH A CONTINUING AND MEANINGFUL RELATIONSHIP WITH BOTH PARENTS;

(3) ASSESSMENT OF A FINE OF UP TO FIVE HUNDRED DOLLARS AGAINST THE VIOLATOR;

(4) REQUIRING THE VIOLATOR TO POST BOND OR SECURITY TO ENSURE FUTURE COMPLIANCE WITH THE COURT'S ORDERS;

(5) ORDERING THE VIOLATOR TO PAY THE COST OF COUNSELING TO REESTABLISH THE PARENT-CHILD RELATIONSHIP BETWEEN THE AGGRIEVED PARTY AND THE CHILD; AND

(6) A JUDGMENT IN AN AMOUNT NOT LESS THAN THE REASONABLE EXPENSES, INCLUDING ATTORNEY'S FEES AND COURT COSTS ACTUALLY INCURRED BY THE AGGRIEVED PARTY AS A RESULT OF THE DENIAL OF CUSTODY, VISITATION OR THIRD- PARTY CUSTODY."

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

6. [If an alternative dispute resolution program is not available pursuant to section 452.372, each circuit may use the twenty-five-dollar family access fee to cover the costs of such program or, if the twenty-five-dollar family access fee is waived pursuant to section 452.401, the court shall develop a method appropriate for that court to cover the costs of the program. If alternative dispute resolution is not available pursuant to supreme court rule, a hearing shall be scheduled within fourteen days of the date of service.

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

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

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

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

(4) Requiring the violator to post bond or security to ensure future compliance with the

court's access orders; and

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

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

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

[10.] **9.** Motions filed pursuant to this section shall not be deemed an independent civil action from the original action pursuant to which the judgment or order sought to be enforced was entered.

[452.401. The family access fee of up to twenty-five dollars established in section 452.400 shall be charged and collected by every clerk of the court in this state. The court may waive such fee, in whole or in part, upon motion of the party and for good cause shown. Such fee shall be deposited in the "Family Access Fund" which shall be established in each county for the purpose of defraying the costs associated with family access motions filed pursuant to section 452.400. Any circuit which does not have a family court shall establish a "family access fund" within their circuit to aid in the payment of services offered by that circuit's courts pursuant to section 452.400.]

452.552. In addition to any other court costs required to institute an action [pursuant to an action for dissolution of marriage] **in the circuit division of the circuit court**, a surcharge of [ten] **three** dollars shall be paid by the person filing such action. The surcharge shall be collected and disbursed in a manner provided by sections 488.012 to 488.020, RSMo, by the court clerk at the time the petition is filed and shall be payable to the director of revenue for deposit in the domestic relations resolution fund established in section 452.554.

452.554. There is established in the state treasury a special fund to be known as the "Domestic Relations Resolution Fund". The director of revenue shall credit to and deposit all amounts received pursuant to section 452.552[, and all fines imposed pursuant to section 452.400,] to the fund. The general assembly shall appropriate moneys annually from the domestic relations resolution fund to the state courts administrator to pay the cost associated with the handbook created in section 452.556 and to reimburse local judicial circuits for the costs associated with the implementation of [this act] **and creation of education programs for parents of children, alternative dispute resolution programs and similar programs applicable to domestic relations cases**. The provisions of section 33.080, RSMo, shall not apply to the domestic relations resolution fund.

453.072. Any subsidies available to adoptive parents pursuant to section 453.073 and section 453.074 shall also be available to a qualified relative of a child who is granted legal guardianship of the child in the same manner as such subsidies are available for adoptive parents. As used in this section "relative" means any grandparent, aunt, uncle or adult sibling of the child.

455.205. 1. The governing body of any county, or of any city not within a county, by order or ordinance to be effective prior to January 1, [1997] **2000**, may impose a fee upon the issuance of

a marriage license and may impose a surcharge upon [the entry of a decree of dissolution of marriage by a] **any civil case filed in the** circuit court under the provisions of section 452.305, RSMo. **The surcharge shall not be charged when no court costs are otherwise required, and shall not be charged when costs are waived or are to be paid by the state, county or municipality.**

2. The fee imposed upon the issuance of a marriage license shall be five dollars, shall be paid by the person applying for the license, and shall be collected by the recorder of deeds at the time the license is issued. The surcharge imposed upon the [entry of a decree of dissolution of marriage] **filing of a civil action** shall be [ten] **two** dollars, shall be paid by the party who filed the petition, and shall be collected and disbursed by the clerk of the court in the manner provided by sections 488.010 to 488.020, RSMo. Such amounts shall be payable to the treasuries of the counties from which such surcharges were paid.

3. At the end of each month, the recorder of deeds shall file a verified report with the county commission of the fees collected pursuant to the provisions of subsection 2 of this section. The report may be consolidated with the monthly report of other fees collected by such officers. Upon the filing of the reports the recorder of deeds shall forthwith pay over to the county treasurer all fees collected pursuant to subsection 2 of this section. The county treasurer shall deposit all such fees upon receipt in a special fund to be expended only to provide financial assistance to shelters for victims of domestic violence as provided in sections 455.200 to 455.230.

476.385. 1. The judges of the supreme court may appoint a committee consisting of at least seven associate circuit judges, who shall meet en banc and establish and maintain a schedule of fines to be paid for violations of **section 210.104, RSMo, and** chapters 252, 301, 302, 304, 306, 307 and 390, RSMo, with such fines increasing in proportion to the severity of the violation. The associate circuit judges of each county may meet en banc and adopt the schedule of fines and participation in the centralized bureau pursuant to this section. Notice of such adoption and participation shall be given in the manner provided by supreme court rule. Upon order of the supreme court, the associate circuit judges of each county may meet en banc and establish and maintain a schedule of fines to be paid for violations of municipal ordinances for cities, towns and villages electing to have violations of its municipal ordinances heard by associate circuit judges, pursuant to section 479.040, RSMo; and for traffic court divisions established pursuant to section 479.500, RSMo. The schedule of fines adopted for violations of municipal ordinances may be modified from time to time as the associate circuit judges of each county en banc deem advisable. No fine established pursuant to this subsection may exceed the maximum amount specified by statute or ordinance for such violation.

