

FIRST REGULAR SESSION
[PERFECTED]
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NOS. 187 & 235
95TH GENERAL ASSEMBLY

0705L.04P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 28.160, 41.950, 193.087, 193.215, 347.179, 347.183, 351.047, 351.120, 351.125, 351.145, 351.155, 351.484, 351.592, 351.594, 351.598, 351.602, 351.690, 355.016, 355.021, 355.066, 355.071, 355.176, 355.688, 355.706, 355.796, 355.806, 355.811, 355.821, 355.856, 356.211, 359.681, 452.400, 452.423, 452.440, 452.445, 452.450, 452.455, 452.460, 452.465, 452.470, 452.475, 452.480, 452.485, 452.490, 452.495, 452.500, 452.505, 452.510, 452.515, 452.520, 452.525, 452.530, 452.535, 452.540, 452.545, 452.550, 454.445, 455.010, 476.055, 477.600, 478.003, 478.320, 478.464, 478.513, 478.630, 479.080, 479.260, 485.077, 487.020, 488.012, 517.041, 535.030, 535.120, 566.226, and 630.407, RSMo, and to enact in lieu thereof one hundred nineteen new sections relating to judicial procedures, with penalty provisions.

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

Section A. Sections 28.160, 41.950, 193.087, 193.215, 347.179, 347.183, 351.047, 351.120, 351.125, 351.145, 351.155, 351.484, 351.592, 351.594, 351.598, 351.602, 351.690, 355.016, 355.021, 355.066, 355.071, 355.176, 355.688, 355.706, 355.796, 355.806, 355.811, 355.821, 355.856, 356.211, 359.681, 452.400, 452.423, 452.440, 452.445, 452.450, 452.455, 452.460, 452.465, 452.470, 452.475, 452.480, 452.485, 452.490, 452.495, 452.500, 452.505, 452.510, 452.515, 452.520, 452.525, 452.530, 452.535, 452.540, 452.545, 452.550, 454.445, 455.010, 476.055, 477.600, 478.003, 478.320, 478.464, 478.513, 478.630, 479.080, 479.260, 485.077, 487.020, 488.012, 517.041, 535.030, 535.120, 566.226, and 630.407, RSMo, are repealed and one hundred nineteen new sections enacted in lieu thereof, to be known as sections 28.160, 41.950, 193.087, 193.215, 347.179, 347.183, 351.047, 351.120, 351.122, 351.125, 351.145, 351.155, 351.484, 351.592, 351.594, 351.598, 351.602, 351.690, 355.016, 355.021, 355.066, 355.071, 355.176, 355.688, 355.706, 355.796, 355.806, 355.811, 355.821, 355.856, 355.857, 356.211, 359.681, 441.645, 452.400, 452.423, 452.426, 452.427, 452.428, 452.700,

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

14 452.705, 452.710, 452.715, 452.720, 452.725, 452.730, 452.735, 452.740, 452.745, 452.747,
 15 452.750, 452.755, 452.760, 452.762, 452.765, 452.770, 452.775, 452.780, 452.782, 452.785,
 16 452.790, 452.795, 452.800, 452.805, 452.810, 452.815, 452.820, 452.825, 452.830, 452.835,
 17 452.840, 452.845, 452.850, 452.855, 452.860, 452.865, 452.870, 452.875, 452.880, 452.885,
 18 452.890, 452.895, 452.900, 452.905, 452.910, 452.915, 452.920, 452.925, 452.930, 454.445,
 19 455.010, 475.375, 476.055, 477.600, 478.003, 478.264, 478.320, 478.325, 478.464, 478.513,
 20 478.575, 478.630, 478.713, 479.080, 479.260, 485.077, 487.020, 488.006, 488.012, 488.075,
 21 488.5032, 517.041, 535.030, 535.120, 537.055, 566.226, 630.407, 1, and 2, to read as follows:

28.160. 1. The state shall be entitled to fees for services to be rendered by the secretary
 2 of state as follows:

3	For issuing commission to notary public	\$15.00
4	For countersigning and sealing certificates of	
5	official character	10.00
6	For all other certificates	5.00
7	For copying archive and state library records, papers or documents, for each page 8 ½ x	
8	14 inches and smaller, not to exceed the actual cost of document search and	
9	duplication	
10	For duplicating microfilm, for each roll, not to exceed the actual cost of staff time	
11	required for searches and duplication	
12	For copying all other records, papers or documents, for each page 8 ½ x 14 inches and	
13	smaller, not to exceed the actual cost of document search and duplication	
14	For certifying copies of records and papers or documents	5.00
15	For causing service of process to be made	10.00
16	For electronic telephone transmittal, per page	2.00

17 2. There is hereby established the "Secretary of State's Technology Trust Fund Account"
 18 which shall be administered by the state treasurer. All yield, interest, income, increment, or gain
 19 received from time deposit of moneys in the state treasury to the credit of the secretary of state's
 20 technology trust fund account shall be credited by the state treasurer to the account. The
 21 provisions of section 33.080, RSMo, to the contrary notwithstanding, moneys in the fund shall
 22 not be transferred and placed to the credit of general revenue until the amount in the fund at the
 23 end of a biennium exceeds five million dollars. In any such biennium the amount in the fund in
 24 excess of five million dollars shall be transferred to general revenue.

25 3. The secretary of state may collect an additional fee of ten dollars for the issuance of
 26 new and renewal notary commissions which shall be deposited in the state treasury and credited
 27 to the secretary of state's technology trust fund account.

28 4. The secretary of state may ask the general assembly to appropriate funds from the
 29 technology trust fund for the purposes of establishing, procuring, developing, modernizing and
 30 maintaining:

31 (1) An electronic data processing system and programs capable of maintaining a
32 centralized database of all registered voters in the state;

33 (2) Library services offered to the citizens of this state;

34 (3) Administrative rules services, equipment and functions;

35 (4) Services, equipment and functions relating to securities;

36 (5) Services, equipment and functions relating to corporations and business
37 organizations;

38 (6) Services, equipment and functions relating to the Uniform Commercial Code;

39 (7) Services, equipment and functions relating to archives;

40 (8) Services, equipment and functions relating to record services; and

41 (9) Services, equipment and functions relating to state and local elections.

42 5. Notwithstanding any provision of this section to the contrary, the secretary of state
43 shall not collect fees, for processing apostilles, certifications and authentications prior to the
44 placement of a child for adoption, in excess of one hundred dollars per child per adoption, or per
45 multiple children to be adopted at the same time.

46 **6. (1) The secretary of state may promulgate rules to establish fees to be charged**
47 **and collected for special handling in connection with filing documents, issuing certificates,**
48 **and other services performed by the office, including expedited filing. Any rule or portion**
49 **of a rule, as that term is defined in section 536.010, RSMo, that is created under the**
50 **authority delegated in this section shall become effective only if it complies with and is**
51 **subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028,**
52 **RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers**
53 **vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the**
54 **effective date, or to disapprove and annul a rule are subsequently held unconstitutional,**
55 **then the grant of rulemaking authority and any rule proposed or adopted after August 28,**
56 **2009, shall be invalid and void.**

57 (2) Fees charged under this subsection shall approximate the estimated cost of
58 special handling and shall not exceed three hundred dollars per document filed or
59 document requested. Requests for special handling or expedited filing may be filed, and
60 the fees under this subsection may be charged, only if the special handling does not cause
61 disruption or delay in the process of normal handling of documents. Such determination
62 shall be at the discretion of the secretary of state or his or her designee, and neither the
63 secretary of state nor his or her designee shall be liable in any manner for the acceptance
64 or rejection of requests for special handling or expedited filing.

65 (3) The secretary of state shall, by rule, define the term "special handling in
66 connection with filing documents, issuing certificates, and other services performed by the
67 office, including expedited filing" and the type of filings subject to the special handling fee
68 under this subsection.

41.950. 1. Any resident of this state who is a member of the national guard or of any
2 reserve component of the armed forces of the United States or who is a member of the United
3 States Army, the United States Navy, the United States Air Force, the United States Marine
4 Corps, the United States Coast Guard or an officer of the United States Public Health Service
5 detailed by proper authority for duty with any branch of the United States armed forces described
6 in this section and who is engaged in the performance of active duty in the military service of the
7 United States in a military conflict in which reserve components have been called to active duty
8 under the authority of 10 U.S.C. 672(d) or 10 U.S.C. 673b or any such subsequent call or order
9 by the President or Congress for any period of thirty days or more shall be relieved from certain
10 provisions of state law, as follows:

11 (1) No person performing such military service who owns a motor vehicle shall be
12 required to maintain financial responsibility on such motor vehicle as required under section
13 303.025, RSMo, until such time as that person completes such military service, unless any
14 person shall be operating such motor vehicle while the vehicle owner is performing such military
15 service;

16 (2) No person failing to renew his driver's license while performing such military service
17 shall be required to take a complete examination as required under section 302.173, RSMo, when
18 renewing his license within sixty days after completing such military service;

19 (3) Any motor vehicle registration required under chapter 301, RSMo, that expires for
20 any person performing such military service may be renewed by such person within sixty days
21 of completing such military service without being required to pay a delinquent registration fee;
22 however, such motor vehicle shall not be operated while the person is performing such military
23 service unless the motor vehicle registration is renewed;

24 (4) Any person enrolled by the supreme court of Missouri or licensed, registered or
25 certified under chapter 168, 256, [289,] 317, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333,
26 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 375, 640 or 644, RSMo, and
27 interpreters licensed under sections 209.319 to 209.339, RSMo, whose license, registration or
28 certification expires while performing such military service, may renew such license, registration
29 or certification within sixty days of completing such military service without penalty;

30 (5) In the case of [annual] **corporate registration** reports, franchise tax reports or other
31 reports required to be filed with the office of secretary of state, where the filing of such report
32 would be delayed because of a person performing such military service, such reports shall be
33 filed without penalty within one hundred twenty days of the completion of such military service;

34 (6) No person performing such military service who is subject to a criminal summons
35 for a traffic violation shall be subject to nonappearance sanctions for such violation until after
36 one hundred eighty days after the completion of such military service;

37 (7) No person performing such military service who is required under state law to file
38 financial disclosure reports shall be required to file such reports while performing such military

39 service; however, such reports covering that period of time that such military service is
40 performed shall be filed within one hundred eighty days after the completion of such military
41 service;

42 (8) Any person with an indebtedness, liability or obligation for state income tax or
43 property tax on personal or real property who is performing such military service or a spouse of
44 such person filing a combined return or owning property jointly shall be granted an extension
45 to file any papers or to pay any obligation until one hundred eighty days after the completion of
46 such military service or continuous hospitalization as a result of such military service
47 notwithstanding the provisions of section 143.991, RSMo, to the contrary and shall be allowed
48 to pay such tax without penalty or interest if paid within the one hundred eighty-day period;

49 (9) Notwithstanding other provisions of the law to the contrary, for the purposes of this
50 section, interest shall be allowed and paid on any overpayment of tax imposed by sections
51 143.011 to 143.998, RSMo, at the rate of six percent per annum from the original due date of the
52 return or the date the tax was paid, whichever is later;

53 (10) No state agency, board, commission or administrative tribunal shall take any
54 administrative action against any person performing such military service for that person's failure
55 to take any required action or meet any required obligation not already provided for in
56 subdivisions (1) to (8) of this subsection until one hundred eighty days after the completion of
57 such military service, except that any agency, board, commission or administrative tribunal
58 affected by this subdivision may, in its discretion, extend the time required to take such action
59 or meet such obligation beyond the one hundred eighty-day period;

60 (11) Any disciplinary or administrative action or proceeding before any state agency,
61 board, commission or administrative tribunal where the person performing such military service
62 is a necessary party, which occurs during such period of military service, shall be stayed by the
63 administrative entity before which it is pending until sixty days after the end of such military
64 service.

65 2. Upon completing such military service, the person shall provide the appropriate
66 agency, board, commission or administrative tribunal an official order from the appropriate
67 military authority as evidence of such military service.

68 3. The provisions of this section shall apply to any individual [defined] **described** in
69 subsection 1 of this section who performs such military service on or after August 2, 1990.

193.087. 1. In addition to the requirements of subsection 2 of section 193.085, when a
2 birth occurs to an unmarried mother, whether in an institution or en route to an institution, the
3 person in charge of the institution or a designated representative shall:

4 (1) Provide a form or affidavit prescribed by the state registrar that may be completed
5 by the child's mother and father to voluntarily acknowledge paternity of the child pursuant to
6 section 193.215;

7 (2) File the form, when completed, along with the certificate required by this section.
8 **Such completed form for the voluntary acknowledgment of paternity is not a public**
9 **record; except that, a copy of such voluntary acknowledgment of paternity shall, upon**
10 **request, be made available to the child's mother, the father listed on the child's birth**
11 **record, and the attorney representing such mother or father. Upon payment of the fee**
12 **established by rule by the department under section 454.455, RSMo, a copy of such**
13 **voluntary acknowledgment of paternity shall be provided by the state registrar to the**
14 **child's mother, the father listed on the child's birth record, and the attorney representing**
15 **such mother or alleged father; and**

16 (3) Provide oral and written notice to the affiant required by section 193.215.

17 2. Any institution, the person in charge or a designated representative shall be immune
18 from civil or criminal liability for providing the form or affidavit required by subsection 1 of this
19 section, the information developed pursuant to that subsection, or otherwise fulfilling the duties
20 required by subsection 1 of this section.

21 3. The family support division may contract with the department of health and senior
22 services to provide assistance and training to the hospital staff assigned responsibility for
23 providing the information, as appropriate, to carry out duties pursuant to this section. The family
24 support division shall develop and distribute free of charge the information on the rights and
25 responsibilities of parents that is required to be distributed pursuant to this section. The
26 department of health and senior services shall provide free of charge to hospitals the
27 acknowledgment of paternity affidavit, and instructions on the completion of the affidavit.

28 4. If no contract is developed with the department of health and senior services, then the
29 family support division shall provide the assistance and training activities to hospitals pursuant
30 to subsection 3 of this section.

31 5. Any affiant who intentionally misidentifies another person as a parent may be
32 prosecuted for perjury, pursuant to section 575.040, RSMo.

33 6. Due to lack of cooperation by public assistance recipients, the family support division
34 shall either suspend the entire public assistance cash grant, or remove the needs of the adult
35 recipient of public assistance from the cash grant, subject to good cause exceptions pursuant to
36 federal law or regulations.

193.215. 1. A certificate or report registered pursuant to sections 193.005 to 193.325
2 may be amended only pursuant to the provisions of sections 193.005 to 193.325, and regulations
3 adopted by the department.

4 2. A certificate or report that is amended pursuant to this section shall be marked
5 "Amended" except as otherwise provided in this section. The date of amendment and a summary
6 description of the evidence submitted in support of the amendment shall be endorsed on or made
7 part of the record.

8 3. Upon receipt of a certified copy of an order of a court of competent jurisdiction
9 changing the name of a person born in this state and upon request of such person or such person's
10 parents, guardian, or legal representative, the state registrar shall amend the certificate of birth
11 to show the new name. The court order shall include such facts as are necessary to locate and
12 identify the certificate of birth of the person whose name is being changed.

13 4. When an applicant does not submit the minimum documentation required in the
14 regulations for amending a vital record or when the state registrar has reasonable cause to
15 question the validity or adequacy of the applicant's sworn statements or the documentary
16 evidence, and if the deficiencies are not corrected, the state registrar shall not amend the vital
17 record and shall advise the applicant of the reason for this action and the applicant's right of
18 appeal to a court of competent jurisdiction.

19 5. When a certificate or report is amended pursuant to this section, the state registrar
20 shall report the amendment to any other custodians of the vital record and their record shall be
21 amended accordingly.

22 6. Upon written request of both parents and receipt of a sworn acknowledgment of
23 paternity notarized and signed by both parents of a child born out of wedlock, the state registrar
24 shall amend the certificate of birth to show such paternity. The acknowledgment affidavit form
25 shall be developed by the state registrar and shall include the minimum requirements prescribed
26 by the secretary of the Department of Health and Human Services pursuant to 42 U.S.C. Section
27 652(a)(7). The acknowledgment form shall include provisions to allow the parents to change the
28 surname of the child and such surname shall be changed on the birth record if the parents elect
29 to change the child's surname. The signature of the parents shall be notarized or the signature
30 shall be witnessed by at least two disinterested adults whose signatures and addresses shall be
31 plainly written thereon. The form shall be accompanied by oral notice, which may be provided
32 through the use of video or audio equipment, and written notice to the mother and putative father
33 of:

34 (1) The alternatives to, the legal consequences of, and the rights and responsibilities that
35 arise from signing the acknowledgment;

36 (2) The benefits of having the child's paternity established; and

37 (3) The availability of paternity establishment and child support enforcement services.

38 A rescission of acknowledgment form shall be filed with the bureau of vital records pursuant to
39 section 210.823, RSMo, to vacate the legal finding of paternity. The bureau shall file all
40 rescissions and forward a copy of each to the division of child support enforcement. The birth
41 record shall only be changed pursuant to this subsection upon an order of the court or the
42 division of child support enforcement.

43

44 **The completed voluntary acknowledgment of paternity is not a public record; except that,**
45 **a copy of such voluntary acknowledgment of paternity shall, upon request, be made**

46 available to the child's mother, the father listed on the child's birth record, and the
47 attorney representing such mother or father. Upon payment of the fee established by rule
48 by the department under section 454.445, RSMo, a copy of such acknowledgment shall be
49 provided by the state registrar to the child's mother, the father listed on the child's birth
50 record, and the attorney representing such mother or alleged father.

51 7. The department shall offer voluntary paternity establishment services.

52 8. Upon receipt of a certified copy of an order of a court of competent jurisdiction
53 changing the name of a person born in this state and upon request of such person or such person's
54 parents, guardian or legal representative, the state registrar shall amend the certificate of birth
55 to show the new name.

56 9. Upon receipt of a certified copy of an order of a court of competent jurisdiction
57 indicating the sex of an individual born in this state has been changed by surgical procedure and
58 that such individual's name has been changed, the certificate of birth of such individual shall be
59 amended.

347.179. The secretary shall charge and collect:

2 (1) For filing the original articles of organization, a fee of one hundred dollars;

3 (2) **For filing the original articles of organization online, in an electronic format**
4 **prescribed by the secretary of state, a fee of forty-five dollars;**

5 (3) Applications for registration of foreign limited liability companies and issuance of
6 a certificate of registration to transact business in this state, a fee of one hundred dollars;

7 [(3)] (4) Amendments to and restatements of articles of limited liability companies to
8 application for registration of a foreign limited liability company or any other filing otherwise
9 provided for, a fee of twenty dollars;

10 [(4)] (5) Articles of termination of limited liability companies or cancellation of
11 registration of foreign limited liability companies, a fee of twenty dollars;

12 [(5)] (6) For filing notice of merger or consolidation, a fee of twenty dollars;

13 [(6)] (7) For filing a notice of winding up, a fee of twenty dollars;

14 [(7)] (8) For issuing a certificate of good standing, a fee of five dollars;

15 [(8)] (9) For a notice of the abandonment of merger or consolidation, a fee of twenty
16 dollars;

17 [(9)] (10) For furnishing a copy of any document or instrument, a fee of fifty cents per
18 page;

19 [(10)] (11) For accepting an application for reservation of a name, or for filing a notice
20 of the transfer or cancellation of any name reservation, a fee of twenty dollars;

21 [(11)] (12) For filing a statement of change of address of registered office or registered
22 agent, or both, a fee of five dollars;

23 [(12)] (13) For any service of notice, demand, or process upon the secretary as resident
24 agent of a limited liability company, a fee of twenty dollars, which amount may be recovered as

25 taxable costs by the party instituting such suit, action, or proceeding causing such service to be
26 made if such party prevails therein;

27 [(13)] **(14)** For filing an amended certificate of registration a fee of twenty dollars; and

28 [(14)] **(15)** For filing a statement of correction a fee of five dollars.

347.183. In addition to the other powers of the secretary established in sections 347.010
2 to 347.187, the secretary shall, as is reasonably necessary to enable the secretary to administer
3 sections 347.010 to 347.187 efficiently and to perform the secretary's duties, have the following
4 powers including, but not limited to:

5 (1) The power to examine the books and records of any limited liability company to
6 which sections 347.010 to 347.187 apply, and it shall be the duty of any manager, member or
7 agent of such limited liability company having possession or control of such books and records,
8 to produce such books and records for examination on demand of the secretary or his designated
9 employee; except that no person shall be subject to any criminal prosecution on account of any
10 matter or thing which may be disclosed by examination of any limited liability company books
11 and records, which they may produce or exhibit for examination; or on account of any other
12 matter or thing concerning which they may make any voluntary and truthful statement in writing
13 to the secretary or his designated employee. All facts obtained in the examination of the books
14 and records of any limited liability company, or through the voluntary sworn statement of any
15 manager, member, agent or employee of any limited liability company, shall be treated as
16 confidential, except insofar as official duty may require the disclosure of same, or when such
17 facts are material to any issue in any legal proceeding in which the secretary or his designated
18 employee may be a party or called as witness, and, if the secretary or his designated employee
19 shall, except as provided in this subdivision, disclose any information relative to the private
20 accounts, affairs, and transactions of any such limited liability company, he shall be guilty of a
21 class C misdemeanor. If any manager, member or registered agent in possession or control of
22 such books and records of any such limited liability company shall refuse a demand of the
23 secretary or his designated employee, to exhibit the books and records of such limited liability
24 company for examination, such person shall be guilty of a class B misdemeanor;

25 (2) The power to cancel or disapprove any articles of organization or other filing required
26 under sections 347.010 to 347.187, if the limited liability company fails to comply with the
27 provisions of sections 347.010 to 347.187 by failing to file required documents under sections
28 347.010 to 347.187, by failing to maintain a registered agent, by failing to pay the required filing
29 fees, by using fraud or deception in effecting any filing, by filing a required document containing
30 a false statement, or by violating any section or sections of the criminal laws of Missouri, the
31 federal government or any other state of the United States. Thirty days before such cancellation
32 shall take effect, the secretary shall notify the limited liability company with written notice, either
33 personally or by certified mail, deposited in the United States mail in a sealed envelope
34 addressed to such limited liability company's last registered agent in office, or to one of the

35 limited liability company's members or managers. Written notice of the secretary's proposed
36 cancellation to the limited liability company, domestic or foreign, shall specify the reasons for
37 such action. The limited liability company may appeal this notice of proposed cancellation to
38 the circuit court of the county in which the registered office of such limited liability company is
39 or is proposed to be situated by filing with the clerk of such court a petition setting forth a copy
40 of the articles of organization or other relevant documents and a copy of the proposed written
41 cancellation thereof by the secretary, such petition to be filed within thirty days after notice of
42 such cancellation shall have been given, and the matter shall be tried by the court, and the court
43 shall either sustain the action of the secretary or direct him to take such action as the court may
44 deem proper. An appeal from the circuit court in such a case shall be allowed as in civil action.
45 The limited liability company may provide information to the secretary that would allow the
46 secretary to withdraw the notice of proposed cancellation. This information may consist of, but
47 need not be limited to, corrected statements and documents, new filings, affidavits and certified
48 copies of other filed documents;

49 (3) The power to rescind cancellation provided for in subdivision (2) of this section upon
50 compliance with either of the following:

51 (a) The affected limited liability company provides the necessary documents and
52 affidavits indicating the limited liability company has corrected the conditions causing the
53 proposed cancellation or the cancellation; or

54 (b) The limited liability company provides the correct statements or documentation that
55 the limited liability company is not in violation of any section of the criminal code; and

56 (4) The power to charge late filing fees for any filing fee required under sections 347.010
57 to 347.187 and the power to impose civil penalties as provided in section 347.053. Late filing
58 fees shall be assessed at a rate of ten dollars for each thirty-day period of delinquency;

59 **(5) (a) The power to administratively cancel an articles of organization if the**
60 **limited liability company's period of duration stated in articles of organization expires.**

61 **(b) Not less than thirty days before such administrative cancellation shall take**
62 **effect, the secretary shall notify the limited liability company with written notice, either**
63 **personally or by mail. If mailed, the notice shall be deemed delivered five days after it is**
64 **deposited in the United States mail in a sealed envelope addressed to such limited liability**
65 **company's last registered agent and office or to one of the limited liability company's**
66 **managers or members.**

67 **(c) If the limited liability company does not timely file an articles of amendment in**
68 **accordance with section 347.041 to extend the duration of the limited liability company,**
69 **which may be any number of years or perpetual, or demonstrate to the reasonable**
70 **satisfaction of the secretary that the period of duration determined by the secretary is**
71 **incorrect, within sixty days after service of the notice is perfected by posting with the**
72 **United States Postal Service, then the secretary shall cancel the articles of organization by**

73 signing an administrative cancellation that recites the grounds for cancellation and its
74 effective date. The secretary shall file the original of the administrative cancellation and
75 serve a copy on the limited liability company as provided in section 347.051.

