

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILLS NOS. 994, 52 & 984

102ND GENERAL ASSEMBLY

2271S.05C

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 435.014, 452.355, 452.375, 455.010, 455.035, 455.513, 475.040, 475.050, 476.055, 485.060, 487.110, 494.455, 509.520, 565.240, and 600.042, RSMo, and to enact in lieu thereof thirty-five new sections relating to judicial proceedings, with penalty provisions.

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

Section A. Sections 435.014, 452.355, 452.375, 455.010, 2 455.035, 455.513, 475.040, 475.050, 476.055, 485.060, 487.110, 3 494.455, 509.520, 565.240, and 600.042, RSMo, are repealed and 4 thirty-five new sections enacted in lieu thereof, to be known 5 as sections 435.300, 435.303, 435.306, 435.309, 435.312, 6 452.355, 452.375, 455.010, 455.035, 455.513, 475.040, 475.050, 7 476.055, 476.1300, 476.1302, 476.1304, 476.1306, 476.1308, 8 476.1310, 476.1313, 485.060, 487.110, 494.455, 509.520, 9 510.500, 510.503, 510.506, 510.509, 510.512, 510.515, 510.518, 10 510.521, 544.453, 565.240, and 600.042, to read as follows:

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

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

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

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

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

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

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

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

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

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

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

36 (7) "Mandated reporter", an individual who is required
37 to report abuse or neglect pursuant to the provisions of

38 section 192.2405, 192.2475, 198.070, 208.912, 210.115,
39 352.400, 630.162, or 630.165;

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

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

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

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

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

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

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

67 (15) "Writing" or "written", a tangible or electronic
68 record of a communication or representation, including
69 handwriting, typewriting, printing, photostating,

70 photography, audio or video recording, and electronic
71 communication;

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

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

74 (b) Is signed, executed, or adopted by the parties, by
75 any process described in subdivision (15) of this section,
76 including electronic signatures as permitted by section
77 432.230, with the intent to sign and be bound by the
78 writing, and attached to or logically associated with the
79 writing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

435.306. 1. Alternative dispute resolution

2 communications shall not be admissible as evidence in any
3 proceeding or subject to discovery, except as otherwise
4 provided in subsections 2, 3, and 7 of this section.
5 Exceptions shall be narrowly construed and only the portion
6 of the communication necessary for the application of the
7 exception to the general rule of nonadmissibility shall be
8 admitted.

9 2. Evidence or information that is otherwise
10 admissible or subject to discovery, including information
11 that would be available to the public pursuant to sections
12 610.010 to 610.035, shall not become inadmissible or
13 protected from discovery solely by reason of its disclosure
14 or use in an alternative dispute resolution process.

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

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

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

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

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

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

54 5. Any participant in an alternative dispute
55 resolution process has standing to intervene in any
56 proceeding to object to the admissibility of an alternative
57 dispute resolution communication made by that participant
58 during or relating to that alternative dispute resolution
59 process. A neutral who participated in an alternative
60 dispute resolution process also has standing to intervene in
61 any proceeding to object to the admissibility of an
62 alternative dispute resolution communication made by the
63 neutral or an agent or employee of a neutral or of an

64 organization through which the neutral provided the
65 alternative dispute resolution services for such process,
66 but the neutral is under no requirement to do so.

67 6. Except as provided in subsection 7 of this section,
68 no neutral, agent or employee of that neutral, or agent or
69 employee of an organization through which the neutral
70 provided alternative dispute resolution services shall be
71 subpoenaed or otherwise compelled to disclose any
72 alternative dispute resolution communication, including any
73 alternative dispute resolution communication that would
74 otherwise fall within the exceptions identified in
75 subsection 3 of this section. No neutral who is a licensed
76 attorney, nor an agent or employee of such neutral or of an
77 organization through which the neutral provided alternative
78 dispute resolution services pursuant to sections 435.300 to
79 435.312, shall be required to disclose any alternative
80 dispute resolution communication to which a reporting
81 obligation might otherwise apply under the rules regulating
82 the professional conduct of attorneys.

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

91 8. The court may request that the neutral or the
92 parties provide the court with progress reports on
93 alternative dispute resolution processes related to pending
94 civil actions, except such reports shall be limited to a
95 statement that the matter has been resolved in its entirety,

96 partially resolved, or not resolved and whether future dates
97 for an alternative dispute resolution process are
98 scheduled. A neutral may also report to the court that a
99 payment has not been received from one or more parties. A
100 court shall not require the disclosure of alternative
101 dispute resolution communication in any such report.

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

435.309. 1. Unless the parties have entered into a
2 written agreement providing for entry into a binding
3 alternative dispute resolution process, all alternative
4 dispute resolution processes pursuant to sections 435.300 to
5 435.312 shall be nonbinding.

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

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

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

7 that sections 435.300 to 435.312 shall apply to such
8 alternative dispute resolution process.

9 2. The parties to a dispute may enter into a written
10 agreement to attempt to resolve their differences through an
11 alternative dispute resolution process and may agree that
12 sections 435.300 to 435.312 will apply to such alternative
13 dispute resolution process before the filing of an action or
14 after the entry of a judgment, as well as during the
15 pendency of an action. If the matter resolves and the
16 parties file a case to present the settlement for approval
17 by the court, the case shall be exempted from any local rule
18 that refers a class of cases to any alternative dispute
19 resolution process.

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

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

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

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

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

38 6. If the court has not referred the case to an
39 alternative dispute resolution process pursuant to section
40 435.303 or if the parties do not elect to use sections
41 435.300 to 435.312, the process shall be regarded as
42 settlement negotiations and subject to the rules of
43 confidentiality that generally apply to such negotiations.
44 If the parties to the dispute have agreed in writing to
45 submit their dispute to such alternative dispute resolution
46 process but have not invoked the protections of sections
47 435.300 to 435.312, no person who serves as a neutral in
48 such process, nor any agent or employee of that person or of
49 an organization through which the neutral provided the
50 alternative dispute resolution process, shall be subpoenaed
51 or otherwise compelled to disclose any matter revealed in
52 the process of setting up or conducting such alternative
53 dispute resolution process. All settlement agreements shall
54 be in writing as described in sections 435.300 to 435.312.

 452.355. 1. Unless otherwise indicated, the court
2 from time to time after considering all relevant factors
3 including the financial resources of both parties, the
4 merits of the case and the actions of the parties during the
5 pendency of the action, may order a party to pay a
6 reasonable amount for the cost to the other party of
7 maintaining or defending any proceeding pursuant to sections
8 452.300 to 452.415 and for attorney's fees, including sums
9 for legal services rendered and costs incurred prior to the
10 commencement of the proceeding and after entry of a final
11 judgment. The court may order that the amount be paid
12 directly to the attorney, who may enforce the order in the
13 attorney's name.

14 2. In actions brought to enforce a temporary order or
15 final judgment of the court in any proceeding under sections

16 452.300 to 452.415, excluding any proceeding described in
17 subsection 3 of this section, the court shall order the
18 party against whom enforcement is sought, if requested and
19 for good cause shown, to pay the cost of the suit to the
20 party seeking enforcement, including attorney's fees. The
21 court may order that the amount be paid directly to the
22 attorney, who may enforce the order in the attorney's name.

23 3. In any proceeding in which the failure to pay child
24 support pursuant to a temporary order or final judgment is
25 an issue, if the court finds that the obligor has failed,
26 without good cause, to comply with such order or decree to
27 pay the child support, the court shall order the obligor, if
28 requested and for good cause shown, to pay a reasonable
29 amount for the cost of the suit to the obligee, including
30 reasonable sums for legal services. The court may order
31 that the amount be paid directly to the attorney, who may
32 enforce the order in his name.

