

SENATE COMMITTEE SUBSTITUTE  
FOR  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILLS NOS. 994, 52 & 984  
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, 455.035, 455.513, 475.040, 475.050, 476.055, 485.060, 487.110, 494.455, 509.520, 565.240, and 600.042, RSMo, are repealed and thirty-five new sections enacted in lieu thereof, to be known as sections 435.300, 435.303, 435.306, 435.309, 435.312, 452.355, 452.375, 455.010, 455.035, 455.513, 475.040, 475.050, 476.055, 476.1300, 476.1302, 476.1304, 476.1306, 476.1308, 476.1310, 476.1313, 485.060, 487.110, 494.455, 509.520, 510.500, 510.503, 510.506, 510.509, 510.512, 510.515, 510.518, 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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(15) "Writing" or "written", a tangible or electronic record of a communication or representation, including handwriting, typewriting, printing, photostating, photography, audio or video recording, and electronic communication;

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

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

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

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

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

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

(3) If any party, after conferring with all other  
parties, concludes that referral to a nonbinding alternative  
dispute resolution process has no reasonable chance of  
helping the parties to better understand or resolve one or

more of the procedural or substantive issues in the matter or there is a compelling circumstance for not participating in the alternative dispute resolution process, the party may file a motion for relief from the referral, setting forth the reasons for not participating. Once a motion for relief has been filed, the alternative dispute resolution process ordered by the court shall not occur until the court has ruled on the motion. If the court grants the motion, the matter shall not thereafter be referred by the court to an alternative dispute resolution process without compelling circumstances, which shall be set out by the court in any order referring the matter to an alternative dispute resolution process.

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

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

(1) Make a reasonable inquiry to determine whether there are any facts that would cause a reasonable person to believe that the neutral has an actual or potential conflict of interest before agreeing to serve in a matter;

(2) Disclose to the parties, as soon as practicable, facts and information relevant to any actual or potential

conflicts of interest that are reasonably known to the neutral; and

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

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

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

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

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

435.306. 1. Alternative dispute resolution communications shall not be admissible as evidence in any proceeding or subject to discovery, except as otherwise provided in subsections 2, 3, and 7 of this section. Exceptions shall be narrowly construed and only the portion of the communication necessary for the application of the

exception to the general rule of nonadmissibility shall be admitted.

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

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

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

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

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

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

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

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

6. Except as provided in subsection 7 of this section, no neutral, agent or employee of that neutral, or agent or employee of an organization through which the neutral provided alternative dispute resolution services shall be subpoenaed or otherwise compelled to disclose any alternative dispute resolution communication, including any



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

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

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

9. The court may order the party or parties seeking admission of an alternative dispute resolution communication to pay the costs and fees of the neutral or other person participating in an alternative dispute resolution process

who intervenes to contest the disclosure and admission of alternative dispute resolution communication or who responds to a subpoena prohibited by subsection 6 of this section or a subpoena pursuant to subsection 7 of this section.

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

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

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

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

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

that refers a class of cases to any alternative dispute resolution process.

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

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

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

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

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

6. If the court has not referred the case to an alternative dispute resolution process pursuant to section 435.303 or if the parties do not elect to use sections 435.300 to 435.312, the process shall be regarded as settlement negotiations and subject to the rules of confidentiality that generally apply to such negotiations. If the parties to the dispute have agreed in writing to submit their dispute to such alternative dispute resolution process but have not invoked the protections of sections 435.300 to 435.312, no person who serves as a neutral in such process, nor any agent or employee of that person or of an organization through which the neutral provided the alternative dispute resolution process, shall be subpoenaed

or otherwise compelled to disclose any matter revealed in the process of setting up or conducting such alternative dispute resolution process. All settlement agreements shall be in writing as described in sections 435.300 to 435.312.

