

FIRST REGULAR SESSION

# HOUSE BILL NO. 62

## 99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE BERRY.

0126H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 36.020, 50.1250, 56.110, 56.830, 57.967, 57.980, 57.982, 59.310, 59.313, 59.330, 59.410, 59.450, 64.090, 67.1421, 67.1876, 70.661, 70.675, 71.011, 71.590, 86.093, 86.251, 86.253, 86.254, 86.260, 86.280, 86.283, 86.287, 86.547, 86.1151, 86.1230, 86.1240, 86.1310, 86.1540, 86.1580, 86.1610, 87.045, 87.050, 87.195, 87.220, 87.235, 87.440, 87.445, 87.450, 87.455, 87.615, 88.080, 89.020, 104.012, 104.090, 104.140, 104.312, 104.372, 104.395, 104.420, 104.610, 104.612, 104.620, 104.1027, 104.1030, 104.1051, 104.1054, 104.1091, 105.915, 108.470, 115.167, 135.090, 135.096, 137.106, 143.124, 143.125, 143.161, 169.075, 169.076, 169.141, 169.460, 169.572, 169.590, 169.676, 169.715, 170.015, 172.310, 173.275, 182.050, 182.190, 182.640, 190.060, 190.294, 190.339, 192.016, 192.2200, 193.015, 193.085, 193.087, 193.185, 193.195, 193.205, 193.215, 193.265, 193.275, 194.115, 198.088, 199.009, 199.043, 205.970, 208.010, 208.026, 208.040, 208.784, 209.030, 209.625, 210.211, 210.481, 210.565, 210.818, 210.822, 210.824, 210.829, 210.841, 211.021, 214.270, 227.297, 273.110, 287.240, 287.812, 301.443, 301.682, 301.3121, 302.171, 302.178, 314.100, 320.320, 321.220, 321.600, 354.095, 354.536, 375.936, 375.995, 376.426, 376.428, 376.450, 376.776, 376.777, 376.806, 376.820, 376.892, 376.893, 376.894, 376.920, 376.960, 379.930, 400.9-102, 404.051, 404.550, 404.570, 404.717, 404.719, 408.550, 408.575, 431.058, 431.061, 431.064, 431.065, 431.066, 432.010, 435.405, 442.025, 442.040, 442.160, 443.863, 446.340, 451.010, 451.020, 451.022, 451.030, 451.040, 451.080, 451.090, 451.100, 451.110, 451.115, 451.120, 451.130, 451.150, 451.151, 451.160, 451.170, 451.180, 451.190, 451.200, 451.210, 451.220, 451.230, 451.240, 451.250, 451.260, 451.270, 451.290, 452.075, 452.130, 452.150, 452.160, 452.170, 452.180, 452.190, 452.200, 452.220, 452.240, 452.300, 452.305, 452.310, 452.312, 452.314, 452.315, 452.317, 452.318, 452.320, 452.325, 452.330, 452.335, 452.340,

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.

452.360, 452.370, 452.372, 452.375, 452.380, 452.402, 452.412, 452.423, 452.430, 452.600, 452.605, 453.090, 453.170, 454.440, 454.460, 454.485, 454.618, 455.010, 455.050, 455.060, 455.070, 455.085, 455.220, 455.523, 455.534, 456.014, 456.950, 456.1-112, 456.8-815, 456.10-1007, 461.045, 461.051, 461.065, 461.071, 472.010, 472.160, 473.090, 473.095, 473.120, 473.123, 473.263, 473.399, 473.490, 473.675, 474.010, 474.060, 474.120, 474.140, 474.150, 474.160, 474.170, 474.220, 474.235, 474.250, 474.270, 474.280, 474.290, 474.300, 474.310, 474.435, 475.024, 475.091, 475.094, 475.110, 475.265, 476.515, 476.521, 476.529, 476.539, 486.340, 487.080, 488.012, 488.445, 490.590, 490.600, 506.500, 509.520, 513.430, 513.440, 516.350, 523.039, 544.290, 545.660, 565.140, 565.156, 566.010, 566.023, 566.115, 566.116, 566.200, 568.010, 568.020, 575.095, 578.475, 595.010, 630.200, and 650.454, RSMo, section 166.435 as enacted by senate bill no. 366, ninety-eighth general assembly, first regular session, and section 166.435 as enacted by senate bill no. 863, ninety-fourth general assembly, second regular session, and to enact in lieu thereof three hundred seven new sections relating to marriage, with penalty provisions.

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

Section A. Sections 36.020, 50.1250, 56.110, 56.830, 57.967, 57.980, 57.982, 59.310, 2 59.313, 59.330, 59.410, 59.450, 64.090, 67.1421, 67.1876, 70.661, 70.675, 71.011, 71.590, 3 86.093, 86.251, 86.253, 86.254, 86.260, 86.280, 86.283, 86.287, 86.547, 86.1151, 86.1230, 4 86.1240, 86.1310, 86.1540, 86.1580, 86.1610, 87.045, 87.050, 87.195, 87.220, 87.235, 87.440, 5 87.445, 87.450, 87.455, 87.615, 88.080, 89.020, 104.012, 104.090, 104.140, 104.312, 104.372, 6 104.395, 104.420, 104.610, 104.612, 104.620, 104.1027, 104.1030, 104.1051, 104.1054, 7 104.1091, 105.915, 108.470, 115.167, 135.090, 135.096, 137.106, 143.124, 143.125, 143.161, 8 169.075, 169.076, 169.141, 169.460, 169.572, 169.590, 169.676, 169.715, 170.015, 172.310, 9 173.275, 182.050, 182.190, 182.640, 190.060, 190.294, 190.339, 192.016, 192.2200, 193.015, 10 193.085, 193.087, 193.185, 193.195, 193.205, 193.215, 193.265, 193.275, 194.115, 198.088, 11 199.009, 199.043, 205.970, 208.010, 208.026, 208.040, 208.784, 209.030, 209.625, 210.211, 12 210.481, 210.565, 210.818, 210.822, 210.824, 210.829, 210.841, 211.021, 214.270, 227.297, 13 273.110, 287.240, 287.812, 301.443, 301.682, 301.3121, 302.171, 302.178, 314.100, 320.320, 14 321.220, 321.600, 354.095, 354.536, 375.936, 375.995, 376.426, 376.428, 376.450, 376.776, 15 376.777, 376.806, 376.820, 376.892, 376.893, 376.894, 376.920, 376.960, 379.930, 400.9-102, 16 404.051, 404.550, 404.570, 404.717, 404.719, 408.550, 408.575, 431.058, 431.061, 431.064, 17 431.065, 431.066, 432.010, 435.405, 442.025, 442.040, 442.160, 443.863, 446.340, 451.010, 18 451.020, 451.022, 451.030, 451.040, 451.080, 451.090, 451.100, 451.110, 451.115, 451.120,

19 451.130, 451.150, 451.151, 451.160, 451.170, 451.180, 451.190, 451.200, 451.210, 451.220,  
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21 452.170, 452.180, 452.190, 452.200, 452.220, 452.240, 452.300, 452.305, 452.310, 452.312,  
22 452.314, 452.315, 452.317, 452.318, 452.320, 452.325, 452.330, 452.335, 452.340, 452.360,  
23 452.370, 452.372, 452.375, 452.380, 452.402, 452.412, 452.423, 452.430, 452.600, 452.605,  
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25 455.085, 455.220, 455.523, 455.534, 456.014, 456.950, 456.1-112, 456.8-815, 456.10-1007,  
26 461.045, 461.051, 461.065, 461.071, 472.010, 472.160, 473.090, 473.095, 473.120, 473.123,  
27 473.263, 473.399, 473.490, 473.675, 474.010, 474.060, 474.120, 474.140, 474.150, 474.160,  
28 474.170, 474.220, 474.235, 474.250, 474.270, 474.280, 474.290, 474.300, 474.310, 474.435,  
29 475.024, 475.091, 475.094, 475.110, 475.265, 476.515, 476.521, 476.529, 476.539, 486.340,  
30 487.080, 488.012, 488.445, 490.590, 490.600, 506.500, 509.520, 513.430, 513.440, 516.350,  
31 523.039, 544.290, 545.660, 565.140, 565.156, 566.010, 566.023, 566.115, 566.116, 566.200,  
32 568.010, 568.020, 575.095, 578.475, 595.010, 630.200, and 650.454, RSMo, section 166.435  
33 as enacted by senate bill no. 366, ninety-eighth general assembly, first regular session, and  
34 section 166.435 as enacted by senate bill no. 863, ninety-fourth general assembly, second regular  
35 session are repealed and three hundred seven new sections enacted in lieu thereof, to be known  
36 as sections 36.020, 50.1250, 56.110, 56.830, 57.967, 57.980, 57.982, 59.310, 59.313, 59.330,  
37 59.410, 59.450, 64.090, 67.1421, 67.1876, 70.661, 70.675, 71.011, 71.590, 86.093, 86.251,  
38 86.253, 86.254, 86.260, 86.280, 86.283, 86.287, 86.547, 86.1151, 86.1230, 86.1240, 86.1310,  
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40 87.455, 87.615, 88.080, 89.020, 104.012, 104.090, 104.140, 104.312, 104.372, 104.395,  
41 104.420, 104.610, 104.612, 104.620, 104.1027, 104.1030, 104.1051, 104.1054, 104.1091,  
42 105.915, 108.470, 115.167, 135.090, 135.096, 137.106, 143.124, 143.125, 143.161, 166.435,  
43 169.075, 169.076, 169.141, 169.460, 169.572, 169.590, 169.676, 169.715, 170.015, 172.310,  
44 173.275, 182.050, 182.190, 182.640, 190.060, 190.294, 190.339, 192.016, 192.2200, 193.015,  
45 193.085, 193.087, 193.185, 193.195, 193.205, 193.215, 193.265, 193.275, 194.115, 198.088,  
46 199.009, 199.043, 205.970, 208.010, 208.026, 208.040, 208.784, 209.030, 209.625, 210.211,  
47 210.481, 210.565, 210.818, 210.822, 210.824, 210.829, 210.841, 211.021, 214.270, 227.297,  
48 273.110, 287.240, 287.812, 301.443, 301.682, 301.3121, 302.171, 302.178, 314.100, 320.320,  
49 321.220, 321.600, 354.095, 354.536, 375.936, 375.995, 376.426, 376.428, 376.450, 376.776,  
50 376.777, 376.806, 376.820, 376.892, 376.893, 376.894, 376.920, 376.960, 379.930, 400.9-102,  
51 404.051, 404.550, 404.570, 404.717, 404.719, 408.550, 408.575, 431.058, 431.061, 431.064,  
52 431.065, 431.066, 432.010, 435.405, 442.025, 442.040, 442.160, 443.863, 446.340, 451.010,  
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58 453.170, 454.440, 454.460, 454.485, 454.618, 455.010, 455.050, 455.060, 455.070, 455.085,  
59 455.220, 455.523, 455.534, 456.014, 456.950, 456.1-112, 456.8-815, 456.10-1007, 461.045,  
60 461.051, 461.065, 461.071, 472.010, 472.160, 473.090, 473.095, 473.120, 473.123, 473.263,  
61 473.399, 473.490, 473.675, 474.010, 474.060, 474.120, 474.140, 474.150, 474.160, 474.170,  
62 474.220, 474.235, 474.250, 474.270, 474.280, 474.290, 474.300, 474.310, 474.435, 475.024,  
63 475.091, 475.094, 475.110, 475.265, 476.515, 476.521, 476.529, 476.539, 486.340, 487.080,  
64 488.012, 488.445, 490.590, 490.600, 506.500, 509.520, 513.430, 513.440, 516.350, 523.039,  
65 544.290, 545.660, 565.140, 565.156, 566.010, 566.023, 566.115, 566.116, 566.200, 568.010,  
66 568.020, 575.095, 578.475, 595.010, 630.200, and 650.454, to read as follows:

36.020. Unless the context clearly requires otherwise, the following terms mean:

- 2 (1) "Agency", "state agency" or "agency of the state", each department, board,  
3 commission or office of the state except for offices of the elected officials, the general assembly,  
4 the judiciary and academic institutions;
- 5 (2) "Appointing authority", an officer or agency subject to this chapter having power to  
6 make appointments;
- 7 (3) "Board", the personnel advisory board as established by section 36.050;
- 8 (4) "Broad classification band", a grouping of positions with similar levels of  
9 responsibility or expertise;
- 10 (5) "Class" or "class of positions", a group of positions subject to this chapter sufficiently  
11 alike in duties, authority and responsibilities to justify the same qualifications and the same  
12 schedule of pay to all positions in the group;
- 13 (6) "Director", the director of the division of personnel of the office of administration;
- 14 (7) "Disabled veteran", a veteran who has served on active duty in the Armed Forces at  
15 any time who receives compensation as a result of a service-connected disability claim allowed  
16 by the federal agency responsible for the administration of veteran's affairs, or who receives  
17 disability retirement or disability pension benefits from a federal agency as a result of such a  
18 disability or a National Guard veteran who was permanently disabled as a result of active service  
19 to the state at the call of the governor;
- 20 (8) "Division of service" or "division", a state department or any division or branch of  
21 the state, or any agency of the state government, all the positions and employees in which are  
22 under the same appointing authority;
- 23 (9) "Eligible", a person whose name is on a register or who has been determined to meet  
24 the qualifications for a class or position;

- 25 (10) "Open competitive examination", a test for positions in a particular class, admission  
26 to which is not limited to persons employed in positions subject to this chapter;
- 27 (11) "Promotional examination", a test for positions in a particular class, admission to  
28 which is limited to employees with regular status in positions subject to this chapter;
- 29 (12) "Public hearing", a hearing held after public notice at which any person has a  
30 reasonable opportunity to be heard;
- 31 (13) "Register of eligibles", a list of persons who have been found qualified by an open  
32 competitive examination for appointment to a position;
- 33 (14) "Regular employee", an employee who has successfully completed a probationary  
34 period as provided in section 36.250;
- 35 (15) "Reinstatement register", a list of persons who have been regular employees and  
36 who have been laid off in good standing due to lack of work or funds, or other similar cause, or  
37 who have been demoted in lieu of layoff;
- 38 (16) "State equal employment opportunity officer", the individual designated by the  
39 governor or the commissioner of administration as having responsibility for monitoring the  
40 compliance of the state as an employer with applicable equal employment opportunity law and  
41 regulation and for leadership in efforts to establish a state workforce which reflects the diversity  
42 of Missouri citizens at all levels of employment;
- 43 (17) "Surviving spouse", the ~~unmarried~~ surviving spouse **who is not a party to a**  
44 **contract of domestic union** of a disabled veteran or any person who was killed while on active  
45 duty in the Armed Forces of the United States or ~~an unmarried~~ a surviving spouse **who is not**  
46 **a party to a contract of domestic union** of a National Guard veteran who was killed as a result  
47 of active service to the state at the call of the governor;
- 48 (18) "Veteran", any person who is a citizen of this state who has been separated under  
49 honorable conditions from the Armed Forces of the United States who served on active duty  
50 during peacetime or wartime for at least six consecutive months, unless released early as a result  
51 of a service-connected disability or a reduction in force at the convenience of the government,  
52 or any member of a reserve or National Guard component who has satisfactorily completed at  
53 least six years of service or who was called or ordered to active duty by the President and  
54 participated in any campaign or expedition for which a campaign badge or service medal has  
55 been authorized.

50.1250. 1. If a member has less than five years of creditable service upon termination  
2 of employment, the member shall forfeit the portion of his or her defined contribution account  
3 attributable to board matching contributions or county matching contributions pursuant to section  
4 50.1230. The proceeds of such forfeiture shall be applied towards matching contributions made  
5 by the board for the calendar year in which the forfeiture occurs. If the board does not approve

6 a matching contribution, then forfeitures shall revert to the county employees' retirement fund.  
7 The proceeds of such forfeiture with respect to county matching contributions shall be applied  
8 toward matching contributions made by the respective county in accordance with rules  
9 prescribed by the board.

10 2. A member shall be eligible to receive a distribution of the member's defined  
11 contribution account in such form selected by the member as permitted under and in accordance  
12 with the rules and regulations formulated and adopted by the board from time to time, and  
13 commencing as soon as administratively feasible following separation from service, unless the  
14 member elects to receive the account balance at a later time, but no later than his or her required  
15 beginning date. Notwithstanding the foregoing, if the value of a member's defined contribution  
16 account balance is one thousand dollars or less at the time of the member's separation from  
17 service, without respect to any board-matching contributions or employer-matching contribution  
18 which might be allocated following the member's separation from service, then his or her defined  
19 contribution account shall be distributed to the member in a single sum as soon as  
20 administratively feasible following his or her separation from service. The amount of the  
21 distribution shall be the amount determined as of the valuation date described in section 50.1240,  
22 if the member has at least five years of creditable service. If the member has less than five years  
23 of creditable service upon his or her separation from service, then the amount of the distribution  
24 shall equal the portion of the member's defined contribution account attributable to the member's  
25 seed contributions pursuant to section 50.1220, if any, determined as of the valuation date.

26 3. If the member dies before receiving the member's account balance, the member's  
27 designated beneficiary shall receive the member's defined contribution account balance, as  
28 determined as of the immediately preceding valuation date, in a single sum. The member's  
29 beneficiary shall be his or her spouse, if ~~married~~ **a party to a contract of domestic union**, or  
30 his or her estate, if not ~~married~~ **a party to a contract of domestic union**, unless the member  
31 designates an alternative beneficiary in accordance with procedures established by the board.

56.110. If the prosecuting attorney and assistant prosecuting attorney be interested or  
2 shall have been employed as counsel in any case where such employment is inconsistent with  
3 the duties of his or her office, or shall be related to the defendant in any criminal prosecution,  
4 either by blood or by ~~marriage~~ **a contract of a domestic union**, the court having criminal  
5 jurisdiction may appoint some other attorney to prosecute or defend the cause. Such special  
6 prosecutor shall not otherwise represent a party other than the state of Missouri in any criminal  
7 case or proceeding in that circuit for the duration of that appointment and shall be considered an  
8 appointed prosecutor for purposes of section 56.360.

56.830. 1. A death benefit of ten thousand dollars shall be paid to the designated beneficiary of every active member upon the member's death or to the member's estate if there is no designated beneficiary.

2. If a member dies before retirement, after becoming eligible for retirement, the member's surviving spouse, if such surviving spouse has been ~~married to~~ **a party to a contract of domestic union with** the member for at least two years prior to the member's death, shall be entitled to survivorship benefits pursuant to option 1 as set forth in section 56.827 as if the member had retired on the date of the member's death.

3. If a member with twelve or more years of service dies before becoming eligible for retirement, the member's surviving spouse, if such surviving spouse has been ~~married to~~ **a party to a contract of domestic union with** the member for at least two years prior to the member's death, shall be entitled to survivor benefits pursuant to option 1 as set forth in section 56.827 as if the member retired on the date of the member's death.

57.967. 1. The normal annuity of a retired member shall equal two percent of the final average compensation of the retired member multiplied by the number of years of creditable service of the retired member, except that the normal annuity shall not exceed seventy-five percent of the retired member's average final compensation.

2. The board, at its last meeting of each calendar year, shall determine the monthly amount for medical insurance premiums to be paid to each retired member during the next following calendar year. The monthly amount shall not exceed four hundred fifty dollars. The monthly payments are at the discretion of the board on the advice of the actuary. The anticipated sum of all such payments during the year plus the annual normal cost plus the annual amount to amortize the unfunded actuarial accrued liability in no more than thirty years shall not exceed the anticipated moneys credited to the system pursuant to section 57.955. The money amount granted here shall not be continued to any survivor.

3. If a member with eight or more years of service dies before becoming eligible for retirement, the member's surviving spouse, if he or she has been ~~married to~~ **a party to a contract of domestic union with** the member for at least two years prior to the member's death, shall be entitled to survivor benefits under option 1 as set forth in section 57.979 as if the member had retired on the date of the member's death. The member's monthly benefit shall be calculated as the member's accrued benefit at his or her death reduced by one-fourth of one percent per month for an early commencement from the member's normal retirement date: age fifty-five with twelve or more years of creditable service or age sixty-two with eight years of creditable service, to the member's date of death. Such benefit shall be payable on the first day of the month following the member's death and shall be payable during the surviving spouse's lifetime.

57.980. 1. A death benefit of ten thousand dollars shall be paid to the designated beneficiary of every active member upon his **or her** death or to his **or her** estate if there is no designated beneficiary, or in lieu thereof, a benefit of twenty thousand dollars shall be so paid if the member is killed in the performance of his **or her** duty.

2. If a member dies during the performance of his **or her** duty, in addition to the death benefit specified in subsection 1 of this section, his **or her** surviving spouse shall be entitled to survivorship benefits of fifty percent of the accrued benefit, payable for a period of five years.

3. If a member dies other than during the performance of his **or her** duty and before retirement, after becoming eligible for retirement, his **or her** surviving spouse, if **he or** she has been ~~[married to]~~ **a party to a contract of domestic union with** the member for at least two years prior to his **or her** death, shall be entitled to survivorship benefits under option one as set forth in section 57.979 as if the member had retired on the date of his death.

57.982. 1. Any active member of the system who is terminated from active employment as a result of an injury or illness received in the performance of the member's duty, as determined by the board, or any active member who is terminated because of an injury or illness not received in the performance of his **or her** duty and the member has five or more years of creditable service, may be placed on disability leave and shall be entitled to receive a monthly disability leave benefit equal to eighty percent of the member's monthly average final compensation decreased by the member's primary federal Social Security benefit.

2. A member shall be deemed eligible for disability benefits only when it is determined by the board that the member is entitled to disability benefits under the Federal Social Security Act.

3. A member on disability leave who has not accrued at least eight years of creditable service shall accrue membership service for the period from the effective date of disability leave, as approved by the board, until the member has accrued eight years of creditable service.

4. The maximum benefit period for disability leave payments shall be from the date disability payments begin until age sixty-five or when the member accrues eight years of creditable service whichever later occurs. A member cannot receive disability leave benefits and retirement benefits concurrently.

5. Monthly disability leave benefits described herein shall not be paid to any member who is no longer receiving disability payments from Social Security. At that time, the member's disability leave shall be terminated and the member shall be eligible for any benefits that the member is entitled to by reason of his **or her** age and creditable service or in the case of his **or her** returning to work he **or she** may be reinstated as an active member under rules and procedures adopted by the board.



24           6. Members receiving disability leave benefits shall be eligible for medical insurance  
25 benefits under subsection 2 of section 57.967 but shall not be eligible for the increase in benefits  
26 provided by section 57.968.

27           7. A member who retires while on disability leave shall be considered a normal retiree  
28 and section 57.979 shall be applicable.

29           8. If a vested member who is receiving disability leave benefits dies before retirement,  
30 he **or she** shall be considered to have retired on the date of death and the member's spouse, if  
31 ~~[married to]~~ **a party to a contract of domestic union with** the member for two years or more  
32 immediately prior to the member's death, shall be entitled to the survivor benefit under option  
33 1 of section 57.979.

34           9. Other rules and procedures necessary for the operation and administration of disability  
35 benefits shall be established by the board in accordance with chapter 536.

          59.310. 1. The county recorder of deeds may refuse any document presented for  
2 recording that does not meet the following requirements:

3           (1) The document shall consist of one or more individual pages printed only on one side  
4 and not permanently bound nor in a continuous form. The document shall not have any  
5 attachment stapled or otherwise affixed to any page except as necessary to comply with statutory  
6 requirements, provided that a document may be stapled together for presentation for recording;  
7 a label that is firmly attached with a bar code or return address may be accepted for recording;

8           (2) The size of print or type shall not be smaller than eight-point type and shall be in  
9 black or dark ink. Should any document presented for recording contain type smaller than  
10 eight-point type, such document shall be accompanied by an exact typewritten copy not smaller  
11 than eight-point type to be recorded contemporaneously as additional pages of the document;

12           (3) The document must be of sufficient legibility to produce a clear and legible  
13 reproduction thereof. Should any document not be of sufficient legibility to produce a clear and  
14 legible reproduction, such document shall be accompanied by an exact typewritten copy not  
15 smaller than eight-point type to be recorded contemporaneously as additional pages of the  
16 document;

17           (4) The document shall be on white ~~[paper]~~ or light-colored **paper** of not less than  
18 twenty-pound weight without watermarks or other visible inclusions, except for plats and  
19 surveys, which may be on materials such as Mylar or velum. All text within the document shall  
20 be of sufficient color and clarity to ensure that when the text is reproduced from record, it shall  
21 be readable;

22           (5) All signatures on a document shall be in black or dark ink, such that such signatures  
23 shall be of sufficient color and clarity to ensure that when the text is reproduced from record, it  
24 shall be readable, and shall have the corresponding name typed, printed or stamped underneath

25 said signature. The typing or printing of any name or the applying of an embossed or inked  
26 stamp shall not cover or otherwise materially interfere with any part of the document except  
27 where provided for by law;

28 (6) The documents shall have a top margin of at least three inches of vertical space from  
29 left to right, to be reserved for the recorder of deeds' certification and use. All other margins on  
30 the document shall be a minimum of three-fourths of one inch on all sides. Nonessential  
31 information such as form numbers, page numbers or customer notations may be placed in the  
32 margin. A document may be recorded if a minor portion of a seal or incidental writing extends  
33 beyond the margins. The recorder of deeds will not incur any liability for not showing any seal  
34 or information that extends beyond the margins of the permanent archival record.

35 2. Every document containing any of the items listed in this subsection that is presented  
36 for recording, except plats and surveys, shall have such information on the first page below the  
37 three-inch horizontal margin:

38 (1) The title of the document;

39 (2) The date of the document;

40 (3) All grantors' names;

41 (4) All grantees' names;

42 (5) Any statutory addresses;

43 (6) The legal description of the property; and

44 (7) Reference book and pages for statutory requirements, if applicable. If there is not  
45 sufficient room on the first page for all of the information required by this subsection, the page  
46 reference within the document where the information is set out shall be stated on the first page.

47 3. From January 1, 2002, documents which do not meet the requirements set forth in this  
48 section may be recorded for an additional fee of twenty-five dollars, which shall be deposited in  
49 the recorders' fund established pursuant to subsection 1 of section 59.319.

50 4. Documents which are exempt from format requirements and which the recorder of  
51 deeds may record include the following:

52 (1) Documents which were signed prior to January 1, 2002;

53 (2) Military separation papers;

54 (3) Documents executed outside the United States;

55 (4) Certified copies of documents, including birth and death certificates;

56 (5) Any document where one of the original parties is deceased or otherwise  
57 incapacitated; and

58 (6) Judgments or other documents formatted to meet court requirements.

59 5. Any document rejected by a recorder of deeds shall be returned to the preparer or  
60 presenter accompanied by an explanation of the reason it could not be recorded.

61           6. Recorders of deeds shall be allowed fees for their services as follows:

62           (1) For recording every deed or instrument: five dollars for the first page and three  
63 dollars for each page thereafter except for plats and surveys;

64           (2) For copying or reproducing any recorded instrument, except surveys and plats: a fee  
65 not to exceed two dollars for the first page and one dollar for each page thereafter;

66           (3) For every certificate and seal, except when recording an instrument: one dollar;

67           (4) For recording a plat or survey of a subdivision, outlets or condominiums: twenty-five  
68 dollars for each sheet of drawings or calculations based on a size not to exceed twenty-four  
69 inches in width by eighteen inches in height. For recording a survey of one or more tracts: five  
70 dollars for each sheet of drawings or calculations based on a size not to exceed twenty-four  
71 inches in width by eighteen inches in height. Any plat or survey larger than eighteen inches by  
72 twenty-four inches shall be counted as an additional sheet for each additional eighteen inches by  
73 twenty-four inches, or fraction thereof, plus five dollars per page of other material;

74           (5) For copying a plat or survey of one or more tracts: a fee not to exceed five dollars for  
75 each sheet of drawings and calculations not larger than twenty-four inches in width and eighteen  
76 inches in height and one dollar for each page of other material;

77           (6) For a document which releases or assigns more than one item: five dollars for each  
78 item beyond one released or assigned in addition to any other charges which may apply;

79           (7) For every ~~[certified copy of a marriage license or application for a marriage license]~~  
80 **contract of domestic union: two dollars with an additional fee of two dollars for each**  
81 **additional page over two pages in the contract to be recorded;**

82           (8) For duplicate copies of the records in a medium other than paper, the recorder of  
83 deeds shall set a reasonable fee not to exceed the costs associated with document search and  
84 duplication; and

85           (9) For all other use of equipment, personnel services and office facilities, the recorder  
86 of deeds may set a reasonable fee.

59.313. 1. The recorder of deeds in a city not within a county may refuse any document  
2 presented for recording that does not meet the following requirements:

3           (1) The document shall consist of one or more individual pages not permanently bound  
4 nor in a continuous form. The document shall not have any attachment stapled or otherwise  
5 affixed to any page except as necessary to comply with statutory requirements, provided that a  
6 document may be stapled together for presentation for recording; a label that is firmly attached  
7 with a bar code or return address may be accepted for recording;

8           (2) The size of print or type shall not be smaller than eight-point type and shall be in  
9 black or dark ink. Should any document presented for recording contain type smaller than

10 eight-point type, such document shall be accompanied by an exact typewritten copy not smaller  
11 than eight-point type to be recorded contemporaneously as additional pages of the document;

12 (3) The document must be of sufficient legibility to produce a clear and legible  
13 reproduction thereof. Should any document not be of sufficient legibility to produce a clear and  
14 legible reproduction, such document shall be accompanied by an exact typewritten copy not  
15 smaller than eight-point type to be recorded contemporaneously as additional pages of the  
16 document;

17 (4) The document shall be on white or light-colored paper of not less than twenty-pound  
18 weight without watermarks or other visible inclusions, except for plats and surveys, which may  
19 be on materials such as Mylar or velum. All text within the document shall be of sufficient color  
20 and clarity to ensure that when the text is reproduced from record, it shall be readable;

21 (5) All signatures on a document shall be in black or dark ink, such that such signatures  
22 shall be of sufficient color and clarity to ensure that when the text is reproduced from record, it  
23 shall be readable, and shall have the corresponding name typed, printed or stamped underneath  
24 said signature. The typing or printing of any name or the applying of an embossed or inked  
25 stamp shall not cover or otherwise materially interfere with any part of the document, except  
26 where provided for by law;

27 (6) Every document, except plats and surveys, shall have a top margin of at least three  
28 inches of vertical space from left to right, to be reserved for the recorder of deeds' certification  
29 and use. All other margins on the document shall be a minimum of three-fourths of one inch on  
30 all sides. Nonessential information such as form numbers, page numbers or customer notations  
31 may be placed in the margin. A document may be recorded if a minor portion of a seal or  
32 incidental writing extends beyond the margins. The recorder of deeds will not incur any liability  
33 for not showing any seal or information that extends beyond the margins of the permanent  
34 archival record.

35 2. Every document containing any of the items listed in this subsection that is presented  
36 for recording, except plats and surveys, shall have such information on the first page below the  
37 three-inch horizontal line:

38 (1) The title of the document;

39 (2) The date of the document;

40 (3) All grantors' names;

41 (4) All grantees' names;

42 (5) Any statutory addresses;

43 (6) The legal description or descriptions of the property; and

44 (7) Reference book and page for statutory requirements, if applicable. If there is not  
45 sufficient room on the first page for all the required information, the page reference within the  
46 document where the information is set out shall be placed on the first page.