33 [3.] 4. For purposes of this section, an "obligor" is
34 a person owing a duty of support and an "obligee" is a
35 person to whom a duty of support is owed.

36 [4.] 5. For purposes of this section, "good cause"
37 includes, **but shall not be limited to**, any substantial
38 reason why the obligor is unable to pay the child support as
39 ordered. Good cause does not exist if the obligor purposely
40 maintains his inability to pay.

452.375. 1. As used in this chapter, unless the
2 context clearly indicates otherwise:

3 (1) "Custody" means joint legal custody, sole legal
4 custody, joint physical custody or sole physical custody or
5 any combination thereof;

6 (2) "Joint legal custody" means that the parents share
7 the decision-making rights, responsibilities, and authority

8 relating to the health, education and welfare of the child,
9 and, unless allocated, apportioned, or decreed, the parents
10 shall confer with one another in the exercise of decision-
11 making rights, responsibilities, and authority;

12 (3) "Joint physical custody" means an order awarding
13 each of the parents significant, but not necessarily equal,
14 periods of time during which a child resides with or is
15 under the care and supervision of each of the parents.
16 Joint physical custody shall be shared by the parents in
17 such a way as to assure the child of frequent, continuing
18 and meaningful contact with both parents;

19 (4) "Third-party custody" means a third party
20 designated as a legal and physical custodian pursuant to
21 subdivision (5) of subsection 5 of this section.

22 2. The court shall determine custody in accordance
23 with the best interests of the child. **There shall be a**
24 **rebuttable presumption that an award of equal or**
25 **approximately equal parenting time to each parent is in the**
26 **best interests of the child. Such presumption is rebuttable**
27 **only by a preponderance of the evidence in accordance with**
28 **all relevant factors, including, but not limited to, the**
29 **factors contained in subdivisions (1) to (9) of this**
30 **subsection. The presumption may be rebutted if the court**
31 **finds that the parents have reached an agreement on all**
32 **issues related to custody or if the court finds that a**
33 **pattern of domestic violence has occurred as set out in**
34 **subdivision (7) of this subsection.** When the parties have
35 not reached an agreement on all issues related to custody,
36 the court shall consider all relevant factors and enter
37 written findings of fact and conclusions of law, including,
38 but not limited to, the following:

39 (1) The wishes of the child's parents as to custody
40 and the proposed parenting plan submitted by both parties;

41 (2) The needs of the child for a frequent, continuing
42 and meaningful relationship with both parents and the
43 ability and willingness of parents to actively perform their
44 functions as mother and father for the needs of the child;

45 (3) The interaction and interrelationship of the child
46 with parents, siblings, and any other person who may
47 significantly affect the child's best interests;

48 (4) Which parent is more likely to allow the child
49 frequent, continuing and meaningful contact with the other
50 parent; **the willingness and ability of parents to cooperate**
51 **in the rearing of their child; to maximize sharing**
52 **information and minimize exposure of the child to parental**
53 **conflict; and to utilize methods for resolving disputes**
54 **regarding any major decision concerning the life of the**
55 **child;**

56 (5) The child's **needs** adjustment to the child's home,
57 school, and community; **and the child's physical, emotional,**
58 **educational, and other needs. The fact that a parent sends**
59 **his or her child or children to a home school, as defined in**
60 **section 167.031, shall not be the sole factor that a court**
61 **considers in determining custody of such child or children;**

62 (6) The mental and physical health of all individuals
63 involved, including **the mental health or substance abuse**
64 **history experienced by either parent;**

65 (7) Any history of abuse of any individuals involved,
66 including **domestic and child abuse. In determining whether**
67 **the presumption is rebutted by a pattern of domestic**
68 **violence, the court shall consider the nature and context of**
69 **the domestic violence and the implications of the domestic**
70 **violence for parenting and for the child's safety, well-**

71 **being, and developmental needs.** If the court finds that a
72 pattern of domestic violence as defined in section 455.010
73 has occurred, and, if the court also finds that awarding
74 custody to the abusive parent is in the best interest of the
75 child, then the court shall enter written findings of fact
76 and conclusions of law. Custody and visitation rights shall
77 be ordered in a manner that best protects the child and any
78 other child or children for whom the parent has custodial or
79 visitation rights, and the parent or other family or
80 household member who is the victim of domestic violence from
81 any further harm, **whether physical, verbal, emotional, or**
82 **psychological;**

83 [(7) The intention of either parent to relocate the
84 principal residence of the child; and

85 (8) The wishes of a child as to the child's
86 custodian. The fact that a parent sends his or her child or
87 children to a home school, as defined in section 167.031,
88 shall not be the sole factor that a court considers in
89 determining custody of such child or children.]

90 (8) **The distance between the residences of the parents**
91 **seeking custody, including consideration of any relocation**
92 **which has occurred or an intent to relocate; and**

93 (9) **The reasonable input of the child as to the**
94 **child's custodian, if the court deems the child to be of**
95 **sufficient ability, age, and maturity to express an**
96 **independent, reliable preference and that such input is in**
97 **the best interests of the child and will not be emotionally**
98 **damaging, with due consideration of the influence that a**
99 **parent may have on the child's input.**

100 3. (1) In any court proceedings relating to custody
101 of a child, the court shall not award custody or
102 unsupervised visitation of a child to a parent if such

103 parent or any person residing with such parent has been
104 found guilty of, or pled guilty to, any of the following
105 offenses when a child was the victim:

106 (a) A felony violation of section 566.030, 566.031,
107 566.032, 566.060, 566.061, 566.062, 566.064, 566.067,
108 566.068, 566.083, 566.100, 566.101, 566.111, 566.151,
109 566.203, 566.206, 566.209, 566.211, or 566.215;

110 (b) A violation of section 568.020;

111 (c) A violation of subdivision (2) of subsection 1 of
112 section 568.060;

113 (d) A violation of section 568.065;

114 (e) A violation of section 573.200;

115 (f) A violation of section 573.205; or

116 (g) A violation of section 568.175.

117 (2) For all other violations of offenses in chapters
118 566 and 568 not specifically listed in subdivision (1) of
119 this subsection or for a violation of an offense committed
120 in another state when a child is the victim that would be a
121 violation of chapter 566 or 568 if committed in Missouri,
122 the court may exercise its discretion in awarding custody or
123 visitation of a child to a parent if such parent or any
124 person residing with such parent has been found guilty of,
125 or pled guilty to, any such offense.

126 4. The general assembly finds and declares that it is
127 the public policy of this state that frequent, continuing
128 and meaningful contact with both parents after the parents
129 have separated or dissolved their marriage is in the best
130 interest of the child, except for cases where the court
131 specifically finds that such contact is not in the best
132 interest of the child, and that it is the public policy of
133 this state to encourage parents to participate in decisions
134 affecting the health, education and welfare of their

135 children, and to resolve disputes involving their children
136 amicably through alternative dispute resolution. In order
137 to effectuate these policies, **the general assembly**
138 **encourages the court to enter a temporary parenting plan as**
139 **early as practicable in a proceeding under this chapter,**
140 **consistent with the provisions of subsection 2 of this**
141 **section, and, in so doing,** the court shall determine the
142 custody arrangement which will best assure both parents
143 participate in such decisions and have frequent, continuing
144 and meaningful contact with their children so long as it is
145 in the best interests of the child.