2. In no event shall any schedule of fines adopted pursuant to this section include offenses involving the following:

- (1) Any violation resulting in personal injury or property damage to another person;
- (2) Operating a motor vehicle while intoxicated or under the influence of intoxicants or drugs;
- (3) Operating a vehicle with a counterfeited, altered, suspended or revoked license;
- (4) Fleeing or attempting to elude an officer.

3. There shall be a centralized bureau to be established by supreme court rule in order to accept pleas of not guilty or guilty and payments of fines and court costs for violations of the laws and ordinances described in subsection 1 of this section, made pursuant to a schedule of fines established pursuant to this section. The centralized bureau shall collect, with any plea of guilty and payment of a fine, all court costs which would have been collected by the court of the jurisdiction from which the violation originated.

4. If a person elects not to contest the alleged violation, the person shall send payment in the

amount of the fine and any court costs established for the violation to the centralized bureau. Such payment shall be payable to the "central violations bureau", shall be made by mail or in any other manner established by the centralized bureau, and shall constitute a plea of guilty, waiver of trial and a conviction for purposes of section 302.302, RSMo, and for purposes of imposing any collateral consequence of a criminal conviction provided by law. Notwithstanding any provision of law to the contrary, the prosecutor shall not be required to sign any information, ticket or indictment if disposition is made pursuant to this subsection. In the event that any payment is made pursuant to this section by credit card or similar method, the centralized bureau may charge an additional fee in order to reflect any transaction cost, surcharge or fee imposed on the recipient of the credit card payment by the credit card company.

5. If a person elects to plead not guilty, such person shall send the plea of not guilty to the centralized bureau. The bureau shall send such plea and request for trial to the prosecutor having original jurisdiction over the offense. Any trial shall be conducted at the location designated by the court. The clerk of the court in which the case is to be heard shall notify in writing such person of the date certain for the disposition of such charges. The prosecutor shall not be required to sign any information, ticket or indictment until the commencement of any proceeding by the prosecutor with respect to the notice of violation.

6. In courts adopting a schedule of fines pursuant to this section, any person receiving a notice of violation pursuant to this section shall also receive written notification of the following:

(1) The fine and court costs established pursuant to this section for the violation **or information regarding how the person may obtain the amount of the fine and court costs for the violation;**

(2) That the person must respond to the notice of violation by paying the prescribed fine and court costs, or pleading not guilty and appearing at trial, and that other legal penalties prescribed by law may attach for failure to appear and dispose of the violation. The supreme court may modify the suggested forms for uniform complaint and summons for use in courts adopting the procedures provided by this section, in order to accommodate such required written notifications.

7. Any moneys received in payment of fines and court costs pursuant to this section shall not be considered to be state funds, but shall be held in trust by the centralized bureau for benefit of those persons or entities entitled to receive such funds pursuant to this subsection. All amounts paid to the centralized bureau shall be maintained by the centralized bureau, invested in the manner required of the state treasurer for state funds by sections 30.240, 30.250, 30.260 and 30.270, RSMo, and disbursed as provided by the constitution and laws of this state[, provided that all fees included within any court costs collected pursuant to this section except those fees collected pursuant to section 476.053 and section 488.200, RSMo, shall be payable to the state general revenue fund, notwithstanding any provision of law to the contrary]. Any interest earned on such fund shall be payable to the director of the department of revenue for deposit into a revolving fund to be established pursuant to this subsection. The state treasurer shall be the custodian of the revolving fund, and shall make disbursements, as allowed by lawful appropriations, only to the judicial branch of state government for goods and services related to the administration of the judicial system.

8. Any person who receives a notice of violation subject to this section who fails to dispose of such violation as provided by this section shall be guilty of failure to appear provided by section 544.665, RSMo; and may be subject to suspension of driving privileges in the manner provided by section 302.341, RSMo. The centralized bureau shall notify the appropriate prosecutor of any person who fails to either pay the prescribed fine and court costs, or plead not guilty and request a trial

within the time allotted by this section, for purposes of application of section 544.665, RSMo. The centralized bureau shall also notify the department of revenue of any failure to appear subject to section 302.341, RSMo, and the department shall thereupon suspend the license of the driver in the manner provided by section 302.341, RSMo, as if notified by the court.

9. In addition to the remedies provided by subsection 8 of this section, the centralized bureau and the courts may use the remedies provided by sections 488.010 to 488.020, RSMo, for the collection of court costs payable to courts, in order to collect fines and court costs for violations subject to this section.

476.415. 1. There is hereby created a "Commission on Judicial Resources", to be comprised of the following persons:

- (1) A circuit court judge appointed by the supreme court;
- (2) A judge of the court of appeals appointed by the supreme court;
- (3) An associate circuit judge appointed by the supreme court;
- (4) **A municipal court judge appointed by the supreme court;**
- (5) A senior judge under the provisions of section 476.001 appointed by the supreme court;
- [(5)] (6) An attorney appointed by the board of governors of the Missouri Bar;
- [(6)] (7) The chairman of the judiciary committee of the senate;
- [(7)] (8) The chairman of the judiciary committee of the house of representatives;
- [(8)] (9) A member of the appropriations committee of the senate, appointed by the president pro tem;
- [(9)] (10) A member of the budget committee of the house of representatives, appointed by the speaker;
- [(10)] (11) The executive director of the public defender commission; and
- [(11)] (12) One prosecuting or circuit attorney elected by the prosecuting and circuit attorneys of this state.