76 (d) A limited liability company whose articles of organization has been
77 administratively cancelled continues its existence but may not carry on any business except
78 that necessary to wind up and liquidate its business and affairs under section 347.147 and
79 notify claimants under section 347.141.

80 (e) The administrative cancellation of an articles of organization does not terminate
81 the authority of its registered agent.

82 (6) (a) The power to rescind an administrative cancellation and reinstate the
83 articles of organization.

84 (b) Except as otherwise provided in the operating agreement, a limited liability
85 company whose articles of organization has been administratively cancelled under
86 subdivision (5) of this section may file an articles of amendment in accordance with section
87 347.041 to extend the duration of the limited liability company, which may be any number
88 or perpetual.

89 (c) A limited liability company whose articles of organization has been
90 administratively cancelled under subdivision (5) of this section may apply to the secretary
91 for reinstatement. The applicant shall:

92 a. Recite the name of the limited liability company and the effective date of its
93 administrative cancellation;

94 b. State that the grounds for cancellation either did not exist or have been
95 eliminated, as applicable, and be accompanied by documentation satisfactory to the
96 secretary evidencing the same;

97 c. State that the limited liability company's name satisfies the requirements of
98 section 347.020;

99 d. Be accompanied by a reinstatement fee in the amount of one hundred dollars,
100 or such greater amount as required by state regulation, plus any delinquent fees, penalties,
101 and other charges as determined by the secretary to then be due.

102 (d) If the secretary determines that the application contains the information and
103 is accompanied by the fees required in paragraph (c) of this subdivision and that the
104 information and fees are correct, the secretary shall rescind the cancellation and prepare
105 a certificate of reinstatement that recites his or her determination and the effective date of
106 reinstatement, file the original articles of organization, and serve a copy on the limited
107 liability company as provided in section 347.051.

108 (e) When the reinstatement is effective, it shall relate back to and take effect as of
109 the effective date of the administrative cancellation of the articles of organization and the

110 **limited liability company may continue carrying on its business as if the administrative**
111 **cancellation had never occurred.**

112 (f) **In the event the name of the limited liability company was reissued by the**
113 **secretary to another entity prior to the time application for reinstatement was filed, the**
114 **limited liability company applying for reinstatement may elect to reinstate using a new**
115 **name that complies with the requirements of section 347.020 and that has been approved**
116 **by appropriate action of the limited liability company for changing the name thereof.**

117 (g) **If the secretary denies a limited liability company's application for**
118 **reinstatement following administrative cancellation of the articles of organization, he or**
119 **she shall serve the limited liability company as provided in section 347.051 with a written**
120 **notice that explains the reason or reasons for denial.**

121 (h) **The limited liability company may appeal a denial of reinstatement as provided**
122 **for in subdivision (2) of this section.**

123 (7) **Subdivision (6) of this section shall apply to any limited liability company whose**
124 **articles of organization was cancelled because such limited liability company's period of**
125 **duration stated in the articles of organization expired on or after August 28, 2003.**

351.047. The secretary of state may prescribe and furnish on request forms for all
2 documents required or permitted to be filed by this chapter. The use of the following forms is
3 mandatory:

4 (1) A foreign corporation's application for a certificate of authority to do business in this
5 state;

6 (2) A foreign corporation's application for a certificate of withdrawal;

7 (3) A corporation's [annual] **corporate registration** report.

351.120. 1. Every corporation organized pursuant to the laws of this state, including
2 corporations organized pursuant to or subject to this chapter, and every foreign corporation
3 licensed to do business in this state, whether such license shall have been issued pursuant to this
4 chapter or not, other than corporations exempted from taxation by the laws of this state, shall file
5 [an annual corporation] **a corporate** registration report.

6 2. The [annual] corporate registration report shall state the corporate name, the name of
7 its registered agent and such agent's Missouri **physical** address, giving street and number, or
8 building and number, or both, as the case may require, the name and correct business or
9 residence address of its officers and directors, and the mailing address of the corporation's
10 principal place of business or corporate headquarters.

11 3. The [annual] corporate registration report shall **be filed annually, except as provided**
12 **in section 351.122, and shall** be due the month that the corporation incorporated or qualified,
13 **unless changed by the corporation under subsection 8 of this section.** Corporations existing
14 prior to July 1, 2003, shall file the [annual] **corporate** registration report on the month indicated
15 on the corporation's last [annual] **corporate registration** report. Corporations formed on or after

16 July 1, 2003, shall file [an annual] **a corporate** registration report within thirty days of the date
17 of incorporation or qualification and every year thereafter, **except as provided in section**
18 **351.122**, in the month that they were incorporated or qualified, **unless such month is changed**
19 **by the corporation under subsection 8 of this section.**

20 4. The [annual] **corporate** registration report shall be signed by an officer or authorized
21 person.

22 5. In the event of any error in the names and addresses of the officers and directors set
23 forth in [an annual] **a corporate** registration report, the corporation may correct such information
24 by filing a certificate of correction pursuant to section 351.049.

25 6. A corporation may change the corporation's registered office or registered agent with
26 the filing of the corporation's [annual] **corporate** registration report. To change the corporation's
27 registered agent with the filing of the [annual] **corporate** registration report, the corporation must
28 include the new registered agent's written consent to the appointment as registered agent and a
29 written consent stating that such change in registered agents was authorized by resolution duly
30 adopted by the board of directors. The written consent must be signed by the new registered
31 agent and must include such agent's address. If the [annual] corporate registration report is not
32 completed correctly, the secretary of state may reject the filing of such report.

33 7. A corporation's [annual] **corporate** registration report must be filed in a format as
34 prescribed by the secretary of state.

35 **8. A corporation may change the month of its corporate registration report in the**
36 **corporation's initial corporate registration report or a subsequent report. To change its**
37 **filing month, a corporation shall designate the desired month in its corporate registration**
38 **report and include with that report an additional fee of twenty dollars. After a corporation**
39 **registration report designating a new filing month is filed by the secretary of state, the**
40 **corporation's next corporate registration report shall be filed in the newly designated**
41 **month in the next year in which a report is due under subsection 3 of this section or under**
42 **section 351.122. This subsection shall become effective January 1, 2010.**

351.122. 1. Notwithstanding the provisions of section 351.120 to the contrary,
2 **beginning January 1, 2010, the secretary of state may provide corporations the option of**
3 **biennially filing corporate registration reports. Any corporation incorporated or qualified**
4 **in an even-numbered year may file a biennial corporate registration report only in an even-**
5 **numbered calendar year, and any corporation incorporated or qualified in an odd-**
6 **numbered year may file a biennial corporate registration report only in an odd-numbered**
7 **calendar year, subject to the following requirements:**

8 (1) **The fee paid at the time of biennial registration shall be eighty dollars if the**
9 **report is filed in a written format. The fee shall be thirty dollars if the report is filed via**
10 **an electronic format prescribed by the secretary of state;**

11 (2) A corporation's biennial corporate registration report shall be filed in a format
12 as prescribed by the secretary of state.

13 2. Once a corporation chooses the option of biennial registration, such registration
14 shall be maintained for the full twenty-four month period. Once the twenty-four month
15 period has expired and another corporate registration report is due, a corporation may
16 choose to file an annual registration report under section 351.120. However, upon making
17 such choice the corporation may later only choose to file a biennial corporate registration
18 report in a year appropriate under subsection 1 of this section, based on the year in which
19 the corporation was incorporated.

20 3. The secretary of state may promulgate rules for the effective administration of
21 this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,
22 that is created under the authority delegated in this section shall become effective only if
23 it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if
24 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
25 and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,
26 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
27 held unconstitutional, then the grant of rulemaking authority and any rule proposed or
28 adopted after August 28, 2009, shall be invalid and void.

 351.125. Every corporation required to register under the provisions of this chapter shall
2 pay to the state a fee of forty dollars for its [annual] **corporate** registration if the report is filed
3 in a written format. The fee is fifteen dollars for each [annual] **corporate** registration report filed
4 via an electronic format prescribed by the secretary of state. **Biennial corporate registration**
5 **reports filed under section 351.122 shall require the fee prescribed in that section.** If a
6 corporation fails to file a corporation registration report when due, it shall be assessed, in
7 addition to its regular registration fee, a late fee of fifteen dollars for each thirty-day period
8 within which the registration report is filed whether in writing or in an electronic format. If the
9 registration report is not filed within ninety days, [the corporation shall forfeit its charter] **the**
10 **secretary of state may proceed with administrative dissolution of such corporation under**
11 **sections 351.484 and 351.486.**

 351.145. It shall be the duty of the secretary of state to send notice that the [annual]
2 corporate registration report is due to each corporation in this state required to register. The
3 notice shall be directed to its registered office as disclosed originally by its articles of
4 incorporation or by its application for a certificate of authority to transact business in this state
5 and thereafter as disclosed by its **immediately preceding corporate** registration [for the year
6 preceding] **report**, as provided by law. The secretary of state may provide a form of the [annual]
7 corporate registration report for filing in a format and medium prescribed by the secretary of
8 state.

351.155. It shall be the duty of the secretary of state to furnish forms of [annual] corporate registration reports to any corporation upon request to any representative of the corporation, but no such form of the [annual] corporate registration report shall be furnished unless the name of the corporation for which [they are] **it is** desired shall accompany the request.

351.484. The secretary of state may commence a proceeding pursuant to section 351.486 to dissolve a corporation administratively if:

(1) The corporation fails to pay any final assessment of Missouri corporation franchise tax as provided in chapter 147, RSMo, and the director of revenue has notified the secretary of state of such failure;

(2) The corporation fails or neglects to file the Missouri corporation franchise tax report required pursuant to chapter 147, RSMo, provided the director of revenue has provided a place on both the individual and corporation income tax return to indicate no such tax is due and provided the director has delivered or mailed at least two notices of such failure to file to the usual place of business of such corporation or the corporation's last known address and the corporation has failed to respond to such second notice within thirty days of the date of mailing of the second notice and the director of revenue has notified the secretary of state of such failure;

(3) The corporation fails to file any corporation income tax return or pay any final assessment of corporation income tax as provided in chapter 143, RSMo, and the director of revenue has notified the secretary of state of such failure;

(4) The corporation does not deliver its [annual] **corporate registration** report to the secretary of state within [thirty] **ninety** days after it is due;

(5) The corporation is without a registered agent or registered office in this state for thirty days or more;

(6) The corporation does not notify the secretary of state within thirty days that its registered agent or registered office has been changed, that its registered agent has resigned, or that its registered office has been discontinued;

(7) The corporation's period of duration stated in its articles of incorporation expires;

(8) The corporation procures its franchise through fraud practiced upon the state;

(9) The corporation has continued to exceed or abuse the authority conferred upon it by law, or has continued to violate any section or sections of the criminal law of the state of Missouri after a written demand to discontinue the same has been delivered by the secretary of state to the corporation, either personally or by mail;

(10) The corporation fails to pay any final assessment of employer withholding tax, as provided in sections 143.191 to 143.265, RSMo, and the director of revenue has notified the secretary of state of such failure; or

(11) The corporation fails to pay any final assessment of sales and use taxes, as provided in chapter 144, RSMo, and the director of revenue has notified the secretary of state of such failure.

351.592. 1. The registered agent of a foreign corporation may resign his agency appointment by signing and delivering to the secretary of state for filing the original and two exact or conformed copies of a statement of resignation. The statement of resignation may include a statement that the registered office is also discontinued.

2. After filing the statement, the secretary of state shall attach the filing receipt to one copy, and mail the copy and receipt to the registered office if not discontinued. The secretary of state shall mail the other copy to the foreign corporation at its principal office address shown in its most recent [annual] **corporate registration** report.

3. The agency appointment is terminated, and the registered office discontinued if so provided, on the thirty-first day after the date on which the statement was filed.

351.594. 1. The registered agent of a foreign corporation authorized to transact business in this state is the corporation's agent for service of process, notice, or demand required or permitted by law to be served on the foreign corporation.

2. A foreign corporation may be served by registered or certified mail, return receipt requested, addressed to the secretary of the foreign corporation at its principal office shown in its application for a certificate of authority or in its most recent [annual] **corporate registration** report, if the foreign corporation:

(1) Has no registered agent or its registered agent cannot with reasonable diligence be served;

(2) Has withdrawn from transacting business in this state as provided in section 351.596; or

(3) Has had its certificate of authority revoked under section 351.602.

If the corporation has no secretary or if the secretary cannot, after the exercise of reasonable diligence, be served, then service on the corporation may be obtained by registered or certified mail, return receipt requested, addressed to any person designated as a director or officer of the corporation at any place of business of the corporation, or at the residence of or any usual business address of such director or officer.

3. Service is perfected as provided in subsection 2 of this section at the earliest of:

(1) The date the foreign corporation receives the mail;

(2) The date shown on the return receipt, if signed on behalf of the foreign corporation;

or

(3) Five days after its deposit in the United States mail, as evidenced by the postmark, if mailed postpaid and correctly addressed.

4. This section does not prescribe the only means, or necessarily the required means, of serving a foreign corporation.

351.598. The secretary of state may commence a proceeding pursuant to section 351.602 to revoke the certificate of a foreign corporation authorized to transact business in this state if:

- 3 (1) The foreign corporation does not deliver its [annual] **corporate registration** report
4 to the secretary of state within thirty days after it is due;
- 5 (2) The foreign corporation fails to pay any final assessment of Missouri corporation
6 franchise tax, as provided in chapter 147, RSMo, and the director of revenue has notified the
7 secretary of state of such failure;
- 8 (3) The foreign corporation is without a registered agent or registered office in this state
9 for thirty days or more;
- 10 (4) The foreign corporation does not inform the secretary of state pursuant to section
11 351.588 or 351.592 that its registered agent or registered office has changed, that its registered
12 agent has resigned, or that its registered office has been discontinued within thirty days of the
13 change, resignation, or discontinuance;
- 14 (5) An incorporator, director, officer, or agent of the foreign corporation signed a
15 document the person knew was false in any material respect with intent that the document be
16 delivered to the secretary of state for filing;
- 17 (6) The secretary of state receives a duly authenticated certificate from [the secretary of
18 state or other] **an** official having custody of corporate records in the state or country under whose
19 law the foreign corporation is incorporated stating that it has been dissolved or has disappeared
20 as the result of a merger;
- 21 (7) The foreign corporation fails to pay any final assessment of employer withholding
22 tax, as provided in sections 143.191 to 143.265, RSMo, and the director of revenue has notified
23 the secretary of state of such failure; or
- 24 (8) The foreign corporation fails to pay any final assessment of sales and use taxes, as
25 provided in chapter 144, RSMo, and the director of revenue has notified the secretary of state of
26 such failure.

351.602. 1. If the secretary of state determines that one or more grounds exist under
2 section 351.598 for revocation of a certificate of authority, he shall serve the foreign corporation
3 with written notice of his determination as provided in section 351.594.

4 2. If the foreign corporation does not correct each ground for revocation or demonstrate
5 to the reasonable satisfaction of the secretary of state that each ground determined by the
6 secretary of state does not exist within sixty days after service of the notice is perfected under
7 section 351.594, the secretary of state may revoke the foreign corporation's certificate of
8 authority by signing a certificate of revocation that recites the ground or grounds for revocation
9 and its effective date. The secretary of state shall file the original of the certificate and serve a
10 copy on the foreign corporation as provided in section 351.594.

11 3. The authority of a foreign corporation to transact business in this state ceases on the
12 date shown on the certificate revoking its certificate of authority.

13 4. The secretary of state's revocation of a foreign corporation's certificate of authority
14 appoints the secretary of state the foreign corporation's agent for service of process in any

15 proceeding based on a cause of action which arose during the time the foreign corporation was
16 authorized to transact business in this state. Service of process on the secretary of state under
17 this subsection is service on the foreign corporation. Upon receipt of process, the secretary of
18 state shall mail a copy of the process to the secretary of the foreign corporation at its principal
19 office shown in its most recent [annual] **corporate registration** report or in any subsequent
20 communication received from the corporation specifically advising the secretary of state of the
21 current mailing address of its principal office, or, if none are on file, in its application for a
22 certificate of authority.

23 5. Revocation of a foreign corporation's certificate of authority does not terminate the
24 authority of the registered agent of the corporation.

351.690. The provisions of this chapter shall be applicable to existing corporations and
2 corporations not formed pursuant to this chapter as follows:

3 (1) Those provisions of this chapter requiring reports, registration statements and the
4 payment of taxes and fees, shall be applicable, to the same extent and with the same effect, to
5 all existing corporations, domestic and foreign, which were required to make such reports and
6 registration statements and to pay such taxes and fees, prior to November 21, 1943;

7 (2) The provisions of this chapter shall be applicable to banks, trust companies and safe
8 deposit companies when such provisions relating to the internal affairs of a corporation
9 supplement the existing provisions of chapter 362, RSMo, or when the provisions of chapter 362,
10 RSMo, do not deal with a matter involving the internal affairs of a corporation organized
11 pursuant to the provisions of chapter 362, RSMo, as well as those provisions mentioned in
12 subdivision (1) of this section, to the extent applicable. For the purposes of this chapter, the
13 "internal affairs of a corporation" shall include, but not be limited to, matters of corporate
14 governance, director and officer liability, and financial structure;

15 (3) No provisions of this chapter, other than those mentioned in subdivision (1) of this
16 section, and then only to the extent required by the statutes pursuant to which they are
17 incorporated, or other than the provisions of section 351.347, or section 351.355, shall be
18 applicable to insurance companies, savings and loan associations, corporations formed for
19 benevolent, religious, scientific or educational purposes, and nonprofit corporations;

20 (4) Only those provisions of this chapter which supplement the existing laws applicable
21 to railroad corporations, union stations, cooperative companies for profit, credit unions, street
22 railroads, telegraph and telephone companies, boating and rafting companies, urban
23 redevelopment corporations, professional corporations, development finance corporations, and
24 loan and investment companies, and which are not inconsistent with, or in conflict with the
25 purposes of, or are not in derogation or limitation of, such existing laws, shall be applicable to
26 the type of corporations mentioned above in this subdivision; and without limiting the generality
27 of the foregoing, those provisions of this chapter which permit the issuance of shares without par
28 value and the amendment of articles of incorporation for such purpose shall be applicable to

29 railroad corporations, union stations, street railroads, telegraph and telephone companies, and
30 booming and rafting companies, professional corporations, development finance corporations,
31 and loan and investment companies, and those provisions of this chapter mentioned in
32 subdivisions (1) and (2) of this section will apply to all corporations mentioned in this
33 subdivision; except that, the [annual] **corporate registration** report and fee of a professional
34 corporation pursuant to section 356.211, RSMo, shall suffice in lieu of the [annual] **corporate**
35 **registration report** and fee required of a business corporation;

36 (5) All of the provisions of this chapter to the extent provided shall apply to all other
37 corporations existing pursuant to general laws of this state enacted prior to November 21, 1943,
38 and not specifically mentioned in subdivisions (1), (2) and (3) of this section.

355.016. 1. The secretary of state may prescribe and furnish on request, forms for:

- 2 (1) A foreign corporation's application for a certificate of authority to transact business
3 in this state;
- 4 (2) A foreign corporation's application for a certificate of withdrawal; and
- 5 (3) The [annual] **corporate registration** report.

6 If the secretary of state so requires, use of these forms is mandatory.

7 2. The secretary of state may prescribe and furnish on request forms for other documents
8 required or permitted to be filed by this chapter but their use is not mandatory.

355.021. 1. The secretary of state shall collect the following fees when the documents
2 described in this subsection are delivered for filing:

- 3 (1) Articles of incorporation, twenty dollars;
- 4 (2) Application for reserved name, twenty dollars;
- 5 (3) Notice of transfer of reserved name, two dollars;
- 6 (4) Application for renewal of reserved name, twenty dollars;
- 7 (5) Corporation's statement of change of registered agent or registered office or both, five
8 dollars;
- 9 (6) Agent's statement of change of registered office for each affected corporation, five
10 dollars;
- 11 (7) Agent's statement of resignation, five dollars;
- 12 (8) Amendment of articles of incorporation, five dollars;
- 13 (9) Restatement of articles of incorporation with amendments, five dollars;
- 14 (10) Articles of merger, five dollars;
- 15 (11) Articles of dissolution, five dollars;
- 16 (12) Articles of revocation of dissolution, five dollars;
- 17 (13) Application for reinstatement following administrative dissolution, twenty dollars;
- 18 (14) Application for certificate of authority, twenty dollars;
- 19 (15) Application for amended certificate of authority, five dollars;
- 20 (16) Application for certificate of withdrawal, five dollars;

21 (17) [Annual] **Corporate registration** report **filed annually**, ten dollars if filed in a
22 written format or five dollars if filed electronically in a format prescribed by the secretary of
23 state;

24 (18) **Corporate registration report filed biennially, twenty dollars if filed in a**
25 **written format or ten dollars if filed electronically in a format prescribed by the secretary**
26 **of state;**

27 (19) Articles of correction, five dollars;

28 [(19)] (20) Certificate of existence or authorization, five dollars;

29 [(20)] (21) Any other document required or permitted to be filed by this chapter, five
30 dollars.

31 2. The secretary of state shall collect a fee of ten dollars upon being served with process
32 under this chapter. The party to a proceeding causing service of process is entitled to recover the
33 fee paid the secretary of state as costs if the party prevails in the proceeding.

34 3. The secretary of state shall collect the following fees for copying and certifying the
35 copy of any filed document relating to a domestic or foreign corporation: in a written format
36 fifty cents per page plus five dollars for certification, or in an electronic format five dollars for
37 certification and copies.