146 5. Prior to awarding the appropriate custody
147 arrangement in the best interest of the child, the court
148 shall consider each of the following as follows:

149 (1) Joint physical and joint legal custody to both
150 parents, which shall not be denied solely for the reason
151 that one parent opposes a joint physical and joint legal
152 custody award. The residence of one of the parents shall be
153 designated as the address of the child for mailing and
154 educational purposes;

155 (2) Joint physical custody with one party granted sole
156 legal custody. The residence of one of the parents shall be
157 designated as the address of the child for mailing and
158 educational purposes;

159 (3) Joint legal custody with one party granted sole
160 physical custody;

161 (4) Sole custody to either parent; or

162 (5) Third-party custody or visitation:

163 (a) When the court finds that each parent is unfit,
164 unsuitable, or unable to be a custodian, or the welfare of
165 the child requires, and it is in the best interests of the
166 child, then custody, temporary custody or visitation may be

167 awarded **to** a person related by consanguinity or affinity to
168 the child. If no person related to the child by
169 consanguinity or affinity is willing to accept custody, then
170 the court may award custody to any other person or persons
171 deemed by the court to be suitable and able to provide an
172 adequate and stable environment for the child. Before the
173 court awards custody, temporary custody or visitation to a
174 third person under this subdivision, the court shall make
175 that person a party to the action;

176 (b) Under the provisions of this subsection, any
177 person may petition the court to intervene as a party in
178 interest at any time as provided by supreme court rule.

179 6. If the parties have not agreed to a custodial
180 arrangement, or the court determines such arrangement is not
181 in the best interest of the child, the court shall include a
182 written finding in the judgment or order based on the public
183 policy in subsection 4 of this section and each of the
184 factors listed in subdivisions (1) to **[(8)] (9)** of
185 subsection 2 of this section detailing the specific relevant
186 factors that made a particular arrangement in the best
187 interest of the child. If a proposed custodial arrangement
188 is rejected by the court, the court shall include a written
189 finding in the judgment or order detailing the specific
190 relevant factors resulting in the rejection of such
191 arrangement.

192 7. Upon a finding by the court that either parent has
193 refused to exchange information with the other parent, which
194 shall include but not be limited to information concerning
195 the health, education and welfare of the child, the court
196 shall order the parent to comply immediately and to pay the
197 prevailing party a sum equal to the prevailing party's cost
198 associated with obtaining the requested information, which

199 shall include but not be limited to reasonable attorney's
200 fees and court costs.

201 8. As between the parents of a child, no preference
202 may be given to either parent in the awarding of custody
203 because of that parent's age, sex, or financial status, nor
204 because of the age or sex of the child. The court shall not
205 presume that a parent, solely because of his or her sex, is
206 more qualified than the other parent to act as a joint or
207 sole legal or physical custodian for the child.

208 9. Any judgment providing for custody shall include a
209 specific written parenting plan setting forth the terms of
210 such parenting plan arrangements specified in subsection 8
211 of section 452.310. Such plan may be a parenting plan
212 submitted by the parties pursuant to section 452.310 or, in
213 the absence thereof, a plan determined by the court, but in
214 all cases, the custody plan approved and ordered by the
215 court shall be in the court's discretion and shall be in the
216 best interest of the child.

217 10. After August 28, 2016, every court order
218 establishing or modifying custody or visitation shall
219 include the following language: "In the event of
220 noncompliance with this order, the aggrieved party may file
221 a verified motion for contempt. If custody, visitation, or
222 third-party custody is denied or interfered with by a parent
223 or third party without good cause, the aggrieved person may
224 file a family access motion with the court stating the
225 specific facts that constitute a violation of the custody
226 provisions of the judgment of dissolution, legal separation,
227 or judgment of paternity. The circuit clerk will provide
228 the aggrieved party with an explanation of the procedures
229 for filing a family access motion and a simple form for use
230 in filing the family access motion. A family access motion

231 does not require the assistance of legal counsel to prepare
232 and file."

233 11. No court shall adopt any local rule, form, or
234 practice requiring a standardized or default parenting plan
235 for interim, temporary, or permanent orders or judgments.
236 Notwithstanding any other provision **of law** to the contrary,
237 a court may enter an interim order in a proceeding under
238 this chapter, provided that the interim order shall not
239 contain any provisions about child custody or a parenting
240 schedule or plan without first providing the parties with
241 notice and a hearing, unless the parties otherwise agree.

242 12. Unless a parent has been denied custody rights
243 pursuant to this section or visitation rights under section
244 452.400, both parents shall have access to records and
245 information pertaining to a minor child including, but not
246 limited to, medical, dental, and school records. If the
247 parent without custody has been granted restricted or
248 supervised visitation because the court has found that the
249 parent with custody or any child has been the victim of
250 domestic violence, as defined in section 455.010, by the
251 parent without custody, the court may order that the reports
252 and records made available pursuant to this subsection not
253 include the address of the parent with custody or the
254 child. A court shall order that the reports and records
255 made available under this subsection not include the address
256 of the parent with custody if the parent with custody is a
257 participant in the address confidentiality program under
258 section 589.663. Unless a parent has been denied custody
259 rights pursuant to this section or visitation rights under
260 section 452.400, any judgment of dissolution or other
261 applicable court order shall specifically allow both parents
262 access to such records and reports.

263 13. Except as otherwise precluded by state or federal
264 law, if any individual, professional, public or private
265 institution or organization denies access or fails to
266 provide or disclose any and all records and information,
267 including, but not limited to, past and present dental,
268 medical and school records pertaining to a minor child, to
269 either parent upon the written request of such parent, the
270 court shall, upon its finding that the individual,
271 professional, public or private institution or organization
272 denied such request without good cause, order that party to
273 comply immediately with such request and to pay to the
274 prevailing party all costs incurred, including, but not
275 limited to, attorney's fees and court costs associated with
276 obtaining the requested information.

277 14. An award of joint custody does not preclude an
278 award of child support pursuant to section 452.340 and
279 applicable supreme court rules. The court shall consider
280 the factors contained in section 452.340 and applicable
281 supreme court rules in determining an amount reasonable or
282 necessary for the support of the child.

283 15. If the court finds that domestic violence or abuse
284 as defined in section 455.010 has occurred, the court shall
285 make specific findings of fact to show that the custody or
286 visitation arrangement ordered by the court best protects
287 the child and the parent or other family or household member
288 who is the victim of domestic violence, as defined in
289 section 455.010, and any other children for whom such parent
290 has custodial or visitation rights from any further harm.

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

3 (1) "Abuse", includes but is not limited to the
4 occurrence of any of the following acts, attempts or threats

5 against a person who may be protected pursuant to this
6 chapter, except abuse shall not include abuse inflicted on a
7 child by accidental means by an adult household member or
8 discipline of a child, including spanking, in a reasonable
9 manner:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

61 (8) "Full order of protection", an order of protection
62 issued after a hearing on the record where the respondent
63 has received notice of the proceedings and has had an
64 opportunity to be heard;

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

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

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

72 (12) "Petitioner", a family or household member who
73 has been a victim of domestic violence, or any person who
74 has been the victim of stalking or sexual assault, or a
75 person filing on behalf of a child pursuant to section
76 455.503 who has filed a verified petition pursuant to the
77 provisions of section 455.020 or section 455.505;

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

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

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

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

94 (b) "Course of conduct", two or more acts that serve
95 no legitimate purpose including, but not limited to, acts in
96 which the stalker directly, indirectly, or through a third
97 party follows, monitors, observes, surveils, threatens, or
98 communicates to a person by any action, method, or device.

