

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1886
102ND GENERAL ASSEMBLY

3564H.04C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 347.143, 435.014, 455.010, 455.035, 455.513, 456.950, 475.010, 475.045, 475.050, 487.110, 488.040, 488.426, 488.2300, 491.075, 492.304, 494.455, 537.528, 559.125, 566.151, 567.030, and 595.045, RSMo, and to enact in lieu thereof forty-nine new sections relating to judicial proceedings, with penalty provisions.

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

Section A. Sections 347.143, 435.014, 455.010, 455.035, 455.513, 456.950, 475.010, 2 475.045, 475.050, 487.110, 488.040, 488.426, 488.2300, 491.075, 492.304, 494.455, 3 537.528, 559.125, 566.151, 567.030, and 595.045, RSMo, are repealed and forty-nine new 4 sections enacted in lieu thereof, to be known as sections 347.143, 435.300, 435.303, 435.306, 5 435.309, 435.312, 455.010, 455.035, 455.513, 456.950, 474.540, 474.542, 474.544, 474.546, 6 474.548, 474.550, 474.552, 474.554, 474.556, 474.558, 474.560, 474.562, 474.564, 474.600, 7 475.010, 475.045, 475.050, 475.063, 487.110, 488.040, 488.426, 488.2300, 491.075, 8 492.304, 494.455, 510.500, 510.503, 510.506, 510.509, 510.512, 510.515, 510.518, 9 510.521, 534.157, 537.529, 559.125, 566.151, 567.030, and 595.045, to read as follows:

347.143. 1. A limited liability company may be dissolved involuntarily by a decree 2 of the circuit court for the county in which the registered office of the limited liability 3 company is situated in an action filed by the attorney general when it is established that the 4 limited liability company:

- 5 (1) Has procured its articles of organization through fraud;
- 6 (2) Has exceeded or abused the authority conferred upon it by law;
- 7 (3) Has carried on, conducted, or transacted its business in a fraudulent or illegal 8 manner; or

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.

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

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

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

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

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

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

21 (5) **The business operations of the limited liability company are substantially**
22 **impaired; or**

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

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

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

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

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

8

9 **The term "alternative dispute resolution communication" shall not include the**
10 **notifications or reports made under subsection 2 of section 435.303 or subsection 8 of**
11 **section 435.306 or a written agreement as described under section 435.312;**

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

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

18 (4) **"Conflict of interest", any direct or indirect financial or personal interest in**
19 **the outcome of a dispute or any existing or prior financial, business, professional,**
20 **familial, or social relationship with any participant in an alternative dispute resolution**

21 process that is likely to affect the impartiality of the neutral or that may reasonably
22 create an appearance of partiality or bias;

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

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

27 (7) "Mandated reporter", an individual who is required to report abuse or
28 neglect under the provisions of section 192.2405, 192.2475, 198.070, 208.912, 210.115,
29 352.400, 630.162, or 630.165;

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

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

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

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

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

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

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

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

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

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

55 (b) Is signed, executed, or adopted by the parties by any process described under
56 subdivision (15) of this section, including electronic signatures as permitted by section

57 **432.230, with the intent to sign and be bound by the writing and attached to or logically**
58 **associated with the writing.**

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

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

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

11 **(2) Notify the court that all of the parties have agreed to delay such process until**
12 **a date certain, which date may be subsequently modified by the court, to allow for the**
13 **exchange of specified information, the identification of representatives with authority,**
14 **or another identified action or event related to the ability of the parties to participate**
15 **effectively in that process; or**

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

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

32 **4. A neutral who is appointed by the court or requested by the parties to serve in**
33 **an alternative dispute resolution process under sections 435.300 to 435.312 shall avoid**
34 **any conflict of interest. If the neutral believes that no disqualifying conflict exists, the**
35 **neutral shall:**

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

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

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

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

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

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

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

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

6 **2. Evidence or information that is otherwise admissible or subject to discovery,**
7 **including information that would be available to the public under sections 610.010 to**
8 **610.035, shall not become inadmissible or protected from discovery solely by reason of**
9 **its disclosure or use in an alternative dispute resolution process.**

10 **3. A court may determine to admit an alternative dispute resolution**
11 **communication upon motion of a party, which motion shall not reveal the substance**
12 **of the communication, and following a hearing only if the court finds that one or more of**
13 **the exceptions under this subsection apply and the communication is otherwise relevant**
14 **and admissible. The party seeking admission shall ensure that timely notice is given to**

15 the neutral and parties that participated in the alternative dispute resolution process in
16 which the alternative dispute resolution communication was made. The hearing shall be
17 conducted in camera if requested by a party or if the court determines on its own motion
18 that an in camera proceeding is necessary to ensure the confidentiality of the
19 communications that are the subject to the hearing. The only exceptions to the general
20 rule of nonadmissibility of alternative dispute resolution communications stated under
21 subsection 1 of this section are as follows:

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

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

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

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

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

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

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

52 including any alternative dispute resolution communication that would otherwise fall
53 within the exceptions identified under subsection 3 of this section. No neutral who is a
54 licensed attorney, or an agent or employee of such neutral or of an organization through
55 which the neutral provided alternative dispute resolution services under sections
56 435.300 to 435.312, shall be required to disclose any alternative dispute resolution
57 communication to which a reporting obligation might otherwise apply under the rules
58 regulating the professional conduct of attorneys.

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

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

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

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

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

6 3. Alternative dispute resolution processes included in consumer contracts for
7 goods or services in compliance with sections 435.350 to 435.470 shall be independently
8 administered as set forth in the contract.

435.312. 1. Except as provided under subsection 6 of this section, sections
2 435.300 to 435.312 shall apply only when the court has referred an alternative dispute
3 resolution process, either by rule or court order or when the parties enter into a written

4 agreement to resolve their dispute through an alternative dispute resolution process
5 expressly providing that sections 435.300 to 435.312 shall apply to such alternative
6 dispute resolution process.