47 3. From January 1, 2002, documents which do not meet the requirements set forth in this  
48 section may be recorded for an additional fee of twenty-five dollars, which shall be deposited in  
49 the recorders' fund established pursuant to subsection 1 of section 59.319.

50 4. Documents which are exempt from format requirements and which the recorder of  
51 deeds may record include the following:

52 (1) Documents which were signed prior to January 1, 2002;

53 (2) Military separation papers;

54 (3) Documents executed outside the United States;

55 (4) Certified copies of documents, including birth and death certificates;

56 (5) Any document where one of the original parties is deceased or otherwise  
57 incapacitated; and

58 (6) Judgments or other documents formatted to meet court requirements.

59 5. Any document rejected by a recorder of deeds shall be returned to the preparer or  
60 presenter accompanied by an explanation of the reason it could not be recorded.

61 6. Recorders of deeds shall be allowed fees for their services as follows:

62 (1) For recording every deed or instrument: ten dollars for the first page and five dollars  
63 for each page thereafter;

64 (2) For copying or reproducing any recorded instrument, except surveys and plats: three  
65 dollars for the first page and two dollars for each page thereafter;

66 (3) For every certificate and seal, except when recording an instrument: two dollars;

67 (4) For recording a plat or survey of a subdivision, outlots or condominiums: forty-four  
68 dollars for each sheet of drawings and calculations based on a size of not to exceed twenty-four  
69 inches in width by eighteen inches in height, plus ten dollars for each page of other materials;

70 (5) For recording a survey of one tract of land, in the form of one sheet not to exceed  
71 twenty-four inches in width by eighteen inches in height: eight dollars;

72 (6) For copying a plat or survey: eight dollars for each page;

73 (7) For every ~~[certified copy of a marriage license or application for a marriage license]~~  
74 **contract of domestic union: five dollars with an additional fee of two dollars for each**  
75 **additional page over two pages in the contract to be recorded;**

76 (8) For releasing on the margin: eight dollars for each item released;

77 (9) For a document which releases or assigns more than one item: seven dollars and fifty  
78 cents for each item beyond one released or assigned in addition to any other charges which may  
79 apply; and

80 (10) For duplicate reels of microfilm: thirty dollars each. For all other use of equipment,  
81 personnel services and office space the recorder of deeds shall set attendant fees.

59.330. 1. It shall be the duty of recorders to record:

2 (1) All deeds, mortgages, conveyances, deeds of trust, assignments, bonds, covenants,  
3 defeasances, or other instruments of writing, of or concerning any lands and tenements, or goods  
4 and chattels, which shall be proved or acknowledged, and authorized to be recorded in their  
5 offices;

6 (2) All papers and documents found in their respective offices, of and concerning lands  
7 and tenements, or goods and chattels, and which were received from the Spanish and French  
8 authorities at the change of government;

9 (3) All ~~[marriage contracts and certificates of marriage]~~ **contracts of domestic unions**;

10 (4) All commissions and official bonds required by law to be recorded in their offices;

11 (5) All written statements furnished to him for record, showing the sex and date of birth  
12 of any child or children, the name, business and residence of the father and maiden name of the  
13 mother of such child or children.

14 2. All deeds, mortgages, conveyances, deeds of trust, assignments, bonds, covenants or  
15 defeasances, except supplemental indentures of utility companies and rural electric cooperatives,  
16 must contain a legal description of the lands affected. All deeds, except deeds of easement or  
17 right-of-way conveying any lands or tenements must contain a mailing address of one of the  
18 grantees named in the instrument. The recorder of deeds shall not record such instrument absent  
19 such address or legal description; provided, however, that the statutory constructive notice or the  
20 validity of the instrument shall not be affected by the absence of the address or the absence of  
21 the legal description.

59.410. Wherever the statutes require deeds, mortgages, conveyances, deeds of trust,  
2 bonds, covenants, documents, ~~[marriage contracts, certificates of marriage]~~ **contracts of**  
3 **domestic union**, commissions, official bonds, statements, records, plats, surveys, schedules,  
4 papers, patents, or other instruments of writing to be recorded, the making of photographic  
5 copies of such deeds or other instruments of writing shall be deemed recording within the  
6 meaning of this chapter. Such photographic copies shall be bound, paged and indexed wherever  
7 it is so provided for deeds or other instruments recorded by hand, and such photographic copies  
8 when bound together shall be deemed record books within the meaning of this chapter.

59.450. The recorder shall, in like manner, make, keep and preserve a similar index to  
2 all the books of record in his **or her** office wherein ~~[marriage contracts and certificates of~~  
3 ~~marriages]~~ **contracts of domestic union** are recorded.

64.090. 1. For the purpose of promoting health, safety, morals, comfort or the general  
2 welfare of the unincorporated portion of counties, to conserve and protect property and building

3 values, to secure the most economical use of the land, and to facilitate the adequate provision of  
4 public improvements all in accordance with a comprehensive plan, the county commission in all  
5 counties of the first class, as provided by law, except in counties of the first class not having a  
6 charter form of government, is hereby empowered to regulate and restrict, by order, in the  
7 unincorporated portions of the county, the height, number of stories and size of buildings, the  
8 percentage of lots that may be occupied, the size of yards, courts and other open spaces, the  
9 density of population, the location and use of buildings, structures and land for trade, industry,  
10 residence or other purposes, including areas for agriculture, forestry and recreation.

11         2. The provisions of this section shall not apply to the incorporated portions of the  
12 counties, nor to the raising of crops, livestock, orchards, or forestry, nor to seasonal or temporary  
13 impoundments used for rice farming or flood irrigation. As used in this section, the term "rice  
14 farming or flood irrigation" means small berms of no more than eighteen inches high that are  
15 placed around a field to hold water for use for growing rice or for flood irrigation. This section  
16 shall not apply to the erection, maintenance, repair, alteration or extension of farm structures  
17 used for such purposes in an area not within the area shown on the flood hazard area map. This  
18 section shall not apply to underground mining where entrance is through an existing shaft or  
19 shafts or through a shaft or shafts not within the area shown on the flood hazard area map.

20         3. The powers by sections 64.010 to 64.160 given shall not be exercised so as to deprive  
21 the owner, lessee or tenant of any existing property of its use or maintenance for the purpose to  
22 which it is then lawfully devoted except that reasonable regulations may be adopted for the  
23 gradual elimination of nonconforming uses, nor shall anything in sections 64.010 to 64.160  
24 interfere with such public utility services as may have been or may hereafter be specifically  
25 authorized or permitted by a certificate of public convenience and necessity, or order issued by  
26 the public service commission, or by permit of the county commission.

27         4. For the purpose of any zoning regulation adopted under the provisions of sections  
28 64.010 to 64.160, the classification of single-family dwelling or single-family residence shall  
29 include any home in which eight or fewer unrelated mentally or physically handicapped persons  
30 reside, and may include two additional persons acting as houseparents or guardians who need  
31 not be related to each other or to any of the mentally or physically handicapped persons. The  
32 classification of single-family dwelling or single-family residence shall also include any private  
33 residence licensed by the children's division or department of mental health to provide foster care  
34 to one or more but less than seven children who are unrelated to either foster parent by blood,  
35 ~~marriage~~ **a contract of domestic union**, or adoption. A zoning regulation may require that the  
36 exterior appearance of the home and property be in reasonable conformance with the general  
37 neighborhood standards and may also establish reasonable standards regarding the density of  
38 such individual homes in any specific single-family dwelling or single-family residence area.

39 Should a single-family dwelling or single-family residence as defined in this subsection cease  
40 to operate for the purposes specified in this subsection, any other use of such dwelling or  
41 residence, other than that allowed by the zoning regulations, shall be approved by the county  
42 board of zoning adjustment. Nothing in this subsection shall be construed to relieve the  
43 children's division, the department of mental health or any other person, firm or corporation  
44 occupying or utilizing any single-family dwelling or single-family residence for the purposes  
45 specified in this subsection from compliance with any ordinance or regulation relating to  
46 occupancy permits except as to number and relationship of occupants or from compliance with  
47 any building or safety code applicable to actual use of such single-family dwelling or  
48 single-family residence.

49 5. Except in subsection 4 of this section, nothing contained in sections 64.010 to 64.160  
50 shall affect the existence or validity of an ordinance which a county has adopted prior to March  
51 4, 1991.

67.1421. 1. Upon receipt of a proper petition filed with its municipal clerk, the  
2 governing body of the municipality in which the proposed district is located shall hold a public  
3 hearing in accordance with section 67.1431 and may adopt an ordinance to establish the  
4 proposed district.

5 2. A petition is proper if, based on the tax records of the county clerk, or the collector  
6 of revenue if the district is located in a city not within a county, as of the time of filing the  
7 petition with the municipal clerk, it meets the following requirements:

8 (1) It has been signed by property owners collectively owning more than fifty percent  
9 by assessed value of the real property within the boundaries of the proposed district;

10 (2) It has been signed by more than fifty percent per capita of all owners of real property  
11 within the boundaries of the proposed district; and

12 (3) It contains the following information:

13 (a) The legal description of the proposed district, including a map illustrating the district  
14 boundaries;

15 (b) The name of the proposed district;

16 (c) A notice that the signatures of the signers may not be withdrawn later than seven days  
17 after the petition is filed with the municipal clerk;

18 (d) A five-year plan stating a description of the purposes of the proposed district, the  
19 services it will provide, the improvements it will make and an estimate of costs of these services  
20 and improvements to be incurred;

21 (e) A statement as to whether the district will be a political subdivision or a not-for-profit  
22 corporation and if it is to be a not-for-profit corporation, the name of the not-for-profit  
23 corporation;



24 (f) If the district is to be a political subdivision, a statement as to whether the district will  
25 be governed by a board elected by the district or whether the board will be appointed by the  
26 municipality, and, if the board is to be elected by the district, the names and terms of the initial  
27 board may be stated;

28 (g) If the district is to be a political subdivision, the number of directors to serve on the  
29 board;

30 (h) The total assessed value of all real property within the proposed district;

31 (i) A statement as to whether the petitioners are seeking a determination that the  
32 proposed district, or any legally described portion thereof, is a blighted area;

33 (j) The proposed length of time for the existence of the district;

34 (k) The maximum rates of real property taxes, and, business license taxes in the county  
35 seat of a county of the first classification without a charter form of government containing a  
36 population of at least two hundred thousand, that may be submitted to the qualified voters for  
37 approval;

38 (l) The maximum rates of special assessments and respective methods of assessment that  
39 may be proposed by petition;

40 (m) The limitations, if any, on the borrowing capacity of the district;

41 (n) The limitations, if any, on the revenue generation of the district;

42 (o) Other limitations, if any, on the powers of the district;

43 (p) A request that the district be established; and

44 (q) Any other items the petitioners deem appropriate;

45 (4) The signature block for each real property owner signing the petition shall be in  
46 substantially the following form and contain the following information:

47 Name of owner: . . . . .

48 Owner's telephone number and mailing address: . . . . .

49 If signer is different from owner:

50 Name of signer: . . . . .

51 State basis of legal authority to sign: . . . . .

52 Signer's telephone number and mailing address: . . . . .

53 If the owner is an individual, state if owner is single or ~~married~~ **a party to a contract of**  
54 **domestic union:** . . . . .

55 If owner is not an individual, state what type of entity: . . .

56 Map and parcel number and assessed value of each tract of real property within the proposed  
57 district owned: . . . . .

58 By executing this petition, the undersigned represents and warrants that he or she is authorized  
59 to execute this petition on behalf of the property owner named immediately above

60 .....  
 61 Signature of person signing for owner ..... Date  
 62 STATE OF MISSOURI )  
 63 ) ss.  
 64 COUNTY OF ..... )  
 65 Before me personally appeared . . . . ., to me personally known to be the  
 66 individual described in and who executed the foregoing instrument.  
 67 WITNESS my hand and official seal this . . . . . day of . . . . . (month), . . . .  
 68 (year).  
 69 .....  
 70 Notary Public  
 71 My Commission Expires: . . . . .; and  
 72 (5) Alternatively, the governing body of any home rule city with more than four hundred  
 73 thousand inhabitants and located in more than one county may file a petition to initiate the  
 74 process to establish a district in the portion of the city located in any county of the first  
 75 classification with more than two hundred thousand but fewer than two hundred sixty thousand  
 76 inhabitants containing the information required in subdivision (3) of this subsection; provided  
 77 that the only funding methods for the services and improvements will be a real property tax.  
 78 3. Upon receipt of a petition the municipal clerk shall, within a reasonable time not to  
 79 exceed ninety days after receipt of the petition, review and determine whether the petition  
 80 substantially complies with the requirements of subsection 2 of this section. In the event the  
 81 municipal clerk receives a petition which does not meet the requirements of subsection 2 of this  
 82 section, the municipal clerk shall, within a reasonable time, return the petition to the submitting  
 83 party by hand delivery, first class mail, postage prepaid or other efficient means of return and  
 84 shall specify which requirements have not been met.  
 85 4. After the close of the public hearing required pursuant to subsection 1 of this section,  
 86 the governing body of the municipality may adopt an ordinance approving the petition and  
 87 establishing a district as set forth in the petition and may determine, if requested in the petition,  
 88 whether the district, or any legally described portion thereof, constitutes a blighted area. If the  
 89 petition was filed by the governing body of a municipality pursuant to subdivision (5) of  
 90 subsection 2 of this section, after the close of the public hearing required pursuant to subsection  
 91 1 of this section, the petition may be approved by the governing body and an election shall be  
 92 called pursuant to section 67.1422.  
 93 5. Amendments to a petition may be made which do not change the proposed boundaries  
 94 of the proposed district if an amended petition meeting the requirements of subsection 2 of this

95 section is filed with the municipal clerk at the following times and the following requirements  
96 have been met:

97 (1) At any time prior to the close of the public hearing required pursuant to subsection  
98 1 of this section; provided that, notice of the contents of the amended petition is given at the  
99 public hearing;

100 (2) At any time after the public hearing and prior to the adoption of an ordinance  
101 establishing the proposed district; provided that, notice of the amendments to the petition is  
102 given by publishing the notice in a newspaper of general circulation within the municipality and  
103 by sending the notice via registered certified United States mail with a return receipt attached to  
104 the address of record of each owner of record of real property within the boundaries of the  
105 proposed district per the tax records of the county clerk, or the collector of revenue if the district  
106 is located in a city not within a county. Such notice shall be published and mailed not less than  
107 ten days prior to the adoption of the ordinance establishing the district;

108 (3) At any time after the adoption of any ordinance establishing the district a public  
109 hearing on the amended petition is held and notice of the public hearing is given in the manner  
110 provided in section 67.1431 and the governing body of the municipality in which the district is  
111 located adopts an ordinance approving the amended petition after the public hearing is held.

112 6. Upon the creation of a district, the municipal clerk shall report in writing the creation  
113 of such district to the Missouri department of economic development.

67.1876. 1. The board shall possess and exercise all of the district's legislative and  
2 executive powers.

3 2. Within thirty days after the election of the initial directors, the board shall meet. At  
4 its first meeting and after each election of new board members the board shall elect a chairman,  
5 a secretary, a treasurer and such other officers as it deems necessary from its members. A  
6 director may fill more than one office, except that a director may not fill both the office of  
7 chairman and secretary.

8 3. The board may employ such employees as it deems necessary; provided, however, that  
9 the board shall not employ any employee who is related within the third degree by blood or  
10 ~~marriage to~~ **a contract of domestic union with** a member of the board.

11 4. At the first meeting, the board, by resolution, shall define the first and subsequent  
12 fiscal years of the district, and shall adopt a corporate seal.

13 5. A simple majority of the board shall constitute a quorum. If a quorum exists, a  
14 majority of those voting shall have the authority to act in the name of the board, and approve any  
15 board resolution.

16           6. Each director shall devote such time to the duties of the office as their faithful  
17 discharge may require and may be reimbursed for such director's actual expenditures in the  
18 performance of such director's duties on behalf of the district.

          70.661. 1. If a member with five or more years of credited service dies before retirement  
2 while an employee, the benefits provided in subsections 2, 3, 4 and 5 of this section shall be paid,  
3 as applicable.

4           2. (1) The surviving spouse ~~[to]~~ **with** whom the member was ~~[married]~~ **a party to a**  
5 **contract of domestic union** for not less than two years immediately preceding the time of the  
6 member's death shall receive an allowance computed in the same manner in all respects as if  
7 such member had:

8           (a) Retired on the first day of the month following the date of his or her death with an  
9 allowance for life based upon the member's credited service and final average salary to time of  
10 death and without reduction if the member's age was younger than the member's minimum  
11 service retirement age;

12           (b) Elected option A provided for in section 70.660; and

13           (c) Nominated such spouse as joint beneficiary under such option.

14           (2) If the board finds that the member's death was the result of an accident that did not  
15 arise out of and in the course of his or her actual performance of duty as an employee, the  
16 requirement that the surviving spouse ~~[must]~~ **shall** have been ~~[married to]~~ **a party to a contract**  
17 **of domestic union with** the member for not less than two years immediately preceding the time  
18 of the member's death shall not apply.

19           3. If the board finds that the member's death was the natural and proximate result of a  
20 personal injury or disease arising out of and in the course of his or her actual performance of duty  
21 as an employee, then:

22           (1) Other provisions of law to the contrary notwithstanding, for the purpose of  
23 computing the amount of the allowance payable under this section and for the purpose of  
24 determining eligibility under subsection 1 of this section, credited service shall include the period  
25 from the date of the member's death to the date he or she would have attained age sixty, or the  
26 date he or she would have acquired five years of credited service, if later; and

27           (2) In order to be eligible for spouse benefits, the surviving spouse and the deceased  
28 member ~~[must]~~ **shall** have been ~~[married]~~ **parties to a contract of domestic union** on the date  
29 of the personal injury resulting in the member's death or on the date of onset of the disease  
30 resulting in the member's death. In any case of question as to the date of onset of disease  
31 resulting in the member's death, the board shall decide the question.

32           4. If a benefit is not payable under the provisions of subsection 2 or 3 of this section, or  
33 when such benefit has ceased to be payable, each dependent child of the deceased member, if

34 any, shall receive an allowance of an equal share of sixty percent of an allowance computed in  
35 the same manner in all respects as if such deceased member had retired on the first day of the  
36 month following the date of his or her death with an allowance for life based upon the member's  
37 credited service and final average salary to time of death and without reduction if the member's  
38 age was younger than the member's minimum service retirement age. A child shall be a  
39 dependent child until the child's death ~~[or marriage]~~ , **contract of domestic union**, or attainment  
40 of age eighteen, whichever occurs first; provided, the age eighteen maximum shall be extended  
41 as long as the child continues uninterruptedly being a full-time student at an accredited secondary  
42 school or college or university, but in no event beyond attainment of age twenty-three; provided  
43 further, that if a full-time student eligible for or receiving benefits under this section is ordered  
44 to military duty, his or her benefit shall be suspended during such period of military duty, and  
45 shall be reinstated upon his or her return to school not later than the beginning of the academic  
46 term immediately following his or her return from military duty, in which case his or her  
47 eligibility for dependent child benefits shall be extended by the number of months of military  
48 duty, but in no event beyond attainment of age twenty-five; provided further, the age eighteen  
49 maximum shall be extended for any child who has been found totally incapacitated by a court  
50 of competent jurisdiction for as long as such incapacity exists. Upon a child ceasing to be a  
51 dependent child, his or her allowance shall terminate, and there shall be a redetermination of the  
52 amounts payable to any remaining dependent children.

53         5. In the event all of the allowances provided for in this section, payable on account of  
54 the death of a member, terminate before there has been paid an aggregate amount equal to the  
55 accumulated contributions standing to the deceased member's credit in the member's deposit fund  
56 at the time of death, the difference between such accumulated contributions and such aggregate  
57 amount of allowance payments shall be paid to such person as the member shall have nominated  
58 by written designation duly executed and filed with the board. If there be no such designated  
59 person surviving at termination, such difference shall be paid to the member's estate or to the  
60 estate of the last beneficiary to whom benefits were paid.

70.675. 1. Should a member with five or more years of credited service cease to be a  
2 member, except by death or retirement, before attaining an age which is within five years of his  
3 or her minimum service retirement age, the member shall be entitled to a deferred allowance  
4 provided for in this section; provided, if the former member withdraws his or her accumulated  
5 contributions from the members deposit fund, for purposes of this section there shall be  
6 eliminated from credited service any membership service or prior service for which the member  
7 was required to make member contributions provided for in subsection 2 of section 70.705.  
8 Such deferred allowance shall commence as of the first day of the calendar month next following  
9 the later of:

10 (1) The member's attainment of an age which is within five years of his or her minimum  
11 service retirement age; or

12 (2) The date the member's written application therefor is received by the board, in  
13 accordance with the provisions of subsection 2 of this section. The member shall have the right  
14 to elect an option provided for in section 70.660 at the time of filing such written application.

15 2. Except as provided in subsection 5 of this section, a former member otherwise entitled  
16 to a deferred allowance shall be entitled to a deferred allowance only if the former member lives  
17 to an age which is within five years of his or her minimum service retirement age and if written  
18 application therefor is received by the board from the former member not earlier than ninety days  
19 before his or her attainment of such age. If such former member does not live to retirement or  
20 in the event the former member becomes employed in a position covered by the system before  
21 becoming a retirant or in the event such written application is not received by the board within  
22 the time limits specified, no benefits whatsoever shall be paid pursuant to the provisions of this  
23 section, except as provided in subsection 5 of this section.

24 3. A former member otherwise entitled to a deferred allowance shall be considered a  
25 member only for the purposes of subsection 4 of section 70.725.

26 4. If the deferred allowance commences prior to the date the former member reaches his  
27 or her minimum service retirement age, the allowance shall be a certain percent of the allowance  
28 otherwise provided for in this section.

29 Such percent shall be one hundred percent reduced by one-half of one percent multiplied by the  
30 number of months by which the former member's age at the date the allowance commences is  
31 younger than the former member's minimum service retirement age.

32 5. If a former member who: (1) is entitled to a deferred allowance pursuant to this  
33 section; and (2) does not receive a lump sum payment as provided in section 70.676, dies before  
34 his or her date of retirement, the applicable benefits, if any, provided in this subsection shall be  
35 paid. The former member's surviving spouse, if any, ~~[to]~~ **with** whom the former member was  
36 ~~[married]~~ **a party to a contract of domestic union** for not less than two years immediately  
37 preceding the date of the former member's death shall receive an allowance computed in the  
38 same manner in all respects as if such former member had:

39 (1) Survived to the first day of the calendar month next following the day the former  
40 member would have attained his or her minimum service retirement age or if later, the first day  
41 of the calendar month next following the date of the former member's death;

42 (2) Retired on such day with an allowance for life based on his or her credited service  
43 and final average salary at the time of termination of membership;

44 (3) Elected option A provided for in section 70.660;

45 (4) Nominated such spouse as joint beneficiary under such option; and

46 (5) Died on such day after electing such option A. The allowance payable to the  
47 surviving spouse shall commence as of the first day of the calendar month next following the day  
48 the former member would have attained his or her minimum service retirement age or, if later,  
49 the first day of the calendar month next following the date of the former member's death. This  
50 subsection shall apply to any person who is a former member on or after August 28, 1998.

71.011. 1. Except as provided in subsection 2 of this section, property of a municipality  
2 which abuts another municipality may be concurrently detached from one municipality and  
3 annexed by the other municipality by the enactment by the governing bodies of each municipality  
4 of an ordinance describing by metes and bounds the property, declaring the property so described  
5 to be concurrently detached and annexed, and stating the reasons for and the purposes to be  
6 accomplished by the detachment and annexation. One certified copy of each ordinance shall be  
7 filed with the county clerk, with the county assessor, with the county recorder of deeds, and with  
8 the clerk of the circuit court of the county in which the property is located, whereupon the  
9 concurrent detachment and annexation shall be complete and final. Thereafter all courts of this  
10 state shall take notice of the limits of both municipalities as changed by the ordinances. No  
11 declaratory judgment or election shall be required for any concurrent detachment and annexation  
12 permitted by this section if there are no residents living in the area or if there are residents in the  
13 area and they be notified of the annexation and do not object within sixty days.

14 2. In a county of the first classification with a charter form of government containing all  
15 or a portion of a city with a population of at least three hundred thousand inhabitants:

16 (1) Unimproved property of a municipality which overlaps another municipality may be  
17 concurrently detached from one municipality and annexed by the other municipality by the  
18 enactment by the governing body of the receiving municipality of an ordinance describing by  
19 metes and bounds the property, declaring the property so described to be detached and annexed,  
20 and stating the reasons for and the purposes to be accomplished by the detachment and  
21 annexation. A copy of said ordinance shall be mailed to the city clerk of the contributing  
22 municipality, which shall have thirty days from receipt of said notice to pass an ordinance  
23 disapproving the change of boundary. If such ordinance is not passed within thirty days, the  
24 change shall be effective and one certified copy of the ordinance shall be filed with the county  
25 clerk, with the county assessor, with the county recorder of deeds, and with the clerk of the  
26 circuit court of the county in which the property is located, whereupon the concurrent detachment  
27 and annexation shall be complete and final. Thereafter all courts of this state shall take notice  
28 of the limits of both municipalities as changed by the ordinances. No declaratory judgment or  
29 election shall be required for any concurrent detachment and annexation permitted by this section  
30 if the landowners in the area are notified and do not object within sixty days; or

31 (2) An island of unincorporated area within a municipality, which is contiguous to more  
32 than one municipality or contiguous to the Missouri River and the Blue River, may be annexed  
33 by an abutting municipality by the enactment by the governing body of the municipality of an  
34 ordinance describing the metes and bounds of the property, declaring the property so described  
35 to be annexed, and stating the reasons for and the purposes to be accomplished by the  
36 annexation. All recording shall be accomplished in the same manner as set out in subdivision  
37 (1) of this subsection and shall be effective unless the governing body of the county passes an  
38 ordinance within thirty days disapproving the annexation. No declaratory judgment or election  
39 shall be required for any annexation permitted by this subdivision. Any annexation permitted  
40 by this subdivision shall exclude any property within the unincorporated area when such property  
41 has been owned by the same family for at least sixty consecutive years and consists of ten acres  
42 or more. The line of ownership from the original settler or buyer may be through children,  
43 grandchildren, siblings, nephews, or nieces, including through ~~marriage~~ **a contract of domestic**  
44 **union** or adoption.

71.590. 1. Before taking or damaging any property in the construction of a railroad  
2 under such franchise, the corporation shall cause to be ascertained and determined the damages  
3 that will be done by the building and operation of such railroad, to the real and personal property  
4 situated on the route fixed by the ordinance defining the franchise, and shall pay to the owner or  
5 owners of the real and personal property so affected, or into court for them, the amount of their  
6 respective damages.

7 2. In case the corporation fails to agree with the owners thereof for the proper  
8 compensation for the damages done or likely to be done or sustained by reason of the  
9 construction and operation of the railroad, or if, by reason of the legal incapacity of any such  
10 owner, no compensation can be agreed upon, the circuit court having jurisdiction over the town  
11 or city granting such franchise on application of the corporation shall appoint three disinterested  
12 residents of such town or city, who shall give personal notice to all owners or their agents of  
13 property affected, if they can be found, as well as ten days' notice by advertisement in the  
14 newspapers doing the printing of such town or city, of their time and place of meeting; and the  
15 commissioners having been first duly sworn to perform their duties justly and impartially and  
16 a true report to make, shall fully examine into the construction and operation of the railroad and  
17 its effects upon the real and personal property damaged thereby, making just allowances for the  
18 advantages which may have resulted or which may result to the owner or owners of property for  
19 which damages may be claimed or allowed, and after such comparison, shall estimate and  
20 determine how much damages, if any, such property may have sustained or seems likely to  
21 sustain by reason thereof, and make report of the same, and if no exceptions be filed within ten  
22 days thereafter, or in the event exceptions are filed and overruled, the court shall confirm the



23 report and enter judgment thereon; from which judgment either or any party shall be entitled to  
24 an appeal or writ of error as in other cases. If the proceeding seeks to affect the property of  
25 persons under conservatorship, the conservators must be made parties, and if the property of  
26 ~~married persons~~ **parties to a contract of domestic union**, their spouses must be made parties.

27         3. The petition shall set forth the general nature of the franchise granted, the nature of  
28 the railroad to be constructed and operated, causing or likely to cause damage to private property  
29 for public use, together with all facts necessary to give the court jurisdiction in the premises, the  
30 names of owners of the several parcels of land and personal property to be affected thereby, if  
31 known, or, if unknown, a correct description of the property or interest whose owners are  
32 unknown. The petition may be presented to the circuit court. Upon filing the petition, a  
33 summons shall be issued giving the defendants at least ten days' notice of the time when the  
34 petition will be heard, which summons shall be served in the same manner as writs of summons  
35 are or may be by law required to be served. If the name or residence of any defendant be  
36 unknown, or if any defendant does not reside within this state, notice of the time of hearing the  
37 petition, reciting the substance of the petition, and the day fixed for the hearing thereof, shall be  
38 given by publication for four consecutive weeks prior to the hearing of the petition, in the paper  
39 doing the town or city printing, and the court, being satisfied that due notice of the pending of  
40 the petition has been given, shall make the appointment of the commissioners.

41         4. The report of the commissioners to the circuit court shall be in writing and under oath,  
42 and filed with the clerk thereof, and the damages allowed to each owner of property affected  
43 shall be separately stated. The report of the commissioners may be reviewed by the circuit court  
44 on written exceptions filed by any party in the clerk's office within ten days after filing of such  
45 report, and the court shall make such order therein as right and justice may require, and may  
46 order a new appraisement on good cause shown, but the hearing of such exceptions shall be  
47 summary, and the court shall fix a day therefor without delay. The costs of the proceedings up  
48 to and including the filing of the commissioners' report shall be paid by the corporation, but all  
49 costs caused by any subsequent litigation shall be paid by the losing party. All damage found  
50 by the commissioners shall, within thirty days after filing their report, be paid to the owners of  
51 the property damaged, or into court for them, by the corporation, and if the same is not so paid,  
52 the railroad shall not be constructed.

