

SECOND REGULAR SESSION

# SENATE BILL NO. 923

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR ROWDEN.

Read 1st time January 17, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5690S.011

## AN ACT

To repeal sections 452.375, 452.377, 589.660, 589.663, 589.664, 589.666, 589.669, 589.672, and 589.678, RSMo, and to enact in lieu thereof nine new sections relating to the address confidentiality program.

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

Section A. Sections 452.375, 452.377, 589.660, 589.663, 589.664, 589.666, 589.669, 589.672, and 589.678, RSMo, are repealed and nine new sections enacted in lieu thereof, to be known as sections 452.375, 452.377, 589.660, 589.663, 589.664, 589.666, 589.669, 589.672, and 589.678, to read as follows:

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

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

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

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

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

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

17           2. The court shall determine custody in accordance with the best interests  
18 of the child. When the parties have not reached an agreement on all issues  
19 related to custody, the court shall consider all relevant factors and enter written  
20 findings of fact and conclusions of law, including, but not limited to, the following:

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

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

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

29           (4) Which parent is more likely to allow the child frequent, continuing and  
30 meaningful contact with the other parent;

31           (5) The child's adjustment to the child's home, school, and community;

32           (6) The mental and physical health of all individuals involved, including  
33 any history of abuse of any individuals involved. If the court finds that a pattern  
34 of domestic violence as defined in section 455.010 has occurred, and, if the court  
35 also finds that awarding custody to the abusive parent is in the best interest of  
36 the child, then the court shall enter written findings of fact and conclusions of  
37 law. Custody and visitation rights shall be ordered in a manner that best  
38 protects the child and any other child or children for whom the parent has  
39 custodial or visitation rights, and the parent or other family or household member  
40 who is the victim of domestic violence from any further harm;

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

43           (8) The wishes of a child as to the child's custodian. The fact that a  
44 parent sends his or her child or children to a home school, as defined in section  
45 167.031, shall not be the sole factor that a court considers in determining custody  
46 of such child or children.

47           3. (1) In any court proceedings relating to custody of a child, the court  
48 shall not award custody or unsupervised visitation of a child to a parent if such  
49 parent or any person residing with such parent has been found guilty of, or pled  
50 guilty to, any of the following offenses when a child was the victim:

51           (a) A felony violation of section 566.030, 566.032, 566.031, 566.060,  
52 566.062, 566.064, 566.067, 566.068, 566.061, 566.083, 566.101, 566.100, 566.111,

53 566.151, 566.203, 566.206, 566.209, 566.211, or 566.215;

54 (b) A violation of section 568.020;

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

56 (d) A violation of section 568.065;

57 (e) A violation of section 573.200;

58 (f) A violation of section 573.205; or

59 (g) A violation of section 568.175.

60 (2) For all other violations of offenses in chapters 566 and 568 not  
61 specifically listed in subdivision (1) of this subsection or for a violation of an  
62 offense committed in another state when a child is the victim that would be a  
63 violation of chapter 566 or 568 if committed in Missouri, the court may exercise  
64 its discretion in awarding custody or visitation of a child to a parent if such  
65 parent or any person residing with such parent has been found guilty of, or pled  
66 guilty to, any such offense.

67 4. The general assembly finds and declares that it is the public policy of  
68 this state that frequent, continuing and meaningful contact with both parents  
69 after the parents have separated or dissolved their marriage is in the best  
70 interest of the child, except for cases where the court specifically finds that such  
71 contact is not in the best interest of the child, and that it is the public policy of  
72 this state to encourage parents to participate in decisions affecting the health,  
73 education and welfare of their children, and to resolve disputes involving their  
74 children amicably through alternative dispute resolution. In order to effectuate  
75 these policies, the court shall determine the custody arrangement which will best  
76 assure both parents participate in such decisions and have frequent, continuing  
77 and meaningful contact with their children so long as it is in the best interests  
78 of the child.

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

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

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

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

89 (4) Sole custody to either parent; or

90 (5) Third-party custody or visitation:

91 (a) When the court finds that each parent is unfit, unsuitable, or unable  
92 to be a custodian, or the welfare of the child requires, and it is in the best  
93 interests of the child, then custody, temporary custody or visitation may be  
94 awarded to any other person or persons deemed by the court to be suitable and  
95 able to provide an adequate and stable environment for the child. Before the  
96 court awards custody, temporary custody or visitation to a third person under this  
97 subdivision, the court shall make that person a party to the action;

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

101 6. If the parties have not agreed to a custodial arrangement, or the court  
102 determines such arrangement is not in the best interest of the child, the court  
103 shall include a written finding in the judgment or order based on the public policy  
104 in subsection 4 of this section and each of the factors listed in subdivisions (1) to  
105 (8) of subsection 2 of this section detailing the specific relevant factors that made  
106 a particular arrangement in the best interest of the child. If a proposed custodial  
107 arrangement is rejected by the court, the court shall include a written finding in  
108 the judgment or order detailing the specific relevant factors resulting in the  
109 rejection of such arrangement.