455.035. 1. Upon the filing of a verified petition
2 pursuant to sections 455.010 to 455.085 and for good cause

3 shown in the petition, the court may immediately issue an ex
4 parte order of protection. An immediate and present danger
5 of domestic violence to the petitioner or the child on whose
6 behalf the petition is filed shall constitute good cause for
7 purposes of this section. An ex parte order of protection
8 entered by the court shall take effect when entered and
9 shall remain in effect until there is valid service of
10 process and a hearing is held on the motion. The court
11 shall deny the ex parte order and dismiss the petition if
12 the petitioner is not authorized to seek relief pursuant to
13 section 455.020.

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

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

455.513. 1. The court may immediately issue an ex
2 parte order of protection upon the filing of a verified
3 petition under sections 455.500 to 455.538, for good cause
4 shown in the petition, and upon finding that:

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

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

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

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

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

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

 475.040. If it appears to the court, acting on the
2 petition of the guardian, the conservator, the respondent or
3 of a ward over the age of fourteen, or on its own motion, at

4 any time before the termination of the guardianship or
5 conservatorship, that the proceeding was commenced in the
6 wrong county, or that the domicile [or residence] of the
7 ward or protectee has [been] changed to another county, or
8 in case of conservatorship of the estate that it would be
9 for the best interest of the ward or disabled person and his
10 estate, the court may order the proceeding with all papers,
11 files and a transcript of the proceedings transferred to the
12 probate division of the circuit court of another county.
13 The court to which the transfer is made shall take
14 jurisdiction of the case, place the transcript of record and
15 proceed to the final settlement of the case as if the
16 appointment originally had been made by it.

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

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

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

18 (3) The spouse, parents, adult children, adult
19 brothers and sisters and other close adult relatives of the
20 incapacitated or disabled person;

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

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

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

40 4. Except for those individuals specified in
41 subdivisions (1) and (2) of this subsection, the court shall
42 require all guardians and conservators who are seeking
43 appointment and who have a fiduciary responsibility to a
44 ward, an incapacitated person, or a disabled person to
45 submit at their own expense to a background screening that
46 shall include the disqualification lists of the departments
47 of mental health, social services, and health and senior
48 services; the abuse and neglect registries for adults and
49 children; a Missouri criminal record review; and the sexual

50 offender registry. Individuals seeking appointment as a
51 conservator shall also submit, at their own expense, to a
52 credit history investigation. The nominated guardian or
53 conservator shall file the results of the reports with the
54 court at least ten days prior to the appointment hearing
55 date unless waived or modified by the court for good cause
56 shown by an affidavit filed simultaneously with the petition
57 for appointment or in the event the protected person
58 requests an expedited hearing. The provisions of this
59 subsection shall not apply to:

60 (1) Public administrators; or
61 (2) The ward's, incapacitated person's, or disabled
62 person's spouse, parents, children who have reached eighteen
63 years of age, [or] siblings who have reached eighteen years
64 of age, **or grandparents seeking guardianship or**
65 **conservatorship of a minor grandchild, unless such**
66 **background reports are requested by any other party to the**
67 **proceeding, the guardian ad litem for the minor child, or**
68 **otherwise ordered by the court on its own motion.**

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

75 6. Guardians certified by a national accrediting
76 organization may file proof of certification in lieu of the
77 requirements of subsections 4 and 6 of this section.

78 [6.] 7. An order appointing a guardian or conservator
79 shall not be signed by the judge until such reports have
80 been filed with the court and reviewed by the judge, who
81 shall consider the reports in determining whether to appoint

82 a guardian or conservator. Such reports, or lack thereof,
83 shall be certified either by an affidavit or by obtaining a
84 certified copy of the reports. No reports or national
85 criminal history record check shall be required by the court
86 upon the application of a petitioner for an emergency
87 temporary guardianship or emergency temporary
88 conservatorship. The court may waive the requirements of
89 this subsection for good cause shown. If appointed, a
90 guardian or conservator may petition the court for
91 reimbursement of the reasonable expenses of the credit
92 history investigation and background screenings.

476.055. 1. There is hereby established in the state
2 treasury the "Statewide Court Automation Fund". All moneys
3 collected pursuant to section 488.027, as well as gifts,
4 contributions, devises, bequests, and grants received
5 relating to automation of judicial record keeping, and
6 moneys received by the judicial system for the dissemination
7 of information and sales of publications developed relating
8 to automation of judicial record keeping, shall be credited
9 to the fund. Moneys credited to this fund may only be used
10 for the purposes set forth in this section and as
11 appropriated by the general assembly. Any unexpended
12 balance remaining in the statewide court automation fund at
13 the end of each biennium shall not be subject to the
14 provisions of section 33.080 requiring the transfer of such
15 unexpended balance to general revenue[; except that, any
16 unexpended balance remaining in the fund on September 1,
17 2023, shall be transferred to general revenue].

18 2. The statewide court automation fund shall be
19 administered by a court automation committee consisting of
20 the following: the chief justice of the supreme court, a
21 judge from the court of appeals, four circuit judges, four

22 associate circuit judges, four employees of the circuit
23 court, **two employees who work full time in a municipal**
24 **division of a circuit court**, the commissioner of
25 administration, two members of the house of representatives
26 appointed by the speaker of the house, two members of the
27 senate appointed by the president pro tem of the senate, the
28 executive director of the Missouri office of prosecution
29 services, the director of the state public defender system,
30 and two members of the Missouri Bar. The judge members and
31 employee members shall be appointed by the chief justice.
32 The commissioner of administration shall serve ex officio.
33 The members of the Missouri Bar shall be appointed by the
34 board of governors of the Missouri Bar. Any member of the
35 committee may designate another person to serve on the
36 committee in place of the committee member.

37 3. The committee shall develop and implement a plan
38 for a statewide court automation system. The committee
39 shall have the authority to hire consultants, review systems
40 in other jurisdictions and purchase goods and services to
41 administer the provisions of this section. The committee
42 may implement one or more pilot projects in the state for
43 the purposes of determining the feasibility of developing
44 and implementing such plan. The members of the committee
45 shall be reimbursed from the court automation fund for their
46 actual expenses in performing their official duties on the
47 committee.

48 4. Any purchase of computer software or computer
49 hardware that exceeds five thousand dollars shall be made
50 pursuant to the requirements of the office of administration
51 for lowest and best bid. Such bids shall be subject to
52 acceptance by the office of administration. The court

53 automation committee shall determine the specifications for
54 such bids.

55 5. The court automation committee shall not require
56 any circuit court to change any operating system in such
57 court, unless the committee provides all necessary
58 personnel, funds and equipment necessary to effectuate the
59 required changes. No judicial circuit or county may be
60 reimbursed for any costs incurred pursuant to this
61 subsection unless such judicial circuit or county has the
62 approval of the court automation committee prior to
63 incurring the specific cost.

64 6. Any court automation system, including any pilot
65 project, shall be implemented, operated and maintained in
66 accordance with strict standards for the security and
67 privacy of confidential judicial records. Any person who
68 knowingly releases information from a confidential judicial
69 record is guilty of a class B misdemeanor. Any person who,
70 knowing that a judicial record is confidential, uses
71 information from such confidential record for financial gain
72 is guilty of a class E felony.

73 7. On the first day of February, May, August and
74 November of each year, the court automation committee shall
75 file a report on the progress of the statewide automation
76 system with:

- 77 (1) The chair of the house budget committee;
- 78 (2) The chair of the senate appropriations committee;
- 79 (3) The chair of the house judiciary committee; and
- 80 (4) The chair of the senate judiciary committee.