86.093. Upon the receipt by the board of trustees of proper proofs of the death of a  
2 member in service there shall be paid to his **or her** designated beneficiary, or to his **or her** estate,  
3 the amount of his accumulated contributions and if, upon the receipt of evidence and proof that  
4 such death was the natural and proximate result of an accident occurring at some definite time  
5 and place while the member was in the actual performance of duty, the board of trustees shall  
6 decide that death was the result of an accident in the performance of duty and not caused by

7 negligence on the part of the member, there shall be paid in lieu of the ordinary death benefit  
8 provided in subdivision (2) of section 86.090, a pension of one-half of the average final  
9 compensation of such employee:

10 (1) To his **or her** widow to continue during **his or** her widowhood; or

11 (2) If there be no widow, or if the widow dies or ~~[remarries]~~ **becomes a party to a new**  
12 **contract of domestic union** before any child of such deceased member shall have attained the  
13 age of sixteen years, then to his **or her** child or children under said age, divided in such manner  
14 as the board of trustees in its discretion shall determine to continue as a joint and survivor  
15 pension of one-half of his **or her** final compensation until every child dies or attains such age;  
16 or

17 (3) If there be no widow or child under the age of sixteen years surviving such deceased  
18 member, then to his **or her** dependent father or dependent mother as the deceased member shall  
19 have nominated by written designation duly acknowledged and filed with the board of trustees  
20 or if there be no such nomination then to his **or her** dependent father or his **or her** dependent  
21 mother as the board of trustees in its discretion shall direct, to continue until ~~[remarriage]~~ **a new**  
22 **contract of domestic union** or death;

23 (4) If there be no widow, children under the age of sixteen years or dependent parent  
24 surviving such deceased member, the death shall be treated as an ordinary death case and the  
25 benefit payable in accordance with the provisions of subdivision (2) of section 86.090.

86.251. 1. The board of trustees may develop and establish a deferred retirement option  
2 plan (DROP) in which members who are eligible for retirement but who have not terminated  
3 employment as police officers and who have not actually retired may participate. The DROP  
4 shall be designed to allow members with at least twenty years of creditable service or who have  
5 attained the age of fifty-five who have achieved eligibility for retirement and are entitled to a  
6 service retirement allowance and other benefits to postpone actual retirement, continue active  
7 employment and accumulate a deferred receipt of the service retirement allowance. No one shall  
8 participate in the DROP for a period exceeding five years.

9 2. Any member who has at least twenty years of creditable service or has attained the age  
10 of fifty-five may elect in writing before retirement to participate in the DROP. A member  
11 electing to participate in the DROP shall postpone actual retirement, shall continue in active  
12 employment and shall not receive any direct retirement allowance payments or benefits during  
13 the period of participation.

14 3. Upon the start of the participation in the DROP, the member shall cease to make any  
15 mandatory contributions to the system. No contribution shall be required by the city into the  
16 DROP account. During the period of participation in the DROP, the amount that the member  
17 would have received as a service retirement allowance if the member had actually retired instead

18 of entering DROP shall be deposited monthly in the member's DROP account which shall be  
19 established in the member's name by the board of trustees. The member's service retirement  
20 allowance shall not be adjusted for any cost-of-living increases for any period prior to the  
21 member's termination of employment as a police officer and actual retirement. Cost-of-living  
22 increases, if any, for any period following the member's termination of employment as a police  
23 officer and actual retirement shall be applied only to monthly service retirement payments made  
24 following termination of employment as a police officer and actual retirement. Service earned  
25 during the period of participation in the DROP shall not be creditable service and shall not be  
26 counted in determination of any service retirement allowance or surviving spouse's or  
27 ~~dependents'] dependent's~~ benefits. Compensation paid during the period of participation in the  
28 DROP shall not be earnable compensation and shall not be counted in the determination of any  
29 service retirement allowance or surviving spouse's or dependent's benefits. The member's service  
30 retirement allowance shall be frozen as of the date the member enters DROP. Except as  
31 specifically provided in sections 86.200 to 86.366, the member's frozen service retirement  
32 allowance shall not increase while the member is participating in DROP or after the member's  
33 participation in DROP ends, and the member shall not share in any benefit improvement that is  
34 enacted or that becomes effective while such member is participating in the DROP.

35 4. A member shall cease participation in the DROP upon the termination of the member's  
36 employment as a police officer and actual retirement, or at the end of the five-year period  
37 commencing on the first day of the member's participation in the DROP, or as of the effective  
38 date of the member's election to return to active participation in the system, whichever occurs  
39 first. A member's election to return to active participation in the system before the end of the  
40 five-year period commencing on the first day of participation in the DROP shall be made and  
41 shall become effective in accordance with procedures established by the board of trustees. Upon  
42 the member's termination of employment as a police officer and actual retirement, the member  
43 shall elect to receive the value of the member's DROP account, in one of the following forms of  
44 payment:

- 45 (1) A lump sum payment; or  
46 (2) Equal monthly installments over a ten-year period.

47

48 Either form of payment should begin within thirty days after the member's notice to the board  
49 of trustees that the member has selected a particular option.

50 5. If a member who is participating in the DROP elects to return to active participation  
51 in the system or if a member who is participating in the DROP does not terminate employment  
52 and actually retires as a police officer in the city for which the retirement system was established  
53 pursuant to sections 86.200 to 86.366 at the end of the five-year period commencing on the first

54 day of the member's participation in the DROP, the member shall return to active participation  
55 in the system and shall resume making mandatory contributions to the system effective as of the  
56 day after participation in the DROP ends. The board of trustees shall notify the chief of police  
57 to begin deducting mandatory contributions from the member's salary and the member's  
58 employment period shall count as creditable service beginning as of the day the member returns  
59 to active participation.

60 6. In no event shall a member whose participation in DROP has ended for any reason be  
61 eligible to participate in DROP again.

62 7. Upon the member's termination of employment as a police officer and actual  
63 retirement, the member's mandatory contributions to the retirement system shall be paid to the  
64 member pursuant to subsection 4 of section 86.253.

65 8. If a member dies prior to termination of employment as a police officer and actual  
66 retirement while participating in the DROP or before the member has received full withdrawal  
67 of the amount in the member's DROP account under the installment optional payment form, the  
68 remaining balance of the member's DROP account shall be payable to the member's surviving  
69 spouse; or, if the member is then unmarried, to the member's dependent children in equal shares;  
70 or, if none, to the member's dependent mother or father; or, if none, to the member's designated  
71 beneficiary or, if no such beneficiary is then living, to the member's estate. Payment shall be  
72 made in a lump sum within sixty days after receipt by the board of trustees of evidence and proof  
73 of the death of a member. In addition, the member's mandatory contributions, if any, that were  
74 not already paid to the member pursuant to subsection 4 of section 86.253 shall be paid to the  
75 member's surviving spouse pursuant to section 86.288.

76 9. If a member applies for and receives benefits for an accidental disability retirement  
77 allowance pursuant to the provisions of section 86.263, the member shall forfeit all rights, claims  
78 or interest in the member's DROP account and the member's benefits shall be calculated as if the  
79 member has continued in employment and had not elected to participate in the DROP. Any  
80 portion of a DROP account that has been forfeited as provided in this subsection shall be a  
81 general asset of the system.

82 10. A member's DROP account shall earn interest equal to the rate of return earned by  
83 the system's investment portfolio on a market value basis, including realized and unrealized gains  
84 and losses, net of investment expense, as certified by the system's actuary. As of the last day of  
85 each plan year beginning after DROP participation begins, the member's DROP account balance,  
86 determined as of the last day of the prior plan year, shall be credited with interest at the  
87 investment rate earned by the assets of the retirement system for such prior plan year. If  
88 distribution of the member's DROP account balance is made in a lump sum under subsection 4  
89 or 8 of this section, interest for the plan year of distribution shall be credited on the ending

90 balance for the prior plan year at the investment rate earned on the assets of the retirement system  
91 for the prior plan year, in proportion to the part of the plan year preceding the date of the  
92 member's termination of employment or death, whichever is earlier. If the member's DROP  
93 account is paid in equal monthly installments pursuant to subsection 4 of this section, interest  
94 during the installment period shall be credited as of the last day of each plan year ending after  
95 installment payment begins on the account balance as of the first or last day of the plan year,  
96 whichever is lower, at the investment rate earned by the assets of the system for the prior plan  
97 year. Interest for the year in which the final installment is paid shall be credited on the balance  
98 remaining after the final installment is paid, at the investment rate earned on the assets of the  
99 system for the prior plan year, in proportion to the part of the plan year preceding payment of the  
100 final installment. Any interest credited to the DROP account during the installment period shall  
101 be paid as soon as reasonably possible after the final monthly installment. No interest shall be  
102 credited on amounts, if any, added to the member's DROP account during the year in which the  
103 distribution of the account is completed.

104 11. The board of trustees shall not incur any liability individually or on behalf of other  
105 individuals for any act or omission made in good faith in relation to the DROP or assets credited  
106 to DROP accounts established by this section. The provisions of the Internal Revenue Code and  
107 regulations promulgated thereunder shall supersede any provision of this section if there is any  
108 inconsistency with the Internal Revenue Code or regulation.

109 12. Upon the receipt by the board of trustees of evidence and proof that the death of a  
110 member resulted from an event occurring while the member was in the actual performance of  
111 duty, and if the member is participating in the DROP, the member's surviving spouse or, if the  
112 member is then ~~unmarried~~ **not a party to a contract of domestic union**, the member's  
113 ~~unmarried~~ dependent children **who are not parties to a contract of domestic union**, may elect  
114 within thirty days after the member's death to have the amount in the member's DROP account  
115 paid in the form of a monthly survivor annuity. Payment of the survivor annuity shall begin  
116 within sixty days after the election is received. Payment to the member's surviving spouse shall  
117 continue until the surviving spouse's death; payment to the member's ~~unmarried~~ dependent  
118 children **who are not parties to a contract of domestic union** shall be made while any child  
119 qualifies as ~~an unmarried~~ **a dependent child who is not a party to a contract of domestic**  
120 **union** pursuant to section 86.280. The survivor annuity shall be the actuarial equivalent of the  
121 member's DROP account as of the date of the member's death. In no event shall the total amount  
122 paid pursuant to this subsection be less than the member's DROP account balance as of the date  
123 of the member's death.

86.253. 1. Upon termination of employment as a police officer and actual retirement for  
2 service, a member shall receive a service retirement allowance which shall be an amount equal

3 to two percent of the member's average final compensation multiplied by the number of years  
4 of the member's creditable service, up to twenty-five years, plus an amount equal to four percent  
5 of the member's average final compensation for each year of creditable service in excess of  
6 twenty-five years but not in excess of thirty years; plus an additional five percent of the member's  
7 average final compensation for any creditable service in excess of thirty years. Notwithstanding  
8 the foregoing, the service retirement allowance of a member who does not earn any creditable  
9 service after August 11, 1999, shall not exceed an amount equal to seventy percent of the  
10 member's average final compensation, and the service retirement allowance of a member who  
11 earns creditable service on or after August 12, 1999, shall not exceed an amount equal to  
12 seventy-five percent of the member's average final compensation; provided, however, that the  
13 service retirement allowance of a member who is participating in the DROP pursuant to section  
14 86.251 on August 12, 1999, who returns to active participation in the system pursuant to section  
15 86.251, and who terminates employment as a police officer and actually retires for reasons other  
16 than death or disability before earning at least two years of creditable service after such return  
17 shall be the sum of (1) the member's service retirement allowance as of the date the member  
18 entered DROP and (2) an additional service retirement allowance based solely on the creditable  
19 service earned by the member following the member's return to active participation. The  
20 member's total years of creditable service shall be taken into account for the purpose of  
21 determining whether the additional allowance attributable to such additional creditable service  
22 is two percent, four percent or five percent of the member's average final compensation.

23 2. If, at any time since first becoming a member of the retirement system, the member  
24 has served in the Armed Forces of the United States, and has subsequently been reinstated as a  
25 policeman within ninety days after the member's discharge, the member shall be granted credit  
26 for such service as if the member's service in the police department of such city had not been  
27 interrupted by the member's induction into the Armed Forces of the United States. If earnable  
28 compensation is needed for such period in computation of benefits it shall be calculated on the  
29 basis of the compensation payable to the officers of the member's rank during the period of the  
30 member's absence. Notwithstanding any provision of sections 86.200 to 86.366 to the contrary,  
31 the retirement system governed by sections 86.200 to 86.366 shall be operated and administered  
32 in accordance with the applicable provisions of the Uniformed Services Employment and  
33 Reemployment Rights Act of 1994, as amended.

34 3. The service retirement allowance of each present and future retired member who  
35 terminated employment as a police officer and actually retired from service after attaining age  
36 fifty-five or after completing twenty years of creditable service shall be increased annually at a  
37 rate not to exceed three percent as approved by the board of trustees beginning with the first  
38 increase in the second October following the member's retirement and subsequent increases in

39 each October thereafter, provided that each increase is subject to a determination by the board  
40 of trustees that the consumer price index (United States City Average Index) as published by the  
41 United States Department of Labor shows an increase of not less than the approved rate during  
42 the latest twelve-month period for which the index is available at the date of determination; and  
43 provided further, that if the increase is in excess of the approved rate for any year, such excess  
44 shall be accumulated as to any retired member and increases may be granted in subsequent years  
45 subject to a maximum of three percent for each full year from October following the member's  
46 retirement but not to exceed a total percentage increase of thirty percent. In no event shall the  
47 increase described under this subsection be applied to the amount, if any, paid to a member or  
48 surviving spouse of a deceased member for services as a special consultant under subsection 5  
49 of this section or, if applicable, subsection 6 of this section. If the board of trustees determines  
50 that the index has decreased for any year, the benefits of any retired member that have been  
51 increased shall be decreased but not below the member's initial benefit. No annual increase shall  
52 be made of less than one percent and no decrease of less than three percent except that any  
53 decrease may be limited in amount by the initial benefit.

54         4. In addition to any other retirement allowance payable under this section and section  
55 86.250, a member, upon termination of employment as police officer and actual service  
56 retirement, may request payment of the total amount of the member's mandatory contributions  
57 to the retirement system without interest. Upon receipt of such request, the board shall pay the  
58 retired member such total amount of the member's mandatory contributions to the retirement  
59 system to be paid pursuant to this subsection within sixty days after such retired member's date  
60 of termination of employment as a police officer and actual retirement.

61         5. Any person who is receiving retirement benefits from the retirement system, upon  
62 application to the board of trustees, shall be made, constituted, appointed and employed by the  
63 board of trustees as a special consultant on the problems of retirement, aging and other matters,  
64 for the remainder of the person's life or, in the case of a deceased member's surviving spouse,  
65 until the earlier of the person's death or ~~[remarriage]~~ **a new contract of domestic union**, and  
66 upon request of the board of trustees shall give opinions and be available to give opinions in  
67 writing or orally, in response to such requests, as may be required. For such services the special  
68 consultant shall be compensated monthly, in an amount which, when added to any monthly  
69 retirement benefits being received from the retirement system, including any cost-of-living  
70 increases under subsection 3 of this section, shall total six hundred fifty dollars a month. This  
71 employment shall in no way affect any person's eligibility for retirement benefits under this  
72 chapter, or in any way have the effect of reducing retirement benefits, notwithstanding any  
73 provisions of law to the contrary.

86.254. 1. Beginning July 1, 1994, in addition to any other annuity, benefits, or retirement allowance provided pursuant to sections 86.200 to 86.366, each present and future retired member after attaining the age of sixty years shall, upon application to the board of trustees, be made, constituted, appointed and employed by the board of trustees as an advisor on the problems of retirement, aging and other matters, for the remainder of the retired member's life, and upon request of the board of trustees shall give opinions in writing or orally in response to such requests as may be required.

2. For the performance of duties required in subsection 1 of this section, each retired member employed as an advisor by the board of trustees shall be compensated monthly in an amount of ten dollars per month multiplied by the number of years the retired member is past the age of sixty years. The compensation provided by this subsection shall be adjusted annually. No funding shall be required prior to the effective date of this benefit.

3. Beginning October 1, 1999, in addition to any other benefit provided to any surviving spouse pursuant to sections 86.200 to 86.366, each present and future surviving spouse of a member after attaining the age of sixty years shall upon application to the board of trustees, be made, constituted, appointed and employed by the board of trustees as an advisor on the problems of retirement, aging and other matters for the remainder of the surviving spouse's life or until the surviving spouse ~~[remarries]~~ **becomes a party to a new contract of domestic union**, whichever is earlier, and upon request of the board of trustees shall give opinions in writing or orally in response to such requests as may be required.

4. For the performance of duties required in subsection 3 of this section, each surviving spouse of a member employed as an advisor by the board of trustees shall be compensated monthly in an amount of ten dollars per month multiplied by the number of years the surviving spouse is past the age of sixty years. The compensation provided by this subsection shall be adjusted annually.

86.260. 1. Upon termination of employment as a police officer and actual retirement for nonduty disability a member shall receive a service retirement allowance as calculated under subsection 1 of section 86.253 if the member has attained the age of fifty-five or completed twenty years of creditable service; otherwise the member shall receive a nonduty disability retirement allowance which shall be equal to ninety percent of the member's accrued service retirement in section 86.253, but not less than one-fourth of the member's average final compensation; provided, however, that no such allowance shall exceed ninety percent of the member's accrued service retirement benefit based on continuation of the member's creditable service to the age set out in section 86.250.

2. Effective October 1, 1999, the nonduty disability retirement allowance will be increased by fifteen percent of the member's average final compensation for each ~~[unmarried]~~



12 dependent child **who is not a party to a contract of domestic union** of the disabled member  
13 who is under the age of eighteen, or who, regardless of age, is totally and permanently mentally  
14 or physically disabled and incapacitated from engaging in gainful occupation sufficient to  
15 support himself or herself.

16 3. Any member receiving benefits pursuant to the provisions of this section immediately  
17 prior to October 1, 1999, shall upon application to the board of trustees be made, constituted,  
18 appointed and employed by the board of trustees as a special consultant on the problems of  
19 retirement, aging and other matters while the member is receiving such benefits, and upon  
20 request of the board of trustees shall give opinions in writing or orally in response to such  
21 requests as may be required. Beginning October 1, 1999, for such services as may be required,  
22 there shall be payable an additional monthly compensation of one hundred dollars or five percent  
23 of the member's average final compensation, whichever is greater, for each ~~unmarried~~  
24 dependent child **who is not a party to a contract of domestic union** of the member.

25 4. Any benefit payable to or for the benefit of a child or children under the age of  
26 eighteen years pursuant to the provisions of subsections 2 and 3 of this section shall continue to  
27 be paid beyond the age of eighteen years through the age of twenty-two years in those cases  
28 where the child is a full-time student at a regularly accredited college, business school, nursing  
29 school, school for technical or vocational training, or university, but such extended benefit shall  
30 cease whenever the child ceases to be a student. A college or university shall be deemed to be  
31 regularly accredited which maintains membership in good standing in a national or regional  
32 accrediting agency recognized by any state college or university.

33 5. No benefits pursuant to this section shall be paid to a child over eighteen years of age  
34 who is totally and permanently disabled if such child is a patient or resident of a public-supported  
35 institution, nor shall such benefits be paid unless such disability occurred prior to such child  
36 reaching the age of eighteen.

86.280. Upon the receipt of proper proofs of the death of a member in service and  
2 provided no other benefits are payable under the retirement system, there shall be paid the  
3 following benefits:

4 (1) Effective October 1, 1999, a pension to the surviving spouse until the surviving  
5 spouse dies or ~~remarries~~ **becomes a party to a new contract of domestic union**, whichever  
6 is earlier, of forty percent of the deceased member's average final compensation plus fifteen  
7 percent of such compensation to, or for the benefit of, each ~~unmarried~~ dependent child **who is**  
8 **not a party to a contract of domestic union** of the deceased member, who is either under the  
9 age of eighteen, or who, regardless of age, is totally and permanently mentally or physically  
10 disabled and incapacitated from engaging in gainful occupation sufficient to support himself or  
11 herself;

12           (2) Any surviving spouse or ~~[unmarried]~~ dependent child **who is not a party to a**  
13 **contract of domestic union** receiving benefits pursuant to the provisions of this section  
14 immediately prior to October 1, 1999, shall, upon application to the board of trustees, be made,  
15 constituted, appointed and employed by the board of trustees as a special consultant on the  
16 problems of retirement, aging and other matters while the surviving spouse or ~~[unmarried]~~  
17 dependent child **who is not a party to a contract of domestic union** is receiving such benefits,  
18 and upon request of the board of trustees shall give opinions in writing or orally in response to  
19 such requests as may be required. Beginning October 1, 1999, for such services as may be  
20 required, the surviving spouse shall receive additional monthly compensation in an amount equal  
21 to fifteen percent of the deceased member's average final compensation, and there shall be  
22 payable an additional monthly compensation of one hundred dollars or five percent of the  
23 member's average final compensation, whichever is greater, for each ~~[unmarried]~~ dependent  
24 child **who is not a party to a contract of domestic union** of the member. The additional  
25 monthly compensation payable to a surviving spouse pursuant to this subdivision shall be  
26 adjusted for any cost-of-living increases that apply, pursuant to subdivision (8) of this section,  
27 to the benefit the surviving spouse was receiving prior to October 1, 1999;

28           (3) If no surviving spouse benefits are payable pursuant to subdivisions (1) and (2) of  
29 this section, such total pension as would have been paid pursuant to subdivisions (1) and (2) of  
30 this section had there been a surviving spouse shall be divided among the ~~[unmarried]~~ dependent  
31 children under age eighteen **who are not parties to a contract of domestic union** and such  
32 ~~[unmarried]~~ dependent children **who are not parties to a contract of domestic union**,  
33 regardless of age, who are totally and permanently mentally or physically disabled and  
34 incapacitated from engaging in a gainful occupation sufficient to support themselves. The  
35 benefit shall be divided equally among the eligible dependent children, and the share of a child  
36 who is no longer eligible shall be divided equally among the remaining eligible dependent  
37 children; provided that not more than one-half of the surviving spouse's benefit shall be paid for  
38 one child;

39           (4) If there is no surviving spouse or dependent children, the return of accumulated  
40 contributions to the designated beneficiary as set forth in section 86.293;

41           (5) No benefits pursuant to this section shall be paid to a child over eighteen years of age  
42 who is totally and permanently disabled if such child is a patient or resident of a public-supported  
43 institution, nor shall such benefits be paid unless such disability occurred prior to such child  
44 reaching the age of eighteen;

45           (6) Wherever any dependent child designated by the board of trustees to receive benefits  
46 pursuant to this section is in the care of the surviving spouse of the deceased member, such  
47 benefits may be paid to such surviving spouse for the child;

48 (7) Any benefit payable to, or for the benefit of, a child or children under the age of  
49 eighteen years pursuant to subdivisions (1) to (3) of this section shall continue to be paid beyond  
50 the age of eighteen years through the age of twenty-two years if the child is a full-time student  
51 at a regularly accredited college, business school, nursing school, school for technical or  
52 vocational training, or university, but such extended benefit shall cease whenever the child  
53 ceases to be a student. A college or university shall be deemed to be regularly accredited which  
54 maintains membership in good standing in a national or regional accrediting agency recognized  
55 by any state college or university;

56 (8) The benefits payable pursuant to this section to the surviving spouse of a member  
57 who died in service after attaining the age of fifty-five or completing twenty years of creditable  
58 service shall be increased in the same percentages and pursuant to the same method as is  
59 provided in section 86.253 for adjustments in the service retirement allowance of a retired  
60 member.

86.283. Upon receipt of proper proofs of the death of a retired member who retired while  
2 in service, including retirement for service, ordinary disability or accidental disability, and  
3 provided no other benefits are payable from the retirement system, there shall be paid the  
4 following benefits:

5 (1) Effective October 1, 1999, a pension to the surviving spouse until the surviving  
6 spouse dies or ~~[remarries]~~ **becomes a party to a new contract of domestic union**, whichever  
7 is earlier, of forty percent of the deceased member's average final compensation plus fifteen  
8 percent of such compensation to, or for the benefit of, each ~~[unmarried]~~ dependent child **who is**  
9 **not a party to a contract of domestic union** of the deceased member, who is either under the  
10 age of eighteen, or who, regardless of age, is totally and permanently mentally or physically  
11 disabled and incapacitated from engaging in a gainful occupation sufficient to support himself  
12 or herself;

13 (2) Any surviving spouse or ~~[unmarried]~~ dependent child **who is not a party to a**  
14 **contract of domestic union** receiving benefits pursuant to this section immediately prior to  
15 October 1, 1999, shall upon application to the board of trustees be made, constituted, appointed  
16 and employed by the board of trustees as a special consultant on the problems of retirement,  
17 aging and other matters while the surviving spouse or ~~[unmarried]~~ dependent child **who is not**  
18 **a party to a contract of domestic union** is receiving such benefits, and upon request of the  
19 board of trustees shall give opinions in writing or orally in response to such requests as may be  
20 required. Beginning October 1, 1999, for such services as may be required, a surviving spouse  
21 shall receive additional monthly compensation equal to the amount which when added to the  
22 benefits the surviving spouse was receiving pursuant to this section prior to October 1, 1999,  
23 determined without regard to any increase applied to such benefits prior to October 1, 1999,

24 pursuant to subdivision (8) of this section, will increase the surviving spouse's total monthly  
25 payment pursuant to this section to forty percent of the deceased member's average final  
26 compensation, and there shall be payable an additional monthly compensation of one hundred  
27 dollars or five percent of the member's average final compensation, whichever is greater, for each  
28 ~~unmarried~~ dependent child **who is not a party to a contract of domestic union** of the  
29 member. The additional monthly compensation payable to a surviving spouse pursuant to this  
30 subdivision shall be adjusted for any cost-of-living increases that apply to the benefit the  
31 surviving spouse was receiving prior to October 1, 1999;

32 (3) If no surviving spouse benefits are payable pursuant to subdivisions (1) and (2) of  
33 this section, such total pension as would have been paid pursuant to subdivisions (1) and (2) of  
34 this section had there been a surviving spouse, determined without regard to any increase which  
35 would have applied to the surviving spouse's benefits pursuant to subdivision (8) of this section,  
36 shall be divided among the ~~unmarried~~ dependent children **who are not parties to a contract**  
37 **of domestic union** under age eighteen and ~~unmarried~~ dependent children **who are not parties**  
38 **to a contract of domestic union**, regardless of age, who are totally and permanently mentally  
39 or physically disabled and incapacitated from engaging in a gainful occupation sufficient to  
40 support themselves. The benefit shall be divided equally among the eligible dependent children,  
41 and the share of a child who is no longer eligible shall be divided equally among the remaining  
42 eligible dependent children; provided that not more than one-half of the surviving spouse's  
43 benefits shall be paid for one child;

44 (4) No benefits pursuant to this section shall be paid to a child over eighteen years of age  
45 who is totally and permanently disabled if such child is a patient or resident of a public-supported  
46 institution, nor shall such benefits be paid unless such disability occurred prior to such child  
47 reaching the age of eighteen;

48 (5) Whenever any dependent child designated by the board of trustees to receive benefits  
49 pursuant to this section is in the care of the surviving spouse of the deceased member, such  
50 benefits may be paid to such surviving spouse for the child;

51 (6) In the event of the death of a retired member receiving accidental disability benefits  
52 before such benefits have been paid for five years, the member's surviving spouse until the  
53 surviving spouse dies or ~~remarries~~ **becomes a party to a new contract of domestic union**,  
54 whichever is earlier, shall receive an additional pension of ten percent of the deceased member's  
55 final average compensation;

56 (7) Any benefit payable to, or for the benefit of, a child or children under the age of  
57 eighteen years pursuant to subdivisions (1) to (3) of this section shall continue to be paid beyond  
58 the age of eighteen years through the age of twenty-two years if the child is a full-time student  
59 at a regularly accredited college, business school, nursing school, school for technical or

60 vocational training, or university, but such extended benefit shall cease whenever the child  
61 ceases to be a student. A college or university shall be deemed to be regularly accredited which  
62 maintains membership in good standing in a national or regional accrediting agency recognized  
63 by any state college or university;

64 (8) The benefits payable pursuant to this section to the surviving spouse of a retired  
65 member who received or was entitled to receive a service retirement allowance shall be increased  
66 in the same percentages and pursuant to the same method as is provided in section 86.253 for  
67 adjustments in the service retirement allowance of a retired member.

86.287. Upon the receipt by the board of trustees of evidence and proof that the death  
2 of a member was the natural and proximate result of an accident occurring at some definite time  
3 and place while the member was in the actual performance of duty and not caused by negligence  
4 on the part of the member, there shall be paid in lieu of the benefits pursuant to sections 86.280  
5 to 86.283:

6 (1) Effective October 1, 1999, a pension to the surviving spouse until the surviving  
7 spouse dies or ~~remarries~~ **becomes a party to a new contract of domestic union**, whichever  
8 is earlier, of seventy-five percent of the deceased member's average final compensation plus  
9 fifteen percent of such compensation to, or for the benefit of, each ~~unmarried~~ dependent child  
10 **who is not a party to a contract of domestic union** of the deceased member, who is either  
11 under the age of eighteen, or who, regardless of age, is totally and permanently disabled and  
12 incapacitated from engaging in a gainful occupation sufficient to support himself or herself;

13 (2) Any surviving spouse or ~~unmarried~~ dependent child **who is not a party to a**  
14 **contract of domestic union** receiving benefits pursuant to this section immediately prior to  
15 October 1, 1999, shall upon application to the board of trustees be made, constituted, appointed  
16 and employed by the board of trustees as a special consultant on the problems of retirement,  
17 aging and other matters while the surviving spouse or ~~unmarried~~ dependent child **who is not**  
18 **a party to a contract of domestic union** is receiving such benefits, and upon request of the  
19 board of trustees shall give opinions in writing or orally in response to such requests as may be  
20 required. Beginning October 1, 1999, for such services as may be required, a surviving spouse  
21 shall receive additional monthly compensation equal to the amount which when added to the  
22 benefits the surviving spouse was receiving pursuant to this section prior to October 1, 1999, will  
23 increase the surviving spouse's total monthly benefit payment pursuant to this section to  
24 seventy-five percent of the deceased member's average final compensation, and there shall be  
25 payable an additional monthly compensation of one hundred dollars or five percent of the  
26 member's average final compensation, whichever is greater, for each ~~unmarried~~ dependent  
27 child **who is not a party to a contract of domestic union** of the member;

28           (3) If no surviving spouse benefits are payable pursuant to subdivisions (1) and (2) of  
29 this section, such total pension as would have been paid pursuant to subdivisions (1) and (2) of  
30 this section had there been a surviving spouse shall be divided among the ~~[unmarried]~~ dependent  
31 children **who are not parties to a contract of domestic union** under age eighteen and such  
32 ~~[unmarried]~~ dependent children **who are not parties to a contract of domestic union**,  
33 regardless of age, who are totally and permanently disabled and incapacitated from engaging in  
34 a gainful occupation sufficient to support themselves. The benefit shall be divided equally  
35 among the eligible dependent children, and the share of a child who is no longer eligible shall  
36 be divided equally among the remaining eligible dependent children; provided that not more than  
37 one-half of the surviving spouse's benefit shall be paid for one child;

38           (4) If there is no surviving spouse or ~~[unmarried]~~ dependent children **who are not**  
39 **parties to a contract of domestic union** of either class mentioned in subdivision (3) of this  
40 section, then an amount equal to the surviving spouse's benefit shall be paid to the member's  
41 dependent father or dependent mother to continue until ~~[remarriage]~~ **a new contract of domestic**  
42 **union** or death;

43           (5) No benefits pursuant to this section shall be paid to a child over eighteen years of age  
44 who is totally and permanently disabled if such child is a patient or resident of a public-supported  
45 institution, nor shall such benefits be paid unless such disability occurred prior to such child  
46 reaching the age of eighteen;

47           (6) Wherever any dependent child designated by the board of trustees to receive benefits  
48 pursuant to this section is in the care of the surviving spouse of the deceased member, such  
49 benefits may be paid to such surviving spouse for the child;

50           (7) Any benefit payable to, or for the benefit of, a child or children under the age of  
51 eighteen years pursuant to subdivisions (1) to (3) of this section shall continue to be paid beyond  
52 the age of eighteen years through the age of twenty-two years in those cases where the child is  
53 a full-time student at a regularly accredited college, business school, nursing school, school for  
54 technical or vocational training, or university, but such extended benefit shall cease whenever  
55 the child ceases to be a student. A college or university shall be deemed to be regularly  
56 accredited which maintains membership in good standing in a national or regional accrediting  
57 agency recognized by any state college or university.