2. The legislative members of the commission shall serve during the period they hold the committee assignments qualifying them for the office. The appointed and elective members shall serve for two years and until their successors are appointed and qualified. If a vacancy occurs in any of the appointed or elected members, a successor shall be appointed or elected by the body originally appointing or electing the position for whom the vacancy occurs for the remainder of the unexpired term. The commission shall meet within sixty days after the appointment of the members at the call of the chief justice of the supreme court and shall meet subsequently at the call of the chairman. The commission shall elect its own officers as necessary. The members of the commission shall receive no compensation for their services, but shall be reimbursed for their actual and necessary expenses paid out of appropriations made for that purpose except that senior judges shall be credited for time actually spent in the performance of duties according to section 476.682.

3. The commission shall have full access to the reports filed pursuant to section 476.412, examine and prepare a digest of such reports, conduct a comprehensive study of the state's judicial system, assess the needs, priorities, work load, case management and general performance of the court system and for the judges thereof. The commission shall make an annual report to the supreme court and the general assembly before the convening of each session of the general assembly in which they shall detail the true state of the judicial system in this state, its success or inability to handle the caseload, and the efficiency of disposition of judicial business and the administration of justice. The report shall detail the utilization of judges transferred between circuits and of senior judges as provided in section 476.681, including an appraisal of the effect that the appointment of senior judges

and transfer of judges has on the efficiency of the courts and the reduction of caseloads. The report shall include a detailed breakdown of the needs of specific courts and the commission's recommendations.

4. The commission may employ consultants and other staff within the limits of any appropriations made for that purpose, or may employ senior judges who may be compensated pursuant to section 476.682, and may call upon the committee on legislative research, the state courts administrator, and the research staffs of the house and the senate for staff necessary to carry out the duties of the commission. The commission may seek and receive gifts, donations and grants in aid from private or other sources to defray expenses incurred in its assessment of judicial resources.

476.515. 1. As used in sections 476.515 to 476.565, unless the context clearly indicates otherwise, the following terms mean:

(1) "Beneficiary", a surviving spouse married to the deceased judge continuously for a period of at least two years immediately preceding the judge's death or if there is no surviving spouse eligible to receive benefits pursuant to sections 476.515 to [476.570] **476.565**, the term "beneficiary" shall mean any minor child of the deceased judge, who shall share in the benefits on an equal basis with all other beneficiaries;

(2) "Benefit", a series of equal monthly payments payable during the life of a judge retiring pursuant to the provisions of sections 476.515 to [476.570] **476.565** or payable to a beneficiary as provided in sections 476.515 to [476.570] **476.565**; all benefits paid pursuant to sections 476.515 to [476.570] **476.565** in excess of any contributions made to the system by a judge shall be considered to be a part of the compensation provided a judge for the judge's services;

(3) "Commissioner of administration", the commissioner of administration of the state of Missouri;

(4) "Judge", any person who has served or is serving as a judge or commissioner of the supreme court or of the court of appeals; or as a judge of any circuit court, probate court, magistrate court, court of common pleas or court of criminal corrections of this state; as a justice of the peace; or as commissioner **or deputy commissioner** of the [probate division of the] circuit court appointed after February 29, 1972[, in a county of the first classification having a charter form of government or in a city not within a county; or as commissioner of the juvenile division of the circuit court appointed pursuant to section 211.023, RSMo];

(5) "Salary", the total compensation paid for personal services as a judge by the state or any of its political subdivisions.

2. A surviving spouse whose benefits were terminated because of remarriage prior to October 1, 1984, shall, upon written application to the board within six months after October 1, 1984, have the surviving spouse's rights as a beneficiary restored. Benefits shall resume as of October 1, 1984.

476.681. 1. Any retired judge **or retired commissioner** receiving retirement benefits under any of the applicable provisions of this chapter, who is willing to serve as a senior judge **or senior commissioner, respectively**, may make application for such service with the clerk of the supreme court on forms provided by the clerk. The application shall contain information relating to the prior legal and judicial experience of the applicant, the applicant's physical and mental health, and the times of the applicant's availability. The clerk may request physical or mental examinations of any applicant and may request that the applicant furnish or authorize the furnishing of any relevant medical or other health records. An application shall be submitted to the supreme court for approval or disapproval and shall be valid for a period of one year from the date of approval.

2. Upon written request of the chief judge of any district of the court of appeals or the

presiding judge of any circuit, the supreme court may appoint a senior judge **or senior commissioner** from the file of approved applications maintained by the clerk of the supreme court. Appointments to serve shall be based on caseload and need, as determined by the supreme court in its discretion, taking into consideration reports filed pursuant to section 476.412, recommendations made by the judicial resources commission created herein and such other matters that the court deems relevant. The appointment may be made for a specific case or cases or for a specified period of time not to exceed one year. The appointment may be extended for additional periods of time not to exceed one year each if the appointed senior judge **or senior commissioner** maintains an annual updated and approved application for appointment. Persons serving as a senior judge **or senior commissioner** pursuant to the provisions of this section shall receive compensation as provided in section 476.682.

476.682. 1. Any person assigned as a senior judge **or senior commissioner** pursuant to section 26 of article V of the Missouri Constitution **and who has served in this state an aggregate of at least eight years, continuously or otherwise, as a judge**, shall receive for each day of service an amount [that when added to the daily amount of annual compensation, salary or retirement compensation payable pursuant to sections 476.450 to 476.595, equals one hundred] **equal to fifty percent of the current annual salary of the office from which the judge or senior commissioner retired attributable to one day of service. Notwithstanding the foregoing, no senior judge or senior commissioner shall receive less daily compensation than an amount, that when added to the daily amount of annual compensation payable pursuant to sections 476.450 to 476.595, is less than one hundred percent of the current annual salary of the office from which the judge or commissioner retired attributable to one day of service.** For purposes of this subsection, one year shall equal two hundred thirty-five days. **No senior judge or senior commissioner shall receive compensation pursuant to this subsection in a total amount that when such compensation is added to the annual compensation, salary or retirement compensation payable pursuant to sections 476.450 to 476.595, the sum is greater than the current annual salary of the office from which the judge or commissioner retired.**

2. A senior judge **or senior commissioner** assigned pursuant to section 26 of article V of the Missouri Constitution for service outside the county where he **or she** resides shall be reimbursed for his **or her** travel and other actual and necessary expenses incurred in the performance of his **or her** services.