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

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

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

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

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

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

26 6. If the court has not referred a case to an alternative dispute resolution process
27 under section 435.303 or if the parties do not elect to use sections 435.300 to 435.312, the
28 process shall be regarded as settlement negotiations and subject to the rules of
29 confidentiality that generally apply to such negotiations. If the parties to the dispute
30 have agreed in writing to submit their dispute to such alternative dispute resolution
31 process but have not invoked the protections of sections 435.300 to 435.312, no person
32 who serves as a neutral in such process, nor any agent or employee of that person or of
33 an organization through which the neutral provided the alternative dispute resolution
34 process, shall be subpoenaed or otherwise compelled to disclose any matter revealed in
35 the process of setting up or conducting such alternative dispute resolution process. All
36 settlement agreements shall be in writing as described under sections 435.300 to 435.312.

455.010. As used in this chapter, unless the context clearly indicates otherwise, the
2 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 this chapter, except

5 abuse shall not include abuse inflicted on a child by accidental means by an adult household
6 member or discipline of a child, including spanking, in a reasonable manner:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38 (7) "Family" or "household member", spouses, former spouses, any person related by
39 blood or marriage, persons who are presently residing together or have resided together in the
40 past, any person who is or has been in a continuing social relationship of a romantic or

41 intimate nature with the victim, and anyone who has a child in common regardless of whether
42 they have been married or have resided together at any time;

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

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

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

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

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

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

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

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

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

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

455.035. 1. Upon the filing of a verified petition pursuant to sections 455.010 to
2 455.085 and for good cause shown in the petition, the court may immediately issue an ex
3 parte order of protection. An immediate and present danger of domestic violence to the
4 petitioner or the child on whose behalf the petition is filed shall constitute good cause for
5 purposes of this section. An ex parte order of protection entered by the court shall take effect
6 when entered and shall remain in effect until there is valid service of process and a hearing is
7 held on the motion. The court shall deny the ex parte order and dismiss the petition if the
8 petitioner is not authorized to seek relief pursuant to section 455.020.

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

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

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

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

6 (2) The respondent is less than ~~seventeen~~ **eighteen** years of age.

7
8 An immediate and present danger of domestic violence, including danger to the child's pet,
9 stalking, or sexual assault to a child shall constitute good cause for purposes of this section.
10 An ex parte order of protection entered by the court shall be in effect until the time of the
11 hearing. The court shall deny the ex parte order and dismiss the petition if the petitioner is not
12 authorized to seek relief pursuant to section 455.505.

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

16 3. If the allegations in the petition would give rise to jurisdiction under section
17 211.031, the court may direct the children's division to conduct an investigation and to
18 provide appropriate services. The division shall submit a written investigative report to the
19 court and to the juvenile officer within thirty days of being ordered to do so. The report shall
20 be made available to the parties and the guardian ad litem or court-appointed special
21 advocate.

22 4. If the allegations in the petition would give rise to jurisdiction under section
23 211.031 because the respondent is less than ~~seventeen~~ **eighteen** years of age, the court may
24 issue an ex parte order and shall transfer the case to juvenile court for a hearing on a full order
25 of protection. Service of process shall be made pursuant to section 455.035.

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

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

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

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

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

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

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

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

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

30 (2) **With the exception of any written financial obligations, written guarantees,**
31 **or secured or unsecured transactions executed by the settlors and held in a qualified**
32 **spousal trust, shall continue to be immune and exempt from attachment during the life**
33 **of the surviving settlor to the extent the property was held in a qualified spousal trust**
34 **prior to the death of the first settlor and remains in a qualified spousal trust. This**
35 **includes any property appreciation; and**

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

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

41 5. Upon the death of each settlor, all property held by the trustee of the qualified
42 spousal trust shall be distributed as directed by the then current terms of the governing
43 instrument of such trust. Upon the death of the first settlor to die, if immediately prior to
44 death the predeceased settlor's interest in the qualified spousal trust was then held **or deemed**
45 **to be held** in such settlor's separate share, the property held in such settlor's separate share
46 may pass into an irrevocable trust for the benefit of the surviving settlor **or other beneficiary**
47 upon such terms as the governing instrument shall direct, including without limitation a
48 spendthrift provision as provided in section 456.5-502. **Property may be held in or**
49 **transferred to a settlor's joint or separate share of a trust:**

50 (1) **By designation under the current terms of the governing instrument of such**
51 **trust;**

52 (2) **According to the specific titling of property or other designation that refers**
53 **to such joint or separate share of such trust; or**

54 (3) **By designation to the trustee as the owner as provided in section 456.1-113.**

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

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

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

474.540. Sections 474.540 to 474.564 shall be known and may be cited as the
2 **"Missouri Electronic Wills and Electronic Estate Planning Documents Act".**

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

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

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

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

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

12 (5) "Security procedure", a procedure to verify that an electronic signature,
13 record, or performance is that of a specific person or to detect a change or error in an
14 electronic record, including a procedure that uses an algorithm, code, identifying word
15 or number, encryption, or callback or other acknowledgment procedure;

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

17 (a) Execute or adopt a tangible symbol; or

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

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

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

 474.544. An electronic will is a will for all purposes of the laws of this state. The
2 laws of this state applicable to wills and principles of equity applies to an electronic will
3 except as modified by sections 474.540 to 474.564.

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

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

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

 474.548. 1. An electronic will shall be:

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

4 (2) Signed by:

5 (a) The testator; or

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

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

- 10 (a) The signing of the will under subdivision (2) of this subsection; or
- 11 (b) The testator's acknowledgment of the signing of the will under subdivision
- 12 (2) of this subsection or acknowledgment of the will.

13 2. The intent of a testator that the record under subdivision (1) of subsection 1 of

14 this section be the testator's electronic will may be established by extrinsic evidence.