355.066. Unless the context otherwise requires or unless otherwise indicated, as used
2 in this chapter the following terms mean:

3 (1) "Approved by or approval by the members", approved or ratified by the affirmative
4 vote of a majority of the voters represented and voting at a duly held meeting at which a quorum
5 is present, which affirmative votes also constitute a majority of the required quorum, or by a
6 written ballot or written consent in conformity with this chapter, or by the affirmative vote,
7 written ballot or written consent of such greater proportion, including the votes of all the
8 members of any class, unit or grouping as may be provided in the articles, bylaws or this chapter
9 for any specified member action;

10 (2) "Articles of incorporation" or "articles", amended and restated articles of
11 incorporation and articles of merger;

12 (3) "Board" or "board of directors", the board of directors except that no person or group
13 of persons is the board of directors because of powers delegated to that person or group pursuant
14 to section 355.316;

15 (4) "Bylaws", the code or codes of rules, other than the articles, adopted pursuant to this
16 chapter for the regulation or management of the affairs of the corporation, irrespective of the
17 name or names by which such rules are designated. Bylaws shall not include legally enforceable
18 covenants, declarations, indentures or restrictions imposed upon members by validly recorded
19 indentures, declarations, covenants, restrictions or other recorded instruments, as they apply to
20 real property;

- 21 (5) "Class", a group of memberships which have the same rights with respect to voting,
22 dissolution, redemption and transfer. For the purpose of this section, "rights" shall be considered
23 the same if they are determined by a formula applied uniformly;
- 24 (6) "Corporation", public benefit and mutual benefit corporations;
- 25 (7) "Delegates", those persons elected or appointed to vote in a representative assembly
26 for the election of a director or directors or on other matters;
- 27 (8) "Deliver" includes mail;
- 28 (9) "Directors", individuals, designated in the articles or bylaws or elected by the
29 incorporator or incorporators, and their successors and individuals elected or appointed by any
30 other name or title to act as members of the board;
- 31 (10) "Distribution", the payment of a dividend or any part of the income or profit of a
32 corporation to its members, directors or officers;
- 33 (11) "Domestic corporation", a Missouri corporation;
- 34 (12) "Effective date of notice" is defined in section 355.071;
- 35 (13) "Employee" does not include an officer or director who is not otherwise employed
36 by the corporation;
- 37 (14) "Entity", domestic corporations and foreign corporations, business corporations and
38 foreign business corporations, for-profit and nonprofit unincorporated associations, business
39 trusts, estates, partnerships, trusts, and two or more persons having a joint or common economic
40 interest, and a state, the United States, and foreign governments;
- 41 (15) "File", "filed" or "filing", filed in the office of the secretary of state;
- 42 (16) "Foreign corporation", a corporation organized under a law other than the laws of
43 this state which would be a nonprofit corporation if formed under the laws of this state;
- 44 (17) "Governmental subdivision" includes authority, county, district, and municipality;
- 45 (18) "Includes" denotes a partial definition;
- 46 (19) "Individual", a natural person;
- 47 (20) "Means" denotes a complete definition;
- 48 (21) "Member", without regard to what a person is called in the articles or bylaws, any
49 person or persons who on more than one occasion, pursuant to a provision of a corporation's
50 articles or bylaws, have the right to vote for the election of a director or directors; but a person
51 is not a member by virtue of any of the following:
- 52 (a) Any rights such person has as a delegate;
- 53 (b) Any rights such person has to designate a director or directors; or
- 54 (c) Any rights such person has as a director;
- 55 (22) "Membership", the rights and obligations a member or members have pursuant to
56 a corporation's articles, bylaws and this chapter;

57 (23) "Mutual benefit corporation", a domestic corporation which is formed as a mutual
58 benefit corporation pursuant to sections 355.096 to 355.121 or is required to be a mutual benefit
59 corporation pursuant to section 355.881;

60 (24) "Notice" is defined in section 355.071;

61 (25) "Person" includes any individual or entity;

62 (26) "Principal office", the office, in or out of this state, so designated in the [annual]
63 **corporate registration** report filed pursuant to section 355.856 where the principal offices of
64 a domestic or foreign corporation are located;

65 (27) "Proceeding" includes civil suits and criminal, administrative, and investigatory
66 actions;

67 (28) "Public benefit corporation", a domestic corporation which is formed as a public
68 benefit corporation pursuant to sections 355.096 to 355.121, or is required to be a public benefit
69 corporation pursuant to section 355.881;

70 (29) "Record date", the date established pursuant to sections 355.181 to 355.311 on
71 which a corporation determines the identity of its members for the purposes of this chapter;

72 (30) "Resident", a full-time resident of a long-term care facility or residential care
73 facility;

74 (31) "Secretary", the corporate officer to whom the board of directors has delegated
75 responsibility pursuant to subsection 2 of section 355.431 for custody of the minutes of the
76 directors' and members' meetings and for authenticating the records of the corporation;

77 (32) "State", when referring to a part of the United States, includes a state or
78 commonwealth, and its agencies and governmental subdivisions, and any territory or insular
79 possession, and its agencies and governmental subdivisions, of the United States;

80 (33) "United States" includes any agency of the United States;

81 (34) "Vote" includes authorization by written ballot and written consent; and

82 (35) "Voting power", the total number of votes entitled to be cast for the election of
83 directors at the time the determination of voting power is made, excluding a vote which is
84 contingent upon the happening of a condition or event that has not occurred at the time. Where
85 a class is entitled to vote as a class for directors, the determination of voting power of the class
86 shall be based on the percentage of the number of directors the class is entitled to elect out of the
87 total number of authorized directors.

355.071. 1. For purposes of this chapter, notice may be oral or written.

2 2. Notice may be communicated in person, by telephone, telegraph, teletype, or other
3 form of wire or wireless communication, or by mail or private carrier; if these forms of personal
4 notice are impracticable, notice may be communicated by a newspaper of general circulation in
5 the area where published, or by radio, television, or other form of public broadcast
6 communication.

7 3. Oral notice is effective when communicated if communicated in a comprehensible
8 manner.

9 4. Written notice, if in a comprehensible form, is effective at the earliest of the
10 following:

11 (1) When received;

12 (2) Five days after its deposit in the United States mail, as evidenced by the postmark,
13 if mailed correctly addressed and with first class postage affixed;

14 (3) On the date shown on the return receipt, if sent by registered or certified mail, return
15 receipt requested, and the receipt is signed by or on behalf of the addressee;

16 (4) Thirty days after its deposit in the United States mail, as evidenced by the postmark,
17 if mailed correctly addressed and with other than first class, registered or certified postage
18 affixed.

19 5. Written notice is correctly addressed to a member of a domestic or foreign corporation
20 if addressed to the member's address shown in the corporation's current list of members.

21 6. A written notice or report delivered as part of a newsletter, magazine or other
22 publication regularly sent to members shall constitute a written notice or report if addressed or
23 delivered to the member's address shown in the corporation's current list of members, or in the
24 case of members who are residents of the same household and who have the same address in the
25 corporation's current list of members, if addressed or delivered to one of such members, at the
26 address appearing on the current list of members.

27 7. Written notice is correctly addressed to a domestic or foreign corporation, authorized
28 to transact business in this state, other than in its capacity as a member, if addressed to its
29 registered agent or to its secretary at its principal office shown in its most recent [annual]
30 **corporate registration** report or, in the case of a foreign corporation that has not yet delivered
31 [an annual] **a corporate registration** report, in its application for a certificate of authority.

32 8. If subsection 2 of section 355.251 or any other provision of this chapter prescribes
33 notice requirements for particular circumstances, those requirements govern. If the articles or
34 bylaws prescribe notice requirements, not inconsistent with this section or other provisions of
35 this chapter, those requirements govern. Failure to comply with the terms of this section shall
36 not invalidate the terms of the notice delivered.

355.176. 1. A corporation's registered agent is the corporation's agent for service of
2 process, notice, or demand required or permitted by law to be served on the corporation.

3 2. If a corporation has no registered agent, or the agent cannot with reasonable diligence
4 be served, the corporation may be served by registered or certified mail, return receipt requested,
5 addressed to the secretary of the corporation at its principal office shown in the most recent
6 [annual] **corporate registration** report filed under section 355.856. Service is perfected under
7 this subsection on the earliest of:

8 (1) The date the corporation receives the mail;

- 9 (2) The date shown on the return receipt, if signed on behalf of the corporation; or
- 10 (3) Five days after its deposit in the United States mail, if mailed and correctly addressed
- 11 with first class postage affixed.

12 3. This section does not prescribe the only means, or necessarily the required means, of

13 serving a corporation.

355.688. A voluntarily dissolved corporation must continue to file the [annual]

2 **corporate** registration report and pay all required taxes due the state of Missouri until the

3 effective date of articles of termination.

355.706. The secretary of state may commence a proceeding under section 355.711 to

2 administratively dissolve a corporation if:

- 3 (1) The corporation does not pay within thirty days after they are due fees or penalties
- 4 imposed by this chapter;
- 5 (2) The corporation does not deliver its [annual] **corporate registration** report to the
- 6 secretary of state within [thirty] **ninety** days after it is due;
- 7 (3) The corporation is without a registered agent or registered office in this state for thirty
- 8 days or more;
- 9 (4) The corporation does not notify the secretary of state within thirty days that its
- 10 registered agent or registered office has been changed, that its registered agent has resigned, or
- 11 that its registered office has been discontinued;
- 12 (5) The corporation's period of duration, if any, stated in its articles of incorporation
- 13 expires; or
- 14 (6) The corporation has procured its charter through fraud practiced upon the state.

355.796. 1. The registered agent of a foreign corporation authorized to transact business

2 in this state is the corporation's agent for service of process, notice, or demand required or

3 permitted by law to be served on the foreign corporation.

4 2. A foreign corporation may be served by registered or certified mail, return receipt

5 requested, addressed to the secretary of the foreign corporation at its principal office shown in

6 its application for a certificate of authority or in its more recent [annual] **corporate registration**

7 report filed under section 355.856 if the foreign corporation:

- 8 (1) Has no registered agent or its registered agent cannot with reasonable diligence be
- 9 served;
- 10 (2) Has withdrawn from transacting business in this state under section 355.801; or
- 11 (3) Has had its certificate of authority revoked under section 355.811.

12 3. Service is perfected under subsection 2 of this section at the earliest of:

- 13 (1) The date the foreign corporation receives the mail;
- 14 (2) The date shown on the return receipt, if signed on behalf of the foreign corporation;

15 or

16 (3) Five days after its deposit in the United States mail, as evidenced by the postmark if
17 mailed postpaid and correctly addressed.

18 4. This section does not prescribe the only means, or necessarily the required means, of
19 serving a foreign corporation.

355.806. 1. The secretary of state may commence a proceeding under section 355.811
2 to revoke the certificate of authority of a foreign corporation authorized to transact business in
3 this state if:

4 (1) The foreign corporation does not deliver the [annual] **corporate registration** report
5 to the secretary of state within thirty days after it is due;

6 (2) The foreign corporation does not pay within thirty days after they are due any fees or
7 penalties imposed by this chapter;

8 (3) The foreign corporation is without a registered agent or registered office in this state
9 for thirty days or more;

10 (4) The foreign corporation does not inform the secretary of state under section 355.786
11 or 355.791 that its registered agent or registered office has changed, that its registered agent has
12 resigned, or that its registered office has been discontinued within thirty days of the change,
13 resignation, or discontinuance;

14 (5) An incorporator, director, officer or agent of the foreign corporation signed a
15 document such person knew was false in any material respect with intent that the document be
16 delivered to the secretary of state for filing;

17 (6) The secretary of state receives a duly authenticated certificate from the secretary of
18 state or other official having custody of corporate records in the state or country under whose law
19 the foreign corporation is incorporated stating that it has been dissolved or disappeared as the
20 result of a merger; or

21 (7) The corporation procured its certificate of authority through fraud practiced on the
22 state.

23 2. The attorney general may commence a proceeding under section 355.811 to revoke
24 the certificate of authority of a foreign corporation authorized to transact business in this state
25 if:

26 (1) The corporation has continued to exceed or abuse the authority conferred upon it by
27 law;

28 (2) The corporation would have been a public benefit corporation other than a church or
29 convention or association of churches had it been incorporated in this state and that its corporate
30 assets in this state are being misapplied or wasted; or

31 (3) The corporation would have been a public benefit corporation other than a church or
32 convention or association of churches had it been incorporated in this state and it is no longer
33 able to carry out its purposes.

355.811. 1. The secretary of state upon determining that one or more grounds exist under section 355.806 for revocation of a certificate of authority shall serve the foreign corporation with written notice of that determination under section 355.796.

2. The attorney general upon determining that one or more grounds exist under subsection 2 of section 355.806 for revocation of a certificate of authority shall request the secretary of state to serve, and the secretary of state shall serve the foreign corporation with written notice of that determination under section 355.796.

3. If the foreign corporation does not correct each ground for revocation or demonstrate to the reasonable satisfaction of the secretary of state or attorney general that each ground for revocation determined by the secretary of state or attorney general does not exist within sixty days after service of the notice is perfected under section 355.796, the secretary of state may revoke the foreign corporation's certificate of authority by signing a certificate of revocation that recites the ground or grounds for revocation and its effective date. The secretary of state shall file the original of the certificate and serve a copy on the foreign corporation under section 355.796.

4. The authority of a foreign corporation to transact business in this state ceases on the date shown on the certificate revoking its certificate of authority.

5. The secretary of state's revocation of a foreign corporation's certificate of authority appoints the secretary of state the foreign corporation's agent for service of process in any proceeding based on a cause of action which arose during the time the foreign corporation was authorized to transact business in this state. Service of process on the secretary of state under this subsection is service on the foreign corporation. Upon receipt of process, the secretary of state shall mail a copy of the process to the secretary of the foreign corporation at its principal office shown in its most recent [annual] **corporate registration** report or in any subsequent communications received from the corporation stating the current mailing address of its principal office, or, if none are on file, in its application for a certificate of authority.

6. Revocation of a foreign corporation's certificate of authority does not terminate the authority of the registered agent of the corporation.

355.821. 1. A corporation shall keep as permanent records minutes of all meetings of its members and board of directors, a record of all actions taken by the members or directors without a meeting, and a record of all actions taken by committees of the board of directors as authorized by subsection 4 of section 355.406.

2. A corporation shall maintain appropriate accounting records.

3. A corporation or its agent shall maintain a record of its members in a form that permits preparation of a list of the names and addresses of all members, in alphabetical order by class showing the number of votes each member is entitled to vote.

4. A corporation shall maintain its records in written form or in another form capable of conversion into written form within a reasonable time.

11 5. A corporation shall keep a copy of the following records at its principal office:

12 (1) Its articles or restated articles of incorporation and all amendments to them currently
13 in effect;

14 (2) Its bylaws or restated bylaws and all amendments to them currently in effect;

15 (3) Resolutions adopted by its board of directors relating to the characteristics,
16 qualifications, rights, limitations and obligations of members or any class or category of
17 members;

18 (4) The minutes of all meetings of members and records of all actions approved by the
19 members for the past three years;

20 (5) All written communications to all members or any specific class of members
21 generally within the past three years, including the financial statements furnished for the past
22 three years under section 355.846;

23 (6) A list of the names and business or home addresses of its current directors and
24 officers;

25 (7) Its most recent [annual] **corporate registration** report delivered to the secretary of
26 state under section 355.856; and

27 (8) Appropriate financial statements of all income and expenses. Public benefit
28 corporations shall not be required, under this chapter, to disclose any information with respect
29 to donors, gifts, contributions or the purchase or sale of art objects.

355.856. 1. Each domestic corporation, and each foreign corporation authorized
2 pursuant to this chapter to transact business in this state, shall file with the secretary of state [an
3 annual] a corporate registration report on a form prescribed and furnished by the secretary of
4 state that sets forth:

5 (1) The name of the corporation and the state or country under whose law it is
6 incorporated;

7 (2) The address of its registered office and the name of its registered agent at the office
8 in this state;

9 (3) The address of its principal office;

10 (4) The names and physical business or residence addresses of its directors and principal
11 officers.

12 2. The information in the [annual] corporate registration report must be current on the
13 date the [annual] corporate registration report is executed on behalf of the corporation.

14 3. The [first annual] **initial** corporate registration report must be delivered to the
15 secretary of state no later than August thirty-first of the year following the calendar year in which
16 a domestic corporation was incorporated or a foreign corporation was authorized to transact
17 business. Subsequent [annual] corporate registration reports must be delivered to the secretary
18 of state no later than August thirty-first of the following calendar years, **except as provided in**
19 **section 355.857**. If [an annual] a corporate registration report is not filed within the time limits

20 prescribed by this section, the secretary of state shall not accept the report unless it is
21 accompanied by a fifteen dollar fee. Failure to file the [annual] registration report as required
22 by this section will result in the administrative dissolution of the corporation as set forth in
23 section 355.706.

24 4. If [an annual] a corporate registration report does not contain the information required
25 by this section, the secretary of state shall promptly notify the reporting domestic or foreign
26 corporation in writing and return the report to it for correction.

27 5. A corporation may change the corporation's registered office or registered agent with
28 the filing of the corporation's [annual] registration report. To change the corporation's registered
29 agent with the filing of the [annual] registration report, the corporation must include the new
30 registered agent's written consent to the appointment as registered agent and a written consent
31 stating that such change in registered agents was authorized by resolution duly adopted by the
32 board of directors. The written consent must be signed by the new registered agent and must
33 include such agent's address. If the [annual] corporate registration report is not completed
34 correctly, the secretary of state may reject the filing of such report.

35 6. A corporation's [annual] **corporate** registration report must be filed in a format and
36 medium prescribed by the secretary of state.

37 7. The [annual] **corporate** registration report shall be signed by an officer or authorized
38 person and pursuant to this section represents that the signer believes the statements are true and
39 correct to the best knowledge and belief of the person signing, subject to the penalties of section
40 575.040, RSMo.

**355.857. 1. Notwithstanding the provisions of section 355.856 to the contrary,
2 beginning January 1, 2010, the secretary of state may provide corporations the option of
3 biennially filing corporate registration reports. Any corporation incorporated or qualified
4 in an even-numbered year may file a biennial corporate registration report only in an even-
5 numbered calendar year, and any corporation incorporated or qualified in an odd-
6 numbered year may file a biennial corporate registration report only in an odd-numbered
7 calendar year, subject to the following requirements:**

8 **(1) The fee paid at the time of biennial registration shall be that specified in section
9 355.021;**

10 **(2) A corporation's biennial corporate registration report shall be filed in a format
11 as prescribed by the secretary of state.**

12 **2. Once a corporation chooses the option of biennial registration, such registration
13 shall be maintained for the full twenty-four month period. Once the twenty-four month
14 period has expired and another corporate registration report is due, a corporation may
15 choose to file an annual registration report under section 355.856. However, upon making
16 such choice the corporation may later only choose to file a biennial corporate registration**

17 **report in a year appropriate under subsection 1 of this section, based on the year in which**
18 **the corporation was incorporated.**

19 **3. The secretary of state may promulgate rules for the effective administration of**
20 **this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**
21 **that is created under the authority delegated in this section shall become effective only if**
22 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**
23 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**
24 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**
25 **to review, to delay the effective date, or to disapprove and annul a rule are subsequently**
26 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
27 **adopted after August 28, 2009, shall be invalid and void.**

356.211. 1. Each professional corporation and each foreign professional corporation
2 shall file with the secretary of state [an annual corporation] **a corporate** registration report
3 pursuant to section 351.120, RSMo, **or section 351.122, RSMo.** The corporate registration
4 report shall set forth the following information: the names and residence or physical business
5 addresses of all officers, directors and shareholders of that professional corporation as of the date
6 of the report.

7 2. The report shall be made on a form to be prescribed and furnished by the secretary of
8 state, and shall be executed by an officer of the corporation or authorized person.

9 3. A filing fee in the amount set out in section 351.125, RSMo, **or section 351.122,**
10 **RSMo,** shall be paid with the filing of each report, and no other fees shall be charged therefor;
11 except that, penalty fees may be imposed by the secretary of state for late filings. The report
12 shall be filed subject to the time requirements of section 351.120, RSMo, **or section 351.122,**
13 **RSMo.**

14 4. If a professional corporation or foreign professional corporation shall fail to file a
15 report qualifying with the provisions of this section when such a filing is due, then the
16 corporation shall be subject to the provisions of chapter 351, RSMo, that are applicable to a
17 corporation that has failed to timely file the [annual] **corporate registration** report required to
18 be filed under chapter 351, RSMo.

359.681. In addition to the power and authority given the secretary of state by this
2 chapter, the secretary of state or his designee shall have such further authority as is reasonably
3 necessary to enable the secretary of state to administer this chapter efficiently and to perform the
4 secretary of state's duties. This authority shall consist of, but is not limited to, the following
5 powers:

6 (1) (a) The power to examine the books and records of any limited partnership to which
7 this chapter applies, and it shall be the duty of any general partner or agent of such limited
8 partnership to produce such books and records for examination on demand of the secretary of
9 state or designated employee; provided, that no person shall be subject to any criminal

10 prosecution on account of any matter or thing which may be disclosed by the examination of any
11 limited partnership books, or records, which they may produce or exhibit for examination; or on
12 account of any matter or thing concerning which they may make any voluntary and truthful
13 statement in writing to the secretary of state, or designated employee. All facts obtained in the
14 examination of the books and records of any limited partnership, or through voluntary sworn
15 statement of any partner, agent, or employee of any limited partnership, shall be treated as
16 confidential, except insofar as official duty may require the disclosure of same; or when such
17 facts are material to any issue in any legal proceeding in which the secretary of state or
18 designated employee may be a party or called as a witness, and, if the secretary of state or
19 designated employee shall, except as herein provided, disclose any information relative to the
20 private accounts, affairs, and transactions of any such limited partnership, he shall be deemed
21 guilty of a class C misdemeanor.

22 (b) If any general partner, or registered agent, of any such limited partnership shall refuse
23 the demand of the secretary of state, or designated employee, to exhibit the books and records
24 of such limited partnership for examination, he, or they, shall be deemed guilty of a class B
25 misdemeanor.

26 (2) (a) The power to cancel or disapprove any certificate of limited partnership or other
27 filing required under this chapter, if the limited partnership fails to comply with the provisions
28 of this chapter by failing to file required documents under this chapter by failing to maintain a
29 registered agent, by failing to pay the required filing fees, by using fraud or deception in effecting
30 any filing, by filing a required document containing a false statement, or by violating any section
31 or sections of the criminal laws of Missouri, the federal government or any other state of the
32 United States. Thirty days before such cancellation shall take effect, the secretary of state shall
33 notify the limited partnership with written notice, either personally or by mail. If mailed, the
34 notice shall be deemed delivered five days after it is deposited in the United States mail in a
35 sealed envelope addressed to such limited partnership's last registered agent and office or to one
36 of the limited partnership's general partners. The written notice of the secretary of state's
37 proposed cancellation to the limited partnership, domestic or foreign, will specify the reasons for
38 such action.

39 (b) The limited partnership may appeal this notice of proposed cancellation to the circuit
40 court of the county in which the registered office of such limited partnership is or is proposed
41 to be situated by filing with the clerk of such court a petition setting forth a copy of the certificate
42 of limited partnership or other relevant documents and a copy of the proposed written
43 cancellation thereof by the secretary of state, such petition to be filed within thirty days after
44 notice of such cancellation shall have been given, and the matter shall be tried by the court, and
45 the court shall either sustain the action of the secretary of state or direct him to take such action
46 as the court may deem proper. An appeal from the circuit court in such a case shall be allowed
47 as in civil action.

48 (c) The limited partnership may provide information to the secretary of state that would
49 allow the secretary of state to withdraw the notice of proposed cancellation. This information
50 may consist of, but need not be limited to, corrected statements and documents, new filings,
51 affidavits and certified copies of other filed documents.

52 (3) The power to rescind a cancellation provided for in subsection 2 of this section upon
53 compliance with either of the following:

54 (a) The affected limited partnership provides the necessary documents and affidavits
55 indicating the limited partnership has corrected the conditions causing the proposed cancellation
56 or the cancellation;

57 (b) The limited partnership provides the correct statements or documentation that the
58 limited partnership is not in violation of any section of the criminal code.

59 (4) The power to charge late filing fees for any filing fee required under this chapter.
60 Late filing fees shall be assessed at a rate of ten dollars for each thirty-day period of delinquency.