3. On or before the tenth day of each month a senior judge **or senior commissioner** shall certify to the state courts administrator the period during the previous month during which he **or she** was assigned services and, if such services were completed, the date thereof and at the same time shall certify his **or her** expenses incurred and allowable under this section. The state courts administrator shall then issue a warrant to the state treasurer for the payment of the salary and expenses to the extent and within limitations provided for in this section. The state treasurer upon receipt of such warrant shall pay the same out of any appropriations made for this purpose on the last day of the month during which the warrant was received by him **or her**.

4. On or before the twentieth day of each month the state courts administrator shall certify the period of service reported by each senior judge **or senior commissioner** pursuant to subsection 3 of this section to the Missouri state employees' retirement system. Any senior judge **or senior commissioner** accumulating two hundred thirty-five days of such service shall receive credit for one year of judicial service for purposes of sections 476.520 and 476.545, for each two hundred thirty-five days of service certified by the state courts administrator to the Missouri state employees' retirement system, except, if a pro rata portion of two hundred thirty-five days would cause the senior

judge's **or senior commissioner's** total judicial service to equal twelve years, the Missouri state employees' retirement system shall credit the service at the time the pro rata portion is certified. Upon receipt of such certification, the retirement benefit of the senior judge **or senior commissioner** shall be recalculated to reflect the attainment of twelve years; the adjusted benefit will become effective the first of the month following certification.

5. Notwithstanding the provisions of section 476.510 or 476.565, no person shall receive benefits pursuant to the provisions of this section if the person is engaged in the private practice of law or doing a law business.

6. The judicial conference of the state of Missouri shall annually report on the use of senior judges **and senior commissioners** pursuant to this section. Such report shall include at least the number of senior judges **and senior commissioners** assigned, the number of cases assigned and disposed of by senior judges **and senior commissioners**, and the expenditures made for that purpose.

476.760. 1. All communications between a deaf person and [his] **such person's** attorney through the use of auxiliary aids and services shall be protected as privileged communications in the same manner as communications between an attorney and [his] **such attorney's** hearing client. The auxiliary aids and services provider cannot be compelled to testify as to the information retained.

2. In any action or proceeding in which an auxiliary aids and services provider is required to be appointed, the court or administrative authority may not commence proceedings until the appointed auxiliary aids and services provider are in full view or spatially situated to assure proper communication with the deaf person or persons involved as participants.

3. No waiver of the right to auxiliary aids and services by a deaf person shall be valid unless that deaf person knowingly and voluntarily signs a written waiver. Such waiver is subject to the approval of counsel to the deaf person. If no counsel is used, then it is subject to the approval of the designated responsible authority. In no event is the failure of the deaf person to request a qualified interpreter and auxiliary aids and services provider deemed a waiver of that right.

4. An auxiliary aids and services provider appointed [under] **pursuant to** sections 476.750 to 476.766 is entitled to a reasonable fee for [his] **such provider's** service, including waiting time, necessary travel expenses and subsistence expenses. The fee may be based on a fee schedule for interpreters and auxiliary aids and services recommended by the Missouri commission for the deaf. Reimbursements for necessary travel and subsistence expenses shall be at the rates provided by law for state employees.

5. The fees and expenses of providers of auxiliary aids and services who serve before any civil court or criminal, civil or juvenile proceeding are payable from funds appropriated to the [administrative] office of the [court] **state courts administrator**.

6. At no time shall any deaf person involved in a proceeding or action as provided for in sections 476.750 to 476.766 assume any portion of the cost for an interpreter or auxiliary aids and services nor shall the court, board, commission, department, agency or legislative body assess the cost for an interpreter or auxiliary aids and services to the cost of such proceedings.

477.087. 1. The official station of each judge of the supreme court and court of appeals may be the locus of the court of which the judge is a member or any circuit court county courthouse located where the judge maintains an actual abode in which the judge customarily lives or at any other office in that county.

2. The presiding judge of the judicial circuit in which a judge of the supreme court or court of appeals has his official station may provide suitable office space, if available, upon request by a judge of the supreme court or court of appeals for use by the judge and the judge's staff personnel.

3. Each judge of the supreme court and court of appeals, upon appointment and from time to time thereafter as changes occur, shall notify the state courts administrator in writing of the judge's official station, if other than the city of the locus of the court of which the judge is a member.

4. Judges of the supreme court and court of appeals and their staff shall [not] be entitled to any state allowances for official travel and mileage to or from their official station and the locus of the court on which the judge sits.

478.268. Notwithstanding the provisions of section 478.265, in the thirty-first judicial circuit, the circuit court en banc may appoint one person, who shall possess the same qualifications as a circuit judge, to act as commissioner of the probate division of the circuit court. The commissioner shall be appointed for a term of four years. The compensation **and retirement benefits** of the commissioner shall be the same as that of an associate circuit judge, payable in the same manner and from the same source as [the compensation] **that** of the associate circuit judge. Subject to approval or rejection by the judge of the probate division, the commissioner shall have all the powers and duties of [the] **a circuit** judge. The judge shall by order of record reject or confirm all orders, judgments and decrees of the commissioner within the time the judge could set aside such orders, judgments or decrees had the same been made by such judge. If so confirmed, the orders, judgments and decrees shall have the same effect as if made by the judge on the date of their confirmation.

478.320. 1. In counties having a population of thirty thousand or less, there shall be one associate circuit judge. In counties having a population of more than thirty thousand and less than one hundred thousand, there shall be two associate circuit judges. In counties having a population of one hundred thousand or more, there shall be [two] **three** associate circuit judges and one additional associate circuit judge for each additional one hundred thousand inhabitants [or major fraction thereof].