15 3. In accordance with section 474.337 or 474.550, a witness to a will shall be a

16 resident of a state and physically located in a state at the time of signing if no self-

17 proving affidavit is signed contemporaneously with the execution of the electronic will.

474.550. At the time of its execution or at any subsequent date, an electronic will

2 may be made self-proved in the same manner as specified in section 474.337 or, if fewer

3 than two witnesses are physically present in the same location as the testator at the time

4 of such acknowledgments, before a remote online notary authorized to perform a

5 remote online notarization in this state under the law of any state or the United States,

6 and evidenced by a remote online notarial certificate, in form and content substantially

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

8 State of _____

9 County (and/or City) of _____

10 I, the undersigned notary, certify that _____, the testator, and the witnesses,

11 whose names are signed to the attached or foregoing instrument, having

12 personally appeared before me by remote online means, and having been first

13 duly sworn, each then declared to me that the testator signed and executed the

14 instrument as the testator's last will, and that the testator had willingly signed or

15 willingly directed another to sign for the testator, and that the testator executed it

16 as the testator's free and voluntary act for the purposes therein expressed; and

17 that each of the witnesses, in the presence and hearing of the testator, signed the

18 will as witness and that to the best of the witnesses' knowledge the testator was at

19 that time eighteen or more years of age, of sound mind, and under no constraint

20 or undue influence.

21 In witness thereof I have hereunto subscribed my name and affixed my official

22 seal this _____ (date).

23 _____ (official signature and seal of notary)

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

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

3 (1) A subsequent will that revokes all or part of the electronic will expressly or

4 by inconsistency;

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

6 **(3) A physical act, if it is established by a preponderance of the evidence that the**
7 **testator, with the intent of revoking all or part of the will, performed the act or directed**
8 **another individual who performed the act in the testator's physical presence.**

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

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

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

6 **2. If a provision of law or rule of procedure requires a will to be presented or**
7 **retained in its original form or provides consequences for the information not being**
8 **presented or retained in its original form, that provision or rule shall be satisfied by a**
9 **certified paper copy of an electronic will.**

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

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

- 7 **(1) A power of attorney or durable power of attorney;**
8 **(2) A health care declaration;**
9 **(3) An advance directive;**

10 **(4) A power of attorney for health care or durable power of attorney for health**
11 **care;**

12 **(5) A revocable trust or amendment thereto, or modification or revocation**
13 **thereof;**

14 **(6) An irrevocable trust;**

15 **(7) A beneficiary deed;**

16 **(8) A nonprobate transfer; or**

17 **(9) A document modifying, amending, correcting, or revoking any written estate**
18 **planning document.**

19 **2. (1) An electronic estate planning document or an electronic signature on such**
20 **document shall be attributable to a person if it was the act of the person. The act of the**
21 **person may be shown in any manner, including a showing of the efficacy of a security**
22 **procedure applied to determine the person to which the electronic record or signature**
23 **was attributable.**

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

28 **3. (1) Unless otherwise provided under its terms, any electronic estate planning**
29 **document may be signed in one or more counterparts, and each separate counterpart**
30 **may be an electronic document or a paper document, provided that all signed**
31 **counterpart pages of each document are incorporated into, or attached to, the**
32 **document.**

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

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

43 **5. A person who acts in reliance upon an electronically executed written estate**
44 **planning document shall not be liable to any person for so relying and may assume**
45 **without inquiry the valid execution of the electronically executed written estate planning**
46 **document.**

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

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

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

474.564. The provisions of sections 474.540 to 474.564 shall apply to the will of a
2 **decedent who dies on or after August 28, 2024, and to each other written estate planning**
3 **document signed or remotely witnessed on or after August 28, 2024.**

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

2 **(1) "Applicable state of emergency", the period between April 6, 2020, and**
3 **December 31, 2021, during which a state of emergency existed due to a COVID-19**
4 **public health threat, as proclaimed by the governor, and during which executive orders**
5 **20-08, 20-10, 20-12, 20-14, 20-19, 21.07, and 21.09 temporarily suspended the physical**
6 **appearance requirements under this chapter and authorized the use of audio-visual**
7 **technology to the extent that any Missouri statute required the physical presence of any**
8 **testator, settlor, principal, witness, notary, or other person necessary for the effective**
9 **execution of any estate planning document such as a will, trust, or power of attorney, or**
10 **a self-proving affidavit of the execution of such document, if the conditions set forth in**
11 **the executive orders were met;**

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

13 **(a) A will;**

14 **(b) A codicil;**

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

16 **(d) A health care declaration;**

17 **(e) An advance directive;**

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

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

22 **(h) An irrevocable trust;**

23 **(i) A beneficiary deed;**

24 **(j) A nonprobate transfer; or**

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

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

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

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

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

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

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

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

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

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

57 State of _____

58 County of _____

59 **AFFIDAVIT OF REMOTE EXECUTION OF DOCUMENTS**

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

62 **On _____ (date), I convened with the following individuals via video conference**
63 **software that allowed for live, interactive audio-visual communication between**
64 **the parties to the conference and that also allowed for observation, direction,**
65 **interaction, and communication between:**
66 **_____ , the (testator, settlor, grantor, principal, or declarant);**
67 **_____ , a witness;**
68 **_____ , a second witness; and**
69 **_____ a notary public.**

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

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

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

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

85 **(Signed)**

86 _____

87 **(SEAL)**

88 _____

89 **(Official capacity of officer)**

2 475.010. When used in this chapter, unless otherwise apparent from the context, the
3 following terms mean:

- 3 (1) "Adult", a person who has reached the age of eighteen years;
- 4 (2) "Claims", liabilities of the protectee arising in contract, in tort or otherwise, before
5 or after the appointment of a conservator, and liabilities of the estate which arise at or after the
6 adjudication of disability or after the appointment of a conservator of the estate, including
7 expenses of the adjudication and of administration. The term does not include demands or
8 disputes regarding title of the protectee to specific assets alleged to be included in the estate;