61 **(5) (a) The power to administratively cancel a certificate of limited partnership if**
62 **the limited partnership's period of duration stated in the certificate of limited partnership**
63 **expires.**

64 **(b) Not less than thirty days before such administrative cancellation shall take**
65 **effect, the secretary of state shall notify the limited partnership with written notice, either**
66 **personally or by mail. If mailed, the notice shall be deemed delivered five days after it is**
67 **deposited in the United States mail in a sealed envelope addressed to such limited**
68 **partnership's last registered agent and office or to one of the limited partnership's general**
69 **partners.**

70 **(c) If the limited partnership does not timely file a certificate of amendment in**
71 **accordance with section 359.101 to extend the duration of the limited partnership, which**
72 **may be any number of years or perpetual, or demonstrate to the reasonable satisfaction**
73 **of the secretary of state that the period of duration determined by the secretary of state is**
74 **incorrect, within sixty days after service of the notice is perfected by posting with the**
75 **United States Postal Service, then the secretary of state shall cancel the certificate of limited**
76 **partnership by signing a certificate of administrative cancellation that recites the grounds**
77 **for cancellation and its effective date. The secretary of state shall file the original of the**
78 **certificate and serve a copy on the limited partnership as provided in section 359.141.**

79 **(d) A limited partnership whose certificate of limited partnership has been**
80 **administratively cancelled continues its existence but may not carry on any business except**
81 **that necessary to wind up and liquidate its business and affairs under section 359.471 and**
82 **notify claimants under section 359.481.**

83 **(e) The administrative cancellation of a certificate of limited partnership does not**
84 **terminate the authority of its registered agent.**

85 **(6) (a) The power to rescind an administrative cancellation and reinstate the**
86 **certificate of limited partnership.**

87 **(b) Except as otherwise provided in the partnership agreement, a limited**
88 **partnership whose certificate of limited partnership has been administratively cancelled**
89 **under subdivision (5) of this section may file a certificate of amendment in accordance with**
90 **section 359.101 to extend the duration of the limited partnership, which may be any**
91 **number or perpetual.**

92 **(c) A limited partnership whose certificate of limited partnership has been**
93 **administratively cancelled under subdivision (5) of this section may apply to the secretary**
94 **of state for reinstatement. The applicant shall:**

95 **a. Recite the name of the limited partnership and the effective date of its**
96 **administrative cancellation;**

97 **b. State that the grounds for cancellation either did not exist or have been**
98 **eliminated, as applicable, and be accompanied by documentation satisfactory to the**
99 **secretary of state evidencing the same;**

100 **c. State that the limited partnership's name satisfies the requirements of section**
101 **359.021;**

102 **d. Be accompanied by a reinstatement fee in the amount of one hundred dollars,**
103 **or such greater amount as required by state regulation, plus any delinquent fees, penalties,**
104 **and other charges as determined by the secretary of state to then be due.**

105 **(d) If the secretary of state determines that the application contains the information**
106 **and is accompanied by the fees required in paragraph (c) of this subdivision and that the**
107 **information and fees are correct, the secretary of state shall rescind the certificate of**
108 **administrative cancellation and prepare a certificate of reinstatement that recites his or her**
109 **determination and the effective date of reinstatement, file the original of the certificate, and**
110 **serve a copy on the limited partnership as provided in section 359.141.**

111 **(e) When the reinstatement is effective, it shall relate back to and take effect as of**
112 **the effective date of the administrative cancellation of the certificate of limited partnership**
113 **and the limited partnership may continue carrying on its business as if the administrative**
114 **cancellation had never occurred.**

115 **(f) In the event the name of the limited partnership was reissued by the secretary**
116 **of state to another entity prior to the time application for reinstatement was filed, the**
117 **limited partnership applying for reinstatement may elect to reinstate using a new name**
118 **that complies with the requirements of section 359.021 and that has been approved by**
119 **appropriate action of the limited partnership for changing the name thereof.**

120 **(g) If the secretary of state denies a limited partnership's application for**
121 **reinstatement following administrative cancellation of the certificate of limited**

122 **partnership, he or she shall serve the limited partnership as provided in section 359.141**
 123 **with a written notice that explains the reason or reasons for denial.**

124 **(h) The limited partnership may appeal a denial of reinstatement as provided for**
 125 **in paragraph (b) of subdivision (2) of this section.**

126 **(7) Subdivision (6) of this section shall apply to any limited partnership whose**
 127 **certificate of limited partnership was cancelled because such limited partnership's period**
 128 **of duration stated in the certificate of limited partnership expired on or after August 28,**
 129 **2003.**

441.645. If a residence is destroyed by an act of God, including but not limited to
 2 **fire or a tornado, or other natural disaster or man-made disaster, so long as the tenant was**
 3 **not the person who caused the disaster, the tenant shall not be liable to the landlord for**
 4 **rent during the remainder of the term of the lease agreement.**

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

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

12 a. A felony violation of section 566.030, 566.032, 566.040, 566.060, 566.062, 566.064,
 13 566.067, 566.068, 566.070, 566.083, 566.090, 566.100, 566.111, 566.151, 566.203, 566.206,
 14 566.209, 566.212, or 566.215, RSMo;

15 b. A violation of section 568.020, RSMo;

16 c. A violation of subdivision (2) of subsection 1 of section 568.060, RSMo;

17 d. A violation of section 568.065, RSMo;

18 e. A violation of section 568.080, RSMo;

19 f. A violation of section 568.090, RSMo; or

20 g. A violation of section 568.175, RSMo.

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

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

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

36 2. (1) The court may modify an order granting or denying visitation rights whenever
37 modification would serve the best interests of the child, but the court shall not restrict a parent's
38 visitation rights unless it finds that the visitation would endanger the child's physical health or
39 impair his or her emotional development.

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

43 a. A felony violation of section 566.030, 566.032, 566.040, 566.060, 566.062, 566.064,
44 566.067, 566.068, 566.070, 566.083, 566.090, 566.100, 566.111, 566.151, 566.203, 566.206,
45 566.209, 566.212, or 566.215, RSMo;

46 b. A violation of section 568.020, RSMo;

47 c. A violation of subdivision (2) of subsection 1 of section 568.060, RSMo;

48 d. A violation of section 568.065, RSMo;

49 e. A violation of section 568.080, RSMo;

50 f. A violation of section 568.090, RSMo; or

51 g. A violation of section 568.175, RSMo.

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

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

63 3. The court shall mandate compliance with its order by all parties to the action,
64 including parents, children and third parties. In the event of noncompliance, the aggrieved

65 person may file a verified motion for contempt. If custody, visitation or third-party custody is
66 denied or interfered with by a parent or third party without good cause, the aggrieved person may
67 file a family access motion with the court stating the specific facts which constitute a violation
68 of the judgment of dissolution or legal separation. **A family access order may be filed for any**
69 **order relating to the establishment or modification of custody or visitation of a minor child,**
70 **including but not limited to any order for dissolution of marriage, modification, third-**
71 **party custody or visitation, or paternity.** The state courts administrator shall develop a simple
72 form for pro se motions to the aggrieved person, which shall be provided to the person by the
73 circuit clerk. Clerks, under the supervision of a circuit clerk, shall explain to aggrieved parties
74 the procedures for filing the form. Notice of the fact that clerks will provide such assistance
75 shall be conspicuously posted in the clerk's offices. The location of the office where the family
76 access motion may be filed shall be conspicuously posted in the court building. The performance
77 of duties described in this section shall not constitute the practice of law as defined in section
78 484.010, RSMo. Such form for pro se motions shall not require the assistance of legal counsel
79 to prepare and file. The cost of filing the motion shall be the standard court costs otherwise due
80 for instituting a civil action in the circuit court.

81 4. Within five court days after the filing of the family access motion pursuant to
82 subsection 3 of this section, the clerk of the court shall issue a summons pursuant to applicable
83 state law, and applicable local or supreme court rules. A copy of the motion shall be personally
84 served upon the respondent by personal process server as provided by law or by any sheriff.
85 Such service shall be served at the earliest time and shall take priority over service in other civil
86 actions, except those of an emergency nature or those filed pursuant to chapter 455, RSMo. The
87 motion shall contain the following statement in boldface type: "PURSUANT TO SECTION
88 452.400, RSMO, YOU ARE REQUIRED TO RESPOND TO THE CIRCUIT CLERK WITHIN
89 TEN DAYS OF THE DATE OF SERVICE. FAILURE TO RESPOND TO THE CIRCUIT
90 CLERK MAY RESULT IN THE FOLLOWING:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

452.423. 1. In all proceedings for child custody or for dissolution of marriage or legal separation where custody, visitation, or support of a child is a contested issue, the court may appoint a guardian ad litem. Disqualification of a guardian ad litem shall be ordered in any legal proceeding only pursuant to this chapter, upon the filing of a written application by any party within ten days of appointment, or within ten days of August 28, 1998, if the appointment occurs prior to August 28, 1998. Each party shall be entitled to one disqualification of a guardian ad litem appointed under this subsection in each proceeding, except a party may be entitled to additional disqualifications of a guardian ad litem for good cause shown.

2. The court shall appoint a guardian ad litem in any proceeding in which child abuse or neglect is alleged.

3. The guardian ad litem shall:

(1) Be the legal representative of the child at the hearing, and may examine, cross-examine, subpoena witnesses and offer testimony;

(2) Prior to the hearing, conduct all necessary interviews with persons having contact with or knowledge of the child in order to ascertain the child's wishes, feelings, attachments and attitudes. If appropriate, the child should be interviewed;

(3) Request the juvenile officer to cause a petition to be filed in the juvenile division of the circuit court if the guardian ad litem believes the child alleged to be abused or neglected is in danger.

4. The appointing judge shall require the guardian ad litem to faithfully discharge such guardian ad litem's duties, and upon failure to do so shall discharge such guardian ad litem and appoint another. The judge in making appointments pursuant to this section shall give preference to persons who served as guardian ad litem for the child in the earlier proceeding, unless there is a reason on the record for not giving such preference.

5. The guardian ad litem shall be awarded a reasonable fee for such services to be set by the court. The court, in its discretion, may:

(1) Issue a direct payment order to the parties. If a party fails to comply with the court's direct payment order, the court may find such party to be in contempt of court; or

(2) Award such fees as a judgment to be paid by any party to the proceedings or from public funds. Such an award of guardian fees shall constitute a final judgment in favor of the guardian ad litem. Such final judgment shall be enforceable against the parties in accordance with chapter 513, RSMo.

[6. The court may designate volunteer advocates, who may or may not be attorneys licensed to practice law, to assist in the performance of the guardian ad litem duties for the court. The volunteer advocate shall be provided with all reports relevant to the case made to or by any agency or person and shall have access to all records of such agencies or persons relating to the child or such child's family members. Any such designated person shall receive no compensation from public funds. This shall not preclude reimbursement for reasonable expenses.]

452.426. 1. In any court proceeding under this chapter, if credible evidence is presented to the court indicating a potential risk of the international abduction of a child by a parent of the child, the court, on its own motion or at the request of a party, shall determine whether it is necessary for the court to take one or more of the measures described in section 452.428 to protect the child from the risk of abduction by the parent.

2. In determining whether to take any of the measures described in section 452.428, the court shall consider the following:

(1) The public policies of this state set forth in sections 452.375 and 452.400, and the relevant custody factors and the best interest of the child as set forth in sections 452.375 and 452.400;

(2) The risk of international abduction of the child by a parent of the child based on the court's evaluation of the risk factors set forth in section 452.427;

(3) Any obstacles, legal or otherwise, to locating, recovering, and returning the child if the child were abducted to a foreign country; and

(4) The potential physical or psychological harm to the child if the child were abducted to a foreign country.

3. The provisions of sections 452.426 to 452.428 shall apply to all proceedings under this chapter pending in a circuit court on the effective date of sections 452.426 to 452.428 or filed on or after the effective date of sections 452.426 to 452.428.

452.427. 1. In determining whether there is a risk of the international abduction of a child by a parent of the child, the court shall consider evidence that the parent:

(1) Has taken, enticed away, kept, withheld, or concealed a child in violation of another person's right of custody, visitation, or access to a child, unless the parent presents evidence that the parent believed in good faith that the parent's conduct was necessary to avoid imminent harm to the child;

(2) Has previously threatened to take, entice away, keep, withhold, or conceal a child in violation of another person's right of possession of or access to the child;

(3) Lives, has lived, is employed or has been employed outside the United States;

(4) Is easily able to leave the United States, or has financial incentives to leave the United States;

(5) Has recently engaged in planning activities that could facilitate the removal of the child from the United States by the parent, including any of the following:

(a) Quitting a job;

(b) Selling a primary residence;

(c) Terminating a lease;

(d) Closing bank accounts;

(e) Liquidating other assets;

(f) Hiding or destroying documents;

- 20 (g) Applying for a passport or visa for the parent or the child;
- 21 (h) Applying to obtain the child's birth certificate or school or medical records; or
- 22 (i) Prohibiting the other parent access, when needed, to the child's birth certificate,
- 23 passport, visa, or other documents;
- 24 (6) Has a criminal history or a history of violating court orders.
- 25 2. If the court finds that there is credible evidence of a risk of abduction of the child
- 26 by a parent of the child based on the court's consideration of the factors listed in subsection
- 27 1 of this section, the court shall also consider evidence regarding the following factors to
- 28 evaluate the risk of international abduction of the child by a parent:
- 29 (1) Whether the parent has strong familial, emotional, or cultural ties to another
- 30 country, particularly a country that is not a signatory to or compliant with the Hague
- 31 Convention on the Civil Aspects of International Child Abduction; and
- 32 (2) Whether the parent lacks strong ties to the United States, regardless of whether
- 33 the parent is a citizen or permanent resident of the United States.
- 34 3. If the court finds that there is credible evidence of a risk of abduction of the child
- 35 by a parent of the child based on the court's consideration of the factors in subsection 1 of
- 36 this section, the court may also consider evidence regarding the following factors to
- 37 evaluate the risk of international abduction of the child by a parent:
- 38 (1) Whether the parent is undergoing a change in status with the United States
- 39 Immigration and Naturalization Service that would adversely affect such parent's ability
- 40 to legally remain in the United States;
- 41 (2) Whether the parent's application for United States citizenship has been denied
- 42 by the United States Immigration and Naturalization Service;
- 43 (3) Whether the parent has forged or presented misleading or false evidence to
- 44 obtain a visa, passport, Social Security card, or any other identification card, or has made
- 45 any misrepresentation to the United States government; or
- 46 (4) Whether the foreign country to which the parent has ties:
- 47 (a) Presents obstacles, legal or otherwise, to the recovery and return of a child who
- 48 is abducted to the country from the United States;
- 49 (b) Has any legal mechanisms for immediately and effectively enforcing an order
- 50 issued by this state regarding the custody of or access to the child;
- 51 (c) Has local laws or practices that would:
- 52 a. Enable the abducting parent, without due cause, to prevent the child's other
- 53 parent from contacting the child;
- 54 b. Restrict the child's other parent from freely traveling to or exiting from the
- 55 country due to the parent's gender, nationality, or religion; or
- 56 c. Restricts the child's ability to legally leave the country after the child reaches the
- 57 age of majority due to the child's gender, nationality, or religion;

58 (d) Is included by the United States Department of State on a list of state sponsors
59 of terrorism;

60 (e) Is a country for which the United States Department of State has issued a travel
61 warning to United States citizens regarding travel to such country;

62 (f) Has an embassy of the United States in the country;

63 (g) Is engaged in any active military action or war, including a civil war;

64 (h) Is a party to and compliant with the Hague Convention on the Civil Aspects of
65 International Child Abduction according to the most recent report on compliance issued
66 by the United States Department of State;

67 (i) Provides for the extradition of a parental abductor and the expeditious return
68 of the child to the United States; or

69 (j) Poses a risk that the child's physical health or safety would be endangered in the
70 country due to specific circumstances relating to the child or due to human rights
71 violations committed against children, including arranged marriages, lack of freedom of
72 religion, child labor, lack of child abuse laws, female genital mutilation, and any form of
73 slavery.

452.428. If the court finds that it is necessary under section 452.426 to take
2 measures to protect a child from international abduction by a parent of the child, in
3 addition to the authority of the court under sections 452.375 and 452.400, the court may
4 take any of the following actions:

5 (1) Appoint a person other than the parent of the child who presents a risk of
6 abducting the child as the sole custodian of the child;

7 (2) Require supervised visitation of the parent until the court finds under section
8 452.400 that supervised visitation is no longer necessary;

9 (3) Enjoin the parent or any person acting on the parent's behalf from:

10 (a) Disrupting or removing the child from the school or child care facility in which
11 the child is enrolled; or

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

14 (4) Order passport and travel controls, including controls that:

15 (a) Prohibit the parent and any person acting on the parent's behalf from removing
16 the child from this state or the United States;

17 (b) Require the parent to surrender any passport issued in the child's name,
18 including any passport issued in the name of both the parent and the child;

19 (c) Prohibit the parent from applying on behalf of the child for a new or
20 replacement passport or international travel visa;

21 (d) Require the parent to surrender his or her passport to court or law enforcement
22 authorities of this state during any supervised or restricted visitation in this state or the
23 United States;

24 (5) Require the parent to provide to:

25 (a) The United States Department of State's Office of Children's Issues and the
26 relevant foreign consulate or embassy:

27 a. Written notice of the court-ordered passport and travel restrictions for the child;
28 and

29 b. A properly authenticated copy of the court order detailing the custody or
30 visitation restrictions and documentation of the parent's agreement to the restrictions; and

31 (b) The court proof of receipt of the written notice required under subparagraph
32 a. of paragraph (a) of this subdivision by the United States Department of State's Office
33 of Children's Issues and the relevant foreign consulate or embassy;

34 (6) Order the parent to execute a bond or deposit security in an amount sufficient
35 to offset the cost of recovering the child if the child is abducted by the parent to a foreign
36 country;

37 (7) Authorize the appropriate law enforcement agencies to take measures to
38 prevent the abduction of the child by the parent; or

39 (8) Include in the court's order provisions:

40 (a) Identifying the United States as the country of habitual residence of the child;

41 (b) Defining the basis for the court's exercise of jurisdiction; and

42 (c) Stating that a party's violation of the order may subject the party to a civil or
43 criminal penalty, or both.

ARTICLE I

GENERAL PROVISIONS

452.700. Sections 452.700 to 452.930 may be cited as the "Uniform Child Custody
2 Jurisdiction and Enforcement Act".

452.705. As used in sections 452.700 to 452.930:

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

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

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

10 (4) "Child custody proceeding" means a proceeding in which legal custody,
11 physical custody, or visitation with respect to a child is an issue. The term includes a

12 proceeding for divorce, separation, neglect, abuse, dependency, guardianship, paternity,
13 termination of parental rights, and protection from domestic violence in which the issue
14 may appear. The term shall not include a proceeding involving juvenile delinquency,
15 contractual emancipation, or enforcement under sections 452.850 to 452.915;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

452.710. Sections 452.700 to 452.930 shall not govern:

2 (1) An adoption proceeding; or

3 (2) A proceeding pertaining to the authorization of emergency medical care for a
4 child.

**452.715. 1. A child custody proceeding that pertains to an Indian child, as defined
2 in the Indian Child Welfare Act, 25 U.S.C. Section 1901, et seq., is not subject to sections
3 452.700 to 452.930 to the extent that it is governed by the Indian Child Welfare Act.**

4 **2. A court of this state shall treat a tribe as a state of the United States for purposes
5 of sections 452.700 to 452.930.**

6 **3. A child custody determination made by a tribe under factual circumstances in
7 substantial conformity with the jurisdictional standards of sections 452.700 to 452.930 shall
8 be recognized and enforced under the provisions of sections 452.850 to 452.915.**

**452.720. 1. A court of this state shall treat a foreign country as a state of the United
2 States for purposes of applying sections 452.700 to 452.785.**

3 **2. A child custody determination made in a foreign country under factual
4 circumstances in substantial conformity with the jurisdictional standards of sections
5 452.700 to 452.930 shall be recognized and enforced under sections 452.850 to 452.915.**

6 **3. The court need not apply the provisions of sections 452.700 to 452.930 when the
7 child custody law of the other country violates fundamental principles of human rights.**

**452.725. 1. A party to a child custody proceeding who is not subject to personal
2 jurisdiction in this state and is a responding party under sections 452.740 to 452.785, a
3 party in a proceeding to modify a child custody determination under sections 452.740 to
4 452.785, or a petitioner in a proceeding to enforce or register a child custody determination
5 under sections 452.850 to 452.915 may appear and participate in such proceeding without
6 submitting to personal jurisdiction over the party for another proceeding or purpose.**

7 **2. A party is not subject to personal jurisdiction in this state solely by being
8 physically present for the purpose of participating in a proceeding under sections 452.700
9 to 452.930. If a party is subject to personal jurisdiction in this state on a basis other than
10 physical presence, the party may be served with process in this state. If a party present in
11 this state is subject to the jurisdiction of another state, service of process permissible under
12 the laws of the other state may be accomplished in this state.**

13 **3. The immunity granted by this section shall not extend to civil litigation based on**
14 **acts unrelated to the participation in a proceeding under sections 452.700 to 452.930**
15 **committed by an individual while present in this state.**

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

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

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

9 **4. Except as provided in subsection 3 of this section, a record shall be made of the**
10 **communication. The parties shall be informed promptly of the communication and**
11 **granted access to the record.**

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

452.735. 1. A court of this state may request the appropriate court of another state
2 **to:**

3 **(1) Hold an evidentiary hearing;**

4 **(2) Order a person to produce or give evidence under procedures of that state;**

5 **(3) Order that an evaluation be made with respect to the custody of a child involved**
6 **in a pending proceeding;**

7 **(4) Forward to the court of this state a certified copy of the transcript of the record**
8 **of the hearing, the evidence otherwise presented and any evaluation prepared in**
9 **compliance with the request; and**

10 **(5) Order a party to a child custody proceeding or any person having physical**
11 **custody of the child to appear in the proceeding with or without the child.**

12 **2. Upon request of a court of another state, a court of this state may hold a hearing**
13 **or enter an order described in subsection 1 of this section.**

14 **3. Travel and other necessary and reasonable expenses incurred under subsection**
15 **1 or 2 of this section may be assessed against the parties according to the law of this state.**

16 **4. A court of this state shall preserve the pleadings, orders, decrees, records of**
17 **hearings, evaluations, and other pertinent records with respect to a child custody**
18 **proceeding until the child attains eighteen years of age. Upon appropriate request by a**

19 court or law enforcement official of another state, the court shall forward a certified copy
20 of such records.

**ARTICLE II
JURISDICTION**

**452.740. 1. Except as otherwise provided in section 452.755, a court of this state has
2 jurisdiction to make an initial child custody determination only if:**

3 **(1) This state is the home state of the child on the date of the commencement of the**
4 **proceeding, or was the home state of the child within six months prior to the**
5 **commencement of the proceeding and the child is absent from this state but a parent or**
6 **person acting as a parent continues to live in this state;**

7 **(2) A court of another state does not have jurisdiction under subdivision (1) of this**
8 **subsection, or a court of the home state of the child has declined to exercise jurisdiction on**
9 **the ground that this state is the more appropriate forum under section 452.770 or 452.775,**
10 **and:**

11 **(a) The child and the child's parents, or the child and at least one parent or person**
12 **acting as a parent have a significant connection with this state other than mere physical**
13 **presence; and**

14 **(b) Substantial evidence is available in this state concerning the child's care,**
15 **protection, training and personal relationships;**

16 **(3) All courts having jurisdiction under subdivisions (1) and (2) of this subsection**
17 **have declined to exercise jurisdiction on the ground that a court of this state is the more**
18 **appropriate forum to determine the custody of the child under section 452.770 or 452.775;**
19 **or**

20 **(4) No state would have jurisdiction under subdivision (1), (2) or (3) of this**
21 **subsection.**

22 **2. Subsection 1 of this section is the exclusive jurisdictional basis for making a child**
23 **custody determination by a court of this state.**

24 **3. Physical presence of, or personal jurisdiction over, a party or a child is not**
25 **necessary or sufficient to make a child custody determination.**

**452.745. 1. Except as otherwise provided in section 452.755, a court of this state
2 that has made a child custody determination consistent with section 452.740 or 452.750 has
3 exclusive continuing jurisdiction over the determination until:**

4 **(1) A court of this state determines that neither the child, the child and one parent,**
5 **nor the child and a person acting as a parent have a significant connection with this state,**
6 **and that substantial evidence is no longer available in this state concerning the child's care,**
7 **protection, training and personal relationships; or**

8 **(2) A court of this state or a court of another state determines that neither the child,**
9 **nor a parent, nor any person acting as a parent presently resides in this state.**

10 **2. A court of this state that has exclusive continuing jurisdiction under this section**
11 **may decline to exercise its jurisdiction if the court determines that it is an inconvenient**
12 **forum under section 452.770.**

13 **3. A court of this state that has made a child custody determination and does not**
14 **have exclusive continuing jurisdiction under this section may modify that determination**
15 **only if it has jurisdiction to make an initial determination under section 452.740.**

452.747. 1. Any petition for modification of child custody decrees filed under the
2 **provisions of section 452.410 or sections 452.700 to 452.930 shall be verified and, if the**
3 **original proceeding originated in the state of Missouri, shall be filed in that original case,**
4 **but service shall be obtained and responsive pleadings may be filed as in any original**
5 **proceeding.**

6 **2. Before making a decree under section 452.410 or sections 452.700 to 452.930, the**
7 **litigants, any parent whose parental rights have not been previously terminated, and any**
8 **person who has physical custody of the child shall be served in the manner provided by the**
9 **rules of civil procedure and applicable court rules and may within thirty days after the**
10 **date of service (forty-five days if service by publication) file a verified answer. If any such**
11 **persons are outside this state, notice and opportunity to be heard shall be given under**
12 **section 452.740.**

452.750. Except as otherwise provided in section 452.755, a court of this state shall
2 **not modify a child custody determination made by a court of another state unless a court**
3 **of this state has jurisdiction to make an initial determination under subdivision (1) or (2)**
4 **of subsection 1 of section 452.740 and:**

5 **(1) The court of the other state determines it no longer has exclusive continuing**
6 **jurisdiction under section 452.745 or that a court of this state would be a more convenient**
7 **forum under section 452.770; or**

8 **(2) A court of this state or a court of the other state determines that neither the**
9 **child, nor a parent, nor any person acting as a parent presently resides in the other state.**

452.755. 1. A court of this state has temporary emergency jurisdiction if the child
2 **is present in this state and the child has been abandoned, or it is necessary in an emergency**
3 **to protect the child because the child, or a sibling or parent of the child, is subjected to or**
4 **threatened with mistreatment or abuse.**

5 **2. If there is no previous child custody determination that is entitled to be enforced**
6 **under sections 452.700 to 452.930, and if no child custody proceeding has been commenced**
7 **in a court of a state having jurisdiction under sections 452.740 to 452.750, a child custody**
8 **determination made under this section remains in effect until an order is obtained from a**
9 **court of a state having jurisdiction under sections 452.740 to 452.750. If a child custody**
10 **proceeding has not been or is not commenced in a court of a state having jurisdiction under**

11 sections 452.740 to 452.750, a child custody determination made under this section becomes
12 a final determination if:

13 (1) It so provides; and

14 (2) This state becomes the home state of the child.