81 8. [Section 488.027 shall expire on September 1,
82 2023.] The court automation committee established pursuant
83 to this section may continue to function until completion of

84 its duties prescribed by this section[, but shall complete
85 its duties prior to September 1, 2025.

86 9. This section shall expire on September 1, 2025].

476.1300. 1. Sections 476.1300 to 476.1310 shall be
2 known and may be cited as the "Judicial Privacy Act".

3 2. As used in sections 476.1300 to 476.1310, the
4 following terms mean:

5 (1) "Government agency", all agencies, authorities,
6 boards, commissions, departments, institutions, offices, and
7 any other bodies politic and corporate of the state created
8 by the constitution or statute, whether in the executive,
9 judicial, or legislative branch; all units and corporate
10 outgrowths created by executive order of the governor or any
11 constitutional officer, by the supreme court, or by
12 resolution of the general assembly; agencies, authorities,
13 boards, commissions, departments, institutions, offices, and
14 any other bodies politic and corporate of a political
15 subdivision, including school districts; and any public
16 governmental body as that term is defined in section 610.010;

17 (2) "Home address", a judicial officer's permanent
18 residence and any secondary residences affirmatively
19 identified by the judicial officer, but does not include a
20 judicial officer's work address;

21 (3) "Immediate family", a judicial officer's spouse,
22 child, adoptive child, foster child, parent, or any
23 unmarried companion of the judicial officer or other
24 familial relative of the judicial officer or the judicial
25 officer's spouse who lives in the same residence;

26 (4) "Judicial officer", actively employed, formerly
27 employed, or retired:

28 (a) Justices of the Supreme Court of the United States;

29 (b) Judges of the United States Court of Appeals;

30 (c) Judges and magistrate judges of the United States
31 District Courts;

32 (d) Judges of the United States Bankruptcy Court;

33 (e) Judges of the Missouri supreme court;

34 (f) Judges of the Missouri court of appeals;

35 (g) Judges and commissioners of the Missouri circuit
36 courts, including of the divisions of a circuit court; and

37 (h) Prosecuting or circuit attorney, or assistant
38 prosecuting or circuit attorney;

39 (5) "Personal information", a home address, home
40 telephone number, mobile telephone number, pager number,
41 personal email address, Social Security number, federal tax
42 identification number, checking and savings account numbers,
43 credit card numbers, marital status, and identity of
44 children under eighteen years of age;

45 (6) "Publicly available content", any written,
46 printed, or electronic document or record that provides
47 information or that serves as a document or record
48 maintained, controlled, or in the possession of a government
49 agency that may be obtained by any person or entity, from
50 the internet, from the government agency upon request either
51 free of charge or for a fee, or in response to a request
52 pursuant to chapter 610 or the federal Freedom of
53 Information Act, 5 U.S.C. Section 552, as amended;

54 (7) "Publicly post or display", to communicate to
55 another or to otherwise make available to the general public;

56 (8) "Written request", written or electronic notice
57 signed by:

58 (a) A state judicial officer and submitted to the
59 clerk of the Missouri supreme court or the clerk's designee;
60 or

61 (b) A federal judicial officer and submitted to that
62 judicial officer's clerk of the court or the clerk's
63 designee;

64 that is transmitted by the applicable clerk to a government
65 agency, person, business, or association to request such
66 government agency, person, business, or association refrain
67 from posting or displaying publicly available content that
68 includes the judicial officer's personal information.

476.1302. 1. A government agency shall not publicly
2 post or display publicly available content that includes a
3 judicial officer's personal information, provided that the
4 government agency has received a written request that the
5 agency refrain from disclosing the judicial officer's
6 personal information. After a government agency has
7 received a written request, the government agency shall
8 remove the judicial officer's personal information from
9 publicly available content within five business days. After
10 the government agency has removed the judicial officer's
11 personal information from publicly available content, the
12 government agency shall not publicly post or display the
13 judicial officer's personal information and the judicial
14 officer's personal information shall be exempted from the
15 provisions of chapter 610, unless the government agency has
16 received written consent from the judicial officer to make
17 the personal information available to the public.

18 2. If a government agency fails to comply with a
19 written request to refrain from disclosing personal
20 information, the judicial officer may bring an action
21 seeking injunctive or declaratory relief in any court of
22 competent jurisdiction. If the court grants injunctive or

23 declaratory relief, the court may award costs and reasonable
24 attorney's fees to the judicial officer.

476.1304. 1. No person, business, or association
2 shall publicly post or display on the internet publicly
3 available content that includes a judicial officer's
4 personal information, provided that the judicial officer has
5 made a written request to the person, business, or
6 association that it refrain from disclosing the personal
7 information.

8 2. No person, business, or association shall solicit,
9 sell, or trade on the internet a judicial officer's personal
10 information for purposes of tampering with a judicial
11 officer in violation of section 575.095 or with the intent
12 to pose an imminent and serious threat to the health and
13 safety of the judicial officer or the judicial officer's
14 immediate family.

15 3. As prohibited in this section, persons, businesses,
16 or associations posting, displaying, soliciting, selling, or
17 trading a judicial officer's personal information on the
18 internet includes, but is not limited to, internet phone
19 directories, internet search engines, internet data
20 aggregators, and internet service providers.

476.1306. 1. After a person, business, or association
2 has received a written request from a judicial officer to
3 protect the privacy of the officer's personal information,
4 that person, business, or association shall have five
5 business days to remove the personal information from the
6 internet.

7 2. After a person, business, or association has
8 received a written request from a judicial officer, that
9 person, business, or association shall ensure that the
10 judicial officer's personal information is not made

11 available on any website or subsidiary website controlled by
12 that person, business, or association.

13 3. After receiving a judicial officer's written
14 request, no person, business, or association shall make
15 public the judicial officer's personal information to any
16 other person, business, or association through any medium.

476.1308. A judicial officer whose personal
2 information is made public as a result of a violation of
3 sections 476.1304 to 476.1306 may bring an action seeking
4 injunctive or declaratory relief in any court of competent
5 jurisdiction. If the court grants injunctive or declaratory
6 relief, the person, business, or association responsible for
7 the violation shall be required to pay the judicial
8 officer's costs and reasonable attorney's fees.

476.1310. 1. No government agency, person, business,
2 or association shall be found to have violated any provision
3 of sections 476.1300 to 476.1310 if the judicial officer
4 fails to submit a written request calling for the protection
5 of the judicial officer's personal information.

6 2. A written request shall be valid if:

7 (1) The judicial officer sends a written request
8 directly to a government agency, person, business, or
9 association; or

10 (2) If the judicial officer complies with a Missouri
11 supreme court rule for a state judicial officer to file the
12 written request with the clerk of the Missouri supreme court
13 or the clerk's designee to notify government agencies and
14 such notice is properly delivered by mail or electronic
15 format.

16 3. In each quarter of a calendar year, the clerk of
17 the Missouri supreme court or the clerk's designee shall
18 provide a list of all state judicial officers who have

19 submitted a written request under this section to the
20 appropriate officer with ultimate supervisory authority for
21 a government agency. The officer shall promptly provide a
22 copy of the list to all government agencies under his or her
23 supervision. Receipt of the written request list compiled
24 by the clerk of the Missouri supreme court or the clerk's
25 designee by a government agency shall constitute a written
26 request to that government agency for the purposes of
27 sections 476.1300 to 476.1310.