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

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

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

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

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

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

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

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

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

41 (10) "Habilitation", a process of treatment, training, care, or specialized attention that
42 seeks to enhance and maximize the ability of a person with an intellectual disability or a
43 developmental disability to cope with the environment and to live as determined by the
44 person as much as possible, as is appropriate for the person considering his or her physical
45 and mental condition and financial means;

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

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

61 (13) "Least restrictive alternative", with respect to the guardianship order and the
62 exercise of power by the guardian, a course of action or an alternative that allows the
63 incapacitated person to live, learn, and work with minimum restrictions on the person, as are
64 appropriate for the person considering his or her physical and mental condition and financial
65 means. Least restrictive alternative also means choosing the decision or approach that:

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

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

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

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

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

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

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

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

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

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

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

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

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

103 [~~20~~] (22) "Seriously ill", a significant likelihood that a person will become
104 incapacitated or die within twelve months;

105 [~~21~~] (23) "Social service agency", a charitable organization organized and
106 incorporated as a not-for-profit corporation under the laws of this state and which qualifies as
107 an exempt organization within the meaning of Section 501(c)(3), or any successor provision
108 thereto of the federal Internal Revenue Code;

109 [~~22~~] (24) "Standby guardian", one who is authorized to have the temporary care and
110 custody of the person of a minor or of an incapacitated person under the provisions of section
111 475.046;

112 [~~23~~] (25) "Treatment", the prevention, amelioration or cure of a person's physical
113 and mental illnesses or incapacities;

114 [~~24~~] (26) "Ward", a minor or an incapacitated person for whom a guardian, limited
115 guardian, or standby guardian has been appointed.

475.045. 1. Except in cases where they fail or refuse to give required security or are
2 adjudged unfit for the duties of guardianship or conservatorship, or waive their rights to be

3 appointed, the following persons, if otherwise qualified, shall be appointed as guardians or
4 conservators of minors:

5 (1) The parent or parents of the minor, except as provided in section 475.030 or
6 **475.050**;

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

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

12 [~~3~~] (4) Where both parents of a minor are dead, any person appointed under this
13 section or section 475.046 by the will of the last surviving parent, who has not been adjudged
14 unfit or incompetent for the duties of guardian or conservator.

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

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

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

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

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

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

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

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

20 rebuttable presumption that he or she has no relative suitable and willing to serve as guardian
21 or conservator.

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

25 4. Except for those individuals specified in subdivisions (1) and (2) of this subsection,
26 the court shall require all guardians and conservators who are seeking appointment and who
27 have a fiduciary responsibility to a ward, an incapacitated person, or a disabled person to
28 submit at their own expense to a background screening that shall include the disqualification
29 lists of the departments of mental health, social services, and health and senior services; the
30 abuse and neglect registries for adults and children; a Missouri criminal record review; and
31 the sexual offender registry. Individuals seeking appointment as a conservator shall also
32 submit, at their own expense, to a credit history investigation. The nominated guardian or
33 conservator shall file the results of the reports with the court at least ten days prior to the
34 appointment hearing date unless waived or modified by the court for good cause shown by an
35 affidavit filed simultaneously with the petition for appointment or in the event the protected
36 person requests an expedited hearing. The provisions of this subsection shall not apply to:

37 (1) Public administrators; or

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

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

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

50 ~~[6-]~~ 7. An order appointing a guardian or conservator shall not be signed by the judge
51 until such reports have been filed with the court and reviewed by the judge, who shall
52 consider the reports in determining whether to appoint a guardian or conservator. Such
53 reports, or lack thereof, shall be certified either by an affidavit or by obtaining a certified copy
54 of the reports. No reports or national criminal history record check shall be required by the
55 court upon the application of a petitioner for an emergency temporary guardianship or
56 emergency temporary conservatorship. The court may waive the requirements of this

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

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

**4 2. (1) A clerk of a court shall make available to a petitioner uniform forms
 5 adopted by the Missouri supreme court for a proceeding under this section.**

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

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

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

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

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

488.040. ~~[1.] Each grand and petit juror shall[, pursuant to the provisions of section
 2 494.455, receive six dollars per day for every day he or she may actually serve as such and
 3 seven cents for every mile he or she may necessarily travel going from his or her place of
 4 residence to the courthouse and returning, to be paid from funds of the county or a city not
 5 within a county.~~

~~2. Provided that a county or a city not within a county authorizes daily compensation
 7 payable from county or city funds for jurors who serve in that county pursuant to subsection 3
 8 of this section in the amount of at least six dollars per day in addition to the amount required
 9 by subsection 1 of this section, a person shall receive an additional six dollars per day,~~

10 pursuant to the provisions of section 494.455, to be reimbursed by the state of Missouri so
11 that the total compensation payable shall be at least eighteen dollars, plus mileage as
12 indicated in subsection 1 of this section, for each day that the person actually serves as a petit
13 juror in a particular case; or for each day that a person actually serves as a grand juror during
14 a term of a grand jury. The state shall reimburse the county for six dollars of the additional
15 juror compensation provided by this subsection.

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

28 4. ~~When each panel of jurors summoned and attending court has completed its~~
29 ~~service, the board of jury commissioners shall cause to be submitted to the governing body of~~
30 ~~the county or a city not within a county a statement of fees earned by each juror. Within thirty~~
31 ~~days of the submission of the statement of fees, the governing body shall cause payment to be~~
32 ~~made to those jurors summoned the fees earned during their service as jurors] receive daily~~
33 **compensation and mileage allowance in the amount provided by law pursuant to section**
34 **494.455.**

488.426. 1. The judges of the circuit court, en banc, in any circuit in this state may
2 require any party filing a civil case in the circuit court, at the time of filing the suit, to deposit
3 with the clerk of the court a surcharge in addition to all other deposits required by law or court
4 rule. Sections 488.426 to 488.432 shall not apply to proceedings when costs are waived or
5 are to be paid by the county or state or any city.