86.547. 1. When a member of the department dies from any cause whatever while a  
2 member of the department or after retirement under the provisions of sections 86.510 to 86.577,  
3 and leaves a widow surviving, the board of trustees shall pay such widow from the pension fund,  
4 monthly, while ~~[unmarried]~~ **not a party to a contract of domestic union**, a sum equal to  
5 one-half the monthly pension which ~~[her husband]~~ **the spouse** received or would have received  
6 had he **or she** been retired on the date of his **or her** death or the sum of seventy-five dollars

7 monthly, whichever is the greater amount. No pension shall be paid to any widow of a pensioner  
8 who has been retired on account of twenty years or more of service, unless **he or** she was  
9 ~~[married to]~~ **a party to a contract of domestic union with** the deceased pensioner at least five  
10 years immediately prior to the date of his **or her** retirement.

11 2. If there be any surviving children of the deceased member or pensioner under eighteen  
12 years of age, the pension payable to the widow shall be increased ten dollars per month for each  
13 dependent child if the decedent leave no widow, but does leave an orphan child or children,  
14 under the age of eighteen years, the child or children, collectively, shall receive a pension of  
15 thirty dollars monthly until the youngest child attains the age of eighteen years, but no child shall  
16 receive any pension after attaining the age of eighteen years.

86.1151. 1. Any Tier II member may retire when such member has completed  
2 twenty-seven or more years of creditable service. Upon such retirement such member shall  
3 receive a base pension equal to two and one-half percent of such member's final compensation,  
4 as defined in section 86.900, multiplied by the number of years of such member's total creditable  
5 service. Such pension shall not exceed eighty percent of the member's final compensation.

6 2. (1) A Tier II member who is ~~[married]~~ **a party to a contract of domestic union** at  
7 the time of retirement may by a written election, with the written consent of such member's  
8 spouse, elect an optional benefit calculated as follows: such optional benefit shall be a monthly  
9 pension in the initial amount which shall be actuarially equivalent to the actuarial value of the  
10 pension described in subsection 1 of this section for such member at the date of retirement  
11 (including the value of survivorship rights of a surviving spouse, where applicable, under section  
12 86.1240), upon the basis that the initial annuity for the member's spouse, if such spouse survives  
13 the member, shall be:

14 (a) The same as the amount being paid the member at the member's death, and, together  
15 with cost-of-living adjustments thereafter declared on the spouse's base pension under section  
16 86.1220, shall be paid to such surviving spouse for the lifetime of such spouse; or

17 (b) Seventy-five percent of the amount being paid the member at the member's death,  
18 and, together with cost-of-living adjustments thereafter declared on the spouse's base pension  
19 under section 86.1220, shall be paid to such surviving spouse for the lifetime of such spouse.

20 (2) If a member who elects the optional benefit permitted by this subsection also makes  
21 an election permitted under section 86.1210, such optional benefit shall be reduced as provided  
22 in subdivision (3) of subsection 2 of section 86.1210.

23 (3) If a member makes the election permitted by this subsection, the amount calculated  
24 for such optional benefit under either subdivision (1) or (2) of this subsection shall become the  
25 base pension for such member and for such member's spouse for all purposes of sections 86.900  
26 to 86.1280.

27           (4) An election for an optional benefit under this subsection shall be void if the member  
28 dies within thirty days after filing such election with the retirement system or if the member dies  
29 before the due date of the first payment of such member's pension.

30           3. Subject to the provisions of subsection 4 of this section, whenever the service of a Tier  
31 II member is terminated for any reason prior to death or retirement and the member has fifteen  
32 or more years of creditable service, the member may elect not to withdraw such member's  
33 accumulated contributions and shall become entitled to a base pension commencing on the first  
34 day of the month following the attainment of the age of sixty, if then living, equal to two and  
35 one-half percent of such member's final compensation multiplied by the number of years of such  
36 member's creditable service.

37           4. Notwithstanding any other provisions of sections 86.900 to 86.1280, any member who  
38 is convicted of a felony prior to separation from active service shall not be entitled to any benefit  
39 from this retirement system except the return of such member's accumulated contributions.

          86.1230. 1. Any Tier I member who retires subsequent to August 28, 1991, with  
2 entitlement to a pension under sections 86.900 to 86.1280, shall receive, in addition to such  
3 member's base pension and cost-of-living adjustments thereto under section 86.1220, and in  
4 addition to any other compensation or benefit to which such member may be entitled under  
5 sections 86.900 to 86.1280, a supplemental retirement benefit of fifty dollars per month. The  
6 amount of such supplemental retirement benefit may be adjusted by cost-of-living adjustments  
7 determined by the retirement board not more frequently than annually.

8           2. Any Tier I member who was retired on or before August 28, 1991, and is receiving  
9 retirement benefits from the retirement system shall, upon application to the retirement board,  
10 be retained as a consultant, and for such services such member shall receive, in addition to such  
11 member's base pension and cost-of-living adjustments thereto under section 86.1220, and in  
12 addition to any other compensation or benefit to which such member may be entitled under  
13 sections 86.900 to 86.1280, a supplemental compensation in the amount of fifty dollars per  
14 month. This appointment as a consultant shall in no way affect any member's eligibility for  
15 retirement benefits under the provisions of sections 86.900 to 86.1280, or in any way have the  
16 effect of reducing retirement benefits otherwise payable to such member. The amount of such  
17 supplemental compensation under this subsection may be adjusted by cost-of-living adjustments  
18 determined by the retirement board not more frequently than annually.

19           3. For purposes of subsections 1 and 2 of this section, the term "member" shall include  
20 a surviving spouse entitled to a benefit under sections 86.900 to 86.1280 who shall be deemed  
21 to have retired for purposes of this section on the date of retirement of the member of whom such  
22 person is the surviving spouse or on the date of death of such member if such member died prior  
23 to retirement; provided, that if the surviving spouse of any member who retired prior to August



24 28, 2000, shall not have ~~[remarried]~~ **become a party to a new contract of domestic union** prior  
25 to August 28, 2000, but ~~[remarries]~~ **becomes a party to a new contract of domestic union**  
26 thereafter, such surviving spouse shall thereafter receive benefits under subsection 2 of this  
27 section, and provided further, that no benefits shall be payable under this section to the surviving  
28 spouse of any member who retired prior to August 28, 2000, if such surviving spouse was at any  
29 time ~~[remarried]~~ **a party to a new contract of domestic union** after the member's death and  
30 prior to August 28, 2000. All benefits payable to a surviving spouse under this section shall be  
31 in addition to all other benefits to which such surviving spouse may be entitled under other  
32 provisions of sections 86.900 to 86.1280. Any such surviving spouse of a member who dies  
33 while entitled to payments under this section shall succeed to the full amount of payment under  
34 this section to which such member was entitled at the time of such member's death, including  
35 any cost-of-living adjustments received by such member in the payment under this section prior  
36 to such member's death. In all events, the term "member" shall not include any children of the  
37 member who would be entitled to receive part or all of the pension which would be received by  
38 a surviving spouse if living.

39 4. Any member who is receiving benefits from the retirement system and who either was  
40 retired under the provisions of subdivision (1) of subsection 1 of section 86.1150, or who retired  
41 before August 28, 2001, under the provisions of section 86.1180 or section 86.1200, shall, upon  
42 application to the retirement board, be retained as a consultant. For such services such member  
43 shall receive each month in addition to such member's base pension and cost-of-living  
44 adjustments thereto under section 86.1220, and in addition to any other compensation or benefit  
45 to which such member may be entitled under sections 86.900 to 86.1280, an equalizing  
46 supplemental compensation of ten dollars per month. This appointment as a consultant shall in  
47 no way affect any member's eligibility for retirement benefits under the provisions of sections  
48 86.900 to 86.1280, or in any way have the effect of reducing retirement benefits otherwise  
49 payable to such member. The amount of equalizing supplemental compensation under this  
50 subsection may be adjusted by cost-of-living adjustments, determined by the retirement board  
51 not more frequently than annually, but in no event shall the aggregate of such equalizing  
52 supplemental compensation together with all such cost-of-living adjustments thereto exceed  
53 twenty-five percent of the member's base pension. Each cost-of-living adjustment to  
54 compensation under this subsection shall be determined independently of any cost-of-living  
55 adjustment to any other benefit under sections 86.900 to 86.1280. For the purposes of this  
56 subsection, the term "member" shall include a surviving spouse entitled to benefits under the  
57 provisions of sections 86.900 to 86.1280, and who is the surviving spouse of a member who  
58 qualified, or would have qualified if living, for compensation under this subsection. Such  
59 surviving spouse shall, upon application to the retirement board, be retained as a consultant, and

60 for such services shall be compensated in an amount equal to the compensation which would  
61 have been received by the member under this subsection, if living. Any such surviving spouse  
62 of a member who dies while entitled to payments under this subsection shall succeed to the full  
63 amount of payment under this subsection to which such member was entitled at the time of such  
64 member's death, including any cost-of-living adjustments received by such member in the  
65 payment under this subsection prior to such member's death. In all events, the term "member"  
66 shall not include any children of the member who would be entitled to receive part or all of the  
67 pension that would be received by a surviving spouse, if living.

68         5. A surviving spouse who is entitled to benefits under the provisions of subsection 1  
69 of section 86.1240 as a result of the death prior to August 28, 2007, of a member in service, and  
70 who is receiving benefits from the retirement system, shall, upon application to the retirement  
71 board, be retained as a consultant, and for such services such surviving spouse shall receive each  
72 month an equalizing supplemental compensation of ten dollars per month. A surviving spouse  
73 entitled to benefits under the provisions of subsection 1 of section 86.1240 as a result of the  
74 death of a member in service on or after August 28, 2007, shall receive each month an equalizing  
75 supplemental benefit of ten dollars per month. All benefits payable to a surviving spouse under  
76 this subsection shall be in addition to all other benefits to which such surviving spouse may be  
77 entitled under other provisions of sections 86.900 to 86.1280 and shall in no way have the effect  
78 of reducing benefits otherwise payable to such surviving spouse. The amount of equalizing  
79 supplemental benefit or equalizing supplemental compensation under this subsection may be  
80 adjusted by cost-of-living adjustments, determined by the retirement board not more frequently  
81 than annually, but in no event shall the aggregate of such equalizing supplemental benefit or  
82 compensation together with all such cost-of-living adjustments thereto exceed twenty-five  
83 percent of the base pension of the surviving spouse. Each cost-of-living adjustment to an  
84 equalizing supplemental benefit or compensation under this subsection shall be determined  
85 independently of any cost-of-living adjustment to any other benefit under sections 86.900 to  
86 86.1280. In all events the term "surviving spouse" as used in this subsection shall not include  
87 any children of the member who would be entitled to receive part or all of the pension that would  
88 be received by a surviving spouse, if living.

89         6. In determining and granting the cost-of-living adjustments under this section, the  
90 retirement board shall adopt such rules and regulations as may be necessary to effectuate the  
91 purposes of this section, including provisions for the manner of computation of such adjustments  
92 and the effective dates thereof. The retirement board shall provide for such adjustments to be  
93 determined once each year and granted on a date or dates to be chosen by the board. The  
94 retirement board shall not be required to prorate the initial adjustment to any benefit or  
95 compensation under this section for any member.

96           7. The determination of whether the retirement system will remain actuarially sound  
97 shall be made at the time any cost-of-living adjustment under this section is granted. If at any  
98 time the retirement system ceases to be actuarially sound, any benefit or compensation payments  
99 provided under this section shall continue as adjusted by increases or decreases theretofore  
100 granted. A member of the retirement board shall have no personal liability for granting increases  
101 under this section if that retirement board member in good faith relied and acted upon advice of  
102 a qualified actuary that the retirement system would remain actuarially sound.

          86.1240. 1. Upon receipt of the proper proofs of death of a member in service for any  
2 reason whatsoever, there shall be paid to such member's surviving spouse, if any, in addition to  
3 all other benefits but subject to subsection 6 of this section, a base pension equal to forty percent  
4 of the final compensation of such member, subject to adjustments, if any, as provided in section  
5 86.1220.

6           2. (1) Upon receipt of the proper proofs of death of a Tier I member who was retired or  
7 terminated service after August 28, 1999, and died after having become entitled to benefits from  
8 this retirement system, there shall be paid to such member's surviving spouse, if any, in addition  
9 to all other benefits but subject to subsection 6 of this section, a base pension equal to eighty  
10 percent of the pension being received by such member, including cost-of-living adjustments to  
11 such pension but excluding supplemental retirement benefits, at the time of such member's death,  
12 subject to subsequent adjustments, if any, as provided in section 86.1220. The pension provided  
13 by this subdivision shall terminate upon ~~[remarriage]~~ **a new contract of domestic union** by the  
14 surviving spouse prior to August 28, 2000.

15           (2) (a) Upon receipt of the proper proof of death of a Tier I member who retired or  
16 terminated service on or before August 28, 1999, and who died after August 28, 1999, and after  
17 having become entitled to benefits from this retirement system, such member's surviving spouse,  
18 if any, shall be entitled to a base pension equal to forty percent of the final compensation of such  
19 member.

20           (b) Such a surviving spouse shall, upon application to the retirement board, be appointed  
21 by the retirement board as a consultant and be compensated in an amount equal to the benefits  
22 such spouse would receive under subdivision (1) of this subsection if the member had retired or  
23 terminated service after August 28, 1999.

24           (c) The benefits provided by this subdivision shall terminate upon ~~[remarriage]~~ **a new**  
25 **contract of domestic union** by the surviving spouse prior to August 28, 2000.

26           (3) Upon receipt of the proper proof of death of a Tier II member after retirement who  
27 has not elected the optional annuity permitted under subdivision (1) of subsection 2 of section  
28 86.1151, such member's surviving spouse, shall be entitled to a base pension payable for life  
29 equaling fifty percent of the member's base pension.

30           3. In the case of any member who, prior to August 28, 2000, died in service or retired,  
31 the surviving spouse who would qualify for benefits under subsection 1 or 2 of this section but  
32 for ~~[remarriage]~~ **a new contract of domestic union**, and who has not ~~[remarried]~~ **become a**  
33 **party to a new contract of domestic union** prior to August 28, 2000, but ~~[remarries]~~ **becomes**  
34 **a party to a contract of domestic union** thereafter, shall upon application be appointed by the  
35 retirement board as a consultant. For services as such consultant, such surviving spouse shall  
36 be compensated in an amount equal to the benefits such spouse would have received under  
37 sections 86.900 to 86.1280 in the absence of such ~~[remarriage]~~ **new contract of domestic union**.

38           4. Upon the death of any member who is in service after August 28, 2000, and who  
39 either had at least twenty-five years of creditable service or was retired or died as a result of an  
40 injury or illness occurring in the line of duty or course of employment under section 86.1180, the  
41 surviving spouse's benefit provided under this section, without including any supplemental  
42 retirement benefits paid such surviving spouse by this retirement system, shall be six hundred  
43 dollars per month. For any member who died, retired or terminated service on or before August  
44 28, 2000, and who either had at least twenty-five years of creditable service or was retired or died  
45 as a result of an injury or illness occurring in the line of duty or course of employment under  
46 section 86.1180, the surviving spouse shall upon application to the retirement board be appointed  
47 by the retirement board as a consultant. For services as such consultant, the surviving spouse  
48 shall, beginning the later of August 28, 2000, or the time the appointment is made under this  
49 subsection, be compensated in an amount which without including supplemental retirement  
50 benefits provided by this system shall be six hundred dollars monthly. A pension benefit under  
51 this subsection shall be paid in lieu of any base pension as increased by cost-of-living  
52 adjustments granted under section 86.1220. The benefit under this subsection shall not be  
53 subject to cost-of-living adjustments, but shall be terminated and replaced by the base pension  
54 and cost-of-living adjustments to which such spouse would otherwise be entitled at such time  
55 as the total base pension and such adjustments exceed six hundred dollars monthly.

56           5. A surviving spouse who is entitled to benefits under the provisions of subsection 1  
57 of this section as a result of the death on or before August 28, 2009, of a member in service who  
58 is receiving benefits under sections 86.900 to 86.1280 and who does not qualify under the  
59 provisions of subsection 4 of this section shall, upon application to the retirement board, be  
60 appointed as a consultant, and for such services such surviving spouse shall be compensated in  
61 an amount which, without including any supplemental retirement benefits provided by sections  
62 86.900 to 86.1280, shall be six hundred dollars monthly. A pension benefit under this subsection  
63 shall be paid in lieu of any base pension as increased by cost-of-living adjustments granted under  
64 section 86.1220. The benefit under this subsection shall not be subject to cost-of-living  
65 adjustments, but shall be terminated and replaced by the base pension and cost-of-living

66 adjustments to which such surviving spouse would otherwise be entitled at such time as the total  
67 base pension and such adjustments exceed six hundred dollars monthly. As used in this  
68 subsection, "surviving spouse" shall not include any children of the member who would be  
69 entitled to receive part or all of the pension that would be received by a surviving spouse, if  
70 living.

71 6. Any beneficiary of benefits under sections 86.900 to 86.1280 who becomes the  
72 surviving spouse of more than one member shall be paid all benefits due a surviving spouse of  
73 that member whose entitlements produce the largest surviving spouse benefits for such  
74 beneficiary but shall not be paid surviving spouse benefits as the surviving spouse of more than  
75 one member.

86.1310. The following words and phrases as used in sections 86.1310 to 86.1640 shall  
2 have the following meanings unless a different meaning is plainly required by the context:

3 (1) "Accumulated contributions", the sum of all amounts deducted from the  
4 compensation of a member and paid to the retirement board, together with all amounts paid to  
5 the retirement board by a member or by a member's beneficiary for the purchase of prior service  
6 credits or any other purpose permitted under sections 86.1310 to 86.1640, in all cases with  
7 interest, if any, thereon at a rate determined from time to time for such purpose by the retirement  
8 board;

9 (2) "Actuarial cost", the present value of a future payment or series of payments as  
10 calculated by applying the actuarial assumptions established according to subsection 8 of section  
11 86.1630;

12 (3) "Beneficiary", any person entitled, either currently or conditionally, to receive  
13 pension or other benefits provided in sections 86.1310 to 86.1640;

14 (4) "Board of police commissioners", the board composed of police commissioners  
15 authorized by law to employ and manage an organized police force in the cities;

16 (5) "City" or "cities", any city which now has or may hereafter have a population of more  
17 than three hundred thousand and less than seven hundred thousand inhabitants, or any city that  
18 has made an election under section 86.1320 to continue a civilian employees' retirement system  
19 theretofore maintained under sections 86.1310 to 86.1640;

20 (6) "Compensation", the basic wage or salary paid a member for any period, excluding  
21 bonuses, overtime pay, expense allowances, and other extraordinary compensation; except that,  
22 notwithstanding such provision, compensation for any year for any member shall not exceed the  
23 amount permitted to be taken into account under Section 401(a)(17) of the Internal Revenue  
24 Code as applicable to such year;

25 (7) "Consultant", unless otherwise specifically defined, means a person retained by the  
26 retirement system as a special consultant on the problems of retirement, aging and related matters

27 who, upon request of the retirement board, shall give opinions and be available to give opinions  
28 in writing or orally in response to such requests, as may be needed by the board;

29 (8) "Creditable service", service qualifying as a determinant of a member's pension or  
30 other benefit under sections 86.1310 to 86.1640 by meeting the requirements specified in such  
31 sections, or section 105.691;

32 (9) "Employee", any regularly appointed civilian employee of the police department of  
33 the city as specified in sections 86.1310 to 86.1640 who is:

34 (a) Appointed prior to August 28, 2011, and is not eligible to receive a pension from the  
35 police retirement system of said city;

36 (b) Appointed on or after August 28, 2011, and is not eligible to receive a pension from  
37 the police retirement system of such city or from any other retirement or pension system of such  
38 city;

39 (10) "Final compensation":

40 (a) For a Tier I member as described in subdivision (13) of this section, the average  
41 annual compensation of a member during the member's service if less than two years, or the  
42 twenty-four months of service for which the member received the highest salary whether  
43 consecutive or otherwise;

44 (b) For a Tier II member as described in subdivision (13) of this section, the average  
45 annual compensation of a member during the member's service if less than three years, or the  
46 thirty-six months of service for which the member received the highest salary whether  
47 consecutive or otherwise;

48 (c) For any period of time when a member is paid on a frequency other than monthly,  
49 the member's salary for such period shall be deemed to be the monthly equivalent of the  
50 member's annual rate of compensation for such period;

51 (11) "Internal Revenue Code", the United States Internal Revenue Code of 1986, as  
52 amended;

53 (12) "Medical board", not less than one nor more than three physicians appointed by the  
54 retirement board to arrange for and conduct medical examinations as directed by the retirement  
55 board;

56 (13) "Member", a member of the civilian employees' retirement system as described in  
57 section 86.1480:

58 (a) "Tier I member", any person who became a member prior to August 28, 2013, and  
59 who remains a member on August 28, 2013, shall remain a Tier I member until such member's  
60 membership is terminated as described in section 86.1520;

61 (b) "Tier I surviving spouse", the surviving spouse of a Tier I member;

62 (c) "Tier II member", any person who became a member on or after August 28, 2013;

- 63 (d) "Tier II surviving spouse", the surviving spouse of a Tier II member;
- 64 (e) Any person whose membership is terminated as described in section 86.1520 and  
65 who reenters membership on or after August 28, 2013, shall become a member under paragraph  
66 (c) of this subdivision;
- 67 (14) "Pension", annual payments for life, payable monthly, at the times described in  
68 section 86.1420;
- 69 (15) "Pension fund", the fund resulting from contributions made thereto by the cities  
70 affected by sections 86.1310 to 86.1640 and by the members of the civilian employees'  
71 retirement system;
- 72 (16) "Retirement", termination of a member's status as an employee of the police  
73 department of the city at a time when the member or the member's beneficiary is immediately  
74 entitled to one or more benefits under sections 86.1310 to 86.1640;
- 75 (17) "Retirement board" or "board", the board provided in section 86.1330 to administer  
76 the retirement system;
- 77 (18) "Retirement system", the civilian employees' retirement system of the police  
78 department of the cities as defined in section 86.1320;
- 79 (19) "Surviving spouse", when determining whether a person is entitled to benefits under  
80 sections 86.1310 to 86.1640 by reason of surviving a member, shall include only:
- 81 (a) The person who was ~~[married to]~~ **a party to a contract of domestic union with** the  
82 member at the time of the member's death in service prior to August 28, 2001, and who had not  
83 ~~[remarried]~~ **become a party to a new contract of domestic union** prior to August 28, 2001;
- 84 (b) The person who was ~~[married to]~~ **a party to a contract of domestic union with** the  
85 member at the time of the member's death in service on or after August 28, 2001;
- 86 (c) In the case of any member who both retired and died prior to August 28, 2001, the  
87 person who was ~~[married to]~~ **a party to a contract of domestic union with** the member at the  
88 time of the member's death and who had not ~~[remarried]~~ **become a party to a new contract of**  
89 **domestic union** prior to August 28, 2001;
- 90 (d) In the case of any member who retired prior to August 28, 2001, and died on or after  
91 that date, the person who was ~~[married to]~~ **a party to a contract of domestic union with** the  
92 member at the time of the member's death; or
- 93 (e) In the case of any member who retired on or after August 28, 2001, the person who  
94 was ~~[married to]~~ **a party to a contract of domestic union with** the member at both the time of  
95 the member's retirement and the time of the member's death.

86.1540. 1. (1) Upon retirement on or after a member's normal retirement date, such  
2 member shall receive a base pension in the amount of two percent of such member's final

3 compensation times the number of years, including fractions thereof, of such member's creditable  
4 service.

5 (2) Such member may elect to receive a different base pension under an election  
6 permitted under this section or section 86.1580.

7 2. Tier I members may elect early retirement as follows:

8 (1) Beginning at age fifty-five, if the member has completed at least ten years of  
9 creditable service or at any later age after the member has completed at least ten years of  
10 creditable service. Unless subdivision (3) of this subsection shall be applicable, the benefit as  
11 computed under subsection 1 of this section shall be reduced by one-half of one percent for each  
12 full month the initial payment is prior to the first day of the month following that in which such  
13 member will attain age sixty;

14 (2) Beginning at age sixty, if the member has completed at least five but not more than  
15 ten years of creditable service or at any later age after the member has completed at least five  
16 years of creditable service. Unless subdivision (3) of this subsection shall be applicable, the  
17 benefit as computed under subsection 1 of this section shall be reduced by one-half of one  
18 percent for each full month the initial payment is prior to the first day of the month following that  
19 in which such member will attain age sixty-five; or

20 (3) At any time after the member's total of age and years of creditable service equals or  
21 exceeds eighty, in which event the benefit shall be as computed under subsection 1 of this section  
22 without any reduction. If an election for early retirement results in a reduced benefit under  
23 subdivision (1) or (2) of this subsection, such reduced benefit shall become the member's base  
24 pension, subject to all other adjustments described in this section.

25 3. Tier II members may elect early retirement as follows:

26 (1) Beginning at age sixty-two, if the member has completed at least five years of  
27 creditable service, the benefit as computed under subsection 1 of this section shall be reduced  
28 by one-half of one percent for each full month the initial payment is prior to the first day of the  
29 month following that in which such member will attain age sixty-seven; or

30 (2) At any time after the member has completed at least twenty years of creditable  
31 service and is at least sixty-two years of age, in which event the benefit shall be as computed  
32 under subsection 1 of this section without any reduction; or

33 (3) At any time after the member's total of age and years of creditable service equals or  
34 exceeds eighty-five, in which event the benefit shall be as computed under subsection 1 of this  
35 section without any reduction. If an election for early retirement results in a reduced benefit  
36 under subdivision (1) of this subsection, such reduced benefit shall become the member's base  
37 pension, subject to all other adjustments described in this section.



38           4. (1) A member who is ~~[married]~~ **a party to a contract of domestic union** at the time  
39 of retirement may by a written election, with the written consent of such member's spouse, elect  
40 an optional benefit calculated as follows: such optional benefit shall be a monthly pension in the  
41 initial amount which shall be actuarially equivalent to the actuarial value of the pension  
42 described in subdivision (1) of subsection 1 of this section for such member at the date of  
43 retirement (including the value of survivorship rights of a surviving spouse, where applicable,  
44 under section 86.1610), upon the basis that the initial annuity for the member's spouse, if such  
45 spouse survives the member, shall be the same as the amount being paid the member on such  
46 annuity at the member's death, and, subject to cost-of-living adjustments thereafter declared on  
47 the spouse's base pension under section 86.1590, shall be paid to such surviving spouse for the  
48 lifetime of such spouse without regard to ~~[remarriage]~~ **a new contract of domestic union**. If  
49 a member who makes an election of an optional benefit under this subsection has also elected  
50 an early retirement under either subdivision (1) or (2) of subsection 2 of this section or  
51 subdivision (1) of subsection 3 of this section, any reduction in benefit required for such early  
52 retirement election shall be calculated before calculating the initial amount of the optional benefit  
53 under this subsection.

54           (2) If a member who makes the election permitted by this subsection also makes an  
55 election permitted under section 86.1580, such optional benefit shall be reduced as provided in  
56 subdivision (3) of subsection 2 of section 86.1580.

57           (3) If a member makes the election permitted by this subsection, the amount calculated  
58 for such optional benefit under either subdivision (1) or (2) of this subsection shall be the base  
59 pension for such member and for such member's spouse for all purposes of sections 86.1310 to  
60 86.1640.

61           (4) An election for an optional benefit under this subsection shall be void if the member  
62 dies within thirty days after filing such election with the retirement system or if the member dies  
63 before the due date of the first payment of such member's pension.

64           5. Subject to the provisions of subsection 7 of this section, whenever the service of a  
65 member is terminated after August 28, 1999, for any reason prior to death or retirement and the  
66 member has five or more years of creditable service, the member may elect not to withdraw such  
67 member's accumulated contributions and shall become entitled to receive a pension upon such  
68 member's normal retirement date under subdivision (1) of subsection 1 of this section or may  
69 elect to receive a pension commencing upon or after any date, prior to his or her normal  
70 retirement date, upon which early retirement would have been permitted under subsection 2 of  
71 this section for Tier I members or subsection 3 of this section for Tier II members if such  
72 member had remained a civilian employee of such police department, except that in calculating  
73 any qualification under subsection 2 or 3 of this section, such member shall not be entitled to

74 count any year of creditable service in excess of such member's total years of creditable service  
75 at the time of such member's termination of employment. The amount of any pension  
76 commenced upon the basis of a date permitted under subsection 2 or 3 of this section shall be  
77 computed on the basis of the member's final compensation and number of years of creditable  
78 service, subject to such adjustments as may be applicable under the subdivision of subsection  
79 2 or 3 of this section upon which such member relies in electing such member's pension and  
80 subject to any other adjustments that such member may elect under this section. The amount of  
81 the initial pension calculated after all applicable adjustments shall be the base pension for such  
82 member, and for such member's spouse if such member shall elect the optional benefit permitted  
83 under subsection 4 of this section, for all purposes of sections 86.1310 to 86.1640. Payment of  
84 any benefits elected under this subsection shall commence as of the first day of the month next  
85 following the applicable date with no proration of such benefit for any initial partial month.

86 6. A member whose service was terminated on or before August 28, 1999, after five or  
87 more years of creditable service, and who permitted such member's accumulated contributions  
88 to remain in the pension fund, shall upon application to the retirement board be appointed as a  
89 consultant. For services as such consultant, such member shall, beginning the later of August  
90 28, 1999, or the time of such appointment under this subsection, be entitled to elect to receive  
91 compensation in such amount and at such time as such member would have been entitled to elect  
92 under any of the provisions of subsection 5 of this section if such member had terminated service  
93 after August 28, 1999. Such member shall be entitled to the same cost-of-living adjustments  
94 following the commencement of such compensation as if such member's compensation had been  
95 a base pension.

96 7. Notwithstanding any other provisions of sections 86.1310 to 86.1640, any member  
97 who is convicted of a felony prior to separation from active service shall not be entitled to any  
98 benefit from this retirement system except the return of such member's accumulated  
99 contributions.

86.1580. 1. Any member in active service entitled to commence a pension under section  
2 86.1540 may elect an optional distribution under the partial lump sum option plan provided in  
3 this section if the member:

4 (1) Notifies the retirement system in writing of the member's retirement date at least  
5 ninety days in advance thereof and requests an explanation of the member's rights under this  
6 section; and

7 (2) Notifies the retirement system of the member's election hereunder at least thirty days  
8 in advance of the retirement date. Following receipt of an initial notice of a member's retirement  
9 date and request for an explanation, the retirement system shall, at least sixty days in advance  
10 of such retirement date, provide the member a written explanation of such member's rights under

11 this section and an estimate of the amount by which the member's regular monthly base pension  
12 would be reduced in the event of the member's election of any of the options available to the  
13 member under this section.