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

2. In actions brought to enforce a temporary order or final judgment of the court in any proceeding under sections 452.300 to 452.415, excluding any proceeding described in subsection 3 of this section, the court shall order the party against whom enforcement is sought, if requested and for good cause shown, to pay the cost of the suit to the party seeking enforcement, including attorney's fees. The court may order that the amount be paid directly to the attorney, who may enforce the order in the attorney's name.

3. In any proceeding in which the failure to pay child support pursuant to a temporary order or final judgment is an issue, if the court finds that the obligor has failed, without good cause, to comply with such order or decree to pay the child support, the court shall order the obligor, if requested and for good cause shown, to pay a reasonable amount for the cost of the suit to the obligee, including

reasonable sums for legal services. The court may order that the amount be paid directly to the attorney, who may enforce the order in his name.

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

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

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

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

(2) "Joint legal custody" means that the parents share the decision-making rights, responsibilities, and authority relating to the health, education and welfare of the child, and, unless allocated, apportioned, or decreed, the parents shall confer with one another in the exercise of decision-making rights, responsibilities, and authority;

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

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

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

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

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

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

(4) Which parent is more likely to allow the child frequent, continuing and meaningful contact with the other parent; the willingness and ability of parents to cooperate in the rearing of their child; to maximize sharing information and minimize exposure of the child to parental conflict; and to utilize methods for resolving disputes

regarding any major decision concerning the life of the child;

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

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

(7) Any history of abuse of any individuals involved, including domestic and child abuse. In determining whether the presumption is rebutted by a pattern of domestic violence, the court shall consider the nature and context of the domestic violence and the implications of the domestic violence for parenting and for the child's safety, well-being, and developmental needs. If the court finds that a pattern of domestic violence as defined in section 455.010 has occurred, and, if the court also finds that awarding custody to the abusive parent is in the best interest of the child, then the court shall enter written findings of fact and conclusions of law. Custody and visitation rights shall be ordered in a manner that best protects the child and any other child or children for whom the parent has custodial or visitation rights, and the parent or other family or household member who is the victim of domestic violence from any further harm, whether physical, verbal, emotional, or psychological;

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

(8) The wishes of a child as to the child's custodian. The fact that a parent sends his or her child or

children to a home school, as defined in section 167.031, shall not be the sole factor that a court considers in determining custody of such child or children.】

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

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

3. (1) In any court proceedings relating to custody of a child, the court shall not award custody or unsupervised visitation of a child to a parent if such parent or any person residing with such parent has been found guilty of, or pled guilty to, any of the following offenses when a child was the victim:

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

(b) A violation of section 568.020;

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

(d) A violation of section 568.065;

(e) A violation of section 573.200;

(f) A violation of section 573.205; or

(g) A violation of section 568.175.

(2) For all other violations of offenses in chapters 566 and 568 not specifically listed in subdivision (1) of this subsection or for a violation of an offense committed



in another state when a child is the victim that would be a violation of chapter 566 or 568 if committed in Missouri, the court may exercise its discretion in awarding custody or visitation of a child to a parent if such parent or any person residing with such parent has been found guilty of, or pled guilty to, any such offense.

4. The general assembly finds and declares that it is the public policy of this state that frequent, continuing and meaningful contact with both parents after the parents have separated or dissolved their marriage is in the best interest of the child, except for cases where the court specifically finds that such contact is not in the best interest of the child, and that it is the public policy of this state to encourage parents to participate in decisions affecting the health, education and welfare of their children, and to resolve disputes involving their children amicably through alternative dispute resolution. In order to effectuate these policies, the general assembly encourages the court to enter a temporary parenting plan as early as practicable in a proceeding under this chapter, consistent with the provisions of subsection 2 of this section, and, in so doing, the court shall determine the custody arrangement which will best assure both parents participate in such decisions and have frequent, continuing and meaningful contact with their children so long as it is in the best interests of the child.