15 3. If there is a previous child custody determination that is entitled to be enforced
16 under sections 452.700 to 452.930, or a child custody proceeding has been commenced in
17 a court of a state having jurisdiction under sections 452.740 to 452.750, any order issued
18 by a court of this state under this section shall specify in the order a period of time which
19 the court considers adequate to allow the person seeking an order to obtain an order from
20 the state having jurisdiction under sections 452.740 to 452.750. The order issued in this
21 state remains in effect until an order is obtained from the other state within the period
22 specified or the period expires.

23 4. A court of this state that has been asked to make a child custody determination
24 under this section, upon being informed that a child custody proceeding has been
25 commenced, or a child custody determination has been made, by a court of a state having
26 jurisdiction under sections 452.740 to 452.750, shall immediately communicate with the
27 other court. A court of this state that is exercising jurisdiction under sections 452.740 to
28 452.750, upon being informed that a child custody proceeding has been commenced, or a
29 child custody determination has been made by a court of another state under a statute
30 similar to this section shall immediately communicate with the court of that state. The
31 purpose of such communication is to resolve the emergency, protect the safety of the parties
32 and the child, and determine a period for the duration of the temporary order.

452.760. 1. Before a child custody determination is made under sections 452.700
2 to 452.930, notice and an opportunity to be heard in accordance with the standards of
3 section 452.762 shall be given to:

4 (1) All persons entitled to notice under the provisions of the law of this state as in
5 child custody proceedings between residents of this state;

6 (2) Any parent whose parental rights have not been previously terminated; and

7 (3) Any person having physical custody of the child.

8 2. Sections 452.700 to 452.930 shall not govern the enforceability of a child custody
9 determination made without notice and an opportunity to be heard.

10 3. The obligation to join a party and the right to intervene as a party in a child
11 custody proceeding under sections 452.700 to 452.930 are governed by the law of this state
12 as in child custody proceedings between residents of this state.

452.762. 1. Notice required for the exercise of jurisdiction when a person is outside
2 this state may be given in a manner prescribed by the law of this state for the service of
3 process or by the law of the state in which the service is made. Notice must be given in a

4 manner reasonably calculated to give actual notice, but may be by publication if other
5 means are not effective.

6 **2. Proof of service may be made in the manner prescribed by law of this state or by**
7 **the law of the state in which the service is made.**

8 **3. Notice is not required for the exercise of jurisdiction with respect to a person who**
9 **submits to the jurisdiction of the court.**

452.765. 1. Except as otherwise provided in section 452.755, a court of this state
2 **shall not exercise its jurisdiction under sections 452.740 to 452.785 if, at the time of the**
3 **commencement of the proceeding, a proceeding concerning the custody of the child had**
4 **been previously commenced in a court of another state having jurisdiction substantially**
5 **in conformity with sections 452.700 to 452.930, unless the proceeding has been terminated**
6 **or is stayed by the court of the other state because a court of this state is a more convenient**
7 **forum under section 452.770.**

8 **2. Except as otherwise provided in section 452.755, a court of this state, prior to**
9 **hearing a child custody proceeding, shall examine the court documents and other**
10 **information supplied by the parties under section 452.780. If the court determines that a**
11 **child custody proceeding was previously commenced in a court in another state having**
12 **jurisdiction substantially in accordance with sections 452.700 to 452.930, the court of this**
13 **state shall stay its proceeding and communicate with the court of the other state. If the**
14 **court of the state having jurisdiction substantially in accordance with sections 452.700 to**
15 **452.930 does not determine that the court of this state is a more appropriate forum, the**
16 **court of this state shall dismiss the proceeding.**

17 **3. In a proceeding to modify a child custody determination, a court of this state**
18 **shall determine if a proceeding to enforce the determination has been commenced in**
19 **another state. If a proceeding to enforce a child custody determination has been**
20 **commenced in another state, the court may:**

21 **(1) Stay the proceeding for modification pending the entry of an order of a court**
22 **of the other state enforcing, staying, denying or dismissing the proceeding for enforcement;**

23 **(2) Enjoin the parties from continuing with the proceeding for enforcement; or**

24 **(3) Proceed with the modification under conditions it considers appropriate.**

452.770. 1. A court of this state that has jurisdiction under sections 452.700 to
2 **452.930 to make a child custody determination may decline to exercise its jurisdiction at**
3 **any time if the court determines that it is an inconvenient forum under the circumstances**
4 **and that a court of another state is a more appropriate forum. The issue of inconvenient**
5 **forum may be raised upon the court's own motion, at the request of another court or upon**
6 **motion of a party.**

7 **2. Before determining whether the court is an inconvenient forum, a court of this**
8 **state shall consider whether it is appropriate that a court of another state exercise**

9 jurisdiction. For this purpose, the court shall allow the parties to submit information and
10 shall consider all relevant factors, including:

11 (1) Whether domestic violence has occurred and is likely to continue in the future
12 and which state could best protect the parties and the child;

13 (2) The length of time the child has resided outside this state;

14 (3) The distance between the court in this state and the court in the state that would
15 assume jurisdiction;

16 (4) The relative financial circumstances of the parties;

17 (5) Any agreement of the parties as to which state should assume jurisdiction;

18 (6) The nature and location of the evidence required to resolve the pending
19 litigation, including the testimony of the child;

20 (7) The ability of the court of each state to decide the issue expeditiously and the
21 procedures necessary to present the evidence; and

22 (8) The familiarity of the court of each state with the facts and issues of the pending
23 litigation.

24 3. If a court of this state determines that it is an inconvenient forum and that a
25 court of another state is a more appropriate forum, the court shall stay the proceedings on
26 the condition that a child custody proceeding be promptly commenced in another
27 designated state and may impose any other condition the court considers just and proper.

28 4. A court of this state may decline to exercise its jurisdiction under sections
29 452.700 to 452.930 if a child custody determination is incidental to an action for divorce or
30 another proceeding while still retaining jurisdiction over the divorce or other proceeding.

452.775. 1. Except as otherwise provided in section 452.755, if a court of this state
2 has jurisdiction under sections 452.700 to 452.930 because a person invoking the
3 jurisdiction has engaged in unjustifiable conduct, the court shall decline to exercise its
4 jurisdiction unless:

5 (1) The parents and all persons acting as parents have acquiesced in the exercise
6 of jurisdiction;

7 (2) A court of the state otherwise having jurisdiction under sections 452.740 to
8 452.750 determines that this state is a more appropriate forum under section 452.770; or

9 (3) No other state would have jurisdiction under sections 452.740 to 452.750.

10 2. If a court of this state declines to exercise its jurisdiction under subsection 1 of
11 this section, the court may fashion an appropriate remedy to ensure the safety of the child
12 and prevent a repetition of the wrongful conduct, including staying the proceeding until
13 a child custody proceeding is commenced in a court having jurisdiction under sections
14 452.740 to 452.750.

15 3. If a court dismisses a petition or stays a proceeding because it declines to exercise
16 its jurisdiction under subsection 1 of this section, the court shall charge the party invoking

17 the jurisdiction of the court with necessary and reasonable expenses including costs,
18 communication expenses, attorney's fees, investigative fees, expenses for witnesses, travel
19 expenses and child care during the course of the proceedings, unless the party from whom
20 fees are sought establishes that the award would be clearly inappropriate. The court may
21 not assess fees, costs or expenses against this state except as otherwise provided by law
22 other than sections 452.700 to 452.930.

452.780. 1. Subject to local law providing for the confidentiality of procedures,
2 addresses, and other identifying information, in a child custody proceeding, each party, in
3 its first pleading or in an attached affidavit, shall give information, if reasonably
4 ascertainable, under oath as to the child's present address, the places where the child has
5 lived during the last five years, and the names and present addresses of the persons with
6 whom the child has lived during such period. The pleading or affidavit shall state whether
7 the party:

8 (1) Has participated, as a party or witness or in any other capacity, in any other
9 proceeding concerning the custody of or visitation with the child and, if so, identify the
10 court, case number of the proceeding and date of the child custody determination, if any;

11 (2) Knows of any proceeding that could affect the current proceeding, including
12 proceedings for enforcement and proceedings relating to domestic violence, protective
13 orders, termination of parental rights, and adoptions and, if so, identify the court and case
14 number and nature of the proceeding; and

15 (3) Knows the names and addresses of any person not a party to the proceeding
16 who has physical custody of the child or claims rights of legal custody or physical custody
17 of, or visitation with, the child and, if so, the names and addresses of such persons.

18 2. If the information required by subsection 1 of this section is not furnished, the
19 court, upon its own motion or that of a party, may stay the proceeding until the
20 information is furnished.

21 3. If the declaration as to any of the items described in subdivisions (1) to (3) of
22 subsection 1 of this section is in the affirmative, the declarant shall give additional
23 information under oath as required by the court. The court may examine the parties under
24 oath as to details of the information furnished and other matters pertinent to the court's
25 jurisdiction and the disposition of the case.

26 4. Each party has a continuing duty to inform the court of any proceeding in this
27 or any other state that could affect the current proceeding.

28 5. If a party alleges in an affidavit or a pleading under oath that the health, safety,
29 or liberty of a party or child would be put at risk by the disclosure of identifying
30 information, that information shall be sealed and not disclosed to the other party or the
31 public unless the court orders the disclosure to be made after a hearing in which the court

32 takes into consideration the health, safety, or liberty of the party or child and determines
33 that the disclosure is in the interest of justice.

452.782. If the court learns from information furnished by the parties under section
2 452.800 or from other sources that a person not a party to the custody proceeding has
3 physical custody of the child or claims to have custody or visitation rights with respect to
4 the child, it may order that person to be joined as a party and to be duly notified of the
5 pendency of the proceeding and of his or her joinder as a party. If the person joined as a
6 party is outside this state, such person shall be served with process or otherwise notified
7 in accordance with section 452.762.

452.785. 1. The court may order any party to the proceeding who is in this state
2 to appear before the court personally. If the court finds the physical presence of the child
3 to be in the best interest of the child, the court may order that the party who has physical
4 custody of the child to appear physically with the child.

5 2. If a party to a child custody proceeding whose presence is desired by the court
6 is outside this state, with or without the child, the court may order that a notice given
7 under section 452.762 include a statement directing the party to appear personally with or
8 without the child.

9 3. If a party to the proceeding who is outside this state is directed to appear under
10 subsection 1 of this section or desires to appear personally before the court with or without
11 the child, the court may require another party to pay to the clerk of the court travel and
12 other necessary expenses of the party so appearing and of the child, if this is just and
13 proper under the circumstances.

14 4. If the court finds it to be in the best interest of the child that a guardian ad litem
15 be appointed, the court may appoint a guardian ad litem for the child. The guardian ad
16 litem so appointed shall be an attorney licensed to practice law in the state of Missouri.
17 Disqualification of a guardian ad litem shall be ordered in any legal proceeding under this
18 chapter upon the filing of a written application by any party within ten days of
19 appointment. Each party shall be entitled to one disqualification of a guardian ad litem
20 appointed under this subsection in each proceeding, except a party may be entitled to
21 additional disqualifications of a guardian ad litem for good cause shown. The guardian
22 ad litem may, for the purpose of determining custody of the child only, participate in the
23 proceeding as if such guardian ad litem were a party. The court shall enter judgment
24 allowing a reasonable fee to the guardian ad litem.

25 5. The court shall appoint a guardian ad litem in any proceeding in which child
26 abuse or neglect is alleged.

27 6. The court may enter any orders necessary to ensure the safety of the child and
28 of any person ordered to appear under this section.

1 **452.790.** A child custody determination made by a court of this state that had
2 jurisdiction under sections 452.700 to 452.930 binds all persons who have been served in
3 accordance with the laws of this state or notified in accordance with section 452.762 or who
4 have submitted to the jurisdiction of the court, and who have been given an opportunity
5 to be heard. The determination is conclusive as to them as to all decided issues of law and
6 fact except to the extent the determination is modified.

1 **452.795.** A court of this state shall accord full faith and credit to an order made
2 consistently with sections 452.700 to 452.930 which enforces a child custody determination
3 by a court of another state unless the order has been vacated, stayed, or modified by a
4 court authorized to do so under sections 452.740 to 452.845.

1 **452.800.** Except as otherwise provided in section 452.755, a court of this state may
2 not modify a child custody determination made by a court of another state unless a court
3 of this state has jurisdiction to make an initial determination under subdivision (1) or (2)
4 of subsection 1 of section 452.740 and:

5 (1) The court of the other state determines that it no longer has exclusive,
6 continuing jurisdiction under section 452.745 or that a court of this state would be a more
7 convenient forum under section 452.770; or

8 (2) A court of this state or a court of the other state determines that neither child,
9 nor a parent, nor any person acting as a parent presently resides in the other state.

1 **452.805. 1.** A certified copy of a custody decree of another state may be filed in the
2 office of the clerk of any circuit court of this state. The clerk shall treat the decree in the
3 same manner as a custody decree of the circuit court of this state. A custody decree so filed
4 has the same effect and shall be enforced in like manner as a custody decree rendered by
5 a court of this state.

6 **2.** A person violating a custody decree of another state which makes it necessary
7 to enforce the decree in this state may be required to pay necessary travel and other
8 expenses, including attorneys' fees, incurred by the party entitled to the custody or the
9 party's witnesses.

10 **3.** A court of this state shall recognize and enforce a child custody determination
11 of a court of another state if the latter court exercised jurisdiction that was in substantial
12 conformity with sections 452.700 to 452.930 or the determination was made under factual
13 circumstances meeting the jurisdictional standards of sections 452.700 to 452.930 and the
14 determination has not been modified in accordance with sections 452.700 to 452.930.

15 **4.** A court may utilize any remedy available under other law of this state to enforce
16 a child custody determination made by a court of another state. The procedure provided
17 by sections 452.740 to 452.845 does not affect the availability of other remedies to enforce
18 a child custody determination.

452.810. 1. A child custody determination issued by a court of another state may be registered in this state, with or without a simultaneous request for enforcement, by sending to the appropriate court in this state:

(1) A letter or other document requesting registration;

(2) Two copies, including one certified copy, of the determination sought to be registered, and a statement under penalty of perjury that to the best of the knowledge and belief of the person seeking registration the order has not been modified; and

(3) Except as otherwise provided in section 452.780, the name and address of the person seeking registration and any parent or person acting as a parent who has been awarded custody or visitation in the child custody determination sought to be registered.

2. On receipt of the documents required in subsection 1 of this section, the registering court shall:

(1) Cause the determination to be filed as a foreign judgment, together with one copy of any accompanying documents and information, regardless of their form; and

(2) Serve notice upon the persons named under subdivision (3) of subsection 1 of this section and provide them with an opportunity to contest the registration in accordance with this section.

3. The notice required by subdivision (2) of subsection 2 of this section must state:

(1) That a registered determination is enforceable as of the date of the registration in the same manner as a determination issued by a court of this state;

(2) That a hearing to contest the validity of the registered determination must be requested within twenty days after service of notice; and

(3) That failure to contest the registration will result in confirmation of the child custody determination and preclude further contest of that determination with respect to any matter that could have been asserted.

4. A person seeking to contest the validity of a registered order must request a hearing within twenty days after service of the notice. At that hearing, the court shall confirm the registered order unless the person contesting registration establishes that:

(1) The issuing court did not have jurisdiction under sections 452.740 to 452.845;

(2) The child custody determination sought to be registered has been vacated, stayed, or modified by a court of a state having jurisdiction to do so under sections 452.740 to 452.845; or

(3) The person contesting registration was entitled to notice, but notice was not given in accordance with the standards of section 452.740 in the proceedings before the court that issued the order for which registration is sought.

5. If a timely request for a hearing to contest the validity of the registration is not made, the registration is confirmed as a matter of law and the person requesting registration and all persons served must be notified of the confirmation.

39 **6. Confirmation of a registered order, whether by operation of law or after notice**
40 **and hearing, precludes further contest of the order with respect to any matter which could**
41 **have been asserted at the time of registration.**

452.815. The clerk of the circuit court of this state, at the request of the court of
2 **another state or at the request of any person who is affected by or has a legitimate interest**
3 **in a custody decree, may, upon payment therefor, certify and forward a copy of the decree**
4 **to that court or person.**

452.820. 1. In addition to other procedures available to a party, a party to a child
2 **custody proceeding may offer testimony of witnesses who are located in another state,**
3 **including testimony of the parties and the child, by deposition or other means allowable**
4 **in this state for testimony taken in another state. The court on its own motion may order**
5 **that the testimony of a person be taken in another state and may prescribe the manner in**
6 **which and the terms upon which the testimony is taken.**

7 **2. A court of this state may permit an individual residing in another state to be**
8 **deposed or to testify by telephone, audiovisual means, or other electronic means before a**
9 **designated court or at another location in that state. A court of this state shall cooperate**
10 **with courts of other states in designating an appropriate location for the deposition or**
11 **testimony.**

12 **3. Documentary evidence transmitted from another state to a court of this state by**
13 **technological means that do not produce an original writing may not be excluded from**
14 **evidence on an objection based on the means of transmission.**

452.825. 1. A court of this state may request the appropriate court of another state
2 **to hold a hearing to obtain evidence, to order persons within that state to produce or give**
3 **evidence under other procedures of that state, or to have social studies made with respect**
4 **to the custody of a child involved in proceedings pending in the court of this state; and to**
5 **forward to the court of this state certified copies of the transcript of the record of the**
6 **hearing, the evidence otherwise obtained, or any social studies prepared in compliance with**
7 **the request. The cost of the services may be assessed against the parties.**

8 **2. A court of this state may request the appropriate court of another state to order**
9 **a party to custody proceedings pending in the court of this state to appear in the**
10 **proceedings and, if that party has physical custody of the child, to appear with the child.**
11 **The request may state that travel and other necessary expenses of the party and of the**
12 **child whose appearance is desired will be assessed against the appropriate party.**

452.830. 1. Upon request of the court of another state, the courts of this state which
2 **are competent to hear custody matters may order a person in this state to appear at a**
3 **hearing to obtain evidence or to produce or give evidence under other procedures available**
4 **in this state for use in a custody proceeding in another state. A certified copy of the**

5 transcript of the record of the hearing or the evidence otherwise obtained may, in the
6 discretion of the court and upon payment therefor, be forwarded to the requesting court.

7 2. A person within this state may voluntarily give his testimony or statement in this
8 state for use in a custody proceeding outside this state.

9 3. Upon request of the court of another state, a competent court of this state may
10 order a person in this state to appear alone or with the child in a custody proceeding in
11 another state. The court may condition compliance with the request upon assurance by
12 the other state that travel and other necessary expenses will be advanced or reimbursed.

 452.835. A court of this state shall preserve the pleadings, orders, decrees, records
2 of hearings, evaluations, and other pertinent records with respect to a child custody
3 proceeding until the child reaches eighteen years of age. Upon appropriate request by the
4 court or law enforcement official of another state, the court shall forward certified copies
5 of these records.

 452.840. If a custody decree has been rendered in another state concerning a child
2 involved in a custody proceeding pending in a court of this state, the court of this state,
3 upon taking jurisdiction of the case, shall request of the court of the other state a certified
4 copy of the transcript of any court record and other documents mentioned in section
5 452.835.

 452.845. If a question of existence or exercise of jurisdiction under sections 452.700
2 to 452.930 is raised in a child custody proceeding, the question, upon request of a party,
3 must be given priority on the calendar and handled expeditiously.

**ARTICLE III
ENFORCEMENT**

 452.850. As used in sections 452.850 to 452.915:

2 (1) "Petitioner" means a person who seeks enforcement of a child custody
3 determination or enforcement of an order for the return of the child under the Hague
4 Convention on the Civil Aspects of International Child Abduction;

5 (2) "Respondent" means a person against whom a proceeding has been commenced
6 for enforcement of a child custody determination or enforcement of an order for the return
7 of the child under the Hague Convention on the Civil Aspects of International Child
8 Abduction.

 452.855. 1. Sections 452.850 to 452.915 may be invoked to enforce:

2 (1) A child custody determination; and

3 (2) An order for the return of the child made under the Hague Convention on the
4 Civil Aspects of International Child Abduction.

5 2. A court of this state which does not have jurisdiction to modify a child custody
6 determination may issue a temporary order enforcing:

7 (1) A visitation schedule made by a court of another state; or

8 (2) The visitation provisions of a child custody determination of another state that
9 does not provide for a specific visitation schedule.

10 3. If a court of this state makes an order under subdivision (2) of subsection 2 of
11 this section, the court shall specify in the order a period of time which it considers adequate
12 to allow the person seeking the order to obtain an order from the state having jurisdiction
13 under sections 452.740 to 452.845. The order remains in effect until an order is obtained
14 from the other state or the period expires.

 452.860. 1. A court of this state may grant any relief normally available under the
2 provisions of the laws of this state to enforce a registered child custody determination made
3 by a court of another state.

4 2. A court of this state shall recognize and enforce, but shall not modify, except in
5 accordance with sections 452.740 to 452.845, a registered child custody determination of
6 another state.

 452.865. If a proceeding for enforcement under sections 452.850 to 452.915 has been
2 or is commenced in this state and a court of this state determines that a proceeding to
3 modify the determination has been commenced in another state having jurisdiction to
4 modify the determination under sections 452.740 to 452.845, the enforcing court shall
5 immediately communicate with the modifying court. The proceeding for enforcement
6 continues unless the enforcing court, after consultation with the modifying court, stays or
7 dismisses the proceeding.

 452.870. 1. A petition under sections 452.850 to 452.915 shall be verified. Certified
2 copies of all orders sought to be enforced and of the order confirming registration, if any,
3 shall be attached to the petition. A copy of a certified copy of an order may be attached
4 instead of the original.