14 2. (1) A member entitled to make an election under this section may elect to receive a  
15 lump sum distribution with the member's initial monthly pension payment under section 86.1540,  
16 subject to all the terms of this section. The member may elect the amount of the member's lump  
17 sum distribution from one, but not more than one, of the following options for which the member  
18 qualifies:

19 (a) A member having one or more years of creditable service after the member's eligible  
20 retirement date may elect a lump sum amount equal to twelve times the initial monthly base  
21 pension the member would receive if no election were made under this section;

22 (b) A member having two or more years of creditable service after the member's eligible  
23 retirement date may elect a lump sum amount equal to twenty-four times the initial monthly base  
24 pension the member would receive if no election were made under this section; or

25 (c) A member having three or more years of creditable service after the member's eligible  
26 retirement date may elect a lump sum amount equal to thirty-six times the initial monthly base  
27 pension the member would receive if no election were made under this section. For purposes  
28 of this section, "eligible retirement date" for a member shall mean the earliest date on which the  
29 member could elect to retire and be entitled to receive a pension under section 86.1540.

30 (2) When a member makes an election to receive a lump sum distribution under this  
31 section, the base pension that the member would have received in the absence of an election shall  
32 be reduced on an actuarially equivalent basis to reflect the payment of the lump sum distribution,  
33 and the reduced base pension shall be the member's base pension thereafter for all purposes  
34 relating to base pension amounts under sections 86.1310 to 86.1640, unless the member has also  
35 elected an optional benefit permitted under subsection 4 of section 86.1540.

36 (3) If a member electing a lump sum distribution under this section has elected the  
37 optional benefit permitted under subsection 4 of section 86.1540, the calculation of the member's  
38 pension shall be made in the following order:

39 (a) The amount of the member's normal pension under subdivision (1) of subsection 1  
40 of section 86.1540 shall be reduced if applicable by any reductions required under subsection 2  
41 or 3 of section 86.1540;

42 (b) The amount of the pension as determined under paragraph (a) of this subdivision  
43 shall be reduced to the actuarially equivalent amount to produce the optional form of benefit  
44 described in subdivision (1) of subsection 4 of section 86.1540;

45 (c) The amount of reduced pension as determined under paragraph (b) of this subdivision  
46 shall be further reduced as required to produce an actuarially equivalent benefit in the form of

47 the lump sum distribution option elected under this section and a remaining monthly annuity  
48 which shall be paid on the basis that the initial annuity for the member's spouse, if such spouse  
49 survives the member, shall be the same as the amount being paid the member on this annuity at  
50 the member's death, and, subject to cost-of-living adjustments thereafter declared on the spouse's  
51 base pension under section 86.1590, shall be paid to such surviving spouse for the lifetime of  
52 such spouse without regard to ~~[remarriage]~~ **a new contract of domestic union.**

53 3. An election under this section to receive a lump sum distribution and reduced monthly  
54 base pension shall be void if the member dies before retirement, in which case amounts due a  
55 surviving spouse or other beneficiary of the member shall be determined without regard to such  
56 election.

86.1610. 1. Upon receipt of the proper proofs of death of a member in service for any  
2 reason whatsoever, the following amounts shall be payable subject to subsection 4 of this  
3 section, and if a pension shall be elected, the initial amount thereof shall be the base pension for  
4 such surviving spouse:

5 (1) If the member has less than five years of creditable service, the member's surviving  
6 spouse shall be paid, in one lump sum, the amount of the member's accumulated contributions.  
7 If there is no surviving spouse, the member's accumulated contributions shall be paid as provided  
8 in subsection 6 of section 86.1420;

9 (2) If the member has at least five but fewer than twenty years of creditable service, the  
10 member's surviving spouse may elect the lump sum settlement in subdivision (1) of this  
11 subsection or a pension. Such pension shall be fifty percent of the member's accrued pension at  
12 date of death as computed in subdivision (1) of subsection 1 of section 86.1540, commencing  
13 as provided in subsection 3 of section 86.1420;

14 (3) If the member has at least twenty years of creditable service, the member's surviving  
15 spouse may elect any one of:

16 (a) The lump sum settlement in subdivision (1) of this subsection;

17 (b) The pension as computed in subdivision (2) of this subsection; or

18 (c) A pension in the monthly amount determined on a joint and survivor's basis from the  
19 actuarial value of the member's accrued annuity at date of death;

20 (4) Any death of a retired member occurring before the first payment of the retirement  
21 pension shall be deemed to be a death prior to retirement;

22 (5) For the surviving spouse of a member who died in service after August 28, 2001,  
23 benefits payable under subsection 1 of this section shall continue for the lifetime of such  
24 surviving spouse without regard to ~~[remarriage]~~ **a new contract of domestic union.**

25 2. Upon death of a member after retirement who has not elected the optional annuity  
26 permitted under subsection 4 of section 86.1540, the surviving spouse shall receive a base

27 pension payable for life, equaling fifty percent of the member's base pension, as of the member's  
28 retirement date, subject to the following:

29 (1) No surviving spouse of a member who retires after August 28, 2001, shall be entitled  
30 to receive any benefits under sections 86.1310 to 86.1640 unless such spouse was ~~[married to]~~  
31 **a party to a contract of domestic union with** the member at the time of the member's  
32 retirement; and

33 (2) Any surviving spouse who was ~~[married to]~~ **a party to a contract of domestic union**  
34 **with** such a member at the time of the member's retirement shall be entitled to all benefits for  
35 surviving spouses under sections 86.1310 to 86.1640 for the life of such surviving spouse  
36 without regard to ~~[remarriage]~~ **a new contract of domestic union.**

37 3. In the case of any member who, prior to August 28, 2001, died in service or retired,  
38 the surviving spouse who would qualify for benefits under subsection 1 or 2 of this section but  
39 for ~~[remarriage]~~ **a new contract of domestic union**, and has not ~~[remarried]~~ **become a party**  
40 **to a new contract of domestic union** prior to August 28, 2001, but ~~[remarries]~~ **becomes a party**  
41 **to a new contract of domestic union** thereafter, shall upon application be appointed by the  
42 retirement board as a consultant. For services as such consultant, such surviving spouse shall  
43 be compensated in an amount equal to the benefits such spouse would have received under  
44 sections 86.1310 to 86.1640 in the absence of such ~~[remarriage]~~ **contract of domestic union.**

45 4. Any beneficiary of benefits under sections 86.1310 to 86.1640 who becomes the  
46 surviving spouse of more than one member shall be paid all benefits due a surviving spouse of  
47 that member whose entitlements produce the largest surviving spouse benefits for such  
48 beneficiary but shall not be paid surviving spouse benefits as the surviving spouse of more than  
49 one member, except that any surviving spouse for whom an election has been made for an  
50 optional benefit under subsection 4 of section 86.1540 shall be entitled to every optional benefit  
51 for which such surviving spouse has so contracted.

87.045. 1. If any member of the fire department of any such city, village or incorporated  
2 town shall become and be found, upon an examination by a medical officer designated by the  
3 board of trustees, to be physically or mentally incapacitated for duty as the result of an accident  
4 occurring while in the actual performance of duty or exposure while in the actual performance  
5 of duty, and if the medical officer certifies that the member is mentally or physically  
6 incapacitated for further performance of duty and that such incapacity is likely to be permanent,  
7 and that the member should be retired, the board of trustees shall retire such disabled member  
8 from service in the fire department. Upon such retirement the board of trustees shall order the  
9 payment to such disabled member, monthly, from the pension fund, a sum equal to fifty percent  
10 of the average monthly salary of said member during the twelve months immediately preceding  
11 the effective date of his retirement.

12           2. Upon application, any member of the fire department who has made regular and  
13 periodic payments into the pension fund for a period of five years or more shall be retired by the  
14 board of trustees, not less than thirty days nor more than ninety days next following the date of  
15 filing the application, on a disability pension, provided a medical officer designated by the board  
16 of trustees, after a medical examination of the member, shall certify that such member is  
17 mentally or physically incapacitated for the further performance of duty, that such incapacity is  
18 likely to be permanent, and that such member should be retired. Upon such retirement the board  
19 of trustees shall order the payment to such disabled member, monthly, from the pension fund,  
20 a sum equal to twenty-five percent of the average monthly salary said member was receiving  
21 during the twelve months immediately preceding the effective date of his **or her** retirement. In  
22 addition there shall also be paid a sum equal to five percent of the said average monthly salary  
23 the member was receiving at the time of his **or her** retirement for each ~~[unmarried]~~ dependent  
24 child **who is not a party to a contract of domestic union** under the age of eighteen, and each  
25 ~~[unmarried]~~ child **who is not a party to a contract of domestic union**, regardless of age, who  
26 is totally and permanently mentally or physically incapacitated from engaging in gainful  
27 employment sufficiently remunerative to support himself **or herself**. Such additional sum shall  
28 not be paid to or for more than three eligible children, and if there are more than three eligible  
29 children, then payments shall be made for the three youngest eligible children, and further  
30 provided that no benefits under this section shall be paid to or for any child or children over  
31 eighteen years of age who are totally and permanently mentally or physically incapacitated if  
32 such child is a patient or ward in a publicly supported institution, and no benefits shall be paid  
33 under this section to or for any child born or adopted after the effective date of the member's  
34 disability retirement.

87.050. 1. If any member shall be killed or die while in the performance of his **or her**  
2 duty or as the result of any injury received in the line of duty, or of any disease contracted by  
3 reason of his **or her** occupation, or shall die from any cause whatever while a member of said  
4 fire department, or shall die while receiving a disability or service pension, and shall leave a  
5 widow or child or children under the age of eighteen years surviving, said board of trustees shall  
6 order and direct the payment from the pension fund, monthly, to such widow, a sum equal to not  
7 less than twenty percent of the monthly compensation allowed a first class fireman of the fire  
8 department as salary at the date of the death of the member or seventy-five dollars, whichever  
9 is greater; and to or for the benefit of each child until it reaches the age of eighteen, a sum equal  
10 to not less than five percent of the monthly compensation allowed a first class fireman of the fire  
11 department as salary at the date of the death of the member; and to or for each ~~[unmarried]~~ child  
12 **who is not a party to a contract of domestic union**, regardless of age, who is totally and  
13 permanently mentally or physically incapacitated from engaging in gainful employment

14 sufficiently remunerative to support himself **or herself**, a sum equal to five percent of the  
15 monthly compensation allowed a first class fireman of the fire department as salary at the date  
16 of the death of the member; provided that no benefits shall be paid to or for any child over  
17 eighteen years of age who is totally and permanently mentally or physically disabled or  
18 incapacitated if such child is a patient or ward in a publicly supported institution. In the case of  
19 widows, payments shall be made only to those widows whose ~~[marriage to]~~ **contract of**  
20 **domestic union with** the member occurred prior to his **or her** retirement on disability or service  
21 pension, and shall be made only while said widow is ~~[unmarried]~~ **not a party to a new contract**  
22 **of domestic union** and are to cease forever immediately upon ~~[remarriage]~~ **a new contract of**  
23 **domestic union**. In the case of children no payments shall be made to or for any child born or  
24 adopted after the effective date of the member's retirement on disability or service pension, or  
25 the date of his **or her** death, and payments shall not be made for more than three eligible children  
26 and, if there are more than three eligible children, payments shall be made for the three youngest  
27 eligible children. If the member who dies is a member of a volunteer department, the amount  
28 to be paid monthly to his **or her** widow and children aforesaid shall be fixed by the board of  
29 trustees.

30         2. Any widow who is receiving survivors' pension benefits under the provisions of this  
31 section as it existed at any time prior to August 13, 1982, upon application to the board of  
32 trustees, shall be employed by the board as a special consultant on the problems of retirement,  
33 aging, and other pension system matters for the remainder of **his or her** life and upon request of  
34 the board shall give opinions in writing or orally, as may be requested, and for such services shall  
35 be compensated monthly in an amount equal to the difference between the amount of the  
36 monthly pension benefit the widow is receiving for **himself or herself** and seventy-five dollars.  
37 This compensation shall be consolidated with the pension benefits the widow is receiving and  
38 shall be paid out of the same fund as are such benefits. Employment as a special consultant shall  
39 in no way affect any widow's eligibility for survivors' pension benefits or in any way have the  
40 effect of reducing such benefits, other provisions of law to the contrary notwithstanding.

87.195. 1. Upon retirement for ordinary disability, a member shall receive a service  
2 retirement allowance if he **or she** has twenty years or more of creditable service; otherwise he  
3 **or she** shall receive an ordinary disability retirement allowance which shall be the larger of:

4         (1) Ninety percent of a service retirement allowance based on his **or her** creditable  
5 service and calculated the date of disability retirement, or

6         (2) One-fourth of his average final compensation, except that such allowance shall not  
7 exceed ninety percent of the service retirement allowance based on his **or her** creditable service  
8 and calculated at the date of disability retirement.

9           2. In addition to whichever of the allowances the member shall receive for retirement  
10 for ordinary disability, there shall be paid to him **or her** an additional allowance of ten percent  
11 of his **or her** average final compensation for each ~~[unmarried]~~ dependent child **who is not a**  
12 **party to a contract of domestic union** under the age of eighteen and each ~~[unmarried]~~ child  
13 **who is not a party to a contract of domestic union**, regardless of age, who is totally and  
14 permanently mentally or physically incapacitated from engaging in gainful employment  
15 sufficiently remunerative to support himself **or herself**, but such additional allowance shall not  
16 be paid on more than three children.

17           3. No benefits under this section shall be paid to a child over eighteen years of age who  
18 is totally and permanently mentally or physically disabled and incapacitated if such child is a  
19 patient or ward in a publicly supported institution.

          87.220. 1. Upon the receipt of proper proofs of the death of a member who retired while  
2 in service, including retirement for service, ordinary disability or accidental disability, prior to  
3 September 28, 1983, and provided no other benefits are payable, there shall be paid the following  
4 benefits:

5           (1) A retirement allowance to all widows during their widowhood of fifty percent of the  
6 deceased member's average final compensation or two hundred dollars per month, whichever is  
7 greater, plus ten percent of such compensation to or for the benefit of each ~~[unmarried]~~  
8 dependent child **who is not a party to a contract of domestic union** of the deceased member  
9 who is either under age eighteen or who is totally and permanently mentally or physically  
10 incapacitated regardless of age, but not in excess of three children, including both classes, and  
11 paid as the board of trustees in its discretion shall direct;

12           (2) If no widow benefits are payable pursuant to subdivision (1) of this subsection, such  
13 total allowance as would have been paid, had there been a widow, shall be divided among the  
14 ~~[unmarried]~~ dependent children **who are not parties to a contract of domestic union** under age  
15 eighteen and such ~~[unmarried]~~ children **who are not parties to a contract of domestic union**,  
16 regardless of age, who are totally and permanently mentally or physically incapacitated, and paid,  
17 to or for the benefit of such children, as the board of trustees in its discretion shall direct;

18           (3) Any benefit payable to, or for the benefit of, a child or children under the age of  
19 eighteen years pursuant to subdivisions (1) and (2) of this section shall be paid beyond the age  
20 of eighteen years through the age of twenty-five years in such cases where the child is a full-time  
21 student at a regularly accredited college, business school, nursing school, school for technical  
22 or vocational training or university, but such benefit shall cease whenever the child ceases to be  
23 a student. A college or university shall be deemed to be regularly accredited which maintains  
24 membership in good standing in a national or regional accrediting agency recognized by any state  
25 college or university.



26           2. Upon the receipt of proper proofs of the death of a member in service or who retired  
27 while in service, including retirement for service, ordinary disability or accidental disability, after  
28 September 28, 1983, and provided no other benefits are payable, there shall be paid the following  
29 benefits:

30           (1) A retirement allowance to all widows during their widowhood of twenty-five percent  
31 of the deceased member's average final compensation or two hundred dollars per month,  
32 whichever is greater, plus ten percent of such compensation to or for the benefit of each  
33 ~~[unmarried]~~ dependent child **who is not a party to a contract of domestic union** of the  
34 deceased member who is either under age eighteen or who is totally and permanently mentally  
35 or physically incapacitated regardless of age, but not in excess of three children, including both  
36 classes, and paid as the board of trustees in its discretion shall direct;

37           (2) If no widow's benefits are payable pursuant to subdivision (1) of this subsection, such  
38 total allowance as would have been paid, had there been a widow, shall be divided among the  
39 ~~[unmarried]~~ dependent children **who are not parties to a contract of domestic union** under age  
40 eighteen and such ~~[unmarried]~~ children **who are not parties to a contract of domestic union**,  
41 regardless of age, who are totally and permanently mentally or physically incapacitated, and paid  
42 to or for the benefit of such children, as the board of trustees in its discretion shall direct;

43           (3) Any benefit payable to, or for the benefit of, a child or children under the age of  
44 eighteen years pursuant to subdivisions (1) and (2) of this section shall be paid beyond the age  
45 of eighteen years through the age of twenty-five years in such cases where the child is a full-time  
46 student at a regularly accredited college, business school, nursing school, school for technical  
47 or vocational training or university, but such benefit shall cease whenever the child ceases to be  
48 a student. A college or university shall be deemed to be regularly accredited which maintains  
49 membership in good standing in a national or regional accrediting agency recognized by any state  
50 college or university.

87.235. 1. Effective May 1, 2002, upon the receipt of evidence and proof that the death  
2 of a member was the result of an accident or exposure at any time or place, provided that at such  
3 time or place the member was in the actual performance of the member's duty and, in the case  
4 of an exposure, while in response to an emergency call, or was acting pursuant to orders, there  
5 shall be paid in lieu of all other benefits the following benefits:

6           (1) A retirement allowance to the widow during the person's widowhood of seventy  
7 percent of the pay then provided by law for the highest step in the range of salary for the next  
8 title or next rank above the member's range or title held at the time of the member's death, plus  
9 ten percent of such compensation to or for the benefit of each ~~[unmarried]~~ dependent child **who**  
10 **is not a party to a contract of domestic union** of the deceased member, who is either under the  
11 age of eighteen, or who is totally and permanently mentally or physically disabled and

12 incapacitated, regardless of age, but not in excess of a total of three children, including both  
13 classes, and paid as the board of trustees in its discretion directs;

14 (2) If no widow benefits are payable pursuant to subdivision (1) **of this subsection**, such  
15 total allowance as would have been paid had there been a widow shall be divided among the  
16 ~~unmarried~~ dependent children **who are not parties to a contract of domestic union** under the  
17 age of eighteen and such ~~unmarried~~ children **who are not parties to a contract of domestic**  
18 **union**, regardless of age, who are totally and permanently mentally or physically disabled and  
19 incapacitated, and paid to or for the benefit of such children as the board of trustees in its  
20 discretion shall direct;

21 (3) If there is no widow, or child under the age of eighteen years, or child, regardless of  
22 age, who is totally and permanently mentally or physically disabled and incapacitated, then an  
23 amount equal to the widow's benefit shall be paid to the member's dependent father or dependent  
24 mother, as the board of trustees shall direct, to continue until ~~remarriage~~ **a new contract of**  
25 **domestic union** or death;

26 (4) Any benefit payable to, or for the benefit of, a child or children under the age of  
27 eighteen years pursuant to subdivisions (1) and (2) of this ~~section~~ **subsection** shall be paid  
28 beyond the age of eighteen years through the age of twenty-five years in such cases where the  
29 child is a full-time student at a regularly accredited college, business school, nursing school,  
30 school for technical or vocational training or university, but such benefit shall cease whenever  
31 the child ceases to be a student. A college or university shall be deemed to be regularly  
32 accredited which maintains membership in good standing in a national or regional accrediting  
33 agency recognized by any state college or university.

34 2. No benefits pursuant to this section shall be paid to a child over eighteen years of age  
35 who is totally and permanently mentally or physically disabled and incapacitated, if such child  
36 is a patient or ward in a public-supported institution.

37 3. Wherever any dependent child designated by the board of trustees to receive benefits  
38 pursuant to this section is in the care of the widow of the deceased member, the child's benefits  
39 may be paid to the widow for the child.

87.440. If any member of such fire department shall die after having been retired and  
2 pensioned by reason of injuries sustained or disease contracted while serving as a member of the  
3 department, his **or her** widow, provided their ~~marriage~~ **contract of domestic union** shall have  
4 occurred prior to such retirement, and children under sixteen years of age, if any, shall be paid  
5 monthly out of the pension fund such sum of money as may be determined by the rules and  
6 regulations provided for the management of said funds. If there be no widow, or if such widow  
7 die while ~~unmarried~~ **not a party to a new contract of domestic union**, the amount of **his or**  
8 her said benefit may be added to the said benefits for such children.

87.445. If any member of such fire department shall, while in the performance of his **or**  
2 **her** duty, be killed or die as the result of an injury received in the line of his **or her** duty, or of  
3 any disease contracted by reason of his **or her** occupation as fireman, or shall die from any cause  
4 whatever while in such service, and shall leave a widow, or child or children under the age of  
5 sixteen years, surviving, said board of trustees shall direct the payment from said pension fund  
6 monthly to such widow, while ~~[unmarried]~~ **not a party to a new contract of domestic union**,  
7 such sum of money as may be determined by the rules and regulations provided for the  
8 management of such funds, and said board shall also direct the payment out of said pension fund  
9 for each child until it reaches the age of sixteen years such sum of money as may be determined  
10 by said rules and regulations, and in case the party suffering such disability is a member of the  
11 volunteer department, the amount to be paid monthly to his **or her** widow and children aforesaid  
12 shall be fixed by said board of trustees. If there ~~[be]~~ **is** no widow, or if such widow ~~[die]~~ **dies**  
13 while ~~[unmarried]~~ **not a party to a new contract of domestic union**, the amount of **his or her**  
14 said benefits may be added to the said benefits for such children. If any member of the fire  
15 department shall die from any cause while a member of such department, but not while in the  
16 service thereof, if he ~~[be married]~~ **is a party to a contract of domestic union**, his **or her** widow  
17 and children shall receive from the pension fund the same benefits as are payable from the  
18 pension fund in other cases, and if he ~~[be unmarried]~~ **is not a party to a contract of domestic**  
19 **union**, his **or her** dependent father, mother, brothers, and sisters shall receive from the pension  
20 fund the same benefits as are payable from said fund in other cases.

87.450. If any member of such fire department being single and ~~[unmarried]~~ **not a party**  
2 **to a contract of domestic union** shall, while in the performance of his **or her** duty, be killed,  
3 or die, as the result of an injury received, or shall die of any disease contracted by reason of his  
4 **or her** occupation as fireman, or shall die from any cause whatever while in said service, and  
5 shall leave a father or mother who are dependent upon him **or her** for support, or a brother or  
6 sister under the age of sixteen years so dependent, said board of trustees shall direct the payment  
7 from the pension fund monthly to such dependent parents or the survivor thereof and to each  
8 such dependent brother or sister under sixteen years of age, such sum of money as may be  
9 determined by the rules and regulations of said board; provided, that the board of trustees shall  
10 also have the power to make provision for any such dependent brother or sister over the age of  
11 sixteen years who may be mentally deficient or physically incapacitated, in such sum as the board  
12 may determine, and the board shall have the sole power to determine who is mentally deficient  
13 or physically incapacitated.

87.455. Any member of the fire department of any such city having served twenty years  
2 or more in such fire department, of which the last two years shall have been continuous, may  
3 have application to be relieved from such fire department and retired; and if his **or her**

4 application is granted, or if he **or she** shall be discharged from such department, the said board  
5 of trustees shall order and direct that said person shall be paid out of the pension fund monthly  
6 such sum of money as may be determined by the rules and regulations provided for the  
7 management of said funds; and if he ~~[be]~~ **or she is** a member of the volunteer fire department  
8 and not under pay, such amount monthly as may be fixed by the board of trustees. After the  
9 decease of such member, his **or her** widow, provided their ~~[marriage]~~ **contract of a domestic**  
10 **union** shall have occurred prior to such retirement, and his **or her** children under the age of  
11 sixteen years, if any, shall be paid out of the pension fund such sum of money as may be  
12 determined by said rules and regulations. If there be no widow, or if such widow die while  
13 ~~[unmarried]~~ **not a party to a new domestic union**, the amount of **his or her** said benefit may  
14 be added to the said benefits for such children. If such member be discharged from the  
15 department by reason of age, or if he ~~[be]~~ **or she is** found permanently disabled by reason of  
16 service in such department, his **or her** payment shall be made out of the pension fund. If any  
17 retired or pensioned member reenters the service of the department his **or her** payments shall  
18 abate during such service.

87.615. 1. Any firefighter who has retired or who retires and was not or is not a member  
2 of the retirement system governed by sections 70.600 to 70.755 and any beneficiary of any such  
3 firefighter shall, upon application to any city with a population of at least seventy thousand  
4 located in a county of the first classification without a charter form of government, be made,  
5 constitutionally appointed, and employed by the city as a special consultant on the problems of  
6 retirement and upon request of the city council, shall give opinions and be available to give  
7 opinions in writing or orally in response to requests of the city council. As compensation for the  
8 services required by this section, the city may directly compensate the retired firefighter or  
9 beneficiary thereof in an amount established by ordinance of the city. Such amount of additional  
10 compensation may be paid directly by the city to each qualified retiree or beneficiary and shall  
11 not be considered employer contributions to the local government retirement system nor benefits  
12 paid therefrom.

13 2. Notwithstanding any other law to the contrary, beginning August 29, 2001, any  
14 beneficiary of a firefighter who had retired or who retires and was not or is not a member of the  
15 retirement system governed by sections 70.600 to 70.755 shall upon application to any city with  
16 a population of at least seventy thousand located in a county of the first classification without  
17 a charter form of government, be made, constitutionally appointed, and employed by the city as  
18 a special consultant on the problems of retirement and upon request of the city council, shall give  
19 opinions and be available to give opinions in writing or orally in response to request of the city  
20 council. As compensation for the services required by this section, the city may directly  
21 compensate the beneficiary thereof by continuing the death benefit payment upon ~~[re]marriage~~

22 **a new contract of domestic union** of the beneficiary. Such amount of compensation may be  
23 paid directly by the city to each qualifying special consultant and shall not be considered  
24 employer contributions to the local government employees retirement system nor benefits paid  
25 therefrom.

88.080. 1. In all cases where the proper authorities in any city in this state have graded  
2 or regraded, or may hereafter grade or change the grade or lines of any street or alley, or in any  
3 way alter or enlarge the same, or construct any public improvement, thereby causing damage to  
4 private property for public use, within the meaning of section 26 of article I of the state  
5 constitution, without the consent of the owner of such property, or in case they fail to agree with  
6 the owner thereof for the proper compensation for the damages so done, or likely to be done or  
7 sustained by reason thereof, or if by reason of the legal incapacity of such owner, no such  
8 compensation can be agreed upon, the circuit court having jurisdiction over the territory  
9 embraced in such city on application by petition, either by the city authorities or the owner of the  
10 property for which damage is claimed, or any one on behalf of either, shall appoint three  
11 disinterested residents of such city, who shall meet upon the premises at a time by them to be  
12 appointed, of which they shall give personal notice to the owners, or their agents, of the land  
13 affected, if they can be found, as well as five days' notice by advertisement in the newspaper  
14 doing the city printing; and the commissioners, having first been duly sworn to perform their  
15 duties justly and impartially, and a true report to make, shall view the street or alley or  
16 improvement and premises affected by the change or enlargement or construction thereof, having  
17 due regard to and making just allowances for the advantages which have resulted or which may  
18 seem likely to result to the owner or owners of property for which damages may be allowed or  
19 claimed, and after such comparison shall estimate and determine whether any, and if any, how  
20 much damages such property may have sustained, or seems likely to sustain by reason thereof,  
21 and make report of the same, and if no exceptions be filed within ten days thereafter, or in the  
22 event exceptions are filed and overruled, the court shall confirm the report and enter judgment  
23 thereon with costs, from which judgment either or any party shall be entitled to an appeal or writ  
24 of error, as in other cases.

25 2. If the proceedings seek to affect the lands of persons under conservatorship, the  
26 conservators must be made parties; if the lands of ~~married persons~~ **parties to a contract of**  
27 **domestic union**, their spouses must be made parties; if the possessor of lands to be affected has  
28 an estate less than a fee, the person having the next vested estate in remainder or reversion must,  
29 if known, be made a party. It shall not be necessary to make any persons parties in respect to  
30 their ownership unless they are in actual possession of the premises to be affected, or have a title  
31 to the premises appearing of record.

32           3. The petition shall set forth the general nature of the work or improvement causing  
33 damage to private property for public use as aforesaid, together with all the facts necessary to  
34 give the court jurisdiction in the premises, the names of the owners of the several lots or parcels  
35 of land to be affected thereby, if known, or if unknown, a correct description of the parcels  
36 whose owners are unknown. The petition may be presented to the circuit court.

37           4. Upon filing the petition a summons shall be issued, giving the defendants at least ten  
38 days' notice of the time when the petition will be heard, which summons shall be served in the  
39 same manner as writs of summons are or may be by law required to be served. If the name or  
40 residence of the defendants, or any of them, be unknown, or if they, or any of them, do not reside  
41 within the state, notice of the time of hearing the petition, reciting the substance of the petition,  
42 and the day fixed for the hearing thereof, shall be given by publication for four weeks  
43 consecutively prior to the time of the hearing of the petition, in the papers doing the city printing,  
44 and the court on being satisfied that due notice of the pending of the petition has been given,  
45 shall make the above appointment of commissioners.

46           5. The city authorities shall, before the filing of such petition, define by ordinance the  
47 limits within which private property is deemed benefitted by the change, enlargement, grading,  
48 regrading or improvement aforesaid, and the owners of the private property within such limits  
49 shall be made parties defendants, as provided in this section, and served with notice and process  
50 as provided in this section.

          89.020. 1. For the purpose of promoting health, safety, morals or the general welfare of  
2 the community, the legislative body of all cities, towns, and villages is hereby empowered to  
3 regulate and restrict the height, number of stories, and size of buildings and other structures, the  
4 percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the  
5 density of population, the preservation of features of historical significance, and the location and  
6 use of buildings, structures and land for trade, industry, residence or other purposes.

7           2. For the purpose of any zoning law, ordinance or code, the classification single family  
8 dwelling or single family residence shall include any home in which eight or fewer unrelated  
9 mentally or physically handicapped persons reside, and may include two additional persons  
10 acting as houseparents or guardians who need not be related to each other or to any of the  
11 mentally or physically handicapped persons residing in the home. In the case of any such  
12 residential home for mentally or physically handicapped persons, the local zoning authority may  
13 require that the exterior appearance of the home and property be in reasonable conformance with  
14 the general neighborhood standards. Further, the local zoning authority may establish reasonable  
15 standards regarding the density of such individual homes in any specific single family dwelling  
16 neighborhood.

17           3. No person or entity shall contract or enter into a contract which would restrict group  
18 homes or their location as described in this section from and after September 28, 1985.