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

(1) Joint physical and joint legal custody to both parents, which shall not be denied solely for the reason that one parent opposes a joint physical and joint legal custody award. The residence of one of the parents shall be

designated as the address of the child for mailing and educational purposes;

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

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

(4) Sole custody to either parent; or

(5) Third-party custody or visitation:

(a) When the court finds that each parent is unfit, unsuitable, or unable to be a custodian, or the welfare of the child requires, and it is in the best interests of the child, then custody, temporary custody or visitation may be awarded to a person related by consanguinity or affinity to the child. If no person related to the child by consanguinity or affinity is willing to accept custody, then the court may award custody to any other person or persons deemed by the court to be suitable and able to provide an adequate and stable environment for the child. Before the court awards custody, temporary custody or visitation to a third person under this subdivision, the court shall make that person a party to the action;

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

6. If the parties have not agreed to a custodial arrangement, or the court determines such arrangement is not in the best interest of the child, the court shall include a written finding in the judgment or order based on the public policy in subsection 4 of this section and each of the factors listed in subdivisions (1) to **[(8)]** (9) of subsection 2 of this section detailing the specific relevant

factors that made a particular arrangement in the best interest of the child. If a proposed custodial arrangement is rejected by the court, the court shall include a written finding in the judgment or order detailing the specific relevant factors resulting in the rejection of such arrangement.

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

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

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

10. After August 28, 2016, every court order establishing or modifying custody or visitation shall

include the following language: "In the event of noncompliance with this order, the aggrieved party may file a verified motion for contempt. If custody, visitation, or third-party custody is denied or interfered with by a parent or third party without good cause, the aggrieved person may file a family access motion with the court stating the specific facts that constitute a violation of the custody provisions of the judgment of dissolution, legal separation, or judgment of paternity. The circuit clerk will provide the aggrieved party with an explanation of the procedures for filing a family access motion and a simple form for use in filing the family access motion. A family access motion does not require the assistance of legal counsel to prepare and file.".

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

12. Unless a parent has been denied custody rights pursuant to this section or visitation rights under section 452.400, both parents shall have access to records and information pertaining to a minor child including, but not limited to, medical, dental, and school records. If the parent without custody has been granted restricted or supervised visitation because the court has found that the parent with custody or any child has been the victim of domestic violence, as defined in section 455.010, by the parent without custody, the court may order that the reports

and records made available pursuant to this subsection not include the address of the parent with custody or the child. A court shall order that the reports and records made available under this subsection not include the address of the parent with custody if the parent with custody is a participant in the address confidentiality program under section 589.663. Unless a parent has been denied custody rights pursuant to this section or visitation rights under section 452.400, any judgment of dissolution or other applicable court order shall specifically allow both parents access to such records and reports.

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

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

15. If the court finds that domestic violence or abuse as defined in section 455.010 has occurred, the court shall

make specific findings of fact to show that the custody or visitation arrangement ordered by the court best protects the child and the parent or other family or household member who is the victim of domestic violence, as defined in section 455.010, and any other children for whom such parent has custodial or visitation rights from any further harm.

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

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

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

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

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

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

(e) "Harassment", engaging in a purposeful or knowing course of conduct involving more than one incident that alarms or causes distress to an adult or child and serves no legitimate purpose. The course of conduct must be such as would cause a reasonable adult or child to suffer substantial emotional distress and must actually cause

substantial emotional distress to the petitioner or child.  
Such conduct might include, but is not limited to:

- a. Following another about in a public place or places;
- b. Peering in the window or lingering outside the residence of another; but does not include constitutionally protected activity;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

4. If the allegations in the petition would give rise to jurisdiction under section 211.031 because the respondent is less than **[seventeen]** eighteen years of age, the court may issue an ex parte order and shall transfer the case to

juvenile court for a hearing on a full order of protection. Service of process shall be made pursuant to section 455.035.