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

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

122 9. Any judgment providing for custody shall include a specific written  
123 parenting plan setting forth the terms of such parenting plan arrangements  
124 specified in subsection 8 of section 452.310. Such plan may be a parenting plan

125 submitted by the parties pursuant to section 452.310 or, in the absence thereof,  
126 a plan determined by the court, but in all cases, the custody plan approved and  
127 ordered by the court shall be in the court's discretion and shall be in the best  
128 interest of the child.

129         10. After August 28, 2016, every court order establishing or modifying  
130 custody or visitation shall include the following language: "In the event of  
131 noncompliance with this order, the aggrieved party may file a verified motion for  
132 contempt. If custody, visitation, or third-party custody is denied or interfered  
133 with by a parent or third party without good cause, the aggrieved person may file  
134 a family access motion with the court stating the specific facts that constitute a  
135 violation of the custody provisions of the judgment of dissolution, legal  
136 separation, or judgment of paternity. The circuit clerk will provide the aggrieved  
137 party with an explanation of the procedures for filing a family access motion and  
138 a simple form for use in filing the family access motion. A family access motion  
139 does not require the assistance of legal counsel to prepare and file."

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

147         12. Unless a parent has been denied custody rights pursuant to this  
148 section or visitation rights under section 452.400, both parents shall have access  
149 to records and information pertaining to a minor child including, but not limited  
150 to, medical, dental, and school records. If the parent without custody has been  
151 granted restricted or supervised visitation because the court has found that the  
152 parent with custody or any child has been the victim of domestic violence, as  
153 defined in section 455.010, by the parent without custody, the court may order  
154 that the reports and records made available pursuant to this subsection not  
155 include the address of the parent with custody or the child. **The court shall**  
156 **order that the reports and records made available under this**  
157 **subsection shall not include the address of the parent with custody if**  
158 **that parent is a participant in the address confidentiality program**  
159 **under sections 589.660 to 589.681.** Unless a parent has been denied custody  
160 rights pursuant to this section or visitation rights under section 452.400, any

161 judgment of dissolution or other applicable court order shall specifically allow  
162 both parents access to such records and reports.

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

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

178         15. If the court finds that domestic violence or abuse as defined in section  
179 455.010 has occurred, the court shall make specific findings of fact to show that  
180 the custody or visitation arrangement ordered by the court best protects the child  
181 and the parent or other family or household member who is the victim of domestic  
182 violence, as defined in section 455.010, and any other children for whom such  
183 parent has custodial or visitation rights from any further harm.

452.377. 1. For purposes of this section and section 452.375, "relocate" or  
2 "relocation" means a change in the principal residence of a child for a period of  
3 ninety days or more, but does not include a temporary absence from the principal  
4 residence.

5         2. Notice of a proposed relocation of the residence of the child, or any  
6 party entitled to custody or visitation of the child, shall be given in writing by  
7 certified mail, return receipt requested, to any party with custody or visitation  
8 rights. Absent exigent circumstances as determined by a court with jurisdiction,  
9 written notice shall be provided at least sixty days in advance of the proposed  
10 relocation. The notice of the proposed relocation shall include the following  
11 information:

12         (1) The intended new residence, including the specific address and mailing  
13 address, if known, and if not known, the city;

- 14 (2) The home telephone number of the new residence, if known;  
15 (3) The date of the intended move or proposed relocation;  
16 (4) A brief statement of the specific reasons for the proposed relocation of  
17 a child, if applicable; and  
18 (5) A proposal for a revised schedule of custody or visitation with the  
19 child, if applicable.

20 **3. If a party seeking to relocate a child is a participant in the**  
21 **address confidentiality program under sections 589.660 to 589.681, such**  
22 **party shall not be required to provide the information required in**  
23 **subdivision (1) of subsection 2 of this section, but may be required to**  
24 **submit such information under seal to the court for in camera**  
25 **review. Prior to disclosure of this information, a court shall comply**  
26 **with the provisions of section 589.664.**

27 4. A party required to give notice of a proposed relocation pursuant to  
28 subsection 2 of this section has a continuing duty to provide a change in or  
29 addition to the information required by this section as soon as such information  
30 becomes known.