19           4. Any county, city, town or village which has a population of at least five hundred and  
20 whose boundaries are partially contiguous with a portion of a lake with a shoreline of at least one  
21 hundred fifty miles shall have the authority to enforce its zoning laws, ordinances or codes for  
22 one hundred yards beyond the shoreline which is adjacent to its boundaries. In the event that a  
23 lake is not large enough to allow any county, city, town or village to enforce its zoning laws,  
24 ordinances or codes for one hundred yards beyond the shoreline without encroaching on the  
25 enforcement powers granted another county, city, town or village under this subsection, the  
26 counties, cities, towns and villages whose boundaries are partially contiguous to such lake shall  
27 enforce their zoning laws, ordinances or orders under this subsection pursuant to an agreement  
28 entered into by such counties, cities, towns and villages.

29           5. Should a single family dwelling or single family residence as ~~[defined]~~ **described** in  
30 subsection 2 of this section cease to operate for the purpose as set forth in subsection 2 of this  
31 section, any other use of such home, other than allowed by local zoning restrictions, must be  
32 approved by the local zoning authority.

33           6. For purposes of any zoning law, ordinance or code the classification of single family  
34 dwelling or single family residence shall include any private residence licensed by the children's  
35 division or department of mental health to provide foster care to one or more but less than seven  
36 children who are unrelated to either foster parent by blood, ~~[marriage]~~ **a contract of a domestic**  
37 **union**, or adoption. Nothing in this subsection shall be construed to relieve the children's  
38 division, the department of mental health or any other person, firm or corporation occupying or  
39 utilizing any single family dwelling or single family residence for the purposes specified in this  
40 subsection from compliance with any ordinance or regulation relating to occupancy permits  
41 except as to number and relationship of occupants or from compliance with any building or  
42 safety code applicable to actual use of such single family dwelling or single family residence.

43           7. Any city, town, or village that is granted zoning powers under this section and is  
44 located within a county that has adopted zoning regulations under chapter 64 may enact an  
45 ordinance to adopt by reference the zoning regulations of such county in lieu of adopting its own  
46 zoning regulations.

          104.012. For the purposes of public retirement systems administered pursuant to this  
2 chapter, any reference to the term "spouse" ~~[only]~~ recognizes ~~[marriage between a man and a~~  
3 ~~woman]~~ **a party to a contract of domestic union**.

          104.090. 1. The normal annuity of a member shall equal one and six-tenths percent of  
2 the average compensation of the member multiplied by the number of years of creditable service

3 of such member. In addition, the normal annuity of a uniformed member of the patrol shall be  
4 increased by thirty-three and one-third percent.

5       2. In addition, a uniformed member of the highway patrol who is retiring with a normal  
6 annuity after attaining normal retirement age shall receive an additional sum of ninety dollars per  
7 month as a contribution by the system until such member attains the age of sixty-five years, when  
8 such contribution shall cease. To qualify for the contribution provided in this subsection by the  
9 system, the retired uniformed member of the highway patrol is made, constituted, appointed and  
10 employed by the board as a special consultant on the problems of retirement, aging and other  
11 state matters. Such additional contribution shall be reduced each month by such amount earned  
12 by the retired uniformed member of the highway patrol in gainful employment. In order to  
13 qualify for the additional contribution provided in this subsection, the retired uniformed member  
14 of the highway patrol shall have been:

15       (1) Hired by the Missouri state highway patrol prior to January 1, 1995; and

16       (2) Employed by the Missouri state highway patrol or receiving long-term disability or  
17 work-related disability benefits on the day before the effective date of the member's retirement.

18       3. In lieu of the annuity payable to the member pursuant to section 104.100, a member  
19 whose age at retirement is forty-eight or more may elect in the member's application for  
20 retirement to receive one of the following:

21       Option 1. An actuarial reduction approved by the board of the member's annuity in  
22 reduced monthly payments for life during retirement with the provision that upon the member's  
23 death the reduced annuity at date of death shall be continued throughout the life of, and be paid  
24 to, the member's spouse; or

25       Option 2. The member's normal annuity in regular monthly payments for life during  
26 retirement with the provision that upon the member's death a survivor's benefit equal to one-half  
27 the member's normal annuity at date of death shall be paid to the member's spouse in regular  
28 monthly payments for life; or

29       Option 3. An actuarial reduction approved by the board of the member's normal annuity  
30 in reduced monthly payments for the member's life with the provision that if the member dies  
31 prior to the member's having received one hundred twenty monthly payments of the member's  
32 reduced annuity, the member's reduced allowance to which the member would have been entitled  
33 had the member lived shall be paid for the remainder of the one hundred twenty-month period  
34 to such beneficiary as the member shall have nominated by written designation duly executed  
35 and filed with the board. If there is no beneficiary surviving the retiree, the reserve for such  
36 allowance for the remainder of such one hundred twenty-month period shall be paid to the  
37 retiree's estate; or



38           Option 4. An actuarial reduction approved by the board of the member's normal annuity  
39 in reduced monthly payments for the member's life with the provision that if the member dies  
40 prior to the member having received sixty monthly payments of the member's reduced annuity,  
41 the member's reduced allowance to which the member would have been entitled had the member  
42 lived shall be paid for the remainder of the sixty-month period to such beneficiary as the member  
43 shall have nominated by written designation duly executed and filed with the board. If there is  
44 no beneficiary surviving the retiree, the reserve for such allowance for the remainder of such  
45 sixty-month period shall be paid to the retiree's estate.

46           4. The election may be made only in the application for retirement, and such application  
47 shall be filed at least thirty days but not more than ninety days prior to the date on which the  
48 retirement of the member is to be effective, provided that if either the member or the spouse  
49 nominated to receive the survivorship payment dies before the effective date of retirement, the  
50 election shall not be effective. If after the reduced annuity commences, the spouse predeceases  
51 the retired member, the reduced annuity continues to the retired member during the member's  
52 lifetime.

53           5. Effective July 1, 2000, a member may make an election under option 1 or 2 after the  
54 date retirement benefits are initiated if the member makes the election within one year from the  
55 date of ~~[marriage]~~ **a contract of domestic union** or July 1, 2000, whichever is later, under any  
56 of the following circumstances:

57           (1) The member elected to receive a normal annuity and was not eligible to elect option  
58 1 or 2 on the date retirement benefits were initiated; or

59           (2) The member's annuity reverted to a normal annuity pursuant to subsection 8 of  
60 section 104.103 and the member ~~[remarried]~~ **became a party to a new contract of domestic**  
61 **union;** or

62           (3) The member elected option 1 or 2 but the member's spouse at the time of retirement  
63 has died and the member has ~~[remarried]~~ **become a party to a new contract of domestic union.**

64           6. Any person who terminates employment or retires prior to July 1, 2000, shall be made,  
65 constituted, appointed and employed by the board as a special consultant on the problems of  
66 retirement, aging and other state matters, and for such services shall be eligible to elect to receive  
67 the benefits described in subsection 5 of this section.

68           7. For retirement applications filed on or after August 28, 2004, the beneficiary for either  
69 option 1 or option 2 of subsection 3 of this section shall be the member's spouse at the time of  
70 retirement. If the member's ~~[marriage]~~ **contract of domestic union** ends after retirement as a  
71 result of a dissolution of ~~[marriage]~~ **a contract of domestic union**, such dissolution shall not  
72 affect the option election and the former spouse shall continue to be eligible to receive survivor  
73 benefits upon death of the member.

74           8. Any application for retirement shall only become effective on the first day of the  
75 month.

104.140. 1. (1) If a member who has five or more years of creditable service dies before  
2 retirement, the member's surviving spouse, ~~[to]~~ **with** whom the member was ~~[married]~~ **a party**  
3 **to a contract of domestic union** on the date of the member's death, if any, shall receive the  
4 reduced survivorship benefits provided in option 1 of subsection 3 of section 104.090 calculated  
5 as if the member were of normal retirement age and had retired as of the date of the member's  
6 death and had elected option 1.

7           (2) If there is no eligible surviving spouse, or when a spouse's annuity has ceased to be  
8 payable, the member's eligible surviving children under twenty-one years of age shall receive  
9 monthly, in equal shares, an amount equal to eighty percent of the member's accrued annuity  
10 calculated as if the member were of normal retirement age and retired as of the date of death.  
11 Benefits otherwise payable to a child under eighteen years of age shall be payable to the  
12 surviving parent as natural guardian of such child if such parent has custody or assumes custody  
13 of such minor child, or to the legal conservator of such child, until such child attains age  
14 eighteen, and thereafter, the benefit may be paid to the child until age twenty-one; provided, the  
15 age twenty-one maximum shall be extended for any child who has been found totally  
16 incapacitated by a court of competent jurisdiction.

17           (3) No benefit is payable pursuant to this section if no eligible surviving spouse or  
18 children under twenty-one years of age survive the member. Benefits cease pursuant to this  
19 section when there is no eligible surviving beneficiary through either death of the eligible  
20 surviving spouse or through either death or the attainment of twenty-one years of age by the  
21 eligible surviving children. If the member's surviving children are receiving equal shares of the  
22 benefit described in subdivision (2) of this subsection, and one or more of such children become  
23 ineligible by reason of death or the attainment of twenty-one years of age, the benefit shall be  
24 reallocated so that the remaining eligible children receive equal shares of the total benefit as  
25 described in subdivision (2) of this subsection.

26           2. Effective January 1, 1985, if an employee who has three or more, but less than five  
27 years of creditable service dies before retirement, the surviving spouse of the deceased employee,  
28 if ~~[married to]~~ **a party to a contract of domestic union with** the deceased employee on the date  
29 of the employee's death, or the deceased employee's surviving eligible children under the age of  
30 twenty-one, shall receive a total monthly payment equal to twenty-five percent of the deceased  
31 employee's accrued monthly benefit calculated as if the employee were of normal retirement age  
32 as of the date of death. If the surviving spouse dies leaving any eligible children under the age  
33 of twenty-one years, the payment shall continue until the children reach twenty-one years of age.  
34 If there is no surviving spouse eligible for benefits under this subsection, but there are any

35 children of the deceased employee eligible for payments, the payments shall continue until the  
36 children reach twenty-one years of age. Any benefits payable to eligible children under  
37 twenty-one years of age shall be made on a pro rata basis among the surviving children under  
38 twenty-one years of age.

39         3. For the purpose of computing the amount of a benefit payable pursuant to this section,  
40 if the board finds that the death was a natural and proximate result of a personal injury or disease  
41 arising out of and in the course of the member's actual performance of duty as an employee, then  
42 the minimum benefit to such member's surviving spouse or, if no surviving spouse benefits are  
43 payable, the minimum benefit that shall be divided among and paid to such member's surviving  
44 eligible children under the age of twenty-one shall be fifty percent of the member's final average  
45 compensation. The service requirements of subsections 1 and 2 of this section shall not apply  
46 to any benefit payable pursuant to this subsection.

104.312. 1. The provisions of subsection 2 of section 104.250, subsection 2 of section  
2 104.540, subsection 2 of section 287.820, and section 476.688 to the contrary notwithstanding,  
3 any pension, annuity, benefit, right, or retirement allowance provided pursuant to this chapter,  
4 chapter 287, or chapter 476 is ~~[marital]~~ **domestic union** property and after August 28, 1994, a  
5 court of competent jurisdiction may divide the pension, annuity, benefits, rights, and retirement  
6 allowance provided pursuant to this chapter, chapter 287, or chapter 476 between the parties to  
7 any action for dissolution of ~~[marriage]~~ **a contract of domestic union**. A division of benefits  
8 order issued pursuant to this section:

9         (1) Shall not require the applicable retirement system to provide any form or type of  
10 annuity or retirement plan not selected by the member and not normally made available by that  
11 system;

12         (2) Shall not require the applicable retirement system to commence payments until the  
13 member submits a valid application for an annuity and the annuity becomes payable in  
14 accordance with the application;

15         (3) Shall identify the monthly amount to be paid to the alternate payee, which shall be  
16 expressed as a percentage and which shall not exceed fifty percent of the amount of the member's  
17 annuity accrued during all or part of the time while the member and alternate payee were  
18 ~~[married]~~ **parties to a contract of domestic union**; and which shall be based on the member's  
19 vested annuity on the date of the dissolution of ~~[marriage]~~ **a contract of domestic union** or an  
20 earlier date as specified in the order, which amount shall be adjusted proportionately if the  
21 member's annuity is reduced due to early retirement or the member's annuity is reduced pursuant  
22 to section 104.395 under an annuity option in which the member named the alternate payee as  
23 beneficiary prior to the dissolution of ~~[marriage]~~ **a contract of domestic union** or pursuant to  
24 section 104.090 under an annuity option in which the member on or after August 28, 2007,

25 named the alternative payee as beneficiary prior to the dissolution of ~~[marriage]~~ **a contract of**  
26 **domestic union**, and the percentage established shall be applied to the pro rata portion of any  
27 lump sum distribution pursuant to subsection 6 of section 104.335, accrued during the time while  
28 the member and alternate payee were ~~[married]~~ **parties to a contract of domestic union**;

29 (4) Shall not require the payment of an annuity amount to the member and alternate  
30 payee which in total exceeds the amount which the member would have received without regard  
31 to the order;

32 (5) Shall provide that any benefit formula increases, additional years of service,  
33 increased average compensation or other type of increases accrued after the date of the  
34 dissolution of ~~[marriage]~~ **a contract of domestic union** shall accrue solely to the benefit of the  
35 member; except that on or after September 1, 2001, any annual benefit increase shall not be  
36 considered to be an increase accrued after the date of termination of ~~[marriage]~~ **a contract of**  
37 **domestic union** and shall be part of the monthly amount subject to division pursuant to any  
38 order issued after September 1, 2001;

39 (6) Shall terminate upon the death of either the member or the alternate payee, whichever  
40 occurs first;

41 (7) Shall not create an interest which is assignable or subject to any legal process;

42 (8) Shall include the name, address, and date of birth of both the member and the  
43 alternate payee, and the identity of the retirement system to which it applies;

44 (9) Shall be consistent with any other division of benefits orders which are applicable  
45 to the same member;

46 (10) Shall not require the applicable retirement system to continue payments to the  
47 alternate payee if the member's retirement benefit is suspended or waived as provided by this  
48 chapter but such payments shall resume when the retiree begins to receive retirement benefits  
49 in the future.

50 2. A system established by this chapter shall provide the court having jurisdiction of a  
51 dissolution of ~~[marriage]~~ **a contract of domestic union** proceeding or the parties to the  
52 proceeding with information necessary to issue a division of benefits order concerning a member  
53 of the system, upon written request from either the court, the member or the member's spouse,  
54 which cites this section and identifies the case number and parties.

55 3. A system established by this chapter shall have the discretionary authority to reject a  
56 division of benefits order for the following reasons:

57 (1) The order does not clearly state the rights of the member and the alternate payee;

58 (2) The order is inconsistent with any law governing the retirement system.

59 4. The amount paid to an alternate payee under an order issued pursuant to this section  
60 shall be based on the plan the member was in on the date of the dissolution of ~~[marriage]~~ **a**

61 **contract of domestic union**; except that any annual benefit increases subject to division shall  
62 be based on the actual annual benefit increases received after the retirement plan election.

104.372. 1. (1) In the event a person who served as a member of the general assembly  
2 or in an elective state office on or after September 1, 1976, and who retired after September 1,  
3 1976, dies, a survivor's income in an amount equal to fifty percent of the monthly annuity the  
4 retired member was receiving at the time of the member's death shall be paid in monthly  
5 installments to such deceased retired member's surviving spouse; provided such surviving spouse  
6 was ~~married to~~ **a party to a contract of domestic union with** the deceased retired member of  
7 the general assembly or elected official on the date of the member's death; or if there is no  
8 surviving spouse eligible to receive such survivor's income, then such survivor's income shall  
9 be payable to any children under the age of twenty-one of the deceased member of the general  
10 assembly or elective official in equal shares in a total amount equal to such survivor's income  
11 that would otherwise have been paid to the surviving spouse until the children reach twenty-one  
12 years of age. The benefits shall be funded as provided in section 104.436; or

13 (2) Upon the death of a person who served as a member of the general assembly or in  
14 an elective state office on or after September 1, 1976, and who retired pursuant to the provisions  
15 of this chapter on or after September 1, 1976, and who terminated employment before August  
16 28, 1988, such deceased retired member's surviving spouse, who was ~~married to~~ **a party to a**  
17 **contract of domestic union with** the deceased retired member on the date of the member's  
18 death, may apply to the board of trustees and shall be made, constituted, appointed and employed  
19 by the board as a special consultant on the problems of retirement, aging and other state matters  
20 for the remainder of the surviving spouse's life, and upon request of the board shall give  
21 opinions, and be available to give opinions in writing, or orally, in response to such requests.  
22 As compensation for such services, beginning the first of the month following application, such  
23 surviving spouse shall receive monthly an amount equal to fifty percent of the monthly annuity  
24 the retired member was receiving at the time of the member's death.

25 2. If a member of the general assembly who has served in at least three full biennial  
26 assemblies dies before retirement, pursuant to the provisions of sections 104.312 to 104.801, a  
27 survivor's benefit shall be paid in an amount equal to fifty percent of the member's accrued  
28 annuity calculated as if the member were of normal retirement age as of the member's death. The  
29 survivor's benefit shall be paid in monthly installments to such deceased member's surviving  
30 spouse; provided such surviving spouse was ~~married to~~ **a party to a contract of domestic**  
31 **union with** the deceased member of the general assembly on the date of the member's death; or  
32 if there is no surviving spouse eligible to receive such survivor's benefit, such survivor's benefit  
33 shall be payable to any children under the age of twenty-one of the deceased member of the  
34 general assembly in equal shares in a total amount equal to such survivor's benefit that would

35 otherwise have been paid to the surviving spouse until the children reach twenty-one years of  
36 age.

37         3. In the event a person who has held one or more statewide state elective offices for a  
38 total of at least twelve years, and whose retirement benefits have been calculated and are being  
39 paid pursuant to the provisions of section 104.371, dies, a survivor's benefit in an amount equal  
40 to fifty percent of the benefits being paid the member pursuant to section 104.371 shall be paid  
41 to the member's surviving spouse. The survivor's benefits shall be paid in the manner provided  
42 in section 104.371.

43         4. Every member of the state employees' retirement system who had previous state  
44 employment by a state agency by virtue of which the person was a member of the public school  
45 retirement system of Missouri and has previously withdrawn the person's employee contribution  
46 to the public school retirement system shall upon request if qualified pursuant to the provisions  
47 of this subsection receive creditable prior service in the state employees' retirement system for  
48 such service notwithstanding any other provisions of law. The public school retirement system  
49 shall pay to the state employees' retirement system an amount equal to the contribution paid to  
50 the public school retirement system on behalf of the employee by the employee's employer, and  
51 the commissioner of administration shall pay an equal amount to the state employees' retirement  
52 system from funds appropriated from the general revenue fund for such purpose. In no event  
53 shall any person receive credit for the same period of service under more than one retirement  
54 system.

55         5. Upon the death of a person who served as a member of the general assembly or in an  
56 elective state office before September 1, 1976, and who retired and chose a normal annuity  
57 pursuant to the provisions of this chapter, such deceased retired member's surviving spouse, who  
58 was ~~married to~~ **a party to a contract of domestic union with** the member on the date of the  
59 member's death, may apply to the board of trustees and shall be made, constituted, appointed and  
60 employed by the board as a special consultant on the problems of retirement, aging, and other  
61 state matters for the remainder of the surviving spouse's life, and upon request of the board shall  
62 give opinions, and be available to give opinions in writing, or orally, in response to such  
63 requests. As compensation for such services, beginning the first of the month following  
64 application, such surviving spouse shall receive monthly an amount equal to fifty percent of the  
65 monthly annuity the retired member was receiving at the time of the member's death.

66         6. Survivor benefits shall be paid pursuant to section 104.420 in lieu of any other  
67 provisions of this section to the contrary if the member of the general assembly or statewide  
68 elected official:

69             (1) Dies on or after August 28, 2001;

70             (2) Had a vested right to an annuity; and

71 (3) Was not receiving an annuity.

72 7. Survivor benefits shall be paid pursuant to section 104.395 in lieu of any other  
73 provisions of this section to the contrary if the member of the general assembly or statewide  
74 elected official elects a survivor benefit option pursuant to section 104.395, and dies on or after  
75 August 28, 2001.

104.395. 1. In lieu of the normal annuity otherwise payable to a member pursuant to  
2 sections 104.335, 104.370, 104.371, 104.374, or 104.400, and prior to the last business day of  
3 the month before the annuity starting date pursuant to section 104.401, a member shall elect  
4 whether or not to have such member's normal annuity reduced as provided by the options set  
5 forth in this section; provided that if such election has not been made within such time, annuity  
6 payments due beginning on and after such annuity starting date shall be made the month  
7 following the receipt by the system of such election, and further provided, that if such person  
8 dies after such annuity starting date but before making such election, no benefits shall be paid  
9 except as required pursuant to section 104.420:

10 Option 1. An actuarial reduction approved by the board of the member's annuity in  
11 reduced monthly payments for life during retirement with the provision that upon the member's  
12 death the reduced annuity at the date of the member's death shall be continued throughout the  
13 life of, and be paid to, the member's spouse ~~[to]~~ **with** whom the member was ~~[married]~~ **a party**  
14 **to a contract of domestic union** at the date of retirement and who was nominated by the  
15 member to receive such payments in the member's application for retirement or as otherwise  
16 provided pursuant to subsection 5 of this section. Such annuity shall be reduced in the same  
17 manner as an annuity under option 2 as in effect immediately prior to August 28, 1997. The  
18 surviving spouse shall designate a beneficiary to receive any final monthly payment due after the  
19 death of the surviving spouse; or

20 Option 2. The member's normal annuity in regular monthly payments for life during the  
21 member's retirement with the provision that upon the member's death a survivor's benefit equal  
22 to one-half the member's annuity at the date of the member's death shall be paid to the member's  
23 spouse ~~[to]~~ **with** whom the member was ~~[married]~~ **a party to a contract of domestic union** at  
24 the date of retirement and who was nominated by the member to receive such payments in the  
25 member's application for retirement or as otherwise provided pursuant to subsection 5 of this  
26 section, in regular monthly payments for life. The surviving spouse shall designate a beneficiary  
27 to receive any final monthly payment due after the death of the surviving spouse; or

28 Option 3. An actuarial reduction approved by the board of the member's normal annuity  
29 in reduced monthly payments for the member's life with the provision that if the member dies  
30 prior to the member having received one hundred twenty monthly payments of the member's  
31 reduced annuity, the member's reduced annuity to which the member would have been entitled

32 had the member lived shall be paid for the remainder of the one hundred twenty months' period  
33 to such beneficiary as the member shall have nominated by written designation duly executed  
34 and filed with the board. If there is no such beneficiary surviving the retirant, the reserve for  
35 such annuity for the remainder of such one hundred twenty months' period shall be paid as  
36 provided under subsection 3 of section 104.620. If such beneficiary dies after the member's date  
37 of death but before having received the remainder of the one hundred twenty monthly payments  
38 of the retiree's reduced annuity, the reserve for such annuity for the remainder of such one  
39 hundred twenty-month period shall be paid as provided under subsection 3 of section 104.620;  
40 or

41       Option 4. An actuarial reduction approved by the board of the member's normal annuity  
42 in reduced monthly payments for the member's life with the provision that if the member dies  
43 prior to the member having received sixty monthly payments of the member's reduced annuity,  
44 the member's reduced annuity to which the member would have been entitled had the member  
45 lived shall be paid for the remainder of the sixty months' period to such beneficiary as the  
46 member shall have nominated by written designation duly executed and filed with the board. If  
47 there ~~[be]~~ **is** no such beneficiary surviving the retirant, the reserve for such annuity for the  
48 remainder of such sixty months' period shall be paid as provided under subsection 3 of section  
49 104.620. If such beneficiary dies after the member's date of death but before having received the  
50 remainder of the sixty monthly payments of the retiree's reduced annuity, the reserve for such  
51 annuity for the remainder of the sixty-month period shall be paid as provided under subsection  
52 3 of section 104.620.

53       2. Effective July 1, 2000, if a member is ~~[married]~~ **a party to a contract of domestic**  
54 **union** as of the annuity starting date to a person who has been the member's spouse, the  
55 member's annuity shall be paid pursuant to the provisions of either option 1 or option 2 as set  
56 forth in subsection 1 of this section, at the member's choice, with the spouse as the member's  
57 designated beneficiary unless the spouse consents in writing to the member electing another  
58 available form of payment.

59       3. For members who retire on or after August 28, 1995, in the event such member  
60 elected a joint and survivor option pursuant to the provisions of this section and the member's  
61 eligible spouse or eligible former spouse precedes the member in death, the member's annuity  
62 shall revert effective the first of the month following the death of the spouse or eligible former  
63 spouse regardless of when the board receives the member's written application for the benefit  
64 provided in this subsection, to an amount equal to the member's normal annuity, as adjusted for  
65 early retirement if applicable; such benefit shall include any increases the member would have  
66 received since the date of retirement had the member elected a normal annuity. If a member dies



67 prior to notifying the system of the spouse's death, the benefit will not revert to a normal annuity  
68 and no retroactive payments shall be made.

69 4. Effective on or after August 28, 1995, any retired member who had elected a joint and  
70 survivor option and whose spouse or eligible former spouse precedes or preceded the member  
71 in death shall upon application to the board be made, constituted, appointed and employed by  
72 the board as a special consultant on the problems of retirement, aging and other state matters.  
73 As a special consultant pursuant to the provisions of this section, the member's reduced annuity  
74 shall revert to a normal annuity as adjusted for early retirement, if applicable, effective the first  
75 of the month following the death of the spouse or eligible former spouse or August 28, 1995,  
76 whichever is later, if the member cancels the member's original joint and survivor election; such  
77 annuity shall include any increases the retired member would have received since the date of  
78 retirement had the member elected a normal annuity.

79 5. Effective July 1, 2000, a member may make an election under option 1 or 2 after the  
80 date retirement benefits are initiated if the member makes such election within one year from the  
81 date of ~~[marriage]~~ **a contract of domestic union** or July 1, 2000, whichever is later, under any  
82 of the following circumstances:

83 (1) The member elected to receive a normal annuity and was not eligible to elect option  
84 1 or 2 on the date retirement benefits were initiated; or

85 (2) The member's annuity reverted to a normal annuity pursuant to subsection 3 or 4 of  
86 this section and the member ~~[remarried]~~ **became a party to a new contract of domestic union.**

87 6. Any person who terminates employment or retires prior to July 1, 2000, shall be made,  
88 constituted, appointed and employed by the board as a special consultant on the problems of  
89 retirement, aging and other state matters, and for such services shall be eligible to elect to receive  
90 the benefits described in subsection 5 of this section.

91 7. Effective September 1, 2001, the retirement application of any member who fails to  
92 make an election pursuant to subsection 1 of this section within ninety days of the annuity  
93 starting date contained in such retirement application shall be nullified. Any member whose  
94 retirement application is nullified shall not receive retirement benefits until the member files a  
95 new application for retirement pursuant to section 104.401 and makes the election pursuant to  
96 subsection 1 of this section. In no event shall any retroactive retirement benefits be paid.

97 8. A member may change a member's election made under this section at any time prior  
98 to the system mailing or electronically transferring the first annuity payment to such member.

104.420. 1. Unless otherwise provided by law, if a member or disabled member who  
2 has a vested right to a normal annuity dies prior to retirement, regardless of the age of the  
3 member at the time of death, the member's or disabled member's surviving spouse, to whom the  
4 member or disabled member was ~~[married]~~ **a party to a contract of domestic union** on the date

5 of the member's death, if any, shall receive the reduced survivorship benefits provided in option  
6 1 of section 104.395 calculated as if the member were of normal retirement age and had retired  
7 as of the date of the member's death and had elected option 1.

8         2. If there is no eligible surviving spouse, or when a spouse annuity has ceased to be  
9 payable, the member's or disabled member's eligible surviving children under twenty-one years  
10 of age shall receive monthly, in equal shares, an amount equal to eighty percent of the member's  
11 or disabled member's accrued annuity calculated as if the member or disabled member were of  
12 a normal retirement age and retired as of the date of death. Benefits otherwise payable to a child  
13 under eighteen years of age shall be payable to the surviving parent as natural guardian of such  
14 child if such parent has custody or assumes custody of such minor child, or to the legal  
15 conservator of such child, until such child attains age eighteen; thereafter, the benefit may be  
16 paid to the child until age twenty-one; provided the age twenty-one maximum shall be extended  
17 for any child who has been found totally incapacitated by a court of competent jurisdiction.

18         3. No benefit is payable pursuant to this section if no eligible surviving spouse or  
19 children under twenty-one years of age survive the member or disabled member. Benefits cease  
20 pursuant to this section when there is no eligible surviving beneficiary through either death of  
21 the eligible surviving spouse or through either death or the attainment of twenty-one years of age  
22 by the eligible surviving children. If the member's or disabled member's surviving children are  
23 receiving equal shares of the benefit described in subsection 2 of this section, and one or more  
24 of such children become ineligible by reason of death or the attainment of twenty-one years of  
25 age, the benefit shall be reallocated so that the remaining eligible children receive equal shares  
26 of the total benefit as described in subsection 2 of this section.

27         4. For the purpose of computing the amount of an annuity payable pursuant to this  
28 section, if the board finds that the death was the natural and proximate result of a personal injury  
29 or disease arising out of and in the course of the member's actual performance of duty as an  
30 employee, then the minimum annuity to such member's surviving spouse or, if no surviving  
31 spouse benefits are payable, the minimum annuity that shall be divided among and paid to such  
32 member's surviving children shall be fifty percent of the member's final average compensation;  
33 except that for members of the general assembly and statewide elected officials with twelve or  
34 more years of service, the monthly rate of compensation in effect on the date of death shall be  
35 used in lieu of final average compensation. The vesting service requirement of subsection 1 of  
36 this section shall not apply to any annuity payable pursuant to this subsection.

104.610. 1. Any person, who is receiving or hereafter may receive state retirement  
2 benefits from the Missouri state employees' retirement system other than a person with twelve  
3 or more years of service in statewide state elective office receiving benefits pursuant to the  
4 provisions of section 104.371, a legislators' retirement system, or the highways and

5 transportation employees' and highway patrol retirement system, upon application to the board  
6 of trustees of the system from which he or she is receiving retirement benefits, shall be made,  
7 constituted, appointed and employed by the board as a special consultant on the problems of  
8 retirement, aging, and other state matters, for the remainder of the person's life, and upon request  
9 of the board, or other state agencies where such person was employed prior to retirement, give  
10 opinions, and be available to give opinions in writing, or orally, in response to such requests, as  
11 may be required, and for such services shall be compensated monthly, in an amount, which,  
12 when added to any monthly state retirement benefits received on his or her retirement, shall be  
13 equal to the state retirement benefits the person would be receiving currently if the person had  
14 benefitted from changes in the law effecting increases in the rate in the formula for calculating  
15 benefits in his or her respective retirement system, for his or her type of employment or for those  
16 persons having accrued thirty-five or more years of creditable service, changes in the law  
17 pertaining to the age and service requirements for a normal annuity in his or her respective  
18 retirement system, made subsequent to the date of his or her retirement; except that in calculating  
19 such benefits the meaning of "average compensation" shall be that ascribed to it by the law in  
20 effect on the date on which the benefits pursuant to this section are calculated.