475.040. If it appears to the court, acting on the petition of the guardian, the conservator, the respondent or of a ward over the age of fourteen, or on its own motion, at any time before the termination of the guardianship or conservatorship, that the proceeding was commenced in the wrong county, or that the domicile [or residence] of the ward or protectee has [been] changed to another county, or in case of conservatorship of the estate that it would be for the best interest of the ward or disabled person and his estate, the court may order the proceeding with all papers, files and a transcript of the proceedings transferred to the probate division of the circuit court of another county. The court to which the transfer is made shall take jurisdiction of the case, place the transcript of record and proceed to the final settlement of the case as if the appointment originally had been made by it.

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

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

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

before the inception of the person's incapacity or disability;

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

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

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

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

4. Except for those individuals specified in subdivisions (1) and (2) of this subsection, the court shall require all guardians and conservators who are seeking appointment and who have a fiduciary responsibility to a ward, an incapacitated person, or a disabled person to submit at their own expense to a background screening that shall include the disqualification lists of the departments of mental health, social services, and health and senior services; the abuse and neglect registries for adults and

children; a Missouri criminal record review; and the sexual offender registry. Individuals seeking appointment as a conservator shall also submit, at their own expense, to a credit history investigation. The nominated guardian or conservator shall file the results of the reports with the court at least ten days prior to the appointment hearing date unless waived or modified by the court for good cause shown by an affidavit filed simultaneously with the petition for appointment or in the event the protected person requests an expedited hearing. The provisions of this subsection shall not apply to:

(1) Public administrators; or

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

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

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

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

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

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

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

court, two employees who work full time in a municipal division of a circuit court, the commissioner of administration, two members of the house of representatives appointed by the speaker of the house, two members of the senate appointed by the president pro tem of the senate, the executive director of the Missouri office of prosecution services, the director of the state public defender system, and two members of the Missouri Bar. The judge members and employee members shall be appointed by the chief justice. The commissioner of administration shall serve ex officio. The members of the Missouri Bar shall be appointed by the board of governors of the Missouri Bar. Any member of the committee may designate another person to serve on the committee in place of the committee member.

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

4. Any purchase of computer software or computer hardware that exceeds five thousand dollars shall be made pursuant to the requirements of the office of administration for lowest and best bid. Such bids shall be subject to acceptance by the office of administration. The court automation committee shall determine the specifications for such bids.

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

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

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

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

8. [Section 488.027 shall expire on September 1, 2023.] The court automation committee established pursuant to this section may continue to function until completion of its duties prescribed by this section[, but shall complete its duties prior to September 1, 2025.]

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



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

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

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

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

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

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

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

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

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

(d) Judges of the United States Bankruptcy Court;

(e) Judges of the Missouri supreme court;

- (f) Judges of the Missouri court of appeals;
- (g) Judges and commissioners of the Missouri circuit courts, including of the divisions of a circuit court; and
- (h) Prosecuting or circuit attorney, or assistant prosecuting or circuit attorney;
- (5) "Personal information", a home address, home telephone number, mobile telephone number, pager number, personal email address, Social Security number, federal tax identification number, checking and savings account numbers, credit card numbers, marital status, and identity of children under eighteen years of age;
- (6) "Publicly available content", any written, printed, or electronic document or record that provides information or that serves as a document or record maintained, controlled, or in the possession of a government agency that may be obtained by any person or entity, from the internet, from the government agency upon request either free of charge or for a fee, or in response to a request pursuant to chapter 610 or the federal Freedom of Information Act, 5 U.S.C. Section 552, as amended;
- (7) "Publicly post or display", to communicate to another or to otherwise make available to the general public;
- (8) "Written request", written or electronic notice signed by:
  - (a) A state judicial officer and submitted to the clerk of the Missouri supreme court or the clerk's designee;
  - or
  - (b) A federal judicial officer and submitted to that judicial officer's clerk of the court or the clerk's designee;

that is transmitted by the applicable clerk to a government agency, person, business, or association to request such government agency, person, business, or association refrain

from posting or displaying publicly available content that includes the judicial officer's personal information.