6 2. The surcharge in effect on August 28, 2001, shall remain in effect until changed by
7 the circuit court. The circuit court in any circuit, except the circuit court in Jackson County,
8 **the circuit court in the city of St. Louis**, or the circuit court in any circuit that reimburses the
9 state for the salaries of family court commissioners under and pursuant to section 487.020,
10 may change the fee to any amount not to exceed fifteen dollars. The circuit court in Jackson
11 County, **the circuit court in the city of St. Louis**, or the circuit court in any circuit that
12 reimburses the state for the salaries of family court commissioners under and pursuant to

13 section 487.020 may change the fee to any amount not to exceed twenty dollars. A change in
14 the fee shall become effective and remain in effect until further changed.

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

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

488.2300. 1. A "Family Services and Justice Fund" is hereby established in each
2 county or circuit with a family court, for the purpose of aiding with the operation of the
3 family court divisions and services provided by those divisions. In circuits or counties having
4 a family court, the circuit clerk shall charge and collect a surcharge of thirty dollars in all
5 proceedings falling within the jurisdiction of the family court. The surcharge shall not be
6 charged when no court costs are otherwise required, shall not be charged against the petitioner
7 for actions filed pursuant to the provisions of chapter 455, but may be charged to the
8 respondent in such actions, shall not be charged to a government agency and shall not be
9 charged in any proceeding when costs are waived or are to be paid by the state, county or
10 municipality.

11 2. In juvenile proceedings under chapter 211, a judgment of up to thirty dollars may
12 be assessed against the child, parent or custodian of the child, in addition to other amounts
13 authorized by law, in informal adjustments made under the provisions of sections 211.081 and
14 211.083, and in an order of disposition or treatment under the provisions of section 211.181.
15 The judgment may be ordered paid to the clerk of the circuit where the assessment is
16 imposed.

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

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

22 5. Any moneys in the family services and justice fund not expended for salaries of
23 commissioners, family court administrators and family court staff shall be used toward
24 funding the enhanced services provided as a result of the establishment of a family court;
25 however, it shall not replace or reduce the current and ongoing responsibilities of the counties
26 to provide funding for the courts as required by law. Moneys collected for the family services
27 and justice fund shall be expended for the benefit of litigants and recipients of services in the
28 family court, with priority given to **fees incurred under subsection 5 or 7 of section 475.075**

29 **or expenses incurred under section 475.063, and to** services such as guardians ad litem,
30 mediation, counseling, home studies, psychological evaluation and other forms of alternative
31 dispute-resolution services. Expenditures shall be made at the discretion of the presiding
32 judge or family court administrative judge, as designated by the circuit and associate circuit
33 judges en banc, for the implementation of the family court system as set forth in this section.
34 No moneys from the family services and justice fund may be used to pay for mediation in any
35 cause of action in which domestic violence is alleged.

36 ~~[5-]~~ **6.** From the funds collected pursuant to this section and retained in the family
37 services and justice fund, each circuit or county in which a family court commissioner in
38 addition to those commissioners existing as juvenile court commissioners on August 28,
39 1993, have been appointed pursuant to sections 487.020 to 487.040 shall pay to and
40 reimburse the state for the actual costs of that portion of the salaries of family court
41 commissioners appointed pursuant to the provisions of sections 487.020 to 487.040.

42 ~~[6-]~~ **7.** No moneys deposited in the family services and justice fund may be expended
43 for capital improvements.

491.075. 1. A statement made by a child under the age of ~~[fourteen]~~ **eighteen**, or a
2 vulnerable person, relating to an offense under chapter 565, 566, 568 or 573, performed by
3 another, not otherwise admissible by statute or court rule, is admissible in evidence in
4 criminal proceedings in the courts of this state as substantive evidence to prove the truth of
5 the matter asserted if:

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

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

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

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

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

21 3. A statement may not be admitted under this section unless the prosecuting attorney
22 makes known to the accused or the accused's counsel his or her intention to offer the

23 statement and the particulars of the statement sufficiently in advance of the proceedings to
24 provide the accused or the accused's counsel with a fair opportunity to prepare to meet the
25 statement.

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

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

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

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

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

14 (3) The recording equipment was capable of making an accurate recording, the
15 operator of the equipment was competent, and the recording is accurate and has not been
16 altered;

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

19 (5) Every voice on the recording is identified;

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

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

25 2. If the child **or vulnerable person** does not testify at the proceeding, the visual and
26 aural recording of a verbal or nonverbal statement of the child **or vulnerable person** shall not

27 be admissible under this section unless the recording qualifies for admission under section
28 491.075.

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

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

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

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

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

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

22 authorized by the governing body of a county or a city not within a county. Provided that a
 23 county or a city not within a county authorizes daily compensation payable from county or
 24 city funds for jurors who serve in that county pursuant to this subsection in the amount of at
 25 least six dollars per day in addition to the amount required by this subsection, a person shall
 26 receive an additional six dollars per day to be reimbursed by the state of Missouri so that the
 27 total compensation payable shall be at least eighteen dollars, plus mileage for each day that
 28 the person actually serves as a petit juror in a particular case; or for each day that a person
 29 actually serves as a grand juror during a term of a grand jury. The state shall reimburse the
 30 county for six dollars of the additional juror compensation provided by this subsection.