21         2. In lieu of any other benefits pursuant to the provisions of this section, any member of  
22 the Missouri state employees' retirement system who has or may hereafter retire pursuant to the  
23 provisions of section 104.371, pertaining to those members who have held statewide state  
24 elective office for at least twelve years, may apply pursuant to this section to be employed as a  
25 special consultant and for such services shall be compensated monthly, in an amount, which,  
26 when added to any monthly state retirement benefits received initially on his or her retirement,  
27 shall be equal to the state retirement benefits the person would be receiving if the person had  
28 benefitted from changes in the law affecting increases in compensation for statewide state  
29 elective offices, pursuant to house substitute for senate bill no. 528, second regular session of the  
30 eighty-second general assembly, any other provisions of the law to the contrary notwithstanding.

31         3. This compensation shall be consolidated with any other retirement benefits payable  
32 to the person, and shall be funded as provided in section 104.436.

33         4. This compensation shall be treated as any other state retirement benefits payable by  
34 the Missouri state employees' retirement system or the highways and transportation employees'  
35 and highway patrol retirement system are treated and shall not be subject to execution,  
36 garnishment, attachment, writ of sequestration, or any other process or claim whatsoever, and  
37 shall be unassignable, anything to the contrary notwithstanding.

38         5. The employment provided for by this section shall in no way affect any person's  
39 eligibility for retirement benefits pursuant to this chapter, or in any way have the effect of  
40 reducing retirement benefits, anything to the contrary notwithstanding.

41           6. In order to determine the total monthly state retirement compensation due each retiree  
42 who is eligible for the additional amount provided for in subsection 1 of this section, the  
43 following formula shall be used:

44           (1) The retiree's base monthly retirement compensation shall be determined by dividing  
45 the sum of the retiree's annual normal annuity as of the effective date of any increase in the rate  
46 in the formula for calculating benefits in his or her respective retirement system plus any annual  
47 increases granted such retiree as a result of his or her being a consultant, by twelve;

48           (2) The amount determined pursuant to subdivision (1) of this subsection shall be  
49 increased by an amount equal to the base monthly retirement compensation calculated pursuant  
50 to subdivision (1) of this subsection multiplied by the percentage increase in the rate in the  
51 formula;

52           (3) The sum obtained from completing the calculations contained in subdivisions (1) and  
53 (2) of this subsection shall be the retiree's new total monthly state retirement compensation. Any  
54 retiree who is eligible for the benefit provided in subsection 1 of this section whose benefit  
55 pursuant to subsection 1 of this section was not calculated in accordance with the procedure  
56 provided in this subsection shall have his or her total monthly retirement compensation for all  
57 months beginning on or after September 28, 1985, recalculated in accordance with this  
58 subsection.

59           7. The provisions of this section are severable. If any provision of this section is found  
60 by a court of competent jurisdiction to be unconstitutional or otherwise invalid, the remaining  
61 provisions of this section are valid unless the court finds that such valid provisions, standing  
62 alone, are incomplete and incapable of being executed in accordance with the legislative intent.

63           8. Any person who terminates employment or retires prior to July 1, 2000, shall be made,  
64 constituted, appointed and employed by the board as a special consultant on the problems of  
65 retirement, aging, and other state matters, for the remainder of the person's life, and upon request  
66 of the board, or other state agencies where such person was employed prior to retirement, give  
67 opinions, and be available to give opinions in writing, or orally, in response to such requests, as  
68 may be required, and for such services shall be eligible to elect to receive a retirement annuity  
69 pursuant to the year 2000 plan as provided in this chapter.

70           9. Effective August 28, 2000, any person otherwise eligible for survivor benefits due to  
71 the death of a member prior to retirement, who was ~~married~~ **a party to a contract of domestic**  
72 **union** less than two years ~~to~~ **with** the member at the time of the member's death, shall, upon  
73 application to the board, be made, constituted, appointed and employed by the board as a special  
74 consultant on the problems of retirement, aging and other state matters. As a special consultant  
75 pursuant to the provisions of this subsection, the person shall begin to receive a survivor benefit  
76 in a monthly amount equal to what the system would have paid the person had the person been

77 eligible for such survivor benefit upon the death of the member. Such benefit shall commence  
78 the first of the month following receipt by the system of an application from such person, but not  
79 earlier than September 1, 2000. In no event shall any retroactive benefits be paid.

104.612. 1. Each special consultant, not otherwise eligible for a retirement benefit  
2 increase pursuant to section 104.415, employed or eligible for employment on or after May 12,  
3 1981, by a board of trustees of a retirement system as provided in subsection 1 of section  
4 104.610 shall, in addition to duties prescribed in section 104.610, and upon request of the board  
5 of trustees, give the board, orally or in writing, a short detailed statement on the problems of  
6 retirement under the current monthly benefits.

7 2. As compensation for the extra duty imposed by subsection 1 of this section, each  
8 special consultant shall receive, in addition to all other compensation provided by law, a  
9 percentage increase in compensation each year, computed upon the total amount which the  
10 consultant received in the previous year from state retirement benefits, compensation pursuant  
11 to the provisions of section 104.610, and compensation pursuant to the provisions of this section,  
12 of eighty percent of the increase in the consumer price index calculated in the manner specified  
13 in section 104.415. The increase in compensation for special consultants who have been retired  
14 less than one year shall be one-twelfth of the applicable cost-of-living increase for every month  
15 or partial month that the member was retired and receiving an annuity. Any such annual increase  
16 in compensation, however, shall not exceed five percent, nor be less than four percent, and the  
17 total increase in compensation to each special consultant pursuant to the provisions of this  
18 subsection shall not exceed sixty-five percent of the total retirement benefits and compensation  
19 he or she was receiving immediately prior to October 1, 1986.

20 3. As compensation for the services described in subsections 1 and 2 of this section, each  
21 special consultant shall receive, in addition to all other compensation provided by those  
22 subsections, an annual percentage increase in the retirement benefit payable equal to eighty  
23 percent of the increase in the consumer price index. Such benefit increase, however, shall not  
24 exceed five percent of the retirement benefit payable prior to the increase. The annual benefit  
25 increase described in this subsection shall not be effective until the year in which the special  
26 consultant reaches the limit on total annual increases provided by subsection 2 of this section.  
27 During that year on the anniversary date of the special consultant's retirement, the special  
28 consultant shall receive the benefit increase described in subsection 2 of this section or this  
29 subsection, whichever is greater. After that year, the special consultant shall receive the annual  
30 benefit increase described in this subsection. Any special consultant who reaches the limit on  
31 total annual benefit increases provided by subsection 2 prior to October 1, 1996, shall receive  
32 the benefit increase described in this subsection on September 1, 1997. Any special consultant  
33 who reaches the limit on total annual benefit increases provided by subsection 2 on or after

34 October 1, 1996, but before September 1, 1997, shall receive the benefit increase described in  
35 this subsection beginning on the anniversary date of the special consultant's retirement following  
36 September 1, 1997. In no event shall any retroactive annual benefit increases be paid pursuant  
37 to this subsection to any special consultant who reached the limit provided in subsection 2 of this  
38 section prior to August 28, 1997.

39 4. The compensation provided for in this section shall be payable in equal monthly  
40 installments and shall be consolidated with any retirement benefits and compensation due  
41 pursuant to section 104.610 which is payable to the special consultant. The compensation  
42 provided for in this section shall be paid from the retirement fund for all members who retire  
43 after August 30, 1980. The retirement fund shall be funded on a sound actuarial basis for such  
44 benefits as prescribed in sections 104.070 and 104.436. Appropriations necessary to achieve a  
45 sound actuarial basis for the retirement fund shall be made from general revenue or any other  
46 fund during the three general assembly sessions next occurring after February 14, 1980.  
47 Appropriations to maintain the retirement fund on a continuing sound actuarial basis shall be  
48 made as necessary in accordance with the provisions of sections 104.070, 104.436 and 104.438.  
49 For all members who retire prior to September 1, 1980, the compensation provided for in this  
50 section shall be funded as provided in sections 104.070 and 104.436.

51 5. The compensation provided for in this section shall be treated as any other state  
52 retirement benefits, payable by the Missouri state employees' retirement system or the  
53 transportation department and highway patrol retirement system are treated and shall not be  
54 subject to execution, garnishment, attachment, writ of sequestration, or any other process or  
55 claim whatsoever, and shall be unassignable, anything to the contrary notwithstanding.

56 6. The employment provided for by this section shall in no way affect any person's  
57 eligibility for retirement benefits pursuant to this chapter, or in any way have the effect of  
58 reducing retirement benefits, anything to the contrary notwithstanding.

59 7. (1) Any person who is receiving, on or after August 28, 1994, a survivor benefit  
60 provided by the provisions of this chapter by virtue of being a survivor of a member, a survivor  
61 of a judge as defined in section 476.515, or a survivor of an administrative law judge or legal  
62 advisor as those terms are defined in section 287.812, and who was employed prior to August  
63 28, 1997, shall, upon application, be made, constituted, appointed and employed by the board  
64 as a special consultant on the problems of retirement, aging, and other matters relating to  
65 survivors of deceased members and upon the request of the appropriate board shall give  
66 opinions, in writing or orally, in response to such requests of the board. As compensation for  
67 the services required by this subsection, each such special consultant shall receive, in addition  
68 to all other compensation provided by law, a percentage increase in compensation each year,  
69 computed upon the amount which the special consultant received in the previous year in survivor

70 benefits from the system, of eighty percent of the increase in the consumer price index calculated  
71 in the manner specified in section 104.415. Any such increase in compensation, however, shall  
72 not exceed five percent, nor be less than four percent;

73 (2) The total increases in benefits received pursuant to this subsection shall be limited  
74 by the following:

75 (a) In cases of death after retirement where an optional form of payment was elected by  
76 the retirant, the total increase shall not exceed sixty-five percent of the survivor benefit which  
77 would have been payable based on the option elected and the original benefit amount payable  
78 to the retirant;

79 (b) In cases of death before retirement, the total increase shall not exceed sixty-five  
80 percent of the original survivor benefit amount.

81 8. As compensation for the services described in subsection 7 of this section, each  
82 special consultant shall receive, in addition to all other compensation provided by subsection 7  
83 of this section, an annual percentage increase in the survivor benefit payable equal to eighty  
84 percent of the increase in the consumer price index. Such benefit increase, however, shall not  
85 exceed five percent of the survivor benefit payable prior to the increase. The annual benefit  
86 increase described in this subsection shall not be effective until the year in which the special  
87 consultant reaches the limit on total annual increases provided by subsection 7 of this section.  
88 During that year on the anniversary date that the special consultant's benefit became payable, the  
89 special consultant shall receive the benefit increase described in subsection 7 of this section or  
90 this subsection, whichever is greater. After that year, the special consultant shall receive the  
91 annual benefit increase described in this subsection. Any special consultant who reaches the  
92 limit on total annual benefit increases provided by subsection 7 of this section prior to October  
93 1, 1996, shall receive the benefit increase described in this subsection on September 1, 1997.  
94 Any special consultant who reaches the limit on total annual benefit increases provided by  
95 subsection 7 of this section on or after October 1, 1996, but before September 1, 1997, shall  
96 receive the benefit increase described in this subsection beginning on the anniversary date that  
97 the special consultant's benefit became payable following September 1, 1997. In no event shall  
98 any retroactive annual benefit increases be paid pursuant to this subsection to any special  
99 consultant who reached the limit provided in subsection 7 of this section prior to August 28,  
100 1997.

101 9. The employment provided for by this subsection shall in no way affect any person's  
102 eligibility for retirement or survivor benefits pursuant to the provisions of this chapter, or in any  
103 way have the effect of reducing any retirement or survivor benefits, anything to the contrary  
104 notwithstanding. An annual increase, if any is due, shall be payable monthly beginning on a date  
105 specified by the board. Nothing in this subsection shall be construed to prohibit a special

106 consultant from waiving the right to receive the annual increase provided pursuant to this  
107 subsection. However, the waiver may not extend beyond the age permitted by the Tax Equity  
108 and Fiscal Responsibility Act (TEFRA). The waiver shall be final as to the annual increase  
109 waived.

110       10. (1) Any member who terminated employment on or after October 1, 1984, who is  
111 receiving an annuity on September 1, 1997, and who had elected one of the options providing  
112 for a continuing lifetime annuity to a surviving spouse, and who has been made, constituted and  
113 appointed by the board as a special consultant on the problems of retirement, aging, and other  
114 matters relating to retirement shall be eligible for additional compensation. As additional  
115 compensation for such services, each special consultant shall be eligible for the benefits  
116 described in this subdivision. The annuity of a special consultant who is receiving benefits under  
117 option 1 of section 104.395, shall be reduced in the same manner as an annuity under option 2  
118 of section 104.395, as in effect immediately prior to August 28, 1997. The annuity of a special  
119 consultant who is receiving benefits under the provisions of option 2 of section 104.395, as in  
120 effect on or after August 13, 1986, but prior to August 28, 1997, shall be determined in the same  
121 manner as an annuity under option 2 of section 104.395, as in effect on September 1, 1997. The  
122 annuity of a special consultant who is receiving benefits under an annuity that provides for a  
123 continuing lifetime annuity to a surviving spouse other than as previously described in this  
124 subdivision shall be reduced in a manner approved by the board so as to be consistent with the  
125 other continuing lifetime annuities described in this subdivision. Such annuities shall be  
126 adjusted for early retirement if applicable. The member's benefit shall include any formula or  
127 minimum benefit increases or both, and cost-of-living increases the retired member would have  
128 received since the date of retirement had the member's benefit been calculated as described in  
129 this subdivision. The member shall also receive a one-time payment in an amount equal to the  
130 difference in the amount of retirement benefits that the member received and the amount the  
131 member would have received since the date of retirement had the member's benefit been  
132 calculated as described in this subdivision.

133       (2) Any member who terminated employment on or after October 1, 1984, but before  
134 August 28, 1997, and who retires after August 28, 1997, may elect at retirement to become a  
135 special consultant as provided for in subdivision (1) of this subsection and elect any option  
136 provided pursuant to section 104.395, as in effect on August 28, 1997.

137       (3) Any member who terminated employment on or after October 1, 1984, but retired  
138 prior to August 28, 1997, who applied for increased benefits pursuant to the provisions described  
139 in subsection 3 or subsection 4 of section 104.395, and whose spouse died prior to September  
140 1, 1997, and who has been made, constituted and appointed by the board as a special consultant  
141 on the problems of retirement, aging, and other matters relating to retirement shall be eligible



142 for additional compensation. As additional compensation for such services, such member shall  
143 receive a one-time payment in an amount equal to the difference in the amount of retirement  
144 benefits that the member received and the amount the member would have received since the  
145 date of retirement had the member's benefit been calculated as described in subdivision (1) of  
146 this subsection.

147 (4) Any member who terminated employment on or after October 1, 1984, but retired  
148 before September 1, 1997, and who had elected a normal annuity at retirement, and who is  
149 receiving benefits on September 1, 1997, and who has been made, constituted and appointed by  
150 the board as a special consultant on the problems of retirement, aging, and other matters relating  
151 to retirement shall be eligible for additional compensation. As additional compensation for such  
152 services, beginning the first month following the death of the member, the member's surviving  
153 spouse who was ~~married to~~ **a party to a contract of domestic union with** the member of the  
154 transportation department and highway patrol retirement system on the date of retirement or the  
155 person who was ~~married to~~ **a party to a contract of domestic union with** the member of the  
156 Missouri state employees' retirement system on the date of retirement shall receive monthly an  
157 amount equal to fifty percent of the monthly annuity the retired member was receiving at the time  
158 of the member's death.

159 (5) If a member dies on or after September 1, 1997, but prior to receiving any one-time  
160 payment described in subdivision (1) of this subsection, payment shall be issued to the surviving  
161 spouse who was ~~married to~~ **a party to a contract of domestic union with** the member at the  
162 date of the member's death. If there is no surviving spouse, payment will be issued to the  
163 member's estate.

164 (6) Any member who terminated employment on or after October 1, 1984, retired,  
165 became a special consultant on the problems of retirement, aging and other matters relating to  
166 retirement or applies to become such a consultant, and whose annuity was not in pay status on  
167 September 1, 1997, pursuant to the provisions of section 104.380, shall be eligible for additional  
168 compensation. As additional compensation for such services, each special consultant shall be  
169 eligible for the benefits described in subdivision (1), (3) or (4) of this subsection depending on  
170 the annuity selected by the member at the time of retirement. Any one-time payment that may  
171 be due shall be paid upon application for such benefit. Any adjustment to a future annuity shall  
172 be made upon application for retirement or survivor benefits.

173 (7) Any person who received benefits pursuant to subsection 6 of section 104.335 prior  
174 to August 28, 1997, may apply to the board to become a special consultant on the problems of  
175 retirement, aging, and other matters relating to retirement. As compensation for such services,  
176 each special consultant shall be eligible to receive upon making application for such benefits a  
177 one-time payment which shall be equal to the difference between the amount of benefits the

178 person received and the amount of benefits the person would have received had the original  
179 benefit payment been calculated under the actuarial assumptions in effect on August 28, 1997.

180 (8) Any person who was married to a member of the Missouri state employees'  
181 retirement system at the time the member retired and such member terminated employment on  
182 or after October 1, 1984, elected one of the options providing for a continuing lifetime annuity  
183 at the time of retirement, and died prior to September 1, 1997, may apply to the board to become  
184 a special consultant on the problems of retirement, aging, and other matters relating to  
185 retirement. As additional compensation for such services, the survivor benefit of the special  
186 consultant shall be recalculated in the manner described in subdivision (1) of this subsection.  
187 The special consultant shall also receive a one-time payment in an amount equal to the difference  
188 between the amount of retirement and survivor benefits that the retired member and the special  
189 consultant received and the amount of retirement and survivor benefits the retired member and  
190 the special consultant would have received since the date of retirement had the retired member's  
191 and the special consultant's benefits been calculated as described in subdivision (1) of this  
192 subsection.

193 (9) Any person who was ~~married to~~ **a party to a contract of domestic union with a**  
194 member of the Missouri state employees' retirement system at the time the member retired and  
195 such member terminated employment on or after October 1, 1984, retired after electing a normal  
196 annuity, and died prior to September 1, 1997, may apply to the board to become a special  
197 consultant on the problems of retirement, aging, and other matters relating to retirement. As  
198 additional compensation for such services, the special consultant shall receive a monthly benefit  
199 in an amount equal to fifty percent of the monthly annuity the retired member was receiving at  
200 the time of the member's death, including any annual benefit increases pursuant to subsections  
201 7 and 8 of this section that occurred between the date of the member's death and the date of  
202 application. Such benefit shall commence upon application and shall include a one-time  
203 payment, if necessary, so that the special consultant shall receive the same amount that would  
204 have been paid to the special consultant had such benefit commenced the month following the  
205 death of the member.

206 (10) Any surviving spouse receiving benefits pursuant to the provisions of section  
207 104.420 as the result of the death of a member whose employment terminated on or after October  
208 1, 1984, may apply to the board to become a special consultant on the problems of retirement,  
209 aging, and other matters relating to retirement. As compensation for such services, the benefit  
210 of each special consultant shall be reduced in the same manner as an annuity under option 1 of  
211 section 104.395 as in effect on August 28, 1997. The special consultant shall also receive a  
212 one-time payment in an amount equal to the difference between the amount of benefits that the  
213 survivor received and the amount of benefits the survivor would have received had the survivor's

214 benefit been originally calculated as described under option 1 of section 104.395 as in effect on  
215 August 28, 1997.

104.620. 1. Any member who has not received a lump sum payment equal to the sum  
2 total of the contributions that the member paid into the retirement system, plus interest credited  
3 to his or her account, shall be entitled to such a lump sum payment. Lump sum payments made  
4 pursuant to this section shall not be reduced by any retirement benefits which a member is  
5 entitled to receive, but shall be paid in full out of appropriate funds pursuant to appropriations  
6 for this purpose.

7 2. In the event any accumulated contributions standing to a member of the Missouri state  
8 employees' retirement system's credit remains unclaimed by such member for a period of four  
9 years or more, such accumulated contributions shall automatically revert to the credit of the fund  
10 for the Missouri state employees' retirement system. If an application is made, after such  
11 reversion, for such accumulated contributions, the board shall pay such contributions from the  
12 fund for the Missouri state employees' retirement system; except that, no interest shall be paid  
13 on such funds after the date of the reversion to the fund for the Missouri state employees'  
14 retirement system.

15 3. In the event any amount is due a deceased member, survivor, or beneficiary who dies  
16 after September 1, 2002, and the member's survivor's or beneficiary's financial institution is  
17 unable to accept the final payments due to the member, survivor, or beneficiary, such amount  
18 shall be paid to the person or entity designated in writing as beneficiary to receive such amount  
19 by such member, survivor, or beneficiary. The member, survivor, or beneficiary may designate  
20 in writing a beneficiary to receive any final payment due after the death of a member, survivor,  
21 or beneficiary pursuant to this chapter. If no living person or entity so designated as beneficiary  
22 exists at the time of death, such amount shall be paid to the surviving spouse ~~[married to]~~ **who**  
23 **was a party to a contract of domestic union with** the deceased member, survivor, or  
24 beneficiary at the time of death. If no surviving spouse exists, such amount shall be paid to the  
25 surviving children of such member, survivor, or beneficiary in equal parts. If no surviving  
26 children exist, such amount shall be paid to the surviving parents of such member, survivor, or  
27 beneficiary in equal parts. If no surviving parents exist, such amount shall be paid to the  
28 surviving brothers or sisters of such member, survivor, or beneficiary in equal parts. If no  
29 surviving brothers or sisters exist, payment may be made as otherwise permitted by law.  
30 Notwithstanding this subsection, any amount due to a deceased member as payment of all or part  
31 of a lump sum pursuant to section 104.625 shall be paid to the member's surviving spouse  
32 ~~[married to]~~ **who was a party to a contract of domestic union with** the member at the time of  
33 death, and otherwise payment may be made as provided in this subsection. In the event any  
34 amount that is due to a person from either system remains unclaimed for a period of four years

35 or more, such amount shall automatically revert to the credit of the fund of the member's system.  
36 If an application is made after such reversion for such amount, the board shall pay such amount  
37 to the person from the board's fund, except that no interest shall be paid on such funds after the  
38 date of the reversion to the fund.

39 4. The beneficiary of any member who purchased creditable service in the Missouri state  
40 employees' retirement system shall receive a refund upon the member's death equal to the amount  
41 of any purchase less any retirement benefits received by the member unless an annuity is payable  
42 to a survivor or beneficiary as a result of the member's death. In that event, the beneficiary of  
43 the survivor or beneficiary who received the annuity shall receive a refund upon the survivor's  
44 or beneficiary's death equal to the amount of the member's purchase of service less any annuity  
45 amounts received by the member and the survivor or beneficiary.

104.1027. 1. Prior to the last business day of the month before the annuity starting date,  
2 a member or a vested former member shall elect whether or not to have such member's or such  
3 vested former member's life annuity reduced, but not any temporary annuity which may be  
4 payable, and designate a beneficiary, as provided by the options set forth in this section; provided  
5 that if such election has not been made within such time, annuity payments due beginning on and  
6 after the month of the annuity starting date shall be made the month following the receipt by the  
7 appropriate system of such election and any other information required by the year 2000 plan  
8 created by sections 104.1003 to 104.1093, and further provided, that if such person dies after the  
9 annuity starting date but before making such election and providing such other information, no  
10 benefits shall be paid except as required pursuant to section 104.1030:

11 Option 1. A retiree's life annuity shall be reduced to a certain percent of the annuity  
12 otherwise payable. Such percent shall be ninety percent adjusted as follows: if the retiree's age  
13 on the annuity starting date is younger than sixty-two years, an increase of three-tenths of one  
14 percent for each year the retiree's age is younger than age sixty-two years; and if the beneficiary's  
15 age is younger than the retiree's age on the annuity starting date, a decrease of three-tenths of one  
16 percent for each year of age difference; and if the retiree's age is younger than the beneficiary's  
17 age on the annuity starting date, an increase of three-tenths of one percent for each year of age  
18 difference; provided, after all adjustments the option 1 percent cannot exceed ninety-five percent.  
19 Upon the retiree's death, fifty percent of the retiree's reduced annuity shall be paid to such  
20 beneficiary who was the retiree's spouse on the annuity starting date or as otherwise provided by  
21 subsection 5 of this section.

22 Option 2. A retiree's life annuity shall be reduced to a certain percent of the annuity  
23 otherwise payable. Such percent shall be eighty-three percent adjusted as follows: if the retiree's  
24 age on the annuity starting date is younger than sixty-two years, an increase of four-tenths of one  
25 percent for each year the retiree's age is younger than sixty-two years; and if the beneficiary's age

26 is younger than the retiree's age on the annuity starting date, a decrease of five-tenths of one  
27 percent for each year of age difference; and if the retiree's age is younger than the beneficiary's  
28 age on the annuity starting date, an increase of five-tenths of one percent for each year of age  
29 difference; provided, after all adjustments the option 2 percent cannot exceed ninety percent.  
30 Upon the retiree's death one hundred percent of the retiree's reduced annuity shall be paid to such  
31 beneficiary who was the retiree's spouse on the annuity starting date or as otherwise provided by  
32 subsection 5 of this section.

33       Option 3. A retiree's life annuity shall be reduced to ninety-five percent of the annuity  
34 otherwise payable. If the retiree dies before having received one hundred twenty monthly  
35 payments, the reduced annuity shall be continued for the remainder of the one hundred  
36 twenty-month period to the retiree's designated beneficiary provided that if there is no  
37 beneficiary surviving the retiree, the present value of the remaining annuity payments shall be  
38 paid as provided under subsection 3 of section 104.620. If the beneficiary survives the retiree  
39 but dies before receiving the remainder of such one hundred twenty monthly payments, the  
40 present value of the remaining annuity payments shall be paid as provided under subsection 3  
41 of section 104.620.

42       Option 4. A retiree's life annuity shall be reduced to ninety percent of the annuity  
43 otherwise payable. If the retiree dies before having received one hundred eighty monthly  
44 payments, the reduced annuity shall be continued for the remainder of the one hundred  
45 eighty-month period to the retiree's designated beneficiary provided that if there is no beneficiary  
46 surviving the retiree, the present value of the remaining annuity payments shall be paid as  
47 provided under subsection 3 of section 104.620. If the beneficiary survives the retiree but dies  
48 before receiving the remainder of such one hundred eighty monthly payments, the present value  
49 of the remaining annuity payments shall be paid as provided under subsection 3 of section  
50 104.620.

51       2. If a member is ~~married~~ **a party to a contract of domestic union** as of the annuity  
52 starting date, the member's annuity shall be paid under the provisions of either option 1 or option  
53 2 as set forth in subsection 1 of this section, at the member's choice, with the spouse as the  
54 member's designated beneficiary unless the spouse consents in writing to the member electing  
55 another available form of payment.

56       3. If a member has elected at the annuity starting date option 1 or 2 pursuant to this  
57 section and if the member's spouse or eligible former spouse dies after the annuity starting date  
58 but before the member dies, then the member may cancel the member's election and return to the  
59 life annuity form of payment and annuity amount, effective the first of the month following the  
60 date of such spouse's or eligible former spouse's death. If a member dies prior to notifying the

61 system of the spouse's death, the benefit will not revert to a life annuity and no retroactive  
62 payments shall be made.

63 4. If a member designates a spouse as a beneficiary pursuant to this section and  
64 subsequently that ~~[marriage]~~ **contract of domestic union** ends as a result of a dissolution of  
65 ~~[marriage]~~ **a contract of domestic union**, such dissolution shall not affect the option election  
66 pursuant to this section and the former spouse shall continue to be eligible to receive survivor  
67 benefits upon the death of the member.

68 5. Effective July 1, 2000, a member may make an election under option 1 or 2 after the  
69 annuity starting date as described in this section if the member makes such election within one  
70 year from the date of ~~[marriage]~~ **the contract of domestic union** or July 1, 2000, whichever is  
71 later, pursuant to any of the following circumstances:

72 (1) The member elected to receive a life annuity and was not eligible to elect option 1  
73 or 2 on the annuity starting date; or

74 (2) The member's annuity reverted to a normal or early retirement annuity pursuant to  
75 subsection 3 of this section, and the member ~~[remarried]~~ **became a party to a new contract of**  
76 **domestic union**.

77 6. Effective September 1, 2001, the retirement application of any member who fails to  
78 make an election pursuant to subsection 1 of this section within ninety days of the annuity  
79 starting date contained in such retirement application shall be nullified. Any member whose  
80 retirement application is nullified shall not receive retirement benefits until the member files a  
81 new application for retirement pursuant to section 104.1024 and makes the election pursuant to  
82 subsection 1 of this section. In no event shall any retroactive retirement benefits be paid.

83 7. A member may change a member's election made under this section at any time prior  
84 to the system mailing or electronically transferring the first annuity payment to such member.

104.1030. 1. If a member with five or more years of credited service or a vested former  
2 member dies before such member's or such vested former member's annuity starting date, the  
3 applicable annuity provided in this section shall be paid.

4 2. The member's surviving spouse who was ~~[married to]~~ **a party to a contract of**  
5 **domestic union with** the member at the date of death shall receive an annuity computed as if  
6 such member had:

7 (1) Retired on the date of death with a normal retirement annuity based upon credited  
8 service and final average pay to the date of death, and without reduction if the member's age was  
9 younger than normal retirement eligibility;

10 (2) Elected option 2 provided for in section 104.1027; and

11 (3) Designated such spouse as beneficiary under such option.

12           3. If a spouse annuity is not payable pursuant to the provisions of subsection 2 of this  
13 section, or when a spouse annuity has ceased to be payable, eighty percent of an annuity  
14 computed in the same manner as if the member had retired on the date of death with a normal  
15 retirement annuity based upon credited service and final average pay to the date of death and  
16 without reduction if the member's age at death was younger than normal retirement eligibility  
17 shall be divided equally among the dependent children of the deceased member. A child shall  
18 be a dependent child until death or attainment of age twenty-one, whichever occurs first;  
19 provided the age twenty-one maximum shall be extended for any child who has been found  
20 totally incapacitated by a court of competent jurisdiction. Benefits otherwise payable to a child  
21 under eighteen years of age shall be payable to the surviving parent as a natural guardian of such  
22 child if such parent has custody or assumes custody of such minor child or to the legal  
23 conservator of such child until such child attains age eighteen. Upon a child ceasing to be a  
24 dependent child, that child's portion of the dependent annuity shall cease to be paid, and the  
25 amounts payable to any remaining dependent children shall be proportionately increased.

26           4. For the purpose of computing the amount of an annuity payable pursuant to this  
27 section, if the board finds that the death was the natural and proximate result of a personal injury  
28 or disease arising out of and in the course of his or her actual performance of duty as an  
29 employee, then the minimum annuity to such member's spouse or, if no spouse benefits are  
30 payable, the minimum annuity that shall be divided among and paid to such member's dependent  
31 children shall be fifty percent of final average pay. The credited service requirement of  
32 subsection 1 of this section shall not apply to any annuity payable pursuant to this subsection.