2. [In addition to the associate circuit judges authorized by subsection 1 of this section, one additional associate circuit judge is authorized for each magistrate which was provided in the county pursuant to the provisions of subsection 3 of section 482.010, RSMo, in effect on January 1, 1979. Additional associate circuit judges may be authorized in particular counties by law hereafter enacted.] **For purposes of this section, notwithstanding the provisions of section 1.100, RSMo, population of a county shall be determined on the basis of the last previous decennial census of the United States; and, beginning after certification of the year 2000 decennial census, on the basis of annual population estimates prepared by the United States Bureau of the Census, provided that the number of associate circuit judge positions in a county shall be adjusted only after population estimates for three consecutive years indicate population change in the county to a level provided by subsection 1 of this section.**

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

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

5. No associate circuit judge shall practice law, or do a law business, nor shall he accept, during his term of office, any public appointment for which he receives compensation for his services.

6. No person shall be elected as an associate circuit judge unless he has resided in the county for which he is to be elected at least one year prior to the date of his election; provided that, a person who is appointed by the governor to fill a vacancy may file for election and be elected notwithstand-

ing the provisions of this subsection.

479.261. 1. In addition to all other court costs for county or municipal ordinance violations, any county or any city having a shelter for victims of domestic violence established pursuant to sections 455.200 to 455.230, RSMo, or any municipality within a county which has such shelter, or any county or municipality whose residents are victims of domestic violence and are admitted to such shelters may, by order or ordinance to be effective prior to January 1, [1997] **2000**, provide for an additional surcharge in [an] **the amount [not to exceed one dollar] of two dollars** per case for each criminal case including county or municipal ordinance violation case filed before a municipal division judge or associate circuit judge. No surcharge shall be collected in any proceeding when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the state, county or municipality. Such surcharges collected by municipal clerks in municipalities electing or required to have violations of municipal ordinances tried before a municipal judge pursuant to section 479.020, or to employ judicial personnel pursuant to section 479.060, shall be disbursed to the city at least monthly, and such surcharges collected by circuit court clerks shall be collected and disbursed as provided by sections 488.010 to 488.020*, RSMo. Such fees shall be payable to the city or county wherein such fees originated. The county or city shall use such moneys only for the purpose of providing operating expenses for shelters for battered persons as defined in sections 455.200 to 455.230, RSMo.

2. The state highway patrol shall include in its voluntary system of reporting for compilation in the "Missouri Crime Index" all reported incidents of domestic violence, whether or not an arrest is made. All incidents shall be reported on forms provided by the highway patrol and in a manner prescribed by the patrol. For purposes of this subsection only, "domestic violence" shall be defined as any dispute arising between spouses, former spouses, persons related by blood or marriage, individuals who are presently residing together or have resided together in the past and persons who have a child in common regardless of whether they have been married or have resided together at any time.

487.020. 1. In each circuit or a county having a family court, a majority of the circuit and associate circuit judges en banc, in the circuit, may appoint commissioners, subject to appropriations, to hear family court cases and make findings as provided for in sections 487.010 to 487.190. Any person serving as a commissioner of the juvenile division of the circuit court on August 28, 1993, shall become a commissioner of the family court. In each circuit or a county therein having a family court, a majority of the circuit and associate circuit judges en banc may appoint, in addition to those commissioners serving as commissioners of the juvenile division and becoming commissioners of the family court pursuant to the provisions of sections 487.020 to 487.040, no more than three additional commissioners to hear family court cases and make findings and recommendations as provided in sections 487.010 to 487.190. The number of additional commissioners added as a result of the provisions of sections 487.010 to 487.190 may be appointed only to the extent that the state is reimbursed for the salaries of the commissioners as provided in sections 487.010 to 487.190 or by federal or county funds or by gifts or grants made for such purposes. A commissioner shall be appointed for a term of four years. Commissioners appointed pursuant to sections 487.020 to 487.040 shall serve in addition to circuit judges, associate circuit court judges and commissioners authorized to hear actions classified under section 487.080.

2. **The circuit court in the eleventh judicial circuit may, in substitution of a family court commissioner currently appointed pursuant to this section whose salary is reimbursable, appoint one family court commissioner whose compensation shall be payable by the state**

without necessity of reimbursement. The provisions of this subsection shall not be construed to allow appointment of a family court commissioner in addition to the number of such family court commissioners holding office in the eleventh judicial circuit as of January 1, 1999, and the appointment of the state-paid commissioner shall be subject to appropriations for such purpose.

3. Each commissioner of the family court shall possess the same qualifications as a circuit judge. The compensation and retirement benefits of each commissioner shall be the same as that of an associate circuit judge, payable in the same manner and from the same source as that of an associate circuit judge.

487.090. 1. In criminal actions where the defendant and the victim are part of the same family unit, the judge of the division in which the criminal case is pending may only transfer such case to the family court if it is in the interests of justice to all parties, the rights of the defendant, and the interests of the family. Such transfer shall only be made when[:

(1) The defendant has waived a jury trial with a full understanding of his rights;

(2) Both the defendant and the victim consent to the transfer;

(3) When] the judge of the division in which the criminal case is pending and the administrative judge of the family court approve such transfer **and the victim consents.**

2. No provision of subsection 1 of this section shall abridge any of the rights of a criminal defendant.

3. If a tort action is properly joined with any of the actions enumerated in section 487.080, the entire action shall not be within the jurisdiction of the family court but shall be assigned to and heard on a civil docket unless the parties stipulate and agree in writing that the matter may be retained in the family court.

4. The judge of the probate division may transfer a guardianship proceeding wherein a guardian of a minor is requested under chapter 475, RSMo, to the family court. If transferred, the family court shall have jurisdiction over such proceeding including the appointment of a guardian or conservator, if requested. Provided, however, upon final judgment, the proceeding shall be transferred to the probate division for administration. After final judgment, the judge of the probate division shall have ongoing authority to transfer the proceeding to the family court for additional action as may be needed to further the interests of justice.