28 4. The chief clerk or circuit clerk of the court where
29 the judicial officer serves may submit a written request on
30 the judicial officer's behalf, provided that the judicial
31 officer gives written consent to the clerk and provided that
32 the clerk agrees to furnish a copy of that consent when a
33 written request is made. The chief clerk or circuit clerk
34 shall submit the written request as provided by subsection 2
35 of this section.

36 5. A judicial officer's written request shall specify
37 what personal information shall be maintained as private.
38 If a judicial officer wishes to identify a secondary
39 residence as a home address, the designation shall be made
40 in the written request. A judicial officer shall disclose
41 the identity of his or her immediate family and indicate
42 that the personal information of those members of the
43 immediate family shall also be excluded to the extent that
44 it could reasonably be expected to reveal the personal
45 information of the judicial officer.

46 6. A judicial officer's written request is valid until
47 the judicial officer provides the government agency, person,
48 business, or association with written consent to release the
49 personal information. A judicial officer's written request
50 expires on such judicial officer's death.

51 7. The provisions of sections 476.1300 to 476.1310
52 shall not apply to any disclosure of personal information of
53 a judicial officer or a member of a judicial officer's
54 immediate family as required by Article VIII, Section 23 of
55 the Missouri Constitution, sections 105.470 to 105.482,
56 section 105.498, and chapter 130.

 476.1313. 1. Notwithstanding any other provision of
2 law to the contrary, a recorder of deeds shall meet the
3 requirements of the provisions of sections 476.1300 to
4 476.1310 by complying with this section. As used in this
5 section, the following terms mean:

6 (1) "Eligible documents", documents or instruments
7 that are maintained by and located in the office of the
8 recorder of deeds that are accessed electronically;

9 (2) "Immediate family", shall have the same meaning as
10 in section 476.1300;

11 (3) "Indexes", indexes maintained by and located in
12 the office of the recorder of deeds that are accessed
13 electronically;

14 (4) "Judicial officer", shall have the same meaning as
15 in section 476.1300;

16 (5) "Recorder of deeds", shall have the same meaning
17 as in section 59.005;

18 (6) "Shielded", a prohibition against the general
19 public's electronic access to eligible documents and the
20 unique identifier and recording date contained in indexes
21 for eligible documents;

22 (7) "Written request", written or electronic notice
23 signed by:

24 (a) A state judicial officer and submitted to the
25 clerk of the Missouri supreme court or the clerk's designee;
26 or

27 (b) A federal judicial officer and submitted to that
28 judicial officer's clerk of the court or the clerk's
29 designee;

30 that is transmitted electronically by the applicable clerk
31 to a recorder of deeds to request that eligible documents be
32 shielded.

33 2. Written requests transmitted to a recorder of deeds
34 shall only include information specific to eligible
35 documents maintained by that county. Any written request
36 transmitted to a recorder of deeds shall include the
37 requesting judicial officer's full legal name or legal alias
38 and a document locator number for each eligible document for
39 which the judicial officer is requesting shielding. If the
40 judicial officer is not a party to the instrument but is
41 requesting shielding for an eligible document in which an
42 immediate family member is a party to the instrument, the
43 full legal name or legal alias of the immediate family
44 member shall also be provided.

45 3. Not more than five business days after the date on
46 which the recorder of deeds receives the written request,
47 the recorder of deeds shall shield the eligible documents
48 listed in the written request. Within five business days of
49 receipt, the recorder of deeds shall electronically reply to
50 the written request with a list of any document locator
51 numbers submitted under subsection 2 of this section not
52 found in the records maintained by that recorder of deeds.

53 4. If the full legal name or legal alias of the
54 judicial officer or immediate family member provided does
55 not appear on an eligible document listed in the written
56 request, the recorder of deeds may electronically reply to
57 the written request with this information. The recorder of

58 deeds may delay shielding such eligible document until
59 electronic confirmation is received from the applicable
60 court clerk or judicial officer.

61 5. In order to shield subsequent eligible documents,
62 the judicial officer shall present to the recorder of deeds
63 at the time of recording a copy of their written request.
64 The recorder of deeds shall ensure that the eligible
65 document is shielded within five business days.

66 6. Eligible documents shall remain shielded until the
67 recorder of deeds receives a court order or notarized
68 affidavit signed by the judicial officer directing the
69 recorder of deeds to terminate shielding.

70 7. The provisions of this section shall not prohibit
71 access to a shielded eligible document by an individual or
72 entity that provides to the recorder of deeds a court order
73 or notarized affidavit signed by the judicial officer.

74 8. No recorder of deeds shall be liable for any
75 damages under this section, provided the recorder of deeds
76 made a good faith effort to comply with the provisions of
77 this section. No recorder of deeds shall be liable for the
78 release of any eligible document or any data from any
79 eligible document that was released or accessed prior to the
80 eligible document being shielded pursuant to this section.

485.060. 1. Each court reporter for a circuit judge
2 shall receive an annual salary of twenty-six thousand nine
3 hundred dollars beginning January 1, 1985, until December
4 31, 1985, and beginning January 1, 1986, an annual salary of
5 thirty thousand dollars.

6 2. Such annual salary shall be modified by any salary
7 adjustment provided by section 476.405.

8 3. Beginning January 1, 2022, the annual salary, as
9 modified under section 476.405, shall be adjusted upon

10 meeting the minimum number of cumulative years of service as
11 a court reporter with a circuit court of this state by the
12 following schedule:

13 (1) For each court reporter with zero to five years of
14 service: the annual salary shall be increased only by any
15 salary adjustment provided by section 476.405;

16 (2) For each court reporter with six to ten years of
17 service: the annual salary shall be increased by **the whole**
18 **sum of** five and one-quarter percent **in addition to the**
19 **increase provided by subdivision (1) of this subsection;**

20 (3) For each court reporter with eleven to fifteen
21 years of service: the annual salary shall be increased by
22 **the whole sum of** eight and one-quarter percent **in addition**
23 **to the increase provided by subdivision (2) of this**
24 **subsection;**

25 (4) For each court reporter with sixteen to twenty
26 years of service: the annual salary shall be increased by
27 **the whole sum of** eight and one-half percent **in addition to**
28 **the increase provided by subdivision (3) of this subsection;**
29 or

30 (5) For each court reporter with twenty-one or more
31 years of service: the annual salary shall be increased by
32 **the whole sum of** eight and three-quarters percent **in**
33 **addition to the increase provided by subdivision (4) of this**
34 **subsection.**

35 [A court reporter may receive multiple adjustments under
36 this subsection as his or her cumulative years of service
37 increase, but only one percentage listed in subdivisions (1)
38 to (5) of this subsection shall apply to the annual salary
39 at a time.]

40 4. Salaries shall be payable in equal monthly
41 installments on the certification of the judge of the court
42 or division in whose court the reporter is employed. If
43 paid by the state, the salaries of such court reporters
44 shall be paid in semimonthly or monthly installments, as
45 designated by the commissioner of administration.

 487.110. The uniform child custody jurisdiction **and**
2 **enforcement** act, as enacted in sections [452.440 to 452.550]
3 **452.700 to 452.930**, shall apply to all **child** custody
4 proceedings, **as defined in section 452.705**, in the family
5 court.