31 [4.] 5. In exceptional circumstances where the court makes a finding that  
32 the health or safety of any adult or child would be unreasonably placed at risk by  
33 the disclosure of the required identifying information concerning a proposed  
34 relocation of the child, the court may order that:

35 (1) The specific residence address and telephone number of the child,  
36 parent or person, and other identifying information shall not be disclosed in the  
37 pleadings, notice, other documents filed in the proceeding or the final order  
38 except for an in camera disclosure;

39 (2) The notice requirements provided by this section shall be waived to the  
40 extent necessary to protect the health or safety of a child or any adult; or

41 (3) Any other remedial action the court considers necessary to facilitate  
42 the legitimate needs of the parties and the best interest of the child.

43 [5.] 6. The court shall consider a failure to provide notice of a proposed  
44 relocation of a child as:

45 (1) A factor in determining whether custody and visitation should be  
46 modified;

47 (2) A basis for ordering the return of the child if the relocation occurs  
48 without notice; and

49 (3) Sufficient cause to order the party seeking to relocate the child to pay

50 reasonable expenses and attorneys fees incurred by the party objecting to the  
51 relocation.

52 [6.] 7. If the parties agree to a revised schedule of custody and visitation  
53 for the child, which includes a parenting plan, they may submit the terms of such  
54 agreement to the court with a written affidavit signed by all parties with custody  
55 or visitation assenting to the terms of the agreement, and the court may order the  
56 revised parenting plan and applicable visitation schedule without a hearing.

57 [7.] 8. The residence of the child may be relocated sixty days after  
58 providing notice, as required by this section, unless a parent files a motion  
59 seeking an order to prevent the relocation within thirty days after receipt of such  
60 notice. Such motion shall be accompanied by an affidavit setting forth the  
61 specific factual basis supporting a prohibition of the relocation. The person  
62 seeking relocation shall file a response to the motion within fourteen days, unless  
63 extended by the court for good cause, and include a counter-affidavit setting forth  
64 the facts in support of the relocation as well as a proposed revised parenting plan  
65 for the child.

66 [8.] 9. If relocation of the child is proposed, a third party entitled by  
67 court order to legal custody of or visitation with a child and who is not a parent  
68 may file a cause of action to obtain a revised schedule of legal custody or  
69 visitation, but shall not prevent a relocation.

70 [9.] 10. The party seeking to relocate shall have the burden of proving  
71 that the proposed relocation is made in good faith and is in the best interest of  
72 the child.

73 [10.] 11. If relocation is permitted:

74 (1) The court shall order contact with the nonrelocating party including  
75 custody or visitation and telephone access sufficient to assure that the child has  
76 frequent, continuing and meaningful contact with the nonrelocating party unless  
77 the child's best interest warrants otherwise; and

78 (2) The court shall specify how the transportation costs will be allocated  
79 between the parties and adjust the child support, as appropriate, considering the  
80 costs of transportation.

81 [11.] 12. After August 28, 1998, every court order establishing or  
82 modifying custody or visitation shall include the following language:

83 "Absent exigent circumstances as determined by a court with  
84 jurisdiction, you, as a party to this action, are ordered to notify, in  
85 writing by certified mail, return receipt requested, and at least



86 sixty days prior to the proposed relocation, each party to this action  
87 of any proposed relocation of the principal residence of the child,  
88 including the following information:

- 89 (1) The intended new residence, including the specific address and  
90 mailing address, if known, and if not known, the city;  
91 (2) The home telephone number of the new residence, if known;  
92 (3) The date of the intended move or proposed relocation;  
93 (4) A brief statement of the specific reasons for the proposed  
94 relocation of the child; and  
95 (5) A proposal for a revised schedule of custody or visitation with  
96 the child.

97 Your obligation to provide this information to each party continues  
98 as long as you or any other party by virtue of this order is entitled  
99 to custody of a child covered by this order. Your failure to obey the  
100 order of this court regarding the proposed relocation may result in  
101 further litigation to enforce such order, including contempt of court.  
102 In addition, your failure to notify a party of a relocation of the child  
103 may be considered in a proceeding to modify custody or visitation  
104 with the child. Reasonable costs and attorney fees may be assessed  
105 against you if you fail to give the required notice."