488.015. The court shall not increase the amount of miscellaneous charges or surcharges allowed by law. The amounts of fees payable to the state of Missouri may be annually adjusted as provided in section 488.012 to the extent that projected total collections for all such fees shall not exceed one hundred four percent of such fees assessed or assessable during the previous year less the amount of such assessed fees attributable to any increase in the judiciary's caseload, provided that the amount of the adjusted fee attributable to each case may be rounded to the nearest dollar. [The supreme court may annually adjust each cost, fee, charge or surcharge so that projected total collections for that cost, fee, charge or surcharge will total an amount not to exceed one hundred four percent of the previous year's collections for that cost, fee, charge or surcharge, provided that the adjusted cost, fee, charge or surcharge shall be rounded to the nearest ten cents. In the event that the total collections for any cost, fee, charge or surcharge exceeds one hundred four percent of the previous year's collections, the supreme court shall reduce such cost, fee, charge or surcharge so that the projected total collections for the coming year shall be decreased by the amount of excess in the preceding year.] The supreme court rule may provide that in the event that any payment of court costs is made in time or installment payments or by credit card or similar method, the clerk may

charge an additional fee for such time or installment payments or in order to reflect any transaction cost, surcharge or fee imposed on the recipient of the credit card payment by the credit card company. Any change in the amount of fees made by the court pursuant to this section shall take effect on July first of any particular year, provided that the proposed supreme court rule or amendment to a supreme court rule changing the amount of fees shall be published on or before January first of the year in which the rule or amendment is proposed to take effect. Any such rule may be annulled or amended in whole or part in the manner provided by section 5 of article V of the Constitution of the state of Missouri. Any changes in the amount of fees made by the court pursuant to sections 488.010 to 488.020 shall be presented to the general assembly on or before January first of the year in which the rule or amendment is proposed to take effect.

491.300. Interpreters and translators in civil and criminal cases shall be allowed a reasonable fee approved by the court. Such fee shall be [taxed as costs against] **payable by** the state in criminal cases **from funds appropriated to the office of the state courts administrator.**

494.415. 1. From time to time and in a manner prescribed by the board of jury commissioners there shall be drawn at random from the master jury list the names or identifying numbers of as many prospective jurors as the court may require. The board of jury commissioners shall cause to be served in a manner prescribed by law for the service of summons or by ordinary mail, as determined by the board, a summons for jury service and a juror qualification form. The juror qualification form shall be approved by the circuit court en banc and shall:

- (1) Contain instructions to fill out and return the form within ten days;
- (2) Contain the prospective juror's declaration that his responses are true to the best of his knowledge; and
- (3) Elicit information concerning the prospective juror's qualifications. Notarization of the juror qualification form shall not be required. If the prospective juror is unable to fill out the juror qualification form, another person may do it for the prospective juror and shall so indicate and the reason therefor. Any prospective juror who fails to return a completed juror qualification form as instructed may be directed by the board of jury commissioners to appear forthwith to fill out a juror qualification form.

2. If it is determined from an examination of the juror qualification form that a person is not qualified to serve as a juror, that prospective juror shall be notified in a manner directed by the board of jury commissioners and shall not be required to comply with the summons for jury service. Such names shall be deleted from the master jury list.

3. **Upon application by a prospective juror, the jury supervisor or board of jury commissioners, acting in accordance with written guidelines adopted by the circuit court, may postpone that prospective juror's service to a later date.**

4. Those prospective jurors not disqualified from jury service shall constitute the qualified jury list. If any prospective juror is later determined to be ineligible or disqualified, such name shall be deleted from the qualified jury list and the master jury list.

- 494.425. The following persons shall be disqualified from serving as a petit or grand juror:
- (1) Any person who is less than [twenty-one] **eighteen** years of age;
 - (2) Any person not a citizen of the United States;
 - (3) Any person not a resident of the county or city not within a county served by the court issuing the summons;
 - (4) Any person who has been convicted of a felony, unless such person has been restored to [his] **such person's** civil rights;

- (5) Any person unable to read, speak and understand the English language;
- (6) Any person on active duty in the armed forces of the United States or any member of the organized militia on active duty under order of the governor;
- (7) Any licensed attorney at law;
- (8) Any judge of a court of record;
- (9) Any person who, in the judgment of the court or the board of jury commissioners, is incapable of performing the duties of a juror because of mental or physical illness or infirmity.

494.445. **1. Subsequent to January 1, 2005**, no petit juror shall be required to attend court for prospective jury service **for more than two days pursuant to a jury summons unless selected to a panel of prospective jurors for jury service pursuant to subsection 2 of section 494.420, or selected to serve as a petit juror in one particular case.**

2. No petit juror shall be required to serve as a juror for more than twenty days in any one-year period except as is necessary to complete service in a particular case.

494.455. 1. Each grand and petit juror shall receive six dollars per day, for every day he **or she** may actually serve as such, and seven cents for every mile he 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 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.

[3.] 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.

[4.] Jurors may receive the additional compensation and mileage allowance authorized by [subsections 2 and 3 of this section] **this subsection** only if the governing body of the county or the city not within a county authorizes the additional compensation. [All] **The** provisions of this [section which authorize the granting of] **subsection authorizing** additional compensation shall terminate upon the issuance of a mandate by the Missouri supreme court which [would result] **results** in the state of Missouri being obligated or required to pay any such additional compensation even [though] **if** such additional compensation is formally approved or authorized by the governing body of a county or a city not within a county.

[5.] **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. [Upon approval] **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.