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

 2. Each grand and petit juror shall receive six
6 dollars per day, for every day he or she may actually serve
7 as such, and seven cents for every mile he or she may
8 necessarily travel going from his or her place of residence
9 to the courthouse and returning, to be paid from funds of
10 the county or a city not within a county. The governing
11 body of each county or a city not within a county may
12 authorize additional daily compensation and mileage
13 allowance for jurors, which additional compensation shall be
14 paid from the funds of the county or a city not within a
15 county. The governing body of each county or a city not
16 within a county may authorize additional daily compensation
17 and mileage allowance for jurors attending a coroner's
18 inquest. Jurors may receive the additional compensation and
19 mileage allowance authorized by this subsection only if the
20 governing body of the county or the city not within a county
21 authorizes the additional compensation. The provisions of

22 this subsection authorizing additional compensation shall
23 terminate upon the issuance of a mandate by the Missouri
24 supreme court which results in the state of Missouri being
25 obligated or required to pay any such additional
26 compensation even if such additional compensation is
27 formally approved or authorized by the governing body of a
28 county or a city not within a county. Provided that a
29 county or a city not within a county authorizes daily
30 compensation payable from county or city funds for jurors
31 who serve in that county pursuant to this subsection in the
32 amount of at least six dollars per day in addition to the
33 amount required by this subsection, a person shall receive
34 an additional six dollars per day to be reimbursed by the
35 state of Missouri so that the total compensation payable
36 shall be at least eighteen dollars, plus mileage for each
37 day that the person actually serves as a petit juror in a
38 particular case; or for each day that a person actually
39 serves as a grand juror during a term of a grand jury. The
40 state shall reimburse the county for six dollars of the
41 additional juror compensation provided by this subsection.

42 3. **(1)** In any county of the first classification
43 without a charter form of government and with a population
44 of at least two hundred thousand inhabitants, no grand or
45 petit juror shall receive compensation for the first two
46 days of service, but shall receive fifty dollars per day for
47 the third day and each subsequent day he or she may actually
48 serve as such, and seven cents for every mile he or she may
49 necessarily travel going from his or her place of residence
50 to the courthouse and returning, to be paid from funds of
51 the county.

52 **(2) In any county or city not within a county, upon**
53 **adoption by the governing body of the county or city not**

54 within a county, no grand or petit juror shall receive
55 compensation for the first two days of service, but shall
56 receive fifty dollars per day for the third day and each
57 subsequent day he or she may actually serve as such, and
58 seven cents for every mile he or she may necessarily travel
59 going from his or her place of residence to the courthouse
60 and returning, to be paid from funds of the county; except
61 that, a county commission may authorize compensation to a
62 grand or petit juror for the first two days of service not
63 to exceed ten dollars per day.

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

509.520. 1. Notwithstanding any provision of law to
2 the contrary, beginning August 28, [2009] 2023, pleadings,
3 attachments, [or] exhibits filed with the court in any case,
4 as well as any judgments **or orders** issued by the court, **or**
5 **other records of the court** shall not include **the following**
6 **confidential and personal identifying information:**

7 (1) The full Social Security number of any party or
8 any child [who is the subject to an order of custody or
9 support];

10 (2) The full credit card number [or other], financial
11 institution account number, **personal identification number,**
12 **or password used to secure an account** of any party;

13 (3) **The full motor vehicle operator license number;**

14 (4) Victim information, including the name, address,
15 and other contact information of the victim;

16 (5) Witness information, including the name, address,
17 and other contact information of the witness;

18 (6) Any other full state identification number;

19 (7) The full name, address, and date of birth of a
20 minor; or

21 (8) The full date of birth of any party; however, the
22 year of birth shall be made available.

23 2. The information provided under subsection 1 of this
24 section shall be provided in a confidential information
25 filing sheet contemporaneously filed with the court or
26 entered by the court, which shall not be subject to public
27 inspection or availability.

28 3. Nothing in this section shall preclude an entity
29 including, but not limited to, a financial institution,
30 insurer, insurance support organization, or consumer
31 reporting agency that is otherwise permitted by law to
32 access state court records from using a person's unique
33 identifying information to match such information contained
34 in a court record to validate that person's record.

35 4. The Missouri supreme court shall promulgate rules
36 to administer this section.

37 5. Contemporaneously with the filing of every petition
38 for dissolution of marriage, legal separation, motion for
39 modification, action to establish paternity, and petition or
40 motion for support or custody of a minor child, the filing
41 party shall file a confidential case filing sheet with the
42 court which shall not be subject to public inspection and
43 which provides:

44 (1) The name and address of the current employer and
45 the Social Security number of the petitioner or movant, if a
46 person;

47 (2) If known to the petitioner or movant, the name and
48 address of the current employer and the Social Security
49 number of the respondent; and

50 (3) The names, dates of birth, and Social Security
51 numbers of any children subject to the action.

52 **[3.] 6.** Contemporaneously with the filing of every
53 responsive pleading petition for dissolution of marriage,
54 legal separation, motion for modification, action to
55 establish paternity, and petition or motion for support or
56 custody of a minor child, the responding party shall file a
57 confidential case filing sheet with the court which shall
58 not be subject to public inspection and which provides:

59 (1) The name and address of the current employer and
60 the Social Security number of the responding party, if a
61 person;

62 (2) If known to the responding party, the name and
63 address of the current employer and the Social Security
64 number of the petitioner or movant; and

65 (3) The names, dates of birth, and Social Security
66 numbers of any children subject to the action.

67 **[4.] 7.** The full Social Security number of any party
68 or child subject to an order of custody or support shall be
69 retained by the court on the confidential case filing sheet
70 or other confidential record maintained in conjunction with
71 the administration of the case. The full credit card number
72 or other financial account number of any party may be
73 retained by the court on a confidential record if it is
74 necessary to maintain the number in conjunction with the
75 administration of the case.

76 [5.] 8. Any document described in subsection 1 of this
77 section shall, in lieu of the full number, include only the
78 last four digits of any such number.

79 [6.] 9. Except as provided in section 452.430, the
80 clerk shall not be required to redact any document described
81 in subsection 1 of this section issued or filed before
82 August 28, 2009, prior to releasing the document to the
83 public.

84 [7.] 10. For good cause shown, the court may release
85 information contained on the confidential case filing sheet;
86 except that, any state agency acting under authority of
87 chapter 454 shall have access to information contained
88 herein without court order in carrying out their official
89 duty.

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

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

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

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

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

12 (4) "State", a state of the United States, the
13 District of Columbia, Puerto Rico, the United States Virgin
14 Islands, a federally recognized Indian tribe, or any

15 territory or insular possession subject to the jurisdiction
16 of the United States;

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

20 (a) Attend and give testimony at a deposition;

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

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

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

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

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

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

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

510.509. A subpoena issued by a clerk of court under
2 section 510.506 shall be served in compliance with the

3 Missouri supreme court rules of civil procedure and laws of
4 this state.

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

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

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

510.521. Sections 510.500 to 510.521 apply to requests
2 for discovery in cases pending on August 28, 2023.

544.453. Notwithstanding any provision of the law or
2 court rule to the contrary, a judge or judicial officer,
3 when setting bail or conditions of release in all courts in
4 Missouri for any offense charged, shall consider, in
5 addition to any factor required by law, whether:

6 (1) A defendant poses a danger to a victim of a crime,
7 the community, any witness to the crime, or to any other
8 person;

9 (2) A defendant is a flight risk;

10 (3) A defendant has committed a misdemeanor offense
11 involving a crime of violence, sexual offense, or felony
12 offense in this state or any other state in the last five
13 years; and

14 (4) A defendant has failed to appear in court as a
15 required condition of probation or parole for a misdemeanor

16 **involving a crime of violence or felony or a sexual offense**
17 **within the last three years.**

565.240. 1. A person commits the offense of unlawful
2 posting of certain information over the internet if he or
3 she knowingly posts the name, home address, Social Security
4 number, telephone number, or any other personally
5 identifiable information of any person on the internet
6 intending to cause great bodily harm or death, or
7 threatening to cause great bodily harm or death to such
8 person.