31 3. ~~[In any county of the first classification without a charter form of government and~~
 32 ~~with a population of at least two hundred thousand inhabitants, no grand or petit juror shall~~
 33 ~~receive compensation for the first two days of service, but shall receive fifty dollars per day~~
 34 ~~for the third day and each subsequent day he or she may actually serve as such, and seven~~
 35 ~~cents for every mile he or she may necessarily travel going from his or her place of residence~~
 36 ~~to the courthouse and returning, to be paid from funds of the county.] Notwithstanding the~~
 37 **provisions of subsection 1 or 2 of this section, by a majority vote, the governing body of**
 38 **a county or city not within a county may adopt a system for juror compensation in a city**
 39 **not within a county or a county within the circuit, as follows: each grand or petit juror**
 40 **shall receive fifty dollars per day for the third day the juror may actually serve as a**
 41 **juror and for each subsequent day of actual service, and the mileage rate as provided by**
 42 **law for state employees for every mile the juror may necessarily travel from the juror's**
 43 **place of residence to the courthouse and returning, to be paid from funds of the county**
 44 **or a city not within a county, provided that no grand or petit juror shall receive**
 45 **compensation for the first two days the juror may actually serve as such.**

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

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

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

- 2 (1) "Foreign jurisdiction", a state other than this state;
- 3 (2) "Foreign subpoena", a subpoena issued under authority of a court of record
- 4 of a foreign jurisdiction;
- 5 (3) "Person", an individual, corporation, business trust, estate, trust,
- 6 partnership, limited liability company, association, joint venture, public corporation,

7 **government or political subdivision, agency or instrumentality, or any other legal or**
8 **commercial entity;**

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

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

14 (a) **Attend and give testimony at a deposition;**

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

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

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

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

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

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

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

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

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

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

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

2 **510.521. Sections 510.500 to 510.521 apply to requests for discovery in cases**
3 **pending on August 28, 2024.**

2 **534.157. All transfers of title of real property for rental properties with**
3 **outstanding collectible judgments shall be filed in the circuit court within thirty days**
4 **after transfer of title.**

2 **537.529. 1. This section shall be known and may be cited as the "Uniform Public**
3 **Expression Protection Act".**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 **6. (1) Except as otherwise provided in this subsection:**

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

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

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

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

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

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

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

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

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

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

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

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

63 **7. (1) The court shall hear a motion under subsection 5 of this section no later**
64 **than sixty days after filing of the motion, unless the court orders a later hearing:**

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

66 **(b) For other good cause.**

67 **(2) If the court orders a later hearing under paragraph (a) of subdivision (1) of**
68 **this subsection, the court shall hear the motion under subsection 5 of this section no**

69 later than sixty days after the court order allowing the discovery, subject to paragraph
70 (b) of subdivision (1) of this subsection.

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

74 9. (1) In ruling on a motion under subsection 5 of this section, the court shall
75 dismiss with prejudice a cause of action or part of a cause of action if:

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

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

80 (c) Either:

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

83 b. The moving party establishes that:

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

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

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

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

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

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

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

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

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

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

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

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

559.125. 1. The clerk of the court shall keep in a permanent file all applications for
2 probation or parole by the court, and shall keep in such manner as may be prescribed by the
3 court complete and full records of all presentence investigations requested, probations or
4 paroles granted, revoked or terminated and all discharges from probations or paroles. All
5 court orders relating to any presentence investigation requested and probation or parole
6 granted under the provisions of this chapter and sections 558.011 and 558.026 shall be kept in
7 a like manner, and, if the defendant subject to any such order is subject to an investigation or
8 is under the supervision of the division of probation and parole, a copy of the order shall be
9 sent to the division of probation and parole. In any county where a parole board ceases to
10 exist, the clerk of the court shall preserve the records of that parole board.

11 **2. Except in criminal proceedings,** information and data obtained by a probation or
12 parole officer shall be privileged information and shall not be receivable in any court. Such
13 information shall not be disclosed directly or indirectly to anyone other than the members of a
14 parole board and the judge entitled to receive reports, except the court, the division of
15 probation and parole, or the parole board may in its discretion permit the inspection of the
16 report, or parts of such report, by the defendant, or offender or his or her attorney, or other
17 person having a proper interest therein.

18 **3. The provisions of subsection 2 of this section notwithstanding,** the presentence
19 investigation report shall be made available to the state and all information and data obtained
20 in connection with preparation of the presentence investigation report may be made available
21 to the state at the discretion of the court upon a showing that the receipt of the information
22 and data is in the best interest of the state.

566.151. 1. A person twenty-one years of age or older commits the offense of
2 enticement of a child if he or she persuades, solicits, coaxes, entices, or lures whether by
3 words, actions or through communication via the internet or any electronic communication,

4 any person who is less than ~~fourteen~~ **seventeen** years of age for the purpose of engaging in
5 sexual conduct.

6 2. It is not a defense to a prosecution for a violation of this section that the other
7 person was a peace officer masquerading as a minor.

8 3. Enticement of a child or an attempt to commit enticement of a child is a felony for
9 which the authorized term of imprisonment shall be not less than five years and not more than
10 thirty years. No person convicted under this section shall be eligible for parole, probation,
11 conditional release, or suspended imposition or execution of sentence for a period of five
12 calendar years.

567.030. 1. A person commits the offense of patronizing prostitution if he or she:

2 (1) Pursuant to a prior understanding, gives something of value to another person as
3 compensation for having engaged in sexual conduct with any person; or

4 (2) Gives or agrees to give something of value to another person with the
5 understanding that such person or another person will engage in sexual conduct with any
6 person; or

7 (3) Solicits or requests another person to engage in sexual conduct with any person in
8 return for something of value.

9 2. It shall not be a defense that the person believed that the individual he or she
10 patronized for prostitution was eighteen years of age or older.

11 3. The offense of patronizing prostitution is a class B misdemeanor, unless the
12 individual who the person patronizes is less than eighteen years of age but older than
13 ~~fourteen~~ **fifteen** years of age, in which case patronizing prostitution is a class E felony.

14 4. The offense of patronizing prostitution is a class ~~D~~ **B** felony if the individual who
15 the person patronizes is ~~fourteen~~ **fifteen** years of age or younger. Nothing in this section
16 shall preclude the prosecution of an individual for the offenses of:

17 (1) Statutory rape in the first degree pursuant to section 566.032;

18 (2) Statutory rape in the second degree pursuant to section 566.034;

19 (3) Statutory sodomy in the first degree pursuant to section 566.062; or

20 (4) Statutory sodomy in the second degree pursuant to section 566.064.