5 2. A petition for enforcement of a child custody determination shall state:

6 (1) Whether the court that issued the determination identified the jurisdictional
7 basis it relied upon in exercising jurisdiction and, if so, what the basis was;

8 (2) Whether the determination for which enforcement is sought has been vacated,
9 stayed or modified by a court whose decision shall be enforced under sections 452.700 to
10 452.930 or federal law and, if so, identify the court, case number of the proceeding and
11 action taken;

12 (3) Whether any proceeding has been commenced that could affect the current
13 proceeding, including proceedings relating to domestic violence, protective orders,
14 termination of parental rights and adoptions, and, if so, identify the court, and the case
15 number and nature of the proceeding;

16 (4) The present physical address of the child and respondent, if known; and

17 **(5) Whether relief in addition to the immediate physical custody of the child and**
18 **attorney's fees is sought, including a request for assistance from law enforcement officials**
19 **and, if so, the relief sought.**

20 **3. If the child custody determination has been registered and confirmed under**
21 **section 452.810, the petition shall also state the date and place of registration.**

22 **4. The court shall issue an order directing the respondent to appear with or without**
23 **the child at a hearing and may enter any orders necessary to ensure the safety of the**
24 **parties and the child.**

25 **5. The hearing shall be held on the next judicial day following service of process**
26 **unless such date is impossible. In such event, the court shall hold the hearing on the first**
27 **day possible. The court may extend the date of hearing at the request of the petitioner.**

28 **6. The order shall state the time and place of the hearing, and shall advise the**
29 **respondent that at the hearing the court will order the delivery of the child and payment**
30 **of fees, costs and expenses under section 452.890, and may set an additional hearing to**
31 **determine if further relief is appropriate, unless the respondent appears and establishes**
32 **that:**

33 **(1) The child custody determination is not registered and confirmed under section**
34 **452.810, and:**

35 **(a) The issuing court did not have jurisdiction under sections 452.740 to 452.845;**

36 **(b) The child custody determination for which enforcement is sought has been**
37 **vacated, stayed or modified by a court of a state having jurisdiction to do so under sections**
38 **452.740 to 452.845 or federal law; or**

39 **(c) The respondent was entitled to notice, but notice was not given in accordance**
40 **with the standards of section 452.762 in the proceedings before the court that issued the**
41 **order for which enforcement is sought; or**

42 **(2) The child custody determination for which enforcement is sought was registered**
43 **and confirmed under section 452.810, but has been vacated, stayed or modified by a court**
44 **of a state having jurisdiction to do so under sections 452.740 to 452.845 or federal law.**

452.875. Except as otherwise provided in section 452.885, the petition and order
2 **shall be served by any method authorized by the laws of this state upon the respondent and**
3 **any person who has physical custody of the child.**

452.880. 1. Unless the court enters a temporary emergency order under section
2 **452.755, upon a finding that a petitioner is entitled to the physical custody of the child**
3 **immediately, the court shall order the child delivered to the petitioner unless the**
4 **respondent establishes that:**

5 **(1) The child custody determination has not been registered and confirmed under**
6 **section 452.810, and that:**

7 **(a) The issuing court did not have jurisdiction under sections 452.740 to 452.845;**

8 (b) The child custody determination for which enforcement is sought has been
9 vacated, stayed or modified by a court of a state having jurisdiction to do so under sections
10 452.740 to 452.845 or federal law; or

11 (c) The respondent was entitled to notice, but notice was not given in accordance
12 with the standards of section 452.762 in the proceedings before the court that issued the
13 order for which enforcement is sought; or

14 (2) The child custody determination for which enforcement is sought was registered
15 and confirmed under section 452.810, but has been vacated, stayed or modified by a court
16 of a state having jurisdiction to do so under sections 452.740 to 452.845 or federal law.

17 2. The court shall award the fees, costs and expenses authorized under section
18 452.890 and may grant additional relief, including a request for the assistance of law
19 enforcement officials, and set a further hearing to determine if additional relief is
20 appropriate.

21 3. If a party called to testify refuses to answer on the grounds that the testimony
22 may be self-incriminating, the court may draw an adverse inference from such refusal.

23 4. A privilege against disclosure of communications between spouses and a defense
24 of immunity based on the relationship of husband and wife, or parent and child shall not
25 be invoked in a proceeding under sections 452.850 to 452.915.

 452.885. 1. Upon the filing of a petition seeking enforcement of a child custody
2 determination, the petitioner may file a verified application for the issuance of a warrant
3 to take physical custody of the child if the child is likely to suffer serious imminent physical
4 harm or removal from this state.

5 2. If the court, upon the testimony of the petitioner or other witnesses, finds that
6 the child is likely to suffer serious imminent physical harm or be imminently removed from
7 this state, the court may issue a warrant to take physical custody of the child. The petition
8 shall be heard on the next judicial day after the warrant is executed. The warrant shall
9 include the statements required under subsection 2 of section 452.870.

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

11 (1) Recite the facts which a conclusion of serious imminent physical harm or
12 removal from the jurisdiction is based;

13 (2) Direct law enforcement officers to take physical custody of the child
14 immediately; and

15 (3) Provide for the placement of the child pending final relief.

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

18 5. A warrant to take physical custody of a child is enforceable throughout this state.
19 If the court finds on the basis of the testimony of the petitioner or other witness that a less
20 intrusive remedy is not effective, the court may authorize law enforcement officers to enter

21 private property to take physical custody of the child. If required by the exigency of the
22 case, the court may authorize law enforcement officers to make a forcible entry at any
23 hour.

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

452.890. 1. The court shall award the prevailing party, including a state, necessary
2 and reasonable expenses incurred by or on behalf of the party, including costs,
3 communication expenses, attorney's fees, investigative fees, expenses for witnesses, travel
4 expenses and child care during the course of the proceedings, unless the party from whom
5 fees or expenses are sought establishes that the award would be clearly inappropriate.

6 2. The court shall not assess fees, costs or expenses against a state except as
7 otherwise provided by law other than sections 452.700 to 452.930.

452.895. A court of this state shall accord full faith and credit to an order made
2 consistently with sections 452.700 to 452.930 which enforces a child custody determination
3 by a court of another state unless the order has been vacated, stayed or modified by a court
4 authorized to do so under sections 452.740 to 452.845.

452.900. An appeal may be taken from a final order in a proceeding under sections
2 452.850 to 452.915 in accordance with appellate procedures in other civil cases. Unless the
3 court enters a temporary emergency order under section 452.755, the enforcing court shall
4 not stay an order enforcing a child custody determination pending appeal.

452.905. 1. In a case arising under sections 452.700 to 452.930 or involving the
2 Hague Convention on the Civil Aspects of International Child Abduction, the appropriate
3 public official may take any lawful action, including resort to a proceeding under sections
4 452.850 to 452.915 or any other available civil proceeding to locate a child, obtain the
5 return of a child or enforce a child custody determination if there is:

6 (1) An existing child custody determination;
7 (2) A request from a court in a pending child custody case;
8 (3) A reasonable belief that a criminal statute has been violated; or
9 (4) A reasonable belief that the child has been wrongfully removed or retained in
10 violation of the Hague Convention on the Civil Aspects of International Child Abduction.

11 2. A prosecutor or an appropriate public official shall act on behalf of the court and
12 shall not represent any party to a child custody determination.

452.910. At the request of a prosecutor or other appropriate public official acting
2 under section 452.905, a law enforcement officer may take any lawful action reasonably
3 necessary to locate a child or a party and assist such prosecutor or public official with
4 responsibilities under section 452.905.

452.915. If the respondent is not the prevailing party, the court may assess against
2 the respondent all direct expenses and costs incurred by the prosecutor or other

3 appropriate public official and law enforcement officers under sections 452.905 and
4 452.910.

**ARTICLE IV
MISCELLANEOUS PROVISIONS**

2 **452.920.** In applying and construing sections 452.700 to 452.930, consideration must
3 be given to the need to promote uniformity of the law with respect to its subject matter
among states that enact it.

2 **452.925.** If any provision of sections 452.700 to 452.930 or its application to any
3 person or circumstance is held invalid, the invalidity shall not affect other provisions or
4 applications of sections 452.700 to 452.930 which can be given effect without the invalid
5 provision or application, and to this end the provisions of sections 452.700 to 452.930 are
severable.

2 **452.930.** A motion or other request for relief made in a child custody or
3 enforcement proceeding which was commenced before August 28, 2009, is governed by the
law in effect at the time the motion or other request was made.

2 **454.445. 1.** No deposit or other filing fee, court fee, library fee, or fee for making copies
3 of documents shall be required to be paid by the division of child support enforcement, or any
4 attorney bringing action pursuant to a referral by the division of child support enforcement, by
5 any circuit clerk or other county or state officer for the filing of any action or document necessary
to establish paternity, or to establish, modify or enforce a child support obligation.

6 **2.** Notwithstanding any other provision of law, a copy of an affidavit
7 acknowledging paternity shall, upon request, be made available to the child's mother, the
8 father listed on the child's birth record, and the attorney representing such mother or
9 father. The department of health and senior services shall establish by rule the fee for
10 making a copy of an affidavit acknowledging paternity. Any rule or portion of a rule, as
11 that term is defined in section 536.010, RSMo, that is created under the authority delegated
12 in this section shall become effective only if it complies with and is subject to all of the
13 provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section
14 and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general
15 assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to
16 disapprove and annul a rule are subsequently held unconstitutional, then the grant of
17 rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be
18 invalid and void.

2 **455.010.** As used in sections 455.010 to 455.085, unless the context clearly indicates
otherwise, the following terms shall mean:

3 (1) "Abuse" includes but is not limited to the occurrence of any of the following acts,
4 attempts or threats against a person who may be protected pursuant to sections 455.010 to
5 455.085:

- 6 (a) "Assault", purposely or knowingly placing or attempting to place another in fear of
7 physical harm;
- 8 (b) "Battery", purposely or knowingly causing physical harm to another with or without
9 a deadly weapon;
- 10 (c) "Coercion", compelling another by force or threat of force to engage in conduct from
11 which the latter has a right to abstain or to abstain from conduct in which the person has a right
12 to engage;
- 13 (d) "Harassment", engaging in a purposeful or knowing course of conduct involving
14 more than one incident that alarms or causes distress to another adult and serves no legitimate
15 purpose. The course of conduct must be such as would cause a reasonable adult to suffer
16 substantial emotional distress and must actually cause substantial emotional distress to the
17 petitioner. Such conduct might include, but is not limited to:
- 18 a. Following another about in a public place or places;
- 19 b. Peering in the window or lingering outside the residence of another; but does not
20 include constitutionally protected activity;
- 21 (e) "Sexual assault", causing or attempting to cause another to engage involuntarily in
22 any sexual act by force, threat of force, or duress;
- 23 (f) "Unlawful imprisonment", holding, confining, detaining or abducting another person
24 against that person's will;
- 25 (2) "Adult", any person [eighteen] **seventeen** years of age or older or otherwise
26 emancipated;
- 27 (3) "Court", the circuit or associate circuit judge or a family court commissioner;
- 28 (4) "Ex parte order of protection", an order of protection issued by the court before the
29 respondent has received notice of the petition or an opportunity to be heard on it;
- 30 (5) "Family" or "household member", spouses, former spouses, adults related by blood
31 or marriage, adults who are presently residing together or have resided together in the past, an
32 adult who is or has been in a continuing social relationship of a romantic or intimate nature with
33 the victim, and adults who have a child in common regardless of whether they have been married
34 or have resided together at any time;
- 35 (6) "Full order of protection", an order of protection issued after a hearing on the record
36 where the respondent has received notice of the proceedings and has had an opportunity to be
37 heard;
- 38 (7) "Order of protection", either an ex parte order of protection or a full order of
39 protection;
- 40 (8) "Petitioner", a family or household member or an adult who has been the victim of
41 stalking, who has filed a verified petition pursuant to the provisions of section 455.020;
- 42 (9) "Respondent", the family or household member or adult alleged to have committed
43 an act of stalking, against whom a verified petition has been filed;

44 (10) "Stalking" is when an adult purposely and repeatedly engages in an unwanted course
45 of conduct that causes alarm to another person when it is reasonable in that person's situation to
46 have been alarmed by the conduct. As used in this subdivision:

47 (a) "Course of conduct" means a pattern of conduct composed of repeated acts over a
48 period of time, however short, that serves no legitimate purpose. Such conduct may include, but
49 is not limited to, following the other person or unwanted communication or unwanted contact;

50 (b) "Repeated" means two or more incidents evidencing a continuity of purpose; and

51 (c) "Alarm" means to cause fear of danger of physical harm.

**475.375. 1. Any individual over the age of eighteen who has been adjudged
2 incompetent under this chapter or who has been involuntarily committed under chapter
3 632, RSMo, may file a petition for the removal of the disqualification to purchase, possess,
4 or transfer a firearm when the individual no longer suffers from the condition that resulted
5 in the individual's incapacity or involuntary commitment and no longer poses a danger to
6 self or others for purposes of the purchase, possession, or transfer of firearms under 18
7 U.S.C. Section 922 and that granting relief under this section is not contrary to the public
8 interest. No individual who has been found not guilty by reason of mental defect may
9 petition a court for restoration under this section.**

10 **2. The petition shall be filed in the circuit court which entered the letters of
11 guardianship or the most recent order for involuntary commitment, whichever is later.
12 Upon receipt of the petition, the clerk shall schedule a hearing and provide notice of the
13 hearing to the petitioner and the attorney general. Copies of the petition must be served
14 on the director of the treatment facility and the attorney general.**

15 **3. The burden is on the petitioner to establish by clear and convincing evidence that
16 the petitioner no longer suffers from the condition that resulted in the incapacity or the
17 involuntary commitment and no longer poses a danger to self or others for purposes of the
18 purchase, possession, or transfer of firearms under 18 U.S.C. Section 922 and that granting
19 relief under this section is not contrary to the public interest. The attorney general may
20 present any and all relevant information to the contrary. For these purposes, the attorney
21 general may access and use any and all mental health records, juvenile records, and
22 criminal history of the petitioner wherever maintained.**

23 **4. Upon the filing of the petition, the court shall endeavor whenever possible to
24 review the petition and determine if the petition is based upon frivolous grounds and if so
25 may deny the petition without a hearing.**

26 **5. If the petitioner is filing the petition as a result of an involuntary commitment
27 under chapter 632, RSMo, the hearing and records shall be closed to the public, unless the
28 court finds that the public interest would be better served by conducting the hearing in
29 public. If the court determines the hearing should be open to the public, upon motion by
30 the petitioner, the court may allow for the in-camera inspection of any mental health**

31 records. The court may allow the use of the record but shall restrict it from public
32 disclosure, unless it finds that the public interest would be better served by making the
33 record public.

34 **6. The court shall enter an order that the petitioner does or does not continue to**
35 **suffer from the condition that resulted in commitment and does or does not continue to**
36 **pose a danger to self or others for purposes of the purchase, possession, or transfer of**
37 **firearms under 18 U.S.C. Section 922 and that granting relief under this section is not**
38 **contrary to the public interest. The court shall include in its order the specific findings of**
39 **fact on which it based its decision.**

40 **7. Upon a judicial determination to grant a petition under this section, the clerk in**
41 **the county where the petition was granted shall forward the order to the Missouri state**
42 **highway patrol for updating of the petitioner's record with the National Instant Criminal**
43 **Background Check System (NICS).**

44 **8. (1) Any person who has been denied a petition for the removal of the**
45 **disqualification to purchase, possess, or transfer a firearm under this section shall not be**
46 **eligible to file another petition for the removal of the disqualification to purchase, possess,**
47 **or transfer a firearm until the expiration of one year from such denial.**

48 **(2) If a person has previously filed a petition for the removal of the disqualification**
49 **to purchase, possess, or transfer a firearm and the court determined either upon review**
50 **of the petition or following a hearing that the petitioner's petition was frivolous or that the**
51 **petitioner's condition had not so changed such that the person continued to suffer from the**
52 **condition that resulted in the individual's incapacity or involuntary commitment and**
53 **continued to pose a danger to self or others for purposes of purchase, possession, or**
54 **transfer of firearms under 18 U.S.C. Section 922 and that granting relief under this section**
55 **would be contrary to the public interest, the court shall deny the subsequent petition unless**
56 **the petition contains additional facts upon which the court could find the condition of the**
57 **petitioner had so changed that a hearing was warranted.**

476.055. 1. There is hereby established in the state treasury the "Statewide Court
2 Automation Fund". All moneys collected pursuant to section 488.027, RSMo, as well as gifts,
3 contributions, devises, bequests, and grants received relating to automation of judicial record
4 keeping, and moneys received by the judicial system for the dissemination of information and
5 sales of publications developed relating to automation of judicial record keeping, shall be
6 credited to the fund. Moneys credited to this fund may only be used for the purposes set forth
7 in this section and as appropriated by the general assembly. Any unexpended balance remaining
8 in the statewide court automation fund at the end of each biennium shall not be subject to the
9 provisions of section 33.080, RSMo, requiring the transfer of such unexpended balance to
10 general revenue; except that, any unexpended balance remaining in the fund on September 1,
11 [2009] **2013**, shall be transferred to general revenue.

12 2. The statewide court automation fund shall be administered by a court automation
13 committee consisting of the following: the chief justice of the supreme court, a judge from the
14 court of appeals, four circuit judges, four associate circuit judges, four employees of the circuit
15 court, the commissioner of administration, two members of the house of representatives
16 appointed by the speaker of the house, two members of the senate appointed by the president pro
17 tem of the senate and two members of the Missouri Bar. The judge members and employee
18 members shall be appointed by the chief justice. The commissioner of administration shall serve
19 ex officio. The members of the Missouri Bar shall be appointed by the board of governors of the
20 Missouri Bar. Any member of the committee may designate another person to serve on the
21 committee in place of the committee member.

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

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

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

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

44 7. On the first day of February, May, August and November of each year, the court
45 automation committee shall file a report on the progress of the statewide automation system with
46 the joint legislative committee on court automation. Such committee shall consist of the
47 following:

- 48 (1) The chair of the house budget committee;
- 49 (2) The chair of the senate appropriations committee;

50 (3) The chair of the house judiciary committee;

51 (4) The chair of the senate judiciary committee;

52 (5) One member of the minority party of the house appointed by the speaker of the house
53 of representatives; and

54 (6) One member of the minority party of the senate appointed by the president pro
55 tempore of the senate.

56 8. The members of the joint legislative committee shall be reimbursed from the court
57 automation fund for their actual expenses incurred in the performance of their official duties as
58 members of the joint legislative committee on court automation.

59 9. Section 488.027, RSMo, shall expire on September 1, [2009] **2013**. The court
60 automation committee established pursuant to this section may continue to function until
61 completion of its duties prescribed by this section, but shall complete its duties prior to
62 September 1, [2011] **2015**.

63 10. This section shall expire on September 1, [2011] **2015**.

477.600. 1. There is hereby created within the judicial department a "Judicial Finance
2 Commission". The commission shall be composed of seven members appointed by the supreme
3 court. At least one member of the commission shall be a member of a county governing body
4 from a county of the third class, one member of the commission shall be a member of the county
5 governing body of a county of the first class, and one member of the commission shall be a
6 member of a county governing body from any class of county. The supreme court shall designate
7 one member to serve as chairman and one member as vice chairman. The vice chairman shall
8 preside in the absence of the chairman.

9 2. The members of the commission shall serve for terms of three years and until their
10 successors are appointed and qualified; except that of the initial members appointed, three shall
11 serve for terms of one year, two shall serve for terms of two years and two shall serve for terms
12 of three years, as designated by the court.

13 3. If a vacancy occurs the court shall appoint a replacement. The replacement shall serve
14 the unexpired portion of the term and may be appointed to successive terms.

15 4. The commission shall promulgate rules of procedure which shall become effective
16 upon approval by the supreme court. The supreme court may adopt such other rules as it deems
17 appropriate to govern the procedures of the commission.

18 5. The commission shall:

19 (1) Examine the budget request of the circuit court upon the petition by the county
20 governing body as provided in section 50.640, RSMo, or any budget or item in the budget
21 estimated by the court including, but not limited to, compensation of deputy sheriffs and
22 assistants, as set forth in section 57.250, RSMo;

23 (2) Issue a written opinion addressed to the presiding circuit judge and the presiding
24 officer of the county. The opinion shall state the conclusions of the commission as to the

25 reasonableness of the circuit court budget request. The opinion of the commission shall state
26 clearly the reasons for its decision. Any member of the commission who disagrees with the
27 commission's findings may file a minority report;

28 (3) Maintain accurate records of the cost and expenses of the judicial and law
29 enforcement agencies for each county;

30 (4) Submit an annual report to the governor, general assembly, and supreme court on the
31 finances of the judicial department. The report shall examine both the revenues of the
32 department and the expenses of the department. The report shall include the information from
33 all divisions of the circuit court of each county including the circuit, associate circuit, probate,
34 juvenile and municipal divisions. The information shall be reported separately except where the
35 divisions are combined or consolidated. **In lieu of separate publication, the supreme court
36 may direct the annual report described in this subdivision to be consolidated with any
37 annual report prepared by the supreme court or the office of state courts administrator,
38 provided that such report is distributed to the parties described in this subdivision.**

39 6. In discharging its responsibilities, the commission may:

40 (1) Conduct public hearings, take testimony, summon witnesses, and subpoena records
41 and documents;

42 (2) Conduct surveys and collect data from county governments and the circuit courts on
43 the operations of the judicial and law enforcement agencies in each county. The commission and
44 its staff shall be granted access at any reasonable time to all books, records, and data the
45 commission deems necessary for the administration of its duties;

46 (3) Within the limits of appropriations made for the purpose, appoint special committees,
47 accept and expend grant funds, and employ consultants and others to assist the commission in
48 its work.

49 7. Upon receipt of the written opinion of the commission or upon refusal of the
50 commission to accept a petition for review, the circuit court or the county governing body may
51 seek a review by the supreme court by filing a petition for review in the supreme court within
52 thirty days of the receipt of the commission's opinion. If a petition for review is not filed in the
53 supreme court, then the recommendation of the commission shall take effect notwithstanding the
54 provisions of section 50.600, RSMo. If the commission refused to review a petition and no
55 petition is filed in the supreme court, the circuit court budget is approved as submitted to the
56 county governing body. The supreme court shall consider the petition for review de novo.

57 8. The commission shall meet as necessary at the call of the chairman or on written
58 request of four members. Four members constitute a quorum for the transaction of business.
59 Upon request of the chairman, the supreme court may appoint a temporary replacement for any
60 commissioner who is unable to hear a case or who is disqualified from any case. No member
61 of the commission shall participate in any proceeding involving the county or circuit where the
62 member resides.

63 9. Members of the commission shall receive no compensation for their services but shall
64 be reimbursed out of funds appropriated for this purpose for their actual and necessary expenses
65 incurred in the performance of their duties.

66 10. The clerk of the supreme court shall provide suitable staff for the commission out
67 of any funds appropriated for this purpose. The commission may also employ court reporters
68 as necessary to take testimony at hearings held pursuant to section 50.640, RSMo. The reporters
69 shall be compensated at a rate established by the commission out of any funds appropriated for
70 this purpose.

 478.003. **1.** In any judicial circuit of this state, a majority of the judges of the circuit
2 court may designate a judge to hear cases arising in the circuit subject to the provisions of
3 sections 478.001 to 478.006. In lieu thereof and subject to appropriations or other funds
4 available for such purpose, a majority of the judges of the circuit court may appoint a person or
5 persons to act as drug court commissioners. Each commissioner shall be appointed for a term
6 of four years, but may be removed at any time by a majority of the judges of the circuit court.
7 The qualifications and compensation of the commissioner shall be the same as that of an
8 associate circuit judge. If the compensation of a commissioner appointed pursuant to this section
9 is provided from other than state funds, the source of such fund shall pay to and reimburse the
10 state for the actual costs of the salary and benefits of the commissioner. The commissioner shall
11 have all the powers and duties of a circuit judge, except that any order, judgment or decree of the
12 commissioner shall be confirmed or rejected by an associate circuit or circuit judge by order of
13 record entered within the time the judge could set aside such order, judgment or decree had the
14 same been made by the judge. If so confirmed, the order, judgment or decree shall have the same
15 effect as if made by the judge on the date of its confirmation.

16 **2. A drug court commissioner may, under the provisions of section 487.020, RSMo,**
17 **also be appointed to serve as a family court commissioner.**

478.264. Beginning January 1, 2010, no new probate commissioners or deputy
2 **commissioners shall be appointed under sections 478.265 to 478.267. All probate**
3 **commissioners and deputy commissioners serving on January 1, 2010, shall complete their**
4 **current term as a probate commissioner or deputy commissioner. Upon completion of the**
5 **current term, such positions shall convert to associate circuit judge positions and shall be**
6 **subject to election at the general election immediately preceding the end of the current**
7 **commissioner term, or if applicable, shall be appointed under the nonpartisan court plan.**

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

7 2. For purposes of this section, notwithstanding the provisions of section 1.100, RSMo,
8 population of a county shall be determined on the basis of the last previous decennial census of
9 the United States; and, beginning after certification of the year 2000 decennial census, on the
10 basis of annual population estimates prepared by the United States Bureau of the Census,
11 provided that the number of associate circuit judge positions in a county shall be adjusted only
12 after population estimates for three consecutive years indicate population change in the county
13 to a level provided by subsection 1 of this section.