506.363. For the purposes of sections 506.360 to 506.390, "offender" and "correctional

center" [are] **shall have the same meaning** as defined in section 217.010, RSMo; **and the terms "court costs" and "fees" shall have the same meaning as defined in section 488.010, RSMo.**

506.369. 1. [The court shall order the offender to pay the full amount of the filing fee.] If **the court receiving a motion pursuant to section 506.366 determined that an** offender is unable to pay the full amount **of court costs due with respect to a case**, the court shall assess a partial payment of the [filing fee which shall be] twenty percent of the greater of the following:

(1) The average monthly deposits to the offender's account for the six-month period immediately preceding the filing of the complaint or notice of appeal requiring the payment of a fee; or

(2) The average monthly balance in the offender's account for the six-month period immediately preceding the filing of the complaint or notice of appeal requiring the payment of a fee.

2. [If the balance in the offender's account is less than the amount assessed as the initial partial filing fee, the court shall enter judgment against the offender for the full amount of the filing fee. Payment of such judgment shall be made pursuant to section 506.372.] **If a trial court has entered an order pursuant to subsection 1 of this section upon the filing of plaintiff's petition, the determination of the court shall apply to the case until final judgment is entered by either the trial or an appellate court.**

506.372. [Following payment of an initial partial filing fee, or] If the court has entered [judgment for the initial partial filing fee] **an order for payment of fees in installments pursuant to section 506.369**, the offender shall make monthly payments **to the department of corrections** of twenty percent of the preceding month's income credited to the offender's account until the [filing] fees are paid in full. The [correctional facility having custody of the offender] **department of corrections** shall forward payments from the offender's account to the [clerk of the court] **department of revenue for deposit to the general revenue fund** until the [filing] fees are paid in full. The department of corrections shall establish written guidelines for the priority of payment consistent with state and federal law.

506.375. Notwithstanding any [filing fee] **court costs** which [has] **have** been paid, the court shall dismiss an offender's civil action or appeal from a judgment in a civil action at any time, including before service on the defendant, if the court determines any of the following:

- (1) The allegation of indigency is untrue;
- (2) The litigation is frivolous, malicious or fails to state a claim upon which relief may be granted; or
- (3) The defendant is immune from the cause of action.

506.390. Before payment of any compensatory damages awarded to an offender in connection with a civil action brought against any correctional facility or against any official or agent of such correctional facility, **the attorney general shall make** reasonable efforts [shall be made] to notify the victims of the crime for which the offender was convicted and incarcerated concerning the pending payment of any such compensatory damages.

508.190. 1. All the costs and expenses attending any such change of venue, made on the application of either party, shall be taxed against and paid by the petitioner, and shall not be taxed in the costs of the suit; provided, however, that when the change of venue is sought on the grounds of the prejudice of the inhabitants of the county, and the application is controverted by the opposing party, the costs incurred by the opposing party in hearing and determining said application shall be taxed against and paid by the losing party to said application.

2. **All court costs paid or payable with respect to any civil case in which venue is**

transferred which are to be distributed to the county in which the case is filed, shall be paid to the county to which the case is transferred. If any such court costs have been paid by a party prior to the order changing venue, such costs shall be paid by the treasurer of the county in which the case was originally filed, to the county to which the case is transferred.

511.440. 1. Judgments and decrees obtained in the supreme court or any district of the court of appeals or any United States court or any court of record in this state shall, upon the filing of a transcript thereof in the office of the clerk of the circuit court of any other county and indexing of such transcript as provided in subsection 2 of this section, be a lien upon the real estate of the person against whom such judgment or decree is rendered, situate in the county in which such transcript is filed.

2. Such judgment or decree as provided in subsection 1 of this section shall be entered in the [book] **record** kept by the clerk of the circuit court having jurisdiction of civil causes within a county or a city not within a county, for judgments and decrees of the circuit court of such county as provided in section 511.500, except that the [column for] **record of entry** of such judgment or decree shall also include the name and location of the court that rendered such judgment or decree.

511.450. As soon as such transcript shall be filed in the office of the clerk of the circuit court of any county, the clerk thereof shall forthwith enter the judgment or decree in the judgment docket of said court, in the same manner as is provided for entering judgments rendered in such court; and the clerk shall also record such transcript in a [book] **record** to be kept for that purpose, and shall [note] **record**, both [upon] **in** the judgment docket and upon the record of such transcript, the time of filing the same in his office.

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

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

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

528.620. Any one or more of two or more joint owners of personal property[, other than boats and vessels,] may file a petition in the circuit court for a partition or a sale and partition of the proceeds thereof, in the same manner as suits may be instituted for the partition and sale of real estate, and like proceedings had thereunder, as near as may be, as provided in cases for the partition of real estate.

536.053. Any person who is or may be aggrieved by any rule promulgated by a state agency shall have standing to challenge any rule promulgated by a state agency and may bring such an action pursuant to the provisions of section 536.050. Such person shall not be required to exhaust any administrative remedy and shall be considered a nonstate party.

550.140. The clerk of the court in which any criminal cause shall have been determined or continued generally shall, immediately after the adjournment of the court and before the next succeeding term, [tax] **calculate** all costs which have accrued in the case[; and]. If the state or county [shall be] **is** liable under the provisions of this chapter for [such] costs or any part thereof, he shall make out and deliver forthwith to the prosecuting attorney of said county a complete fee bill, specifying each item of services and the fee therefor. **The circuit clerk shall prepare a bill against the state containing only costs which are payable to the county.**

550.240. In all criminal cases which have been finally determined before an associate circuit judge in which the county shall be liable for any costs incurred therein, the clerk responsible for collecting fees in cases determined by such judge shall certify a complete itemized fee bill thereof to the county commission for payment, which fee bill shall be examined and audited by the prosecuting attorney and the judge. Whenever the state shall be liable under any law for costs incurred in any examination of a felony before any associate circuit judge, or in any misdemeanor case which is not finally determined before an associate circuit judge, the clerk serving such judge shall [make out] **calculate**, certify and return to the clerk of the circuit court of the county a complete [fee bill] **statement of costs**, specifying each item of service and the fee therefor, together with all the papers and docket entries in the case. The clerk of the circuit court shall thereupon make out a fee bill of all such costs which are legally chargeable against the state or county, which shall be examined by the prosecuting attorney. **The circuit clerk shall prepare a bill against the state containing only costs which are payable to the county.** All such fee bills shall thereafter be proceeded with in all respects as in the case of fee bills for costs incurred in cases before circuit judges.