476.1302. 1. A government agency shall not publicly post or display publicly available content that includes a judicial officer's personal information, provided that the government agency has received a written request that the agency refrain from disclosing the judicial officer's personal information. After a government agency has received a written request, the government agency shall remove the judicial officer's personal information from publicly available content within five business days. After the government agency has removed the judicial officer's personal information from publicly available content, the government agency shall not publicly post or display the judicial officer's personal information and the judicial officer's personal information shall be exempted from the provisions of chapter 610, unless the government agency has received written consent from the judicial officer to make the personal information available to the public.

2. If a government agency fails to comply with a written request to refrain from disclosing personal information, the judicial officer may bring an action seeking injunctive or declaratory relief in any court of competent jurisdiction. If the court grants injunctive or declaratory relief, the court may award costs and reasonable attorney's fees to the judicial officer.

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

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

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

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

2. After a person, business, or association has received a written request from a judicial officer, that person, business, or association shall ensure that the judicial officer's personal information is not made available on any website or subsidiary website controlled by that person, business, or association.

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

476.1308. A judicial officer whose personal information is made public as a result of a violation of sections 476.1304 to 476.1306 may bring an action seeking injunctive or declaratory relief in any court of competent

jurisdiction. If the court grants injunctive or declaratory relief, the person, business, or association responsible for the violation shall be required to pay the judicial officer's costs and reasonable attorney's fees.

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

2. A written request shall be valid if:

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

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

3. In each quarter of a calendar year, the clerk of the Missouri supreme court or the clerk's designee shall provide a list of all state judicial officers who have submitted a written request under this section to the appropriate officer with ultimate supervisory authority for a government agency. The officer shall promptly provide a copy of the list to all government agencies under his or her supervision. Receipt of the written request list compiled by the clerk of the Missouri supreme court or the clerk's designee by a government agency shall constitute a written request to that government agency for the purposes of sections 476.1300 to 476.1310.

4. The chief clerk or circuit clerk of the court where the judicial officer serves may submit a written request on

the judicial officer's behalf, provided that the judicial officer gives written consent to the clerk and provided that the clerk agrees to furnish a copy of that consent when a written request is made. The chief clerk or circuit clerk shall submit the written request as provided by subsection 2 of this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. Written requests transmitted to a recorder of deeds shall only include information specific to eligible documents maintained by that county. Any written request transmitted to a recorder of deeds shall include the requesting judicial officer's full legal name or legal alias and a document locator number for each eligible document for

which the judicial officer is requesting shielding. If the judicial officer is not a party to the instrument but is requesting shielding for an eligible document in which an immediate family member is a party to the instrument, the full legal name or legal alias of the immediate family member shall also be provided.

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

4. If the full legal name or legal alias of the judicial officer or immediate family member provided does not appear on an eligible document listed in the written request, the recorder of deeds may electronically reply to the written request with this information. The recorder of deeds may delay shielding such eligible document until electronic confirmation is received from the applicable court clerk or judicial officer.

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

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

7. The provisions of this section shall not prohibit access to a shielded eligible document by an individual or



entity that provides to the recorder of deeds a court order or notarized affidavit signed by the judicial officer.

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

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

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

3. Beginning January 1, 2022, the annual salary, as modified under section 476.405, shall be adjusted upon meeting the minimum number of cumulative years of service as a court reporter with a circuit court of this state by the following schedule:

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

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

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

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

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

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

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

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

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

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

necessarily travel going from his or her place of residence to the courthouse and returning, to be paid from funds of the county or a city not within a county. The governing body of each county or a city not within a county may authorize additional daily compensation and mileage allowance for jurors, which additional compensation shall be paid from the funds of the county or a city not within a county. The governing body of each county or a city not within a county may authorize additional daily compensation and mileage allowance for jurors attending a coroner's inquest. Jurors may receive the additional compensation and mileage allowance authorized by this subsection only if the governing body of the county or the city not within a county authorizes the additional compensation. The provisions of this subsection authorizing additional compensation shall terminate upon the issuance of a mandate by the Missouri supreme court which results in the state of Missouri being obligated or required to pay any such additional compensation even if such additional compensation is formally approved or authorized by the governing body of a county or a city not within a county. Provided that a county or a city not within a county authorizes daily compensation payable from county or city funds for jurors who serve in that county pursuant to this subsection in the amount of at least six dollars per day in addition to the amount required by this subsection, a person shall receive an additional six dollars per day to be reimbursed by the state of Missouri so that the total compensation payable shall be at least eighteen dollars, plus mileage for each day that the person actually serves as a petit juror in a particular case; or for each day that a person actually serves as a grand juror during a term of a grand jury. The

state shall reimburse the county for six dollars of the additional juror compensation provided by this subsection.

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

(2) In any county or city not within a county, upon adoption by the governing body of the county or city not within a county, no grand or petit juror shall receive compensation for the first two days of service, but shall receive fifty dollars per day for the third day and each subsequent day he or she may actually serve as such, and seven cents for every mile he or she may necessarily travel going from his or her place of residence to the courthouse and returning, to be paid from funds of the county; except that, a county commission may authorize compensation to a grand or petit juror for the first two days of service not to exceed ten dollars per day.

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

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

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

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

(3) The full motor vehicle operator license number;

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

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

(6) Any other full state identification number;

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

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

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

3. Nothing in this section shall preclude an entity including, but not limited to, a financial institution, insurer, insurance support organization, or consumer reporting agency that is otherwise permitted by law to access state court records from using a person's unique

identifying information to match such information contained in a court record to validate that person's record.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Attend and give testimony at a deposition;

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

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

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

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



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

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

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

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

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

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

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

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

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

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

(2) A defendant is a flight risk;

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

(4) A defendant has failed to appear in court as a required condition of probation or parole for a misdemeanor involving a crime of violence or felony or a sexual offense within the last three years.

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

2. The offense of unlawful posting of certain information over the internet is a class C misdemeanor, unless the person knowingly posts on the internet the name, home address, Social Security number, telephone number, or any other personally identifiable information of any law enforcement officer, corrections officer, parole officer, judge, commissioner, or prosecuting attorney, or of any immediate family member of such law enforcement officer, corrections officer, parole officer, judge, commissioner, or prosecuting attorney, intending to cause great bodily harm or death, or threatening to cause great bodily harm or death, in which case it is a class E felony, and if such intention or threat results in bodily harm or death to such

person or immediate family member, the offense of unlawful posting of certain information over the internet is a class D felony.

600.042. 1. The director shall:

(1) Direct and supervise the work of the deputy directors and other state public defender office personnel appointed pursuant to this chapter; and he or she and the deputy director or directors may participate in the trial and appeal of criminal actions at the request of the defender;

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

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

(4) Administer and coordinate the operations of defender services and be responsible for the overall supervision of all personnel, offices, divisions and facilities of the state public defender system, except that

the director shall have no authority to direct or control the legal defense provided by a defender to any person served by the state public defender system;

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

(6) Keep and maintain proper financial records with respect to the provision of all public defender services for use in the calculating of direct and indirect costs of any or all aspects of the operation of the state public defender system;

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

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

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

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

(11) With the approval and on behalf of the commission, contract with private attorneys for the

collection and enforcement of liens and other judgments owed to the state for services rendered by the state public defender system.

2. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

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

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

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

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

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

(4) Who has been taken into custody pursuant to section 632.489, including appeals from a determination that the person is a sexually violent predator and petitions for

release, notwithstanding any provisions of law to the contrary;

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

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

5. The director may:

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

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

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

[435.014. 1. If all the parties to a dispute agree in writing to submit their dispute to any forum for arbitration, conciliation or mediation, then no person who serves as arbitrator, conciliator or mediator, nor any agent or employee of that person, shall be subpoenaed or otherwise compelled to disclose any matter disclosed in the process of setting up or conducting the arbitration, conciliation or mediation.]

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