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

17 4. In counties not subject to sections 25(a) to (g) of article V of the constitution, associate
18 circuit judges shall be elected by the county at large.

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

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

**478.325. 1. Beginning January 1, 2010, no new state-funded probate or drug
2 commissioner or deputy commissioner shall be appointed. All probate and drug
3 commissioners and deputy commissioners serving on January 1, 2010, shall complete their
4 current term as a probate or drug commissioner or deputy commissioner. Upon
5 completion of the current term, such positions shall convert to associate circuit judge
6 positions and shall be subject to election at the general election immediately preceding the
7 end of the current commissioner term; except that, two drug court commissioner positions
8 in the twenty-second judicial circuit and one drug court commissioner position in each of
9 the twelfth, thirty-third, and thirty-fifth judicial circuits shall be transferred and converted
10 as follows:**

11 **(1) One commissioner position shall be transferred and converted to a circuit judge
12 position in the thirty-eighth judicial circuit as provided for in section 478.575;**

13 **(2) One commissioner position shall be transferred and converted to an associate
14 circuit judge position in the sixteenth judicial circuit as provided for in subsection 3 of
15 section 478.464;**

16 **(3) One commissioner position shall be transferred and converted to an associate
17 circuit judge position in the twentieth judicial circuit as provided for in subsection 3 of
18 section 478.630;**

19 **(4) One commissioner position shall be transferred and converted to an associate**
20 **circuit judge position in the thirty-first judicial circuit as provided for in subsection 3 of**
21 **section 478.513; and**

22 **(5) One commissioner position shall be transferred and converted to an associate**
23 **circuit judge position in the fortieth judicial circuit as provided for in section 478.713.**

24 **2. In circuits where there is more than one county, the county with the largest**
25 **population will receive the new converted associate circuit judge as provided in this section.**

 478.464. 1. In the sixteenth judicial circuit, associate circuit divisions shall hereafter be
2 numbered beginning with the number 25:

- 3 (1) Division 101 shall hereafter be division 25;
- 4 (2) Division 102 shall hereafter be division 26;
- 5 (3) Division 103 shall hereafter be division 27;
- 6 (4) Division 104 shall hereafter be division 28;
- 7 (5) Division 105 shall hereafter be division 29;
- 8 (6) Division 106 shall hereafter be division 30;
- 9 (7) Division 107 shall hereafter be division 31; and
- 10 (8) Division 108 shall hereafter be division 32.

11 2. Twelve months after construction of two new courtrooms in Independence is
12 completed, there shall be one additional associate circuit judge in the sixteenth judicial circuit,
13 to be known as division 33. The presiding judge of such circuit shall certify to the state of
14 administration office the actual date of completion of said construction.

15 **3. Upon the conversion of a commissioner position to an associate circuit judge**
16 **position for the sixteenth judicial circuit as set forth in section 478.325, there shall be one**
17 **additional associate circuit judge in the sixteenth judicial circuit, to be known as division**
18 **34.**

19 **4.** Divisions 25, 26, 27, 29, and 31 shall sit in Kansas City and divisions 28, 30, 32, [and]
20 **33, and 34** shall sit in Independence.

 478.513. 1. There shall be five circuit judges in the thirty-first judicial circuit consisting
2 of the county of Greene. These judges shall sit in divisions numbered one, two, three, four and
3 five.

4 2. The circuit judge in division three shall be elected in 1980. The circuit judges in
5 divisions one, four and five shall be elected in 1982. The circuit judge in division two shall be
6 elected in 1984.

7 **3. Upon the conversion of a commissioner position to an associate circuit judge**
8 **position for the thirty-first judicial circuit as set forth in section 478.325, there shall be one**
9 **additional associate circuit judge in the thirty-first judicial circuit.**

 478.575. 1. Beginning January 1, 2011, there shall be two circuit judges in the
2 **thirty-eighth judicial circuit consisting of the counties of Christian and Taney. The judges**

3 shall sit in divisions numbered one and two. Division one shall sit in Christian County and
4 division two shall sit in Taney County.

5 **2. The circuit judge sitting as the only circuit judge in the thirty-eighth judicial**
6 **circuit prior to the election of the circuit judge for division two under subsection 3 of this**
7 **section shall, beginning January 1, 2011, be the circuit judge in division one and shall hold**
8 **office for the remainder of the term to which he or she was elected or appointed, and until**
9 **his or her successor is elected and qualified.**

10 **3. The circuit judge in division two shall be elected in 2010.**

478.630. 1. There shall be two circuit judges in the twentieth judicial circuit consisting
2 of the counties of Franklin, Gasconade and Osage. These judges shall sit in divisions numbered
3 one and two.

4 2. The circuit judge in division two shall be elected in 1980. The circuit judge in
5 division one shall be elected in 1982.

6 **3. Upon the conversion of a commissioner position to an associate circuit judge**
7 **position for the twentieth judicial circuit as set forth in section 478.325, there shall be one**
8 **additional associate circuit judge in the twentieth judicial circuit.**

478.713. Upon the conversion of a commissioner position to an associate circuit
2 **judge position for the fortieth judicial circuit as set forth in section 478.325, there shall be**
3 **one additional associate circuit judge to sit in Newton County in the fortieth judicial circuit**
4 **consisting of the counties of McDonald and Newton.**

479.080. 1. In the prosecution of violations of municipal ordinances before a municipal
2 judge, all fines and costs shall be paid to and deposited not less frequently than monthly into the
3 municipal treasury.

4 2. In the prosecution of violations of municipal ordinances before an associate circuit
5 judge, all fines shall be paid to and deposited not less frequently than monthly into the municipal
6 treasury and all court costs shall be accounted for and remitted to the state treasury in the same
7 manner as provided by law for costs in misdemeanor cases.

8 3. The supreme court by administrative rule may provide for uniform procedure, and
9 reporting forms for the collection and transmittal of fines and costs. Until modified or otherwise
10 provided by such administrative rule, the municipal judge, or associate circuit judge hearing and
11 determining violations of municipal ordinances, shall cause the clerk serving [his] **the judge's**
12 division, within the first ten days of every month, to [make out a list of all the cases heard or tried
13 before the judge] **provide the total number of cases filed, heard, or tried before the judge**
14 **and total cases disposed** during the preceding month, giving in each case the name of the
15 defendant, the fine imposed, if any, the amount of costs, the names of defendants committed and
16 the cases in which there was an application for trial de novo, respectively. Such clerk or the
17 judge shall verify such lists and statements by affidavit, and file the same forthwith with the clerk
18 of the municipality, who shall lay the same before the governing body or the municipality at its

19 first session thereafter. The official collecting fines shall, within the ten days aforesaid, pay to
20 the municipal treasurer the full amount of all fines collected by him during the preceding month
21 if not previously paid to the municipal treasurer.

479.260. 1. Municipalities by ordinance may provide for fees in an amount per case to
2 be set pursuant to sections 488.010 to 488.020, RSMo, for each municipal ordinance violation
3 case filed before a municipal judge, and in the event a defendant pleads guilty or is found guilty,
4 the judge may assess costs against the defendant except in those cases where the defendant is
5 found by the judge to be indigent and unable to pay the costs. **In the event the case is dismissed
6 before the defendant pleads guilty or is found guilty, the municipal judge may assess
7 municipal court costs as determined by section 488.012, RSMo, against the defendant if the
8 defendant consents to paying the costs except in those cases where the defendant is found
9 by the judge to be indigent and unable to pay the costs.** The fees authorized in this
10 subsection are in addition to service charges, witness fees and jail costs that may otherwise be
11 authorized to be assessed, but are in lieu of other court costs. The fees provided by this
12 subsection shall be collected by the municipal division clerk in municipalities electing or
13 required to have violations of municipal ordinances tried before a municipal judge pursuant to
14 section 479.020, or to employ judicial personnel pursuant to section 479.060, and disbursed as
15 provided in subsection 1 of section 479.080. Any other court costs required in connection with
16 such cases shall be collected and disbursed as provided in sections 488.010 to 488.020, RSMo;
17 provided that, each municipal court may establish a judicial education fund in an account under
18 the control of the municipal court to retain one dollar of the fees collected on each case and to
19 use the fund only to pay for:

20 (1) The continuing education and certification required of the municipal judges by law
21 or supreme court rule; and

22 (2) Judicial education and training for the court administrator and clerks of the municipal
23 court.

24

25 Provided further, that no municipal court shall retain more than one thousand five hundred
26 dollars in the fund for each judge, administrator or clerk of the municipal court. Any excess
27 funds shall be transmitted quarterly to the general revenue fund of the county or municipal
28 treasury.

29 2. In municipal ordinance violation cases which are filed in the associate circuit division
30 of the circuit court, fees shall be assessed in each case in an amount to be set pursuant to sections
31 488.010 to 488.020, RSMo. In the event a defendant pleads guilty or is found guilty, the judge
32 shall assess costs against the defendant except in those cases where the defendant is found by the
33 judge to be indigent and unable to pay the costs. In the event a defendant is acquitted or the case
34 is dismissed, the judge shall not assess costs against the municipality. The costs authorized in
35 this subsection are in addition to service charges, witness fees and jail costs that may otherwise

36 be authorized to be assessed, but are in lieu of other court costs. The costs provided by this
37 subsection shall be collected by the municipal division clerk in municipalities electing or
38 required to have violations of municipal ordinances tried before a municipal judge pursuant to
39 section 479.020, or to employ judicial personnel pursuant to section 479.060, and disbursed as
40 provided in subsection 2 of section 479.080. Any other court costs required in connection with
41 such cases shall be collected and disbursed as provided in sections 488.010 to 488.020, RSMo.

42 3. A municipality, when filing cases before an associate circuit judge, shall not be
43 required to pay fees.

44 4. No fees for a judge, city attorney or prosecutor shall be assessed as costs in a
45 municipal ordinance violation case.

46 5. In municipal ordinance violation cases, when there is an application for a trial de
47 novo, there shall be an additional fee in an amount to be set pursuant to sections 488.010 to
48 488.020, RSMo, which shall be assessed in the same manner as provided in subsection 2 of this
49 section.

50 6. Municipalities by ordinance may provide for a schedule of costs to be paid in
51 connection with pleas of guilty which are processed in a traffic violations bureau. If a
52 municipality files its municipal ordinance violation cases before a municipal judge, such costs
53 shall not exceed the court costs authorized by subsection 1 of this section. If a municipality files
54 its municipal ordinance violations cases in the associate circuit division of the circuit court, such
55 costs shall not exceed the court costs authorized by subsection 2 of this section.

485.077. 1. No judge of any court in this state shall appoint an official court reporter
2 who is not a court reporter certified by the board of certified court reporter examiners, as
3 provided in Supreme Court Rule 14. In the absence of an official court reporter due to illness,
4 physical incapacity, death, dismissal or resignation, a judge may appoint a temporary court
5 reporter, but such temporary court reporter shall not serve more than six months without
6 obtaining a certificate pursuant to the provisions of Supreme Court Rule 14.

7 2. No testimony taken in this state by deposition shall be given in any court in this state,
8 and no record on appeal from an administrative agency of this state shall include testimony taken
9 in this state by deposition, unless the deposition is prepared and certified by a certified court
10 reporter, except as provided in Supreme Court Rule 57.03(c).

11 3. Deposition testimony taken outside the state shall be deemed to be in conformity with
12 this section if the testimony was prepared and certified by a court reporter authorized to prepare
13 and certify deposition testimony in the jurisdiction in which the testimony was taken.

14 4. This section shall not apply to depositions taken in this state in connection with cases
15 not pending in a Missouri state court or administrative agency at the time the deposition was
16 taken.

17 [5. A deposition prepared by a person who is not a certified court reporter may be used
18 to give testimony in any court in this state under the following circumstances:

19 (1) All parties must consent in writing to using an uncertified court reporter prior to the
20 deposition. Such consent shall be filed as a memo with the court no later than seven days prior
21 to the date of the deposition unless the time is shortened by the court;

22 (2) All parties involved in any cause of action wherein the deposition is to be used certify
23 by their signatures or by the signatures of their attorneys that such deposition is a true and correct
24 copy of the testimony given;

25 (3) The uncertified court reporter shall state on the record that he or she is an uncertified
26 court reporter appearing by consent of the parties;

27 (4) The uncertified court reporter shall keep a voice recording of the deposition for two
28 years. Upon written request by a party, a copy of the voice recording shall be provided to the
29 requesting party within fourteen days;

30 (5) The uncertified court reporter shall have made application for the certified court
31 reporter examination and shall have paid all required application fees;

32 (6) The notice of deposition shall contain a statement that an uncertified court reporter
33 will be used. Such statement shall be in bold fourteen typeface on the notice; and

34 (7) An uncertified court reporter granted privileges under this subsection shall be deemed
35 operating under a temporary certificate.

36 6. The provisions of subsection 5 of this section shall expire on December 31, 2012.]

487.020. 1. In each circuit or a county having a family court, a majority of the circuit
2 and associate circuit judges en banc, in the circuit, may appoint commissioners, subject to
3 appropriations, to hear family court cases and make findings as provided for in sections 487.010
4 to 487.190. Any person serving as a commissioner of the juvenile division of the circuit court
5 on August 28, 1993, shall become a commissioner of the family court. In each circuit or a
6 county therein having a family court, a majority of the circuit and associate circuit judges en banc
7 may appoint, in addition to those commissioners serving as commissioners of the juvenile
8 division and becoming commissioners of the family court pursuant to the provisions of sections
9 487.020 to 487.040, no more than three additional commissioners to hear family court cases and
10 make findings and recommendations as provided in sections 487.010 to 487.190. The number
11 of additional commissioners added as a result of the provisions of sections 487.010 to 487.190
12 may be appointed only to the extent that the state is reimbursed for the salaries of the
13 commissioners as provided in sections 487.010 to 487.190 or by federal or county funds or by
14 gifts or grants made for such purposes. A commissioner shall be appointed for a term of four
15 years. Commissioners appointed pursuant to sections 487.020 to 487.040 shall serve in addition
16 to circuit judges, associate circuit court judges and commissioners authorized to hear actions
17 classified under section 487.080.

18 2. The circuit court in the eleventh judicial circuit may, in substitution of a family court
19 commissioner currently appointed pursuant to this section whose salary is reimbursable, appoint
20 one family court commissioner whose compensation shall be payable by the state without

21 necessity of reimbursement. The provisions of this subsection shall not be construed to allow
22 appointment of a family court commissioner in addition to the number of such family court
23 commissioners holding office in the eleventh judicial circuit as of January 1, 1999, and the
24 appointment of the state-paid commissioner shall be subject to appropriations for such purpose.

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

29 **4. In each circuit or a county having a family court established under this chapter**
30 **and a drug court commissioner appointed under chapter 478, RSMo, a majority of the**
31 **circuit and associate circuit judges en banc, in the circuit, may appoint the drug court**
32 **commissioner, if available and needed, to serve additional duty as a family court**
33 **commissioner at no additional compensation. Such drug court commissioner shall meet**
34 **all of the qualifications and possess all of the powers of a regular family court**
35 **commissioner under this chapter in all cases in which such commissioner is sitting as a**
36 **family court commissioner.**

488.006. For any infraction, unless otherwise provided by law, all court costs, fees,
2 **surcharges, and other miscellaneous charges shall be assessed in the same manner and**
3 **amount as a misdemeanor.**

488.012. 1. Beginning July 1, 1997, the clerk of each court of this state responsible for
2 collecting court costs shall collect the court costs authorized by statute, in such amounts as are
3 authorized by supreme court rule adopted pursuant to sections 488.010 to 488.020. Court costs
4 due and payable prior to July 1, 1997, shall not be affected by the adoption of this rule.

5 2. The supreme court shall set the amount of court costs authorized by statute, at levels
6 to produce revenue which shall not substantially exceed the total of the proportion of the costs
7 associated with administration of the judicial system defrayed by fees, miscellaneous charges and
8 surcharges.

9 3. Prior to adjustment by the supreme court, the following fees, costs and charges shall
10 be collected:

11 (1) Five dollars for the filing of a lien, pursuant to section 429.090, RSMo;

12 (2) Ten dollars for maintaining child support enforcement records, pursuant to section
13 452.345, RSMo;

14 (3) Ten dollars for a notice to a judgment creditor of a distributee, pursuant to section
15 473.618, RSMo;

16 (4) Three dollars for receiving and keeping a will, pursuant to section 474.510, RSMo;

17 (5) Seven dollars for the statewide court automation fund, pursuant to section 476.053,
18 RSMo;

19 (6) Twelve dollars for municipal court costs, fifteen dollars for municipal ordinance
20 violations filed before an associate circuit judge and thirty dollars for applications for a trial de
21 novo of a municipal ordinance violation, pursuant to section 479.260, RSMo;

22 (7) Five dollars for small claims court cases where less than one hundred dollars is in
23 dispute, and ten dollars in all other small claims court cases, pursuant to section 482.345, RSMo;

24 (8) Fifty dollars for appeals, pursuant to section 483.500, RSMo;

25 (9) Fifteen dollars in misdemeanor cases where there is no application for trial de novo,
26 pursuant to section 483.530, RSMo;

27 (10) Forty-five dollars for applications for a trial de novo for misdemeanor cases,
28 pursuant to section 483.530, RSMo;

29 (11) Fifteen dollars for each preliminary hearing in felony cases, pursuant to section
30 483.530, RSMo;

31 (12) Thirty dollars for each information or indictment filed in felony cases, pursuant to
32 section 483.530, RSMo;

33 (13) Fifteen dollars for each associate circuit court case filed, and one dollar for each
34 additional summons issued in such cases, pursuant to section 483.530, RSMo;

35 (14) Forty-five dollars for applications for trial de novo from small claims court and
36 associate circuit court and forty-five dollars for filing of other cases, pursuant to section 483.530,
37 RSMo;

38 (15) One dollar and fifty cents for a certificate of naturalization, pursuant to section
39 483.535, RSMo;

40 (16) When letters are applied for in probate proceedings, pursuant to section 483.580,
41 RSMo, when the value of the estate is:

- 42 (a) Less than \$10,000 \$75.00
- 43 (b) From \$10,000 to \$25,000 115.00
- 44 (c) From \$25,000 to \$50,000 155.00
- 45 (d) From \$50,000 to \$100,000 245.00
- 46 (e) From \$100,000 to \$500,000 305.00
- 47 (f) More than \$500,000 365.00;

48 (17) Thirty dollars for each additional twelve months a decedent's estate remains open,
49 pursuant to section 483.580, RSMo;

50 (18) In proceedings regarding guardianships and conservatorships, pursuant to section
51 483.580, RSMo:

- 52 (a) Twenty-five dollars for each grant of letters for guardianship of a minor;
- 53 (b) Fifty dollars for each grant of letters for guardianship of an incapacitated person;
- 54 (c) Sixty dollars for each grant of letters for guardianship of the person and
55 conservatorship of the estate of a minor;

56 (d) Twenty-five dollars for each additional twelve months a conservatorship of a minor's
57 estate case remains open;

58 (e) Seventy-five dollars for each grant of letters in guardianship and conservatorship of
59 incapacitated persons and their estates;

60 (f) Thirty dollars for each additional twelve months an incapacitated person's case
61 remains open;

62 (19) Fifteen dollars for issuing orders refusing to grant letters to a spouse or an
63 unmarried minor child and thirty dollars for a certified copy of such orders, pursuant to section
64 483.580, RSMo;

65 (20) In probate proceedings, pursuant to section 483.580, RSMo:

66 (a) Thirty-five dollars for the collection of small estates;

67 (b) Thirty-five dollars for involuntary hospitalization proceedings;

68 (c) Thirty dollars for proceedings to determine heirship;

69 (d) Fifteen dollars for assessment of estate taxes where no letters are granted;

70 (e) Fifty dollars for proceedings for the sale of real estate by a nonresident conservator;

71 (f) Forty dollars for proceedings to dispense with administration;

72 (g) Twenty dollars for proceedings to dispense with conservatorship;

73 (h) Twenty-five dollars for admitting a will to probate;

74 (i) One dollar per copied page and one dollar and fifty cents per certificate;

75 (21) One dollar and fifty cents per page for testimony transcription, pursuant to section
76 485.100, RSMo;

77 (22) Fifteen dollars for court reporters, pursuant to section 485.120, RSMo;

78 (23) Three dollars for witness fees per day, and four dollars when the witness must travel
79 to another county, pursuant to section 491.280, RSMo;

80 **(24) Three dollars for the circuit clerk's record preservation fund under section**
81 **488.075.**

488.075. 1. In addition to all other court costs provided by law, in all civil cases
2 **filed in the circuit courts of this state and in all criminal cases, including violations of any**
3 **municipal or county ordinance heard by an associate circuit judge, or any violation of**
4 **criminal traffic laws of this state, including an infraction, a fee in the amount of three**
5 **dollars shall be assessed as costs under subdivision (24) of subsection 3 of section 488.012;**
6 **except that, no such fee shall be collected in any proceeding involving a violation of an**
7 **ordinance or state law when a criminal proceeding or defendant has been dismissed by the**
8 **court or when costs are waived or are paid by the state, county, or municipality.**

9 **2. Two dollars of each fee collected by the clerks of the court under this section**
10 **shall be retained by the circuit clerk and deposited in a circuit clerk fund to be used for**
11 **record storage, microfilming, preservation, and public access of circuit court records,**
12 **including anything necessarily pertaining thereto. The circuit clerk's record preservation**

13 **fund shall be budgeted and expended by the circuit clerk and shall not be used to substitute**
14 **for or subsidize any allocation of general revenue for the operation of the circuit clerk's**
15 **office without the express consent of the circuit clerk. The circuit clerk's record**
16 **preservation fund may be audited by the appropriate auditing agency, and any**
17 **unexpended balance shall be left in the fund to accumulate from year-to-year with interest.**

18 **3. One dollar of each fee collected by the clerks of the court under this section shall**
19 **be forwarded to the office of the secretary of state to be utilized for additional preservation**
20 **of local records. The state treasurer and the commissioner of administration shall establish**
21 **an appropriate account within the state treasury and in accordance with the state's**
22 **accounting methods.**

488.5032. In the event a criminal case is dismissed in a circuit court in this state
2 **before the defendant pleads guilty or is found guilty, the circuit judge may assess costs as**
3 **determined by section 488.012, RSMo, against any defendant if the defendant consents to**
4 **paying the costs except in those cases where the defendant is found by the judge to be**
5 **indigent and unable to pay the costs.**

517.041. 1. The process in all cases shall be a summons with a copy of the petition of
2 the plaintiff attached, directed to the sheriff or other proper person for service on the defendant.
3 The summons shall command the defendant to appear before the court on a date and time, not
4 less than ten days nor more than [thirty] **sixty** days from the date of service of the summons.

5 2. If process is not timely served, the plaintiff may request further process be issued to
6 any defendant not timely served with the case being continued, or the plaintiff may dismiss as
7 to any such defendant and proceed with the case.

8 3. A petition filed which states a claim or claims that in the aggregate exceeds the
9 jurisdictional limit of the division shall be certified to presiding judge for assignment.

535.030. 1. Such summons shall be served as in other civil cases at least four days
2 before the court date in the summons. The summons shall include a court date which shall not
3 be more than twenty-one business days from the date the summons is issued unless at the time
4 of filing the affidavit the plaintiff or plaintiff's attorney consents in writing to a later date.

5 2. In addition to attempted personal service, the plaintiff may request, and thereupon the
6 clerk of the court shall make an order directing that the officer, or other person empowered to
7 execute the summons, shall also serve the same by securely affixing a copy of such summons and
8 the complaint in a conspicuous place on the dwelling of the premises in question at least ten days
9 before the court date in such summons, and by also mailing a copy of the summons and
10 complaint to the defendant at the defendant's last known address by ordinary mail at least ten
11 days before the court date. If the officer, or other person empowered to execute the summons,
12 shall return that the defendant is not found, or that the defendant has absconded or vacated his
13 or her usual place of abode in this state, and if proof be made by affidavit of the posting and of
14 the mailing of a copy of the summons and complaint, the judge shall at the request of the plaintiff

15 proceed to hear the case as if there had been personal service, and judgment shall be rendered
16 and proceedings had as in other cases, except that no money judgment shall be granted the
17 plaintiff where the defendant is in default and service is by the posting and mailing procedure
18 set forth in this section.