550.260. 1. All criminal court cost bills shall be certified for payment as herein provided, and in addition thereto the circuit clerks of each county shall make copies of all original criminal court cost bills certified to the commissioner of administration for payment, and shall file the same with the treasurers of their respective counties, and the city of St. Louis, at the time of transmitting the original for payment.

2. When criminal court cost bills are certified to the commissioner of administration, warrants shall be drawn on the state treasurer as provided by law, provided that the amounts due to the state contained within such criminal court cost bills may be withheld by the state before payment is made to the counties. **Costs payable to the state contained in such criminal costs bills shall not be reimbursed to the counties, but the county shall be reimbursed only for those costs payable to the county.** Payment shall be transmitted to the treasurer of the county from whence the bill originated, or the city of St. Louis. When any criminal cost bill shall be certified to the county commission or the comptroller of the city of St. Louis, for payment, the county clerk, or the comptroller of the city of St. Louis, when the same is allowed, shall draw a warrant on the county treasurer or city treasurer in payment thereof, and deliver the same to the county treasurer, or to the

treasurer of the city of St. Louis, together with a list of the names of the various parties to whom the fees are due, stating the amount due each person.

3. The treasurers, on receipt of any such warrants and criminal court cost bills, shall record the criminal court cost bills in a well-bound book arranged with appropriate headings, so that the same shall correspond, as near as may be, with the accounts required to be kept by other officers in section 50.470, RSMo.

590.140. 1. A surcharge of [up to] two dollars may be assessed as costs in each criminal case involving violations of any county ordinance or a violation of any criminal or traffic laws of the state, including infractions, or violations of municipal ordinances, provided that no such fee shall be collected in any proceeding in any court when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the state, county or municipality. For violations of the general criminal laws of the state or county ordinances, no such surcharge shall be collected unless it is authorized by the county government where the violation occurred. For violations of municipal ordinances, no such surcharge shall be collected unless it is authorized by the municipal government where the violation occurred. Any such surcharge shall be authorized by the county or municipality and written notice given to the supreme court of such authorization prior to December first of the year preceding the state fiscal year during which such surcharge is to be collected and disbursed in the manner provided by sections 488.010 to 488.020, RSMo. If imposed by a municipality, such surcharges shall be collected by the clerk of the municipal court responsible for collecting court costs and fines and shall be transmitted monthly to the treasurer of the municipality where the violation occurred in cases of violations of municipal ordinances. If imposed by a county, such surcharges shall be collected and disbursed as provided in sections 488.010 to 488.020, RSMo. Such surcharges shall be payable to the treasurer of the county where the violation occurred in the case of violations of the general criminal laws of the state or county ordinances. An additional surcharge in the amount of one dollar shall be assessed as provided in this section, and shall be collected and disbursed as provided in sections 488.010 to 488.020, RSMo, and payable to the state treasury to the credit of the peace officer standards and training commission fund created in section 590.178. Such surcharges shall be in addition to the court costs and fees and limits on such court costs and fees established by section 66.110, RSMo, and section 479.260, RSMo.

2. Each county and municipality shall use all funds received under this section only to pay for the training required as provided in sections 590.100 to 590.180 or for the training of county coroners and their deputies. No county or municipality shall retain more than one thousand five hundred dollars of such funds for each certified law enforcement officer, candidate for certification employed by that agency or a coroner and the coroner's deputies. Any excess funds shall be transmitted quarterly to the general revenue fund of the county or municipality treasury which assessed the costs.

600.040. 1. The city or county shall, **within its ability to do so**, provide **sufficient** office space and utility services, other than telephone service, for the circuit or regional public defender and his personnel, **except when the state public defender commission has moved, or moves, the office outside of a county- or city-owned facility, in which case the cost of providing office space and utility services shall be paid by the state**. If there is more than one county in a circuit or region, each county shall contribute, on the basis of population, its pro rata share of the costs of office space and utility services, other than telephone service. The state shall pay, within the limits of the appropriation therefor, all other expenses and costs of the state public defender system authorized under this chapter.

2. A complete budget for the state public defender system shall be provided through an

annual appropriation subject to approval by the governor and the general assembly. The budget request for the state public defender system shall be approved by the commission and submitted directly to the governor and the general assembly by the director and shall not be subject to diminution or alteration by the judicial department of state government.

3. Any person who is a public defender or employee of a public defender shall be entitled to all benefits of the Missouri state employees' retirement system as defined in sections 104.310 to 104.550, RSMo.

600.101. A public defender shall be reassigned at least two days per month to any county willing to provide office space for the public defender.

632.492. Within sixty days after the completion of any examination held pursuant to section 632.489, the [circuit] court shall conduct a trial to determine whether the person is a sexually violent predator. The trial may be continued upon the request of either party and a showing of good cause, or by the court on its own motion in the due administration of justice, and when the respondent will not be substantially prejudiced. At all stages of the proceedings pursuant to sections 632.480 to 632.513, any person subject to sections 632.480 to 632.513 shall be entitled to the assistance of counsel, and if the person is indigent, the court shall appoint counsel to assist such person. The person, the attorney general, or the judge shall have the right to demand that the trial be before a jury. If no demand for a jury is made, the trial shall be before the court.

Section 1. A county or any other interested municipality or person may bring an action against the commission established pursuant to section 72.400, RSMo, contesting a proposed boundary change or other commission action.

Section 2. Upon a finding of paternity by a court, the parties to a paternity action may submit, either separately or jointly, a parenting plan, as defined in section 452.310, RSMo, regarding the child who is the subject of such paternity action. If a parenting plan is submitted, the court shall order a parenting plan for such child. If the court does not have proper jurisdiction, the court shall transfer the case to an appropriate court having jurisdiction on the matter.

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