106 **13. A participant in the address confidentiality program under**  
107 **sections 589.660 to 589.681 shall not be required to provide a requesting**  
108 **party with the specific physical or mailing address of the child's**  
109 **proposed relocation destination; provided, that in the event of an**  
110 **objection by a requesting party, a participant may be required to**  
111 **submit such information under seal to the court for in camera**  
112 **review. Prior to disclosure of this information, a court shall comply**  
113 **with the provisions of section 589.664.**

114 [12.] **14.** Violation of the provisions of this section or a court order under  
115 this section may be deemed a change of circumstance under section 452.410,  
116 allowing the court to modify the prior custody decree. In addition, the court may  
117 utilize any and all powers relating to contempt conferred on it by law or rule of  
118 the Missouri supreme court.

119 [13.] **15.** Any party who objects in good faith to the relocation of a child's  
120 principal residence shall not be ordered to pay the costs and attorney's fees of the  
121 party seeking to relocate.

589.660. As used in sections 589.660 to 589.681, the following terms

2 mean:

3 (1) "Address", a residential street address, school address, or work address  
4 of a person, as specified on the person's application to be a program participant;

5 (2) "Application assistant", an employee **or volunteer** of a [state or local]  
6 **government** agency, or of a nonprofit program that provides counseling, referral,  
7 shelter, or other specialized service to victims of domestic violence, rape, sexual  
8 assault, human trafficking, [or] stalking, **or other crimes**, who has been  
9 designated by the respective agency or program, and who has been trained and  
10 registered by the secretary of state to assist individuals in the completion of  
11 program participation applications;

12 (3) "Designated address", the address assigned to a program participant  
13 by the secretary;

14 (4) "Mailing address", an address that is recognized for delivery by the  
15 United States Postal Service;

16 (5) "Program", the address confidentiality program established in section  
17 589.663;

18 (6) "Program participant", a person certified by the secretary of state as  
19 eligible to participate in the address confidentiality program;

20 (7) "Secretary", the secretary of state.

589.663. 1. There is created in the office of the secretary of state a  
2 program to be known as the "Address Confidentiality Program" to protect victims  
3 of domestic violence, rape, sexual assault, human trafficking, or stalking, **who**  
4 **fear for their safety, as well as the safety of individuals residing in the**  
5 **same household as the victim**, by authorizing the use of designated addresses  
6 for such victims and [their minor children] **individuals residing with**  
7 **them**. The program shall be administered by the secretary under the following  
8 application and certification procedures:

9 (1) An adult person, a parent or guardian acting on behalf of a minor, or  
10 a guardian acting on behalf of an incapacitated person may apply to the secretary  
11 to have a designated address assigned by the secretary to serve as the person's  
12 address or the address of the minor or incapacitated person;

13 (2) The secretary may approve an application [only] if it is filed with the  
14 office of the secretary in the manner established by rule and on a form prescribed  
15 by the secretary. A completed application shall contain:

16 (a) The [application preparation date] **date the application was**

17 **prepared**, the applicant's signature, and the signature and registration number  
18 of the application assistant who assisted the applicant in applying to be a  
19 program participant;

20 (b) A designation of the secretary as agent for purposes of service of  
21 process and for receipt of first-class mail, legal documents, and certified mail;

22 (c) A [sworn] statement [by] **that** the applicant [that the applicant] has  
23 good reason to believe that he or she:

24 a. Is a victim of domestic violence, rape, sexual assault, human  
25 trafficking, or stalking, **or resides in the same household as a victim**; and

26 b. Fears [further violent acts from his or her assailant] **future harm,**  
27 **including harm as a result of other crimes**;

28 (d) [The] **A** mailing address where the applicant may be contacted by the  
29 secretary or a designee and the telephone number or numbers where the  
30 applicant may be called by the secretary or the secretary's designee; and

31 (e) One or more addresses that the applicant requests not be disclosed for  
32 the reason that disclosure will jeopardize the applicant's safety or increase the  
33 risk of violence to the applicant or members of the applicant's household;

34 (3) Upon receipt of a [properly] completed application, the secretary may  
35 certify the applicant as a program participant. A program participant is certified  
36 for four years following the date of initial certification unless the certification is  
37 withdrawn **by the applicant** or cancelled **by the secretary** before that  
38 date. The secretary shall send notification of [lapsing] **an expiring** certification  
39 and a [reapplication] **renewal** form to a program participant at least four weeks  
40 prior to the expiration of the program participant's certification[;]. **The renewal**  
41 **shall be signed by the applicant and such signature shall not be**  
42 **required to be made before an application assistant; and**

43 (4) The secretary shall forward first class mail, legal documents, and  
44 certified mail to the appropriate program participants.