595.045. 1. There is established in the state treasury the "Crime Victims'
2 Compensation Fund". A surcharge of seven dollars and fifty cents shall be assessed as costs
3 in each court proceeding filed in any court in the state in all criminal cases including
4 violations of any county ordinance or any violation of criminal or traffic laws of the state,
5 including an infraction and violation of a municipal ordinance; except that no such fee shall
6 be collected in any proceeding in any court when the proceeding or the defendant has been
7 dismissed by the court or when costs are to be paid by the state, county, or municipality. A
8 surcharge of seven dollars and fifty cents shall be assessed as costs in a juvenile court

9 proceeding in which a child is found by the court to come within the applicable provisions of
10 subdivision (3) of subsection 1 of section 211.031.

11 2. Notwithstanding any other provision of law to the contrary, the moneys collected
12 by clerks of the courts pursuant to the provisions of subsection 1 of this section shall be
13 collected and disbursed in accordance with sections 488.010 to 488.020 and shall be payable
14 to the director of the department of revenue.

15 3. The director of revenue shall deposit annually the amount of two hundred fifty
16 thousand dollars to the state forensic laboratory account administered by the department of
17 public safety to provide financial assistance to defray expenses of crime laboratories if such
18 analytical laboratories are registered with the federal Drug Enforcement Agency or the
19 Missouri department of health and senior services. Subject to appropriations made therefor,
20 such funds shall be distributed by the department of public safety to the crime laboratories
21 serving the courts of this state making analysis of a controlled substance or analysis of blood,
22 breath or urine in relation to a court proceeding.

23 4. The remaining funds collected under subsection 1 of this section shall be denoted
24 to the payment of an annual appropriation for the administrative and operational costs of the
25 office for victims of crime and, if a statewide automated crime victim notification system is
26 established pursuant to section 650.310, to the monthly payment of expenditures actually
27 incurred in the operation of such system. Additional remaining funds shall be subject to the
28 following provisions:

29 (1) On the first of every month, the director of revenue or the director's designee shall
30 determine the balance of the funds in the crime victims' compensation fund available to
31 satisfy the amount of compensation payable pursuant to sections 595.010 to 595.075,
32 excluding sections 595.050 and 595.055;

33 (2) Beginning on September 1, 2004, and on the first of each month, the director of
34 revenue or the director's designee shall deposit fifty percent of the balance of funds available
35 to the credit of the crime victims' compensation fund and fifty percent to the services to
36 victims' fund established in section 595.100.

37 5. The director of revenue or such director's designee shall at least monthly report the
38 moneys paid pursuant to this section into the crime victims' compensation fund and the
39 services to victims fund to the department of public safety.

40 6. The moneys collected by clerks of municipal courts pursuant to subsection 1 of this
41 section shall be collected and disbursed as provided by sections 488.010 to 488.020. Five
42 percent of such moneys shall be payable to the city treasury of the city from which such funds
43 were collected. The remaining ninety-five percent of such moneys shall be payable to the
44 director of revenue. The funds received by the director of revenue pursuant to this subsection
45 shall be distributed as follows:

46 (1) On the first of every month, the director of revenue or the director's designee shall
47 determine the balance of the funds in the crime victims' compensation fund available to
48 satisfy the amount of compensation payable pursuant to sections 595.010 to 595.075,
49 excluding sections 595.050 and 595.055;

50 (2) Beginning on September 1, 2004, and on the first of each month the director of
51 revenue or the director's designee shall deposit fifty percent of the balance of funds available
52 to the credit of the crime victims' compensation fund and fifty percent to the services to
53 victims' fund established in section 595.100.

54 7. These funds shall be subject to a biennial audit by the Missouri state auditor. Such
55 audit shall include all records associated with crime victims' compensation funds collected,
56 held or disbursed by any state agency.

57 8. In addition to the moneys collected pursuant to subsection 1 of this section, the
58 court shall enter a judgment in favor of the state of Missouri, payable to the crime victims'
59 compensation fund, of sixty-eight dollars upon a plea of guilty or a finding of guilt for a class
60 A or B felony; forty-six dollars upon a plea of guilty or finding of guilt for a class C ~~[or]~~, D,
61 or E felony; and ten dollars upon a plea of guilty or a finding of guilt for any misdemeanor
62 under Missouri law except for those in chapter 252 relating to fish and game, chapter 302
63 relating to drivers' and commercial drivers' license, chapter 303 relating to motor vehicle
64 financial responsibility, chapter 304 relating to traffic regulations, chapter 306 relating to
65 watercraft regulation and licensing, and chapter 307 relating to vehicle equipment regulations.
66 Any clerk of the court receiving moneys pursuant to such judgments shall collect and disburse
67 such crime victims' compensation judgments in the manner provided by sections 488.010 to
68 488.020. Such funds shall be payable to the state treasury and deposited to the credit of the
69 crime victims' compensation fund.

70 9. The clerk of the court processing such funds shall maintain records of all
71 dispositions described in subsection 1 of this section and all dispositions where a judgment
72 has been entered against a defendant in favor of the state of Missouri in accordance with this
73 section; all payments made on judgments for alcohol-related traffic offenses; and any
74 judgment or portion of a judgment entered but not collected. These records shall be subject to
75 audit by the state auditor. The clerk of each court transmitting such funds shall report
76 separately the amount of dollars collected on judgments entered for alcohol-related traffic
77 offenses from other crime victims' compensation collections or services to victims
78 collections.

79 10. The department of revenue shall maintain records of funds transmitted to the
80 crime victims' compensation fund by each reporting court and collections pursuant to
81 subsection 16 of this section and shall maintain separate records of collection for alcohol-
82 related offenses.