19 3. If the plaintiff does not request service of the original summons by posting and
20 mailing as provided in subsection 2 of this section, and if the officer, or other person empowered
21 to execute the summons, makes return that the defendant is not found, or that the defendant has
22 absconded or vacated the defendant's usual place of abode in this state, the plaintiff may request
23 the issuance of an alias summons and service of the same by posting and mailing in the time and
24 manner provided in subsection 2 of this section. In addition, the plaintiff or an agent of the
25 plaintiff who is at least eighteen years of age may serve the summons by posting and mailing a
26 copy of the summons in the time and manner provided in subsection 2 of this section. Upon
27 proof by affidavit of the posting and of the mailing of a copy of the summons or alias summons
28 and the complaint, the judge shall proceed to hear the case as if there had been personal service,
29 and judgment shall be rendered and proceedings had as in other cases, except that no money
30 judgment shall be granted the plaintiff where the defendant is in default and service is by the
31 posting and mailing procedure provided in subsection 2 of this section.

32 4. On the date judgment is rendered as provided in this section where the defendant is
33 in default, the clerk of the court shall mail to the defendant at the defendant's last known address
34 by [certified mail, with a request for return receipt and with directions to deliver to the addressee
35 only,] **ordinary mail** a notice informing the defendant of the judgment and the date it was
36 entered, and stating that the defendant has ten days from the date of the judgment to file a motion
37 to set aside the judgment or to file an application for a trial de novo in the circuit court, as the
38 case may be, and that unless the judgment is set aside or an application for a trial de novo is filed
39 within ten days, the judgment will become final and the defendant will be subject to eviction
40 from the premises without further notice.

535.120. Whenever [a half year's] **one month's** rent or more is in arrear from a tenant,
2 the landlord, if he has a subsisting right by law to reenter for the nonpayment of such rent, may
3 bring an action to recover the possession of the demised premises.

**537.055. In any action to recover damages arising out of the ownership, common
2 maintenance, or operation of a motor vehicle, the fact that one of the parties was operating
3 a motorcycle shall not, in and of itself, be considered evidence of comparative negligence.**

566.226. 1. After August 28, 2007, any information contained in any court record,
2 whether written or [published on the Internet] **in electronic format**, that could be used to
3 identify or locate any victim of **the following crimes:** sexual assault, domestic assault, stalking,
4 or [forcible rape] **any other violation of this chapter or chapter 568, RSMo**, shall be [closed
5 and] redacted from such record prior to disclosure to the public **if filed prior to January 1,**

6 **2010. Beginning January 1, 2010, the identifying information as defined in this section**
7 **shall be retained on a confidential case filing sheet.**

8 **2. Identifying information shall include the name, home or temporary address, telephone**
9 **number, or Social Security number [or physical characteristics] of any victim of the following**
10 **crimes: sexual assault, domestic assault, stalking, or any other violation of this chapter or**
11 **chapter 568, RSMo, but not the named party in civil litigation.**

12 [2.] **3. If the court determines that a person or entity who is requesting identifying**
13 **information of a victim has a legitimate interest in obtaining such information, the court may**
14 **allow access to the information, but only if the court determines that disclosure to the person or**
15 **entity would not compromise the welfare or safety of such victim.**

16 **4. Nothing in this section shall be construed to permit or be the basis of permitting**
17 **the identifying information of a perpetrator of a sexual assault, domestic assault, stalking,**
18 **or forcible rape to be redacted from an otherwise public record.**

630.407. 1. The department may recognize providers as administrative entities under
2 the following circumstances:

3 (1) Vendors operated or funded pursuant to sections 205.975 to 205.990, RSMo;

4 (2) Vendors operated or funded pursuant to sections 205.968 to 205.973, RSMo;

5 (3) Providers of a consortium of treatment services to the clients of the division of
6 comprehensive psychiatric services as an agent of the division in a service area, except that such
7 providers may not exceed thirty-six in number;

8 **(4) Providers of targeted case management to the clients of the division of**
9 **developmental disabilities as an agent of the division in a defined region.**

10 2. Notwithstanding any other provision of law to the contrary, the department may
11 contract directly with vendors recognized as administrative entities without competitive bids.

12 3. Notwithstanding any other provision of law to the contrary, the commissioner of
13 administration shall delegate the authority to administrative entities which are state facilities to
14 subcontract with other vendors in order to provide a full consortium of treatment services for the
15 service area.

16 4. When state contracts allow, the department may authorize administrative entities to
17 use state contracts for pharmaceuticals or other medical supplies for the purchase of these items.

18 5. A designation as an administrative entity does not entitle a provider to coverage under
19 sections 105.711 to 105.726, RSMo, the state legal expense fund, or other state statutory
20 protections or requirements.

21 6. The department shall promulgate regulations within twelve months of August 28,
22 1990, regulating the manner in which they will contract and designate and revoke designations
23 of providers under this section. Such regulations shall not be required when the parties to such
24 contracts are both governmental entities.

2 **Section 1. Notwithstanding any other provision of law to the contrary, in any**
 3 **proceeding for modification of child support, the state or any political subdivision of the**
 4 **state shall not be required to represent any party to such proceeding if such party's income**
 5 **equals or exceeds three hundred percent of the federal poverty level.**

2 **Section 2. In all proceedings for the modification of child support where the state**
 3 **is a party, the court may, upon motion, award court costs and reasonable attorney fees to**
 4 **the state.**

2 [452.440. Sections 452.440 to 452.550 may be cited as the "Uniform
 3 Child Custody Jurisdiction Act".]

2 [452.445. As used in sections 452.440 to 452.550:

2 (1) "Custody determination" means a court decision and court orders and
 3 instructions providing for the custody of a child, including visitation rights. This
 4 term does not include a decision relating to child support or any other monetary
 5 obligation of any person; but the court shall have the right in any custody
 6 determination where jurisdiction is had pursuant to section 452.460 and where
 7 it is in the best interest of the child to adjudicate the issue of child support;

8 (2) "Custody proceeding" includes proceedings in which a custody
 9 determination is one of several issues, such as an action for dissolution of
 10 marriage, legal separation, separate maintenance, appointment of a guardian of
 11 the person, child neglect or abandonment, but excluding actions for violation of
 12 a state law or municipal ordinance;

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

16 (4) "Home state" means the state in which, immediately preceding the
 17 filing of custody proceeding, the child lived with his parents, a parent, an
 18 institution; or a person acting as parent, for at least six consecutive months; or,
 19 in the case of a child less than six months old, the state in which the child lived
 20 from birth with any of the persons mentioned. Periods of temporary absence of
 21 any of the named persons are counted as part of the six-month or other period;

22 (5) "Initial decree" means the first custody decree concerning a particular
 23 child;

24 (6) "Litigant" means a person, including a parent, grandparent, or
 25 step-parent, who claims a right to custody or visitation with respect to a child.]
 26

2 [452.450. 1. A court of this state which is competent to decide child
 3 custody matters has jurisdiction to make a child custody determination by initial
 4 or modification decree if:

4 (1) This state:

5 (a) Is the home state of the child at the time of commencement of the
 6 proceeding; or

- 7 (b) Had been the child's home state within six months before
- 8 commencement of the proceeding and the child is absent from this state for any
- 9 reason, and a parent or person acting as parent continues to live in this state; or
- 10 (2) It is in the best interest of the child that a court of this state assume
- 11 jurisdiction because:
- 12 (a) The child and his parents, or the child and at least one litigant, have
- 13 a significant connection with this state; and
- 14 (b) There is available in this state substantial evidence concerning the
- 15 child's present or future care, protection, training, and personal relationships; or
- 16 (3) The child is physically present in this state and:
- 17 (a) The child has been abandoned; or
- 18 (b) It is necessary in an emergency to protect the child because he has
- 19 been subjected to or threatened with mistreatment or abuse, or is otherwise being
- 20 neglected; or
- 21 (4) It appears that no other state would have jurisdiction under
- 22 prerequisites substantially in accordance with subdivision (1), (2), or (3), or
- 23 another state has declined to exercise jurisdiction on the ground that this state is
- 24 the more appropriate forum to determine the custody of the child, and it is in the
- 25 best interest of the child that this court assume jurisdiction.
- 26 2. Except as provided in subdivisions (3) and (4) of subsection 1 of this
- 27 section, physical presence of the child, or of the child and one of the litigants, in
- 28 this state is not sufficient alone to confer jurisdiction on a court of this state to
- 29 make a child custody determination.
- 30 3. Physical presence of the child, while desirable, is not a prerequisite for
- 31 jurisdiction to determine his custody.]

32 [452.455. 1. Any petition for modification of child custody decrees filed

2 under the provisions of section 452.410, or sections 452.440 to 452.450, shall be

3 verified and, if the original proceeding originated in the state of Missouri, shall

4 be filed in that original case, but service shall be obtained and responsive

5 pleadings may be filed as in any original proceeding.

6 2. Before making a decree under the provisions of section 452.410, or

7 sections 452.440 to 452.450, the litigants, any parent whose parental rights have

8 not been previously terminated, and any person who has physical custody of the

9 child must be served in the manner provided by the rules of civil procedure and

10 applicable court rules and may within thirty days after the date of service

11 (forty-five days if service by publication) file a verified answer. If any of these

12 persons is outside this state, notice and opportunity to be heard shall be given

13 pursuant to section 452.460.

14 3. In any case in which the paternity of a child has been determined by

15 a court of competent jurisdiction and where the noncustodial parent is delinquent

16 in the payment of child support in an amount in excess of ten thousand dollars,

17 the custodial parent shall have the right to petition a court of competent

18 jurisdiction for the termination of the parental rights of the noncustodial parent.

19 4. When a person filing a petition for modification of a child custody

20 decree owes past due child support to a custodial parent in an amount in excess

21 of ten thousand dollars, such person shall post a bond in the amount of past due
22 child support owed as ascertained by the division of child support enforcement
23 or reasonable legal fees of the custodial parent, whichever is greater, before the
24 filing of the petition. The court shall hold the bond in escrow until the
25 modification proceedings pursuant to this section have been concluded wherein
26 such bond shall be transmitted to the division of child support enforcement for
27 disbursement to the custodial parent.]
28

[452.460. 1. The notice required for the exercise of jurisdiction over a
2 person outside this state shall be given in a manner reasonably calculated to give
3 actual notice, and may be given in any of the following ways:

4 (1) By personal delivery outside this state in the manner prescribed for
5 service of process within this state;

6 (2) In the manner prescribed by the law of the place in which the service
7 is made for service of process in that place in an action in any of its courts of
8 general jurisdiction;

9 (3) By certified or registered mail; or

10 (4) As directed by the court, including publication, if any other means of
11 notification are ineffective.

12 2. Proof of service outside this state may be made by affidavit of the
13 individual who made the service, or in the manner prescribed by the law of this
14 state, the order pursuant to which the service is made, or the law of the place in
15 which the service is made. If service is made by mail, proof of service may be
16 a receipt signed by the addressee or other evidence of delivery to the addressee.

17 3. The notice provided for in this section is not required for a person who
18 submits to the jurisdiction of the court.]
19

[452.465. 1. A court of this state shall not exercise its jurisdiction under
2 sections 452.440 to 452.550 if, at the time of filing the petition, a proceeding
3 concerning the custody of the child was pending in a court of another state
4 exercising jurisdiction substantially in conformity with sections 452.440 to
5 452.550, unless the proceeding is stayed by the court of that other state for any
6 reason.

7 2. Before hearing the petition in a custody proceeding, the court shall
8 examine the pleadings and other information supplied by the parties under section
9 452.480 and shall consult the child custody registry established under section
10 452.515 concerning the pendency of proceedings with respect to the child in
11 other states. If the court has reason to believe that proceedings may be pending
12 in another state, it shall direct an inquiry to the state court administrator or other
13 appropriate official of that state.

14 3. If the court is informed during the course of the proceeding that a
15 proceeding concerning the custody of the child was pending in another state
16 before the court assumed jurisdiction, it shall stay the proceeding and
17 communicate with the court in which the other proceeding is pending in order
18 that the issue may be litigated in the more appropriate forum and that information
19 may be exchanged in accordance with sections 452.530 to 452.550. If a court of

20 this state has made a custody decree before being informed of a pending
21 proceeding in a court of another state, it shall immediately inform that court of
22 the fact. If the court is informed that a proceeding was commenced in another
23 state after it assumed jurisdiction, it shall likewise inform the other court in order
24 that the issues may be litigated in the more appropriate forum.]
25

[452.470. 1. A court which has jurisdiction under this act to make an
2 initial or modification decree may decline to exercise its jurisdiction any time
3 before making a decree if it finds that it is an inconvenient forum to make a
4 custody determination under the circumstances of the case and that a court of
5 another state is a more appropriate forum.

6 2. A finding that a court is an inconvenient forum under subsection 1
7 above may be made upon the court's own motion or upon the motion of a party
8 or a guardian ad litem or other representative of the child. In determining if it is
9 an inconvenient forum, the court shall consider if it is in the interest of the child
10 that another state assume jurisdiction.

11 3. Before determining whether to decline or retain jurisdiction the court
12 may communicate with a court of another state and exchange information
13 pertinent to the assumption of jurisdiction by either court, with a view to assuring
14 that jurisdiction will be exercised by the more appropriate court and that a forum
15 will be available to the parties.

16 4. If the court finds that it is an inconvenient forum and that a court of
17 another state is a more appropriate forum, it may dismiss the proceedings, or it
18 may stay the proceedings upon condition that a custody proceeding be promptly
19 commenced in another named state or upon any other conditions which may be
20 just and proper, including the condition that a moving party stipulate his consent
21 and submission to the jurisdiction of the other forum.

22 5. The court may decline to exercise its jurisdiction under this act if a
23 custody determination is incidental to an action for dissolution of marriage or
24 another proceeding while retaining jurisdiction over the dissolution of marriage
25 or other proceeding.

26 6. If it appears to the court that it is clearly an inappropriate forum, it may
27 require the party who commenced the proceedings to pay, in addition to the costs
28 of the proceedings in this state, necessary travel and other expenses, including
29 attorneys' fees, incurred by other parties or their witnesses. Payment is to be
30 made to the clerk of the court for remittance to the proper party.

31 7. Upon dismissal or stay of proceedings under this section, the court
32 shall inform the court found to be the more appropriate forum of this fact or, if
33 the court which would have jurisdiction in the other state is not certainly known,
34 shall transmit the information to the court administrator or other appropriate
35 official for forwarding to the appropriate court.

36 8. Any communication received from another state informing this state
37 of a finding that a court of this state is the more appropriate forum shall be filed
38 in the custody registry of the appropriate court. Upon assuming jurisdiction the
39 court of this state shall inform the original court of this fact.]
40

2 [452.475. 1. If the petitioner for an initial decree has wrongfully taken
3 the child from another state or has engaged in similar reprehensible conduct, the
4 court may decline to exercise jurisdiction if this is just and proper under the
5 circumstances.

6 2. Unless required in the interest of the child, the court shall not exercise
7 its jurisdiction to modify a custody decree of another state if the petitioner,
8 without consent of the person entitled to custody, has improperly removed the
9 child from the physical custody of the person entitled to custody or has
10 improperly retained the child after a visit or other temporary relinquishment of
11 physical custody. If the petitioner has violated any other provision of a custody
12 decree of another state, the court may decline to exercise its jurisdiction if this is
13 just and proper under the circumstances.

14 3. In appropriate cases a court dismissing a petition under this section
15 may charge the petitioner with necessary travel and other expenses, including
16 attorneys' fees, incurred by other parties or their witnesses.]

2 [452.480. 1. In his first pleading, or in an affidavit attached to that
3 pleading, every party in a custody proceeding shall give information under oath
4 as to the child's present address, with whom the child is presently living and with
5 whom and where the child lived, other than on a temporary basis, within the past
6 six months. In this pleading or affidavit every party shall further declare under
7 oath whether:

8 (1) He has participated in any capacity in any other litigation concerning
9 the custody of the same child in this or any other state;

10 (2) He has information of any custody proceeding concerning the child
11 pending in a court of this or any other state; and

12 (3) He knows of any person not a party to the proceedings who has
13 physical custody of the child or claims to have custody or visitation rights with
14 respect to the child.

15 2. If the declaration as to any of the items listed in subdivisions (1)
16 through (3) of subsection 1 above is in the affirmative, the declarant shall give
17 additional information under oath as required by the court. The court may
18 examine the parties under oath as to details of the information furnished and as
19 to other matters pertinent to the court's jurisdiction and the disposition of the
20 case.

21 3. Each party has a continuing duty to inform the court of any change in
22 information required by subsection 1 of this section.]

2 [452.485. If the court learns from information furnished by the parties
3 pursuant to section 452.480 or from other sources that a person not a party to the
4 custody proceeding has physical custody of the child or claims to have custody
5 or visitation rights with respect to the child, it may order that person to be joined
6 as a party and to be duly notified of the pendency of the proceeding and of his
7 joinder as a party. If the person joined as a party is outside this state he shall be
8 served with process or otherwise notified in accordance with section 452.460.]

2 [452.490. 1. The court may order any party to the proceeding who is in
3 this state to appear personally before the court. If the court finds the physical
4 presence of the child in court to be in the best interests of the child, the court may
5 order that the party who has physical custody of the child appear personally with
6 the child.

7 2. If a party to the proceeding whose presence is desired by the court is
8 outside this state, with or without the child, the court may order that the notice
9 given under section 452.460 include a statement directing that party to appear
10 personally with or without the child.

11 3. If a party to the proceeding who is outside this state is directed to
12 appear under subsection 1 of this section or desires to appear personally before
13 the court with or without the child, the court may require another party to pay to
14 the clerk of the court travel and other necessary expenses of the party so
15 appearing and of the child, if this is just and proper under the circumstances.

16 4. If the court finds it to be in the best interest of the child that a guardian
17 ad litem be appointed, the court may appoint a guardian ad litem for the child.
18 The guardian ad litem so appointed shall be an attorney licensed to practice law
19 in the state of Missouri. Disqualification of a guardian ad litem shall be ordered
20 in any legal proceeding pursuant to this chapter, upon the filing of a written
21 application by any party within ten days of appointment. Each party shall be
22 entitled to one disqualification of a guardian ad litem appointed under this
23 subsection in each proceeding, except a party may be entitled to additional
24 disqualifications of a guardian ad litem for good cause shown. The guardian ad
25 litem may, for the purpose of determining custody of the child only, participate
26 in the proceedings as if such guardian ad litem were a party. The court shall enter
27 judgment allowing a reasonable fee to the guardian ad litem.

28 5. The court shall appoint a guardian ad litem in any proceeding in which
29 child abuse or neglect is alleged.]

2 [452.495. A custody decree rendered by a court of this state which had
3 jurisdiction under section 452.450 binds all parties who have been served in this
4 state or notified in accordance with section 452.460, or who have submitted to
5 the jurisdiction of the court, and who have been given an opportunity to be heard.
6 As to these parties the custody decree is conclusive as to all issues of law and fact
7 decided and as to the custody determination made, unless and until that
8 determination is modified pursuant to law, including the provisions of section
9 452.410 and sections 452.440 to 452.550.]

2 [452.500. The courts of this state shall recognize and enforce an initial
3 or modification decree of a court of another state which had assumed jurisdiction
4 under statutory provisions substantially in accordance with sections 452.440 to
5 452.550, or which was made under factual circumstances meeting the
6 jurisdictional standards of sections 452.440 to 452.550, so long as this decree has
7 not been modified in accordance with jurisdictional standards substantially
8 similar to those of sections 452.440 to 452.550.]

2 [452.505. If a court of another state has made a custody decree, a court
3 of this state shall not modify that decree unless it appears to the court of this state
4 that the court which rendered the decree does not now have jurisdiction under
5 jurisdictional prerequisites substantially in accordance with sections 452.440 to
6 452.550 or has declined to assume jurisdiction to modify the decree and the court
7 of this state has jurisdiction.]

2 [452.510. 1. A certified copy of a custody decree of another state may
3 be filed in the office of the clerk of any circuit court of this state. The clerk shall
4 treat the decree in the same manner as a custody decree of the circuit court of this
5 state. A custody decree so filed has the same effect and shall be enforced in like
6 manner as a custody decree rendered by a court of this state.

7 2. A person violating a custody decree of another state which makes it
8 necessary to enforce the decree in this state may be required to pay necessary
9 travel and other expenses, including attorneys' fees, incurred by the party entitled
10 to the custody or his witnesses.]

2 [452.515. The clerk of each circuit court shall maintain a registry in
3 which he shall enter the following:

- 4 (1) Certified copies of custody decrees of other states received for filing;
5 (2) Communications as to the pendency of custody proceedings in other
6 states;
7 (3) Communications concerning findings of inconvenient forum under
8 section 452.470 by a court of another state; and
9 (4) Other communications or documents concerning custody proceedings
10 in another state which in the opinion of the circuit judge may affect the
11 jurisdiction of a court of this state or the disposition to be made by it in a custody
12 proceeding.]

2 [452.520. The clerk of the circuit court of this state, at the request of the
3 court of another state or at the request of any person who is affected by or has a
4 legitimate interest in a custody decree, may, upon payment therefor, certify and
5 forward a copy of the decree to that court or person.]

2 [452.525. In addition to other procedural devices available to a party, any
3 party to the proceeding or a guardian ad litem or other representative of the child
4 may obtain the testimony of witnesses, including parties and the child, by
5 deposition or otherwise, in another state. The court on its own motion may direct
6 that the testimony of a person be taken in another state and may prescribe the
7 manner in which and the terms upon which the testimony shall be taken.]

2 [452.530. 1. A court of this state may request the appropriate court of
3 another state to hold a hearing to obtain evidence, to order persons within that
4 state to produce or give evidence under other procedures of that state, or to have
5 social studies made with respect to the custody of a child involved in proceedings
6 pending in the court of this state; and to forward to the court of this state certified

6 copies of the transcript of the record of the hearing, the evidence otherwise
7 obtained, or any social studies prepared in compliance with the request. The cost
8 of the services may be assessed against the parties.

9 2. A court of this state may request the appropriate court of another state
10 to order a party to custody proceedings pending in the court of this state to appear
11 in the proceedings and, if that party has physical custody of the child, to appear
12 with the child. The request may state that travel and other necessary expenses of
13 the party and of the child whose appearance is desired will be assessed against the
14 appropriate party.]

15 [452.535. 1. Upon request of the court of another state, the courts of this
2 state which are competent to hear custody matters may order a person in this state
3 to appear at a hearing to obtain evidence or to produce or give evidence under
4 other procedures available in this state for use in a custody proceeding in another
5 state. A certified copy of the transcript of the record of the hearing or the
6 evidence otherwise obtained may, in the discretion of the court and upon payment
7 therefor, be forwarded to the requesting court.

8 2. A person within this state may voluntarily give his testimony or
9 statement in this state for use in a custody proceeding outside this state.

10 3. Upon request of the court of another state, a competent court of this
11 state may order a person in this state to appear alone or with the child in a
12 custody proceeding in another state. The court may condition compliance with
13 the request upon assurance by the other state that travel and other necessary
14 expenses will be advanced or reimbursed.]

15 [452.540. In any custody proceeding in this state the court shall preserve
2 the pleadings, orders and decrees, any record that has been made of its hearings,
3 social studies, and other pertinent documents until the child reaches eighteen
4 years of age. When requested by the court of another state the court may, upon
5 payment therefor, forward to the other court certified copies of any or all of such
6 documents.]

7 [452.545. If a custody decree has been rendered in another state
2 concerning a child involved in a custody proceeding pending in a court of this
3 state, the court of this state, upon taking jurisdiction of the case, shall request of
4 the court of the other state a certified copy of the transcript of any court record
5 and other documents mentioned in section 452.540.]

6 [452.550. Upon the request of a party to a custody proceeding which
2 raises a question of existence or exercise of jurisdiction under sections 452.440
3 to 452.550, determination of jurisdiction shall be given calendar priority and
4 handled expeditiously.]

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