9 2. The offense of unlawful posting of certain
10 information over the internet is a class C misdemeanor,
11 unless the person knowingly posts on the internet the name,
12 home address, Social Security number, telephone number, or
13 any other personally identifiable information of any law
14 enforcement officer, corrections officer, parole officer,
15 judge, commissioner, or prosecuting attorney, or of any
16 immediate family member of such law enforcement officer,
17 corrections officer, parole officer, judge, commissioner, or
18 prosecuting attorney, intending to cause great bodily harm
19 or death, or threatening to cause great bodily harm or
20 death, in which case it is a class E felony, **and if such**
21 **intention or threat results in bodily harm or death to such**
22 **person or immediate family member, the offense of unlawful**
23 **posting of certain information over the internet is a class**
24 **D felony.**

600.042. 1. The director shall:

2 (1) Direct and supervise the work of the deputy
3 directors and other state public defender office personnel
4 appointed pursuant to this chapter; and he or she and the
5 deputy director or directors may participate in the trial

6 and appeal of criminal actions at the request of the
7 defender;

8 (2) Submit to the commission, between August fifteenth
9 and September fifteenth of each year, a report which shall
10 include all pertinent data on the operation of the state
11 public defender system, the costs, projected needs, and
12 recommendations for statutory changes. Prior to October
13 fifteenth of each year, the commission shall submit such
14 report along with such recommendations, comments,
15 conclusions, or other pertinent information it chooses to
16 make to the chief justice, the governor, and the general
17 assembly. Such reports shall be a public record, shall be
18 maintained in the office of the state public defender, and
19 shall be otherwise distributed as the commission shall
20 direct;

21 (3) With the approval of the commission, establish
22 such divisions, facilities and offices and select such
23 professional, technical and other personnel, including
24 investigators, as he deems reasonably necessary for the
25 efficient operation and discharge of the duties of the state
26 public defender system under this chapter;

27 (4) Administer and coordinate the operations of
28 defender services and be responsible for the overall
29 supervision of all personnel, offices, divisions and
30 facilities of the state public defender system, except that
31 the director shall have no authority to direct or control
32 the legal defense provided by a defender to any person
33 served by the state public defender system;

34 (5) Develop programs and administer activities to
35 achieve the purposes of this chapter;

36 (6) Keep and maintain proper financial records with
37 respect to the provision of all public defender services for

38 use in the calculating of direct and indirect costs of any
39 or all aspects of the operation of the state public defender
40 system;

41 (7) Supervise the training of all public defenders and
42 other personnel and establish such training courses as shall
43 be appropriate;

44 (8) With approval of the commission, promulgate
45 necessary rules, regulations and instructions consistent
46 with this chapter defining the organization of the state
47 public defender system and the responsibilities of division
48 directors, district defenders, deputy district defenders,
49 assistant public defenders and other personnel;

50 (9) With the approval of the commission, apply for and
51 accept on behalf of the public defender system any funds
52 which may be offered or which may become available from
53 government grants, private gifts, donations or bequests or
54 from any other source. Such moneys shall be deposited in
55 the [state general revenue] **public defender-federal and**
56 **other** fund;

57 (10) Contract for legal services with private
58 attorneys on a case-by-case basis and with assigned counsel
59 as the commission deems necessary considering the needs of
60 the area, for fees approved and established by the
61 commission;

62 (11) With the approval and on behalf of the
63 commission, contract with private attorneys for the
64 collection and enforcement of liens and other judgments owed
65 to the state for services rendered by the state public
66 defender system.

67 2. No rule or portion of a rule promulgated under the
68 authority of this chapter shall become effective unless it

69 has been promulgated pursuant to the provisions of section
70 536.024.

71 3. The director and defenders shall, within guidelines
72 as established by the commission and as set forth in
73 subsection 4 of this section, accept requests for legal
74 services from eligible persons entitled to counsel under
75 this chapter or otherwise so entitled under the constitution
76 or laws of the United States or of the state of Missouri and
77 provide such persons with legal services when, in the
78 discretion of the director or the defenders, such provision
79 of legal services is appropriate.

80 4. The director and defenders shall provide legal
81 services to an eligible person:

82 (1) Who is detained or charged with a felony,
83 including appeals from a conviction in such a case;

84 (2) Who is detained or charged with a misdemeanor
85 which will probably result in confinement in the county jail
86 upon conviction, including appeals from a conviction in such
87 a case, unless the prosecuting or circuit attorney has
88 waived a jail sentence;

89 (3) Who is charged with a violation of probation when
90 it has been determined by a judge that the appointment of
91 counsel is necessary to protect the person's due process
92 rights under section 559.036;

93 (4) Who has been taken into custody pursuant to
94 section 632.489, including appeals from a determination that
95 the person is a sexually violent predator and petitions for
96 release, notwithstanding any provisions of law to the
97 contrary;

98 (5) For whom the federal constitution or the state
99 constitution requires the appointment of counsel; and

100 (6) Who is charged in a case in which he or she faces
101 a loss or deprivation of liberty, and in which the federal
102 or the state constitution or any law of this state requires
103 the appointment of counsel; however, the director and the
104 defenders shall not be required to provide legal services to
105 persons charged with violations of county or municipal
106 ordinances, or misdemeanor offenses except as provided in
107 this section.

108 5. The director may:

109 (1) Delegate the legal representation of an eligible
110 person to any member of the state bar of Missouri;

111 (2) Designate persons as representatives of the
112 director for the purpose of making indigency determinations
113 and assigning counsel.

114 **6. There is hereby created within the state treasury**
115 **the "Public Defender-Federal and Other Fund", which shall be**
116 **funded annually by appropriation and which shall contain**
117 **moneys received from any other funds from government grants,**
118 **private gifts, donations, bequests, or any other source to**
119 **be used for the purpose of funding local offices of the**
120 **office of state public defender. The state treasurer shall**
121 **be the custodian of the fund and shall approve disbursements**
122 **from the fund upon the request of the director of the office**
123 **of state public defender. Any interest or other earnings**
124 **with respect to amounts transferred to the fund shall be**
125 **credited to the fund. Notwithstanding the provisions of**
126 **section 33.080 to the contrary, any unexpended balances in**
127 **the fund at the end of any fiscal year shall not be**
128 **transferred to the general revenue fund or any other fund.**

2 [435.014. 1. If all the parties to a
3 dispute agree in writing to submit their dispute
4 to any forum for arbitration, conciliation or
5 mediation, then no person who serves as
arbitrator, conciliator or mediator, nor any

6 agent or employee of that person, shall be
7 subpoenaed or otherwise compelled to disclose
8 any matter disclosed in the process of setting
9 up or conducting the arbitration, conciliation
10 or mediation.

11 2. Arbitration, conciliation and mediation
12 proceedings shall be regarded as settlement
13 negotiations. Any communication relating to the
14 subject matter of such disputes made during the
15 resolution process by any participant, mediator,
16 conciliator, arbitrator or any other person
17 present at the dispute resolution shall be a
18 confidential communication. No admission,
19 representation, statement or other confidential
20 communication made in setting up or conducting
21 such proceedings not otherwise discoverable or
22 obtainable shall be admissible as evidence or
23 subject to discovery.]

✓