45 **2. This section shall be liberally construed to effectuate the**  
46 **purposes and intent of the program and any omission on the part of the**  
47 **secretary in administering the program shall not result in the**  
48 **disqualification or removal from the program of an applicant or**  
49 **participant.**

589.664. 1. If an individual is **deemed** a participant in the address  
2 confidentiality program [under section 589.663] **by the secretary**, no person or  
3 entity shall be compelled to disclose the participant's actual address during the

4 discovery phase of or during a proceeding before a court or other tribunal unless  
5 the court or tribunal first finds, on the record, that:

6 (1) There is a reasonable belief that the address is needed to obtain  
7 information or evidence without which the investigation, prosecution, or litigation  
8 cannot proceed; and

9 (2) There is no other practicable way of obtaining the information or  
10 evidence.

11 2. The court shall first provide the program participant and the secretary  
12 [of state] notice that address disclosure is sought.

13 3. The program participant shall have an opportunity to present evidence  
14 regarding the potential harm to the safety of the program participant if the  
15 address is disclosed. In determining whether to compel disclosure, the court shall  
16 consider whether the potential harm to the safety of the participant is outweighed  
17 by the interest in disclosure.

18 4. Notwithstanding any other provision of law to the contrary, no court  
19 shall order an individual who has had his or her application to the program  
20 accepted by the secretary to disclose his or her actual address or the location of  
21 his or her residence without giving the secretary proper notice. The secretary  
22 shall have the right to intervene in any civil proceeding in which a court is  
23 considering ordering a participant to disclose his or her actual address.

24 5. Disclosure of a participant's actual address under this section shall be  
25 limited under the terms of the order to ensure that the disclosure and  
26 dissemination of the actual address will be no greater than necessary for the  
27 purposes of the investigation, prosecution, or litigation.

28 6. Nothing in this section shall be construed to prevent the court or any  
29 other tribunal from issuing a protective order to prevent the disclosure of  
30 information other than the participant's actual address that could reasonably lead  
31 to the discovery of the program participant's location.

589.666. Certification of a program participant may be cancelled by the  
2 secretary if one or more of the following conditions apply:

3 (1) If the program participant obtains a name change, unless the program  
4 participant provides the secretary with documentation of a legal name change  
5 within ten business days of the name change;

6 (2) If there is a change in the mailing address [from] **for** the person listed  
7 on the application, unless the program participant provides the secretary with  
8 notice of the change in such manner as the secretary provides by rule; [or]

- 9 (3) **The participant relocates outside of the state of Missouri; or**  
10 (4) The applicant or program participant violates subdivision (2) of  
11 section 589.663.

589.669. Upon demonstration [of a program participant's certification in  
2 the program, state and local] **that an applicant has been accepted into the**  
3 **program by the secretary, government** agencies and the courts shall accept  
4 the designated address as a program participant's address when creating a new  
5 public record unless the secretary has determined that:

6 (1) [The] **An** agency has a bona fide statutory or administrative  
7 requirement for the use of the program participant's address or mailing address[,  
8 such that it is] **and is** unable to fulfill its statutory duties and obligations  
9 without the address; and

10 (2) The program participant's address or mailing address shall be used  
11 only for those statutory and administrative purposes **and shall not be made**  
12 **publicly available.**

589.672. If the secretary deems it appropriate, the secretary may make  
2 a program participant's address or mailing address available for inspection or  
3 copying, under the following circumstances:

4 (1) If [requested of the secretary by] a law enforcement agency **makes a**  
5 **request for such availability** in the manner provided for by rule; or

6 (2) [Upon request to the secretary by] **If** a director of a [state]  
7 **government** agency or the director's designee **makes a request for such**  
8 **availability** in the manner provided for by rule and upon a showing of a bona  
9 fide statutory or administrative requirement for the use of the program  
10 participant's address or mailing address, such that the director or the director's  
11 designee is unable to fulfill statutory duties and obligations without the address  
12 or mailing address.

589.678. A program participant's application [and], **all** supporting  
2 materials [are], **and all communications with the program shall not [a] be**  
3 **considered** public [record and shall be kept confidential by the secretary]  
4 **records and shall not be subject to disclosure under chapter 610.**

✓