83 11. The state courts administrator shall include in the annual report required by
84 section 476.350 the circuit court caseloads and the number of crime victims' compensation
85 judgments entered.

86 12. All awards made to injured victims under sections 595.010 to 595.105 and all
87 appropriations for administration of sections 595.010 to 595.105, except sections 595.050 and
88 595.055, shall be made from the crime victims' compensation fund. Any unexpended balance
89 remaining in the crime victims' compensation fund at the end of each biennium shall not be
90 subject to the provision of section 33.080 requiring the transfer of such unexpended balance
91 to the ordinary revenue fund of the state, but shall remain in the crime victims' compensation
92 fund. In the event that there are insufficient funds in the crime victims' compensation fund to
93 pay all claims in full, all claims shall be paid on a pro rata basis. If there are no funds in the
94 crime victims' compensation fund, then no claim shall be paid until funds have again
95 accumulated in the crime victims' compensation fund. When sufficient funds become
96 available from the fund, awards which have not been paid shall be paid in chronological order
97 with the oldest paid first. In the event an award was to be paid in installments and some
98 remaining installments have not been paid due to a lack of funds, then when funds do become
99 available that award shall be paid in full. All such awards on which installments remain due
100 shall be paid in full in chronological order before any other postdated award shall be paid.
101 Any award pursuant to this subsection is specifically not a claim against the state, if it cannot
102 be paid due to a lack of funds in the crime victims' compensation fund.

103 13. When judgment is entered against a defendant as provided in this section and such
104 sum, or any part thereof, remains unpaid, there shall be withheld from any disbursement,
105 payment, benefit, compensation, salary, or other transfer of money from the state of Missouri
106 to such defendant an amount equal to the unpaid amount of such judgment. Such amount
107 shall be paid forthwith to the crime victims' compensation fund and satisfaction of such
108 judgment shall be entered on the court record. Under no circumstances shall the general
109 revenue fund be used to reimburse court costs or pay for such judgment. The director of the
110 department of corrections shall have the authority to pay into the crime victims' compensation
111 fund from an offender's compensation or account the amount owed by the offender to the
112 crime victims' compensation fund, provided that the offender has failed to pay the amount
113 owed to the fund prior to entering a correctional facility of the department of corrections.

114 14. All interest earned as a result of investing funds in the crime victims'
115 compensation fund shall be paid into the crime victims' compensation fund and not into the
116 general revenue of this state.

117 15. Any person who knowingly makes a fraudulent claim or false statement in
118 connection with any claim hereunder is guilty of a class A misdemeanor.

119 16. The department may receive gifts and contributions for the benefit of crime
120 victims. Such gifts and contributions shall be credited to the crime victims' compensation
121 fund as used solely for compensating victims under the provisions of sections 595.010 to
122 595.075.

2 ~~[435.014. 1. If all the parties to a dispute agree in writing to submit~~
3 ~~their dispute to any forum for arbitration, conciliation or mediation, then no~~
4 ~~person who serves as arbitrator, conciliator or mediator, nor any agent or~~
5 ~~employee of that person, shall be subpoenaed or otherwise compelled to~~
6 ~~disclose any matter disclosed in the process of setting up or conducting the~~
7 ~~arbitration, conciliation or mediation.~~

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

2 ~~[537.528. 1. Any action against a person for conduct or speech~~
3 ~~undertaken or made in connection with a public hearing or public meeting, in a~~
4 ~~quasi-judicial proceeding before a tribunal or decision-making body of the~~
5 ~~state or any political subdivision of the state is subject to a special motion to~~
6 ~~dismiss, motion for judgment on the pleadings, or motion for summary~~
7 ~~judgment that shall be considered by the court on a priority or expedited basis~~
8 ~~to ensure the early consideration of the issues raised by the motion and to~~
9 ~~prevent the unnecessary expense of litigation. Upon the filing of any special~~
10 ~~motion described in this subsection, all discovery shall be suspended pending a~~
11 ~~decision on the motion by the court and the exhaustion of all appeals regarding~~
12 ~~the special motion.~~

13 ~~2. If the rights afforded by this section are raised as an affirmative~~
14 ~~defense and if a court grants a motion to dismiss, a motion for judgment on the~~
15 ~~pleadings or a motion for summary judgment filed within ninety days of the~~
16 ~~filing of the moving party's answer, the court shall award reasonable attorney~~
17 ~~fees and costs incurred by the moving party in defending the action. If the~~
18 ~~court finds that a special motion to dismiss or motion for summary judgment is~~
19 ~~frivolous or solely intended to cause unnecessary delay, the court shall award~~
20 ~~costs and reasonable attorney fees to the party prevailing on the motion.~~

21 ~~3. Any party shall have the right to an expedited appeal from a trial~~
22 ~~court order on the special motions described in subsection 2 of this section or~~
23 ~~from a trial court's failure to rule on the motion on an expedited basis.~~

24 ~~4. As used in this section, a "public meeting in a quasi-judicial~~
25 ~~proceeding" means and includes any meeting established and held by a state or~~
26 ~~local governmental entity, including without limitations meetings or~~
27 ~~presentations before state, county, city, town or village councils, planning~~
~~commissions, review boards or commissions.~~

28 ~~5. Nothing in this section limits or prohibits the exercise of a right or~~
29 ~~remedy of a party granted pursuant to another constitutional, statutory,~~
30 ~~common law or administrative provision, including civil actions for~~
31 ~~defamation.~~

32 ~~6. If any provision of this section or the application of any provision of~~
33 ~~this section to a person or circumstance is held invalid, the invalidity shall not~~
34 ~~affect other provisions or applications of this section that can be given effect~~
35 ~~without the invalid provision or application, and to this end the provisions of~~
36 ~~this section are severable.~~

37 ~~7. The provisions of this section shall apply to all causes of actions.]~~

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