33           5. The provisions of this section shall apply to members of the general assembly and  
34 statewide elected officials except that the credited service and monthly pay requirements  
35 described in section 104.1084 shall apply notwithstanding any other language to the contrary  
36 contained in this section.

          104.1051. 1. Any annuity provided pursuant to the year 2000 plan is ~~[marital]~~ **domestic**  
2 **union** property and a court of competent jurisdiction may divide such annuity between the  
3 parties to any action for dissolution of ~~[marriage]~~ **a contract of domestic union** if at the time  
4 of the dissolution the member has at least five years of credited service pursuant to sections  
5 104.1003 to 104.1093. A division of benefits order issued pursuant to this section:

6           (1) Shall not require the applicable retirement system to provide any form or type of  
7 annuity or retirement plan not selected by the member;

8           (2) Shall not require the applicable retirement system to commence payments until the  
9 member's annuity starting date;

10          (3) Shall identify the monthly amount to be paid to the former spouse, which shall be  
11 expressed as a percentage and which shall not exceed fifty percent of the amount of the member's

12 annuity accrued during all or part of the period of the ~~[marriage]~~ **contract of domestic union** of  
13 the member and former spouse and which shall be based on the member's vested annuity on the  
14 date of the dissolution of ~~[marriage]~~ **a contract of domestic union** or an earlier date as specified  
15 in the order, which amount shall be adjusted proportionately upon the annuity starting date if the  
16 member's annuity is reduced due to the receipt of an early retirement annuity or the member's  
17 annuity is reduced pursuant to section 104.1027 under an annuity option in which the member  
18 named the alternate payee as beneficiary prior to the dissolution of ~~[marriage]~~ **a contract of**  
19 **domestic union**;

20 (4) Shall not require the payment of an annuity amount to the member and former spouse  
21 which in total exceeds the amount which the member would have received without regard to the  
22 order;

23 (5) Shall provide that any annuity increases, additional years of credited service,  
24 increased final average pay, increased pay pursuant to subsections 2 and 5 of section 104.1084,  
25 or other type of increases accrued after the date of the dissolution of ~~[marriage]~~ **a contract of**  
26 **domestic union** and any temporary annuity received pursuant to subsection 4 of section  
27 104.1024 shall accrue solely to the benefit of the member; except that on or after September 1,  
28 2001, any cost-of-living adjustment (COLA) due after the annuity starting date shall not be  
29 considered to be an increase accrued after the date of termination of ~~[marriage]~~ **a contract of**  
30 **domestic union** and shall be part of the monthly amount subject to division pursuant to any  
31 order issued after September 1, 2001;

32 (6) Shall terminate upon the death of either the member or the former spouse, whichever  
33 occurs first;

34 (7) Shall not create an interest which is assignable or subject to any legal process;

35 (8) Shall include the name, address, and date of birth of both the member and the former  
36 spouse, and the identity of the retirement system to which it applies;

37 (9) Shall be consistent with any other division of benefits orders which are applicable  
38 to the same member;

39 (10) Shall not require the applicable retirement system to continue payments to the  
40 alternate payee if the member's retirement benefit is suspended or waived as provided by this  
41 chapter but such payments shall resume when the retiree begins to receive retirement benefits  
42 in the future.

43 2. A system shall provide the court having jurisdiction of a dissolution of a ~~[marriage]~~  
44 **contract of domestic union** proceeding or the parties to the proceeding with information  
45 necessary to issue a division of benefits order concerning a member of the system, upon written  
46 request from either the court, the member, or the member's spouse, citing this section and  
47 identifying the case number and parties.



48           3. A system shall have the discretionary authority to reject a division of benefits order  
49 for the following reasons:

50           (1) The order does not clearly state the rights of the member and the former spouse;

51           (2) The order is inconsistent with any law governing the retirement system.

52           4. Any member of the closed plan who elected the year 2000 plan pursuant to section  
53 104.1015 and then becomes divorced and subject to a division of benefits order shall have the  
54 division of benefits order calculated pursuant to the provisions of the year 2000 plan.

104.1054. 1. The benefits provided to each member and each member's spouse,  
2 beneficiary, or former spouse under the year 2000 plan are hereby made obligations of the state  
3 of Missouri and are an incident of every member's continued employment with the state. No  
4 alteration, amendment, or repeal of the year 2000 plan shall affect the then-existing rights of  
5 members, or their spouses, beneficiaries or former spouses, but shall be effective only as to rights  
6 which would otherwise accrue hereunder as a result of services rendered by a member after such  
7 alteration, amendment, or repeal.

8           2. Except as otherwise provided in section 104.1051, any annuity, benefit, funds,  
9 property, or rights created by, or accruing or paid to, any person covered under the year 2000  
10 plan shall not be subject to execution, garnishment, attachment, writ of sequestration, or any  
11 other process or claim whatsoever, and shall be unassignable, except with regard to the collection  
12 of child support and maintenance, and except that a beneficiary may assign life insurance  
13 proceeds. Any retiree may request the executive director, in writing, to withhold and pay on his  
14 behalf to the proper person, from each of his monthly annuity payments, if the payment is large  
15 enough, the contribution due from the retiree to any group providing state-sponsored life or  
16 medical insurance and to the Missouri state employees charitable campaign.

17           3. The executive director shall, when requested in writing by a retiree, withhold and pay  
18 over the funds authorized in subsection 2 of this section until such time as the request to do so  
19 is revoked by the death or written revocation of the retiree.

20           4. In the event any amount is due a deceased member, survivor, or beneficiary who dies  
21 after September 1, 2002, and the member's, survivor's, or beneficiary's financial institution is  
22 unable to accept the final payments due to the member, survivor, or beneficiary, such amount  
23 shall be paid to the person or entity designated in writing as beneficiary to receive such amount  
24 by such member, survivor, or beneficiary. The member, survivor, or beneficiary may designate  
25 in writing a beneficiary to receive any final payment due after the death of a member, survivor,  
26 or beneficiary pursuant to this chapter. If no living person or entity so designated as beneficiary  
27 exists at the time of death, such amount shall be paid to the surviving spouse ~~[married to]~~ **who**  
28 **was a party to a contract of domestic union with** the deceased member, survivor, or  
29 beneficiary at the time of death. If no surviving spouse exists, such amount shall be paid to the

30 surviving children of such member, survivor, or beneficiary in equal parts. If no surviving  
31 children exist, such amount shall be paid to the surviving parents of such member, survivor, or  
32 beneficiary in equal parts. If no surviving parents exist, such amount shall be paid to the  
33 surviving brothers or sisters of such member, survivor, or beneficiary in equal parts. If no  
34 surviving brothers or sisters exist, payment may be made as otherwise permitted by law.  
35 Notwithstanding this subsection, any amount due to a deceased member as payment of all or part  
36 of a lump sum pursuant to subsection 6 of section 104.1024 shall be paid to the member's  
37 surviving spouse ~~[married to]~~ **who was a party to a contract of domestic union with** the  
38 member at the time of death, and otherwise payment may be made as provided in this subsection.  
39 In the event any amount that is due to a person from either system remains unclaimed for a  
40 period of four years or more, such amount shall automatically revert to the credit of the fund of  
41 the member's system. If an application is made for such amount after such reversion, the board  
42 shall pay such amount to the person from the board's fund, except that no interest shall be paid  
43 on such amounts after the date of the reversion to the fund.

44         5. All annuities payable pursuant to the year 2000 plan shall be determined based upon  
45 the law in effect on the last date of termination of employment.

46         6. The beneficiary of any member who purchased creditable service in the Missouri state  
47 employees' retirement system shall receive a refund upon the member's death equal to the amount  
48 of any purchase less any retirement benefits received by the member unless an annuity is payable  
49 to a survivor or beneficiary as a result of the member's death. In such event, the beneficiary of  
50 the survivor or beneficiary who received the annuity shall receive a refund upon the survivor's  
51 or beneficiary's death equal to the amount of the member's purchase of services less any annuity  
52 amounts received by the member and the survivor or beneficiary.

104.1091. 1. Notwithstanding any provision of the year 2000 plan to the contrary, each  
2 person who first becomes an employee on or after January 1, 2011, shall be a member of the year  
3 2000 plan subject to the provisions of this section.

4         2. A member's normal retirement eligibility shall be as follows:

5         (1) The member's attainment of at least age sixty-seven and the completion of at least  
6 ten years of credited service; or the member's attainment of at least age fifty-five with the sum  
7 of the member's age and credited service equaling at least ninety; or, in the case of a member  
8 who is serving as a uniformed member of the highway patrol and subject to the mandatory  
9 retirement provisions of section 104.081, such member's attainment of at least age sixty or the  
10 attainment of at least age fifty-five with ten years of credited service;

11         (2) For members of the general assembly, the member's attainment of at least age  
12 sixty-two and the completion of at least three full biennial assemblies; or the member's

13 attainment of at least age fifty-five with the sum of the member's age and credited service  
14 equaling at least ninety;

15 (3) For statewide elected officials, the official's attainment of at least age sixty-two and  
16 the completion of at least four years of credited service; or the official's attainment of at least age  
17 fifty-five with the sum of the official's age and credited service equaling at least ninety.

18 3. A vested former member's normal retirement eligibility shall be based on the  
19 attainment of at least age sixty-seven and the completion of at least ten years of credited service.

20 4. A temporary annuity paid pursuant to subsection 4 of section 104.1024 shall be  
21 payable if the member has attained at least age fifty-five with the sum of the member's age and  
22 credited service equaling at least ninety; or in the case of a member who is serving as a  
23 uniformed member of the highway patrol and subject to the mandatory retirement provisions of  
24 section 104.081, the temporary annuity shall be payable if the member has attained at least age  
25 sixty, or at least age fifty-five with ten years of credited service.

26 5. A member, other than a member who is serving as a uniformed member of the  
27 highway patrol and subject to the mandatory retirement provisions of section 104.081, shall be  
28 eligible for an early retirement annuity upon the attainment of at least age sixty-two and the  
29 completion of at least ten years of credited service. A vested former member shall not be eligible  
30 for early retirement.

31 6. The provisions of subsection 6 of section 104.1021 and section 104.344 as applied  
32 pursuant to subsection 7 of section 104.1021 and section 104.1090 shall not apply to members  
33 covered by this section.

34 7. The minimum credited service requirements of five years contained in sections  
35 104.1018, 104.1030, 104.1036, and 104.1051 shall be ten years for members covered by this  
36 section. The normal and early retirement eligibility requirements in this section shall apply for  
37 purposes of administering section 104.1087.

38 8. A member shall be required to contribute four percent of the member's pay to the  
39 retirement system, which shall stand to the member's credit in his or her individual account with  
40 the system, together with investment credits thereon, for purposes of funding retirement benefits  
41 payable under the year 2000 plan, subject to the following provisions:

42 (1) The state of Missouri employer, pursuant to the provisions of 26 U.S.C. Section  
43 414(h)(2), shall pick up and pay the contributions that would otherwise be payable by the  
44 member under this section. The contributions so picked up shall be treated as employer  
45 contributions for purposes of determining the member's pay that is includable in the member's  
46 gross income for federal income tax purposes;

47 (2) Member contributions picked up by the employer shall be paid from the same source  
48 of funds used for the payment of pay to a member. A deduction shall be made from each

49 member's pay equal to the amount of the member's contributions picked up by the employer.  
50 This deduction, however, shall not reduce the member's pay for purposes of computing benefits  
51 under the retirement system pursuant to this chapter;

52 (3) Member contributions so picked up shall be credited to a separate account within the  
53 member's individual account so that the amounts contributed pursuant to this section may be  
54 distinguished from the amounts contributed on an after-tax basis;

55 (4) The contributions, although designated as employee contributions, shall be paid by  
56 the employer in lieu of the contributions by the member. The member shall not have the option  
57 of choosing to receive the contributed amounts directly instead of having them paid by the  
58 employer to the retirement system;

59 (5) Interest shall be credited annually on June thirtieth based on the value in the account  
60 as of July first of the immediately preceding year at a rate of four percent. Effective June 30,  
61 2014, and each June thirtieth thereafter, the interest crediting rate shall be equal to the investment  
62 rate that is published by the United States Department of Treasury, or its successor agency, for  
63 fifty-two week treasury bills for the relevant auction that is nearest to the preceding July first, or  
64 a successor treasury bill investment rate as approved by the board if the fifty-two week treasury  
65 bill is no longer issued. Interest credits shall cease upon termination of employment if the  
66 member is not a vested former member. Otherwise, interest credits shall cease upon retirement  
67 or death;

68 (6) A vested former member or a former member who is not vested may request a refund  
69 of his or her contributions and interest credited thereon. If such member is ~~married~~ **a party to**  
70 **a contract of domestic union** at the time of such request, such request shall not be processed  
71 without consent from the spouse. Such member is not eligible to request a refund if such  
72 member's retirement benefit is subject to a division of benefit order pursuant to section 104.1051.  
73 Such refund shall be paid by the system after ninety days from the date of termination of  
74 employment or the request, whichever is later, and shall include all contributions made to any  
75 retirement plan administered by the system and interest credited thereon. A vested former  
76 member may not request a refund after such member becomes eligible for normal retirement.  
77 A vested former member or a former member who is not vested who receives a refund shall  
78 forfeit all the member's credited service and future rights to receive benefits from the system and  
79 shall not be eligible to receive any long-term disability benefits; provided that any member or  
80 vested former member receiving long-term disability benefits shall not be eligible for a refund.  
81 If such member subsequently becomes an employee and works continuously for at least one year,  
82 the credited service previously forfeited shall be restored if the member returns to the system the  
83 amount previously refunded plus interest at a rate established by the board;

84           (7) The beneficiary of any member who made contributions shall receive a refund upon  
85 the member's death equal to the amount, if any, of such contributions and interest credited  
86 thereon less any retirement benefits received by the member unless an annuity is payable to a  
87 survivor or beneficiary as a result of the member's death. In that event, the beneficiary of the  
88 survivor or beneficiary who received the annuity shall receive a refund upon the survivor's or  
89 beneficiary's death equal to the amount, if any, of the member's contributions less any annuity  
90 amounts received by the member and the survivor or beneficiary.

91           9. The employee contribution rate, the benefits provided under the year 2000 plan to  
92 members covered under this section, and any other provision of the year 2000 plan with regard  
93 to members covered under this section may be altered, amended, increased, decreased, or  
94 repealed, but only with respect to services rendered by the member after the effective date of  
95 such alteration, amendment, increase, decrease, or repeal, or, with respect to interest credits, for  
96 periods of time after the effective date of such alteration, amendment, increase, decrease, or  
97 repeal.

98           10. For purposes of members covered by this section, the options under section 104.1027  
99 shall be as follows:

100           Option 1. A retiree's life annuity shall be reduced to a certain percent of the annuity  
101 otherwise payable. Such percent shall be eighty-eight and one half percent adjusted as follows:  
102 if the retiree's age on the annuity starting date is younger than sixty-seven years, an increase of  
103 three-tenths of one percent for each year the retiree's age is younger than age sixty-seven years;  
104 and if the beneficiary's age is younger than the retiree's age on the annuity starting date, a  
105 decrease of three-tenths of one percent for each year of age difference; and if the retiree's age is  
106 younger than the beneficiary's age on the annuity starting date, an increase of three-tenths of one  
107 percent for each year of age difference; provided, after all adjustments the option 1 percent  
108 cannot exceed ninety-four and one quarter percent. Upon the retiree's death, fifty percent of the  
109 retiree's reduced annuity shall be paid to such beneficiary who was the retiree's spouse on the  
110 annuity starting date or as otherwise provided by subsection 5 of this section.

111           Option 2. A retiree's life annuity shall be reduced to a certain percent of the annuity  
112 otherwise payable. Such percent shall be eighty-one percent adjusted as follows: if the retiree's  
113 age on the annuity starting date is younger than sixty-seven years, an increase of four-tenths of  
114 one percent for each year the retiree's age is younger than sixty-seven years; and if the  
115 beneficiary's age is younger than the retiree's age on the annuity starting date, a decrease of  
116 five-tenths of one percent for each year of age difference; and if the retiree's age is younger than  
117 the beneficiary's age on the annuity starting date, an increase of five-tenths of one percent for  
118 each year of age difference; provided, after all adjustments the option 2 percent cannot exceed  
119 eighty-seven and three quarter percent. Upon the retiree's death one hundred percent of the

120 retiree's reduced annuity shall be paid to such beneficiary who was the retiree's spouse on the  
121 annuity starting date or as otherwise provided by subsection 5 of this section.

122       Option 3. A retiree's life annuity shall be reduced to ninety-three percent of the annuity  
123 otherwise payable. If the retiree dies before having received one hundred twenty monthly  
124 payments, the reduced annuity shall be continued for the remainder of the one hundred  
125 twenty-month period to the retiree's designated beneficiary provided that if there is no  
126 beneficiary surviving the retiree, the present value of the remaining annuity payments shall be  
127 paid as provided under subsection 3 of section 104.620. If the beneficiary survives the retiree  
128 but dies before receiving the remainder of such one hundred twenty monthly payments, the  
129 present value of the remaining annuity payments shall be paid as provided under subsection 3  
130 of section 104.620.

131       Option 4. A retiree's life annuity shall be reduced to eighty-six percent of the annuity  
132 otherwise payable. If the retiree dies before having received one hundred eighty monthly  
133 payments, the reduced annuity shall be continued for the remainder of the one hundred  
134 eighty-month period to the retiree's designated beneficiary provided that if there is no beneficiary  
135 surviving the retiree, the present value of the remaining annuity payments shall be paid as  
136 provided under subsection 3 of section 104.620. If the beneficiary survives the retiree but dies  
137 before receiving the remainder of such one hundred eighty monthly payments, the present value  
138 of the remaining annuity payments shall be paid as provided under subsection 3 of section  
139 104.620.

140       11. The provisions of subsection 6 of section 104.1024 shall not apply to members  
141 covered by this section.

105.915. 1. The board of trustees of the Missouri state employees' retirement system  
2 shall administer the deferred compensation fund for the employees of the state of Missouri that  
3 was previously administered by the deferred compensation commission, as established in section  
4 105.910, prior to August 28, 2007. The board shall be vested with the same powers that it has  
5 under chapter 104 to enable it and its officers, employees, and agents to administer the fund  
6 under sections 105.900 to 105.927.

7       2. Except as provided in this subsection, participation in such plan shall be by a specific  
8 written agreement between state employees and the state, which shall provide for the deferral of  
9 such amounts of compensation as requested by the employee subject to any limitations imposed  
10 under federal law. Participating employees must authorize that such deferrals be made from their  
11 wages for the purpose of participation in such program. An election to defer compensation shall  
12 be made before the beginning of the month in which the compensation is paid. Contributions  
13 shall be made for payroll periods occurring on or after the first day of the month after the election  
14 is made. Each employee eligible to participate in the plan hired on or after July 1, 2012, shall

15 be enrolled in the plan automatically and his or her employer shall, in accordance with the plan  
16 document, withhold and contribute to the plan an amount equal to one percent of eligible  
17 compensation received on and after the date of hire, unless the employee elects not to participate  
18 in the plan within the first thirty days of employment, and in that event, any amounts contributed  
19 and earnings thereon will be refunded by the plan to the employee pursuant to the procedure  
20 contained in the plan documents. Employees who are employed by a state college or university  
21 shall not be automatically enrolled but may elect to participate in the plan and make  
22 contributions in accordance with the terms of the plan. Employees who are enrolled  
23 automatically may elect to change the contribution rate in accordance with the terms of the plan.  
24 Employees who elect not to participate in the plan may at a later date elect to participate in the  
25 plan and make contributions in accordance with the terms of the plan. All assets and income of  
26 such fund shall be held in trust by the board for the exclusive benefit of participants and their  
27 beneficiaries. Assets of such trust, and the trust established pursuant to section 105.927, may  
28 be pooled solely for investment management purposes with assets of the trust established under  
29 section 104.320.

30 3. Notwithstanding any other provision of sections 105.900 to 105.927, funds held for  
31 the state by the board in accordance with written deferred compensation agreements between the  
32 state and participating employees may be invested in such investments as are deemed appropriate  
33 by the board. All administrative costs of the program described in this section, including staffing  
34 and overhead expenses, may be paid out of assets of the fund, which may reduce the amount due  
35 participants in the fund. Such investments shall not be construed to be a prohibited use of the  
36 general assets of the state.

37 4. Investments offered under the deferred compensation fund for the employees of the  
38 state of Missouri shall be made available at the discretion of the board.

39 5. The board and employees of the Missouri state employees' retirement system shall be  
40 immune from suit and shall not be subject to any claim or liability associated with any  
41 administrative actions or decisions made by the commission with regard to the deferred  
42 compensation program prior to the transfer made to the board under section 105.910.

43 6. The board and employees of the system shall not be liable for the investment decisions  
44 made or not made by participating employees as long as the board acts with the same skill,  
45 prudence, and diligence in the selection and monitoring of providers of investment products,  
46 education, advice, or any default investment option, under the circumstances then prevailing that  
47 a prudent person acting in a similar capacity and familiar with those matters would use in the  
48 conduct of a similar enterprise with similar aims.

49           7. The system shall be immune from suit and shall not be subject to any claim or liability  
50 associated with the administration of the deferred compensation fund by the board and  
51 employees of the system.

52           8. Beginning on or after September 1, 2011, if a participant under the deferred  
53 compensation plan or the plan established under section 105.927 is ~~[married]~~ **a party to a**  
54 **contract of domestic union** on the date of his or her death, the participant's surviving spouse  
55 shall be automatically designated as the primary beneficiary under both plans, unless the  
56 surviving spouse consented in writing, witnessed by a notary public, to allow the participant to  
57 designate a nonspouse beneficiary. As used in this subsection, "surviving spouse" means the  
58 spouse as defined pursuant to section 104.012 ~~[to]~~ **with** whom the participant is lawfully  
59 ~~[married]~~ **a party to a contract of domestic union** on the date of death of the participant,  
60 provided that a former spouse shall be treated as the surviving spouse of the participant to the  
61 extent provided under a judgment, decree, or order that relates to child support, alimony  
62 payments, or ~~[marital]~~ **domestic union** property rights made under Missouri domestic relations  
63 law that creates or recognizes the existence of such former spouse's right to receive all or a  
64 portion expressed as a stated dollar amount or specific percentage stated in integers of the  
65 benefits payable from such plan upon the death of the participant. This subsection shall not  
66 apply to beneficiary designations made prior to September 1, 2011.

67           9. The board may adopt and amend plan documents to change the terms and conditions  
68 of the deferred compensation plan and the plan established under section 105.927 that are  
69 consistent with federal law.

          108.470. It shall be unlawful for any revenue bond authority, or any agent thereof, to  
2 deny a residential real estate loan to a person because of the specific geographic location of the  
3 residential real estate or to discriminate on the basis of race, color, religion, national origin,  
4 handicap, age, ~~[marital]~~ **domestic union** status, or sex, of the applicant for a residential real  
5 estate loan or the race, religion or national origin of persons living in the vicinity of the  
6 residential real estate.

          115.167. If a registered voter obtains a lawful name change, including a change because  
2 of ~~[marriage]~~ **a contract of domestic union**, the voter shall notify the election authority of such  
3 change and the election authority shall, upon notification, enter the change on the voter's  
4 registration cards. After filling in the voter's new name and transferring other necessary  
5 information from the voter's previous registration cards to a new set of cards, the election  
6 authority may send new cards to the voter for signature or may require the voter to sign new  
7 cards at the polls. If the election authority does require the voter to sign new cards, the new cards  
8 shall become the voter's official registration cards. A registered voter who obtains a lawful name  
9 change may, after notifying the election judges of the name change, vote at one election under



10 the previous name. The election judges shall notify the election authority of the voter's name  
11 change and the election authority shall enter the change on the voter's registration cards as  
12 provided for in this section.

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

2 (1) "Homestead", the dwelling in Missouri owned by the surviving spouse and not  
3 exceeding five acres of land surrounding it as is reasonably necessary for use of the dwelling as  
4 a home. As used in this section, "homestead" shall not include any dwelling which is occupied  
5 by more than two families;

6 (2) "Public safety officer", any firefighter, police officer, capitol police officer, parole  
7 officer, probation officer, correctional employee, water patrol officer, park ranger, conservation  
8 officer, commercial motor **vehicle** enforcement officer, emergency medical technician, first  
9 responder, or highway patrolman employed by the state of Missouri or a political subdivision  
10 thereof who is killed in the line of duty, unless the death was the result of the officer's own  
11 misconduct or abuse of alcohol or drugs;

12 (3) "Surviving spouse", a spouse, who has not ~~[remarried]~~ **become a party to a new**  
13 **contract of domestic union**, of a public safety officer.

14 2. For all tax years beginning on or after January 1, 2008, a surviving spouse shall be  
15 allowed a credit against the tax otherwise due under chapter 143, excluding withholding tax  
16 imposed by sections 143.191 to 143.265, in an amount equal to the total amount of the property  
17 taxes on the surviving spouse's homestead paid during the tax year for which the credit is  
18 claimed. A surviving spouse may claim the credit authorized under this section for each tax year  
19 beginning the year of death of the public safety officer spouse until the tax year in which the  
20 surviving spouse ~~[remarries]~~ **becomes a party to a new contract of domestic union**. No credit  
21 shall be allowed for the tax year in which the surviving spouse ~~[remarries]~~ **becomes a party to**  
22 **a contract of domestic union**. If the amount allowable as a credit exceeds the income tax  
23 reduced by other credits, then the excess shall be considered an overpayment of the income tax.

24 3. The department of revenue shall promulgate rules to implement the provisions of this  
25 section.

26 4. Any rule or portion of a rule, as that term is defined in section 536.010, that is created  
27 under the authority delegated in this section shall become effective only if it complies with and  
28 is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section  
29 and chapter 536 are nonseverable and if any of the powers vested with the general assembly  
30 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule  
31 are subsequently held unconstitutional, then the grant of rulemaking authority and any rule  
32 proposed or adopted after August 28, 2007, shall be invalid and void.

33 5. Pursuant to section 23.253 of the Missouri sunset act:

34 (1) The program authorized under this section shall expire on December 31, 2019, unless  
35 reauthorized by the general assembly; and

36 (2) This section shall terminate on September first of the calendar year immediately  
37 following the calendar year in which the program authorized under this section is sunset; and

38 (3) The provisions of this subsection shall not be construed to limit or in any way impair  
39 the department's ability to redeem tax credits authorized on or before the date the program  
40 authorized under this section expires or a taxpayer's ability to redeem such tax credits.

135.096. 1. In order to promote personal financial responsibility for long-term health  
2 care in this state, for all taxable years beginning after December 31, 1999, a resident individual  
3 may deduct from such individual's Missouri taxable income an amount equal to fifty percent of  
4 all nonreimbursed amounts paid by such individual for qualified long-term care insurance  
5 premiums to the extent such amounts are not included in the individual's itemized deductions.  
6 For all taxable years beginning after December 31, 2006, a resident individual may deduct from  
7 each individual's Missouri taxable income an amount equal to one hundred percent of all  
8 nonreimbursed amounts paid by such individuals for qualified long-term care insurance  
9 premiums to the extent such amounts are not included in the individual's itemized deductions.  
10 A ~~married individual~~ **party to a contract of domestic union** filing a Missouri income tax  
11 return separately from his or her spouse shall be allowed to make a deduction pursuant to this  
12 section in an amount equal to the proportion of such individual's payment of all qualified  
13 long-term care insurance premiums. The director of the department of revenue shall place a line  
14 on all Missouri individual income tax returns for the deduction created by this section.

15 2. For purposes of this section, "qualified long-term care insurance" means any policy  
16 which meets or exceeds the provisions of sections 376.1100 to 376.1118 and the rules and  
17 regulations promulgated pursuant to such sections for long-term care insurance.

18 3. Notwithstanding any other provision of law to the contrary, two or more insurers  
19 issuing a qualified long-term care insurance policy shall not act in concert with each other and  
20 with others with respect to any matters pertaining to the making of rates or rating systems.

137.106. 1. This section ~~may~~ **shall** be known and may be cited as "The Missouri  
2 Homestead Preservation Act".

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

4 (1) "Department", the department of revenue;

5 (2) "Director", the director of revenue;

6 (3) "Disabled", as such term is defined in section 135.010;

7 (4) "Eligible owner", any individual owner of property who is sixty-five years old or  
8 older as of January first of the tax year in which the individual is claiming the credit or who is

9 disabled, and who had an income of equal to or less than the maximum upper limit in the year  
10 prior to completing an application pursuant to this section; or

11 (a) In the case of ~~[a married couple]~~ **parties to a contract of domestic union** owning  
12 property either jointly or as tenants by the entirety, or where only one spouse owns the property,  
13 such couple shall be considered an eligible taxpayer if both spouses have reached the age of  
14 sixty-five or if one spouse is disabled, or if one spouse is at least sixty-five years old and the  
15 other spouse is at least sixty years old, and the combined income of the couple in the year prior  
16 to completing an application pursuant to this section did not exceed the maximum upper limit;  
17 or

18 (b) In the case of joint ownership by ~~[unmarried]~~ persons **who are not parties to a**  
19 **contract of domestic union** or ownership by tenancy in common by two or more ~~[unmarried]~~  
20 persons **who are not parties to a contract of domestic union**, such owners shall be considered  
21 an eligible owner if each person with an ownership interest individually satisfies the eligibility  
22 requirements for an individual eligible owner under this section and the combined income of all  
23 individuals with an interest in the property is equal to or less than the maximum upper limit in  
24 the year prior to completing an application under this section. If any individual with an  
25 ownership interest in the property fails to satisfy the eligibility requirements of an individual  
26 eligible owner or if the combined income of all individuals with interest in the property exceeds  
27 the maximum upper limit, then all individuals with an ownership interest in such property shall  
28 be deemed ineligible owners regardless of such other individual's ability to individually meet the  
29 eligibility requirements; or

30 (c) In the case of property held in trust, the eligible owner and recipient of the tax credit  
31 shall be the trust itself provided the previous owner of the homestead or the previous owner's  
32 spouse: is the settlor of the trust with respect to the homestead; currently resides in such  
33 homestead; and but for the transfer of such property would have satisfied the age, ownership, and  
34 maximum upper limit requirements for income as defined in subdivisions (7) and (8) of this  
35 subsection; No individual shall be an eligible owner if the individual has not paid their property  
36 tax liability, if any, in full by the payment due date in any of the three prior tax years, except that  
37 a late payment of a property tax liability in any prior year shall not disqualify a potential eligible  
38 owner if such owner paid in full the tax liability and any and all penalties, additions and interest  
39 that arose as a result of such late payment; no individual shall be an eligible owner if such person  
40 filed a valid claim for the senior citizens property tax relief credit pursuant to sections 135.010  
41 to 135.035;

42 (5) "Homestead", as such term is defined pursuant to section 135.010, except as limited  
43 by provisions of this section to the contrary. No property shall be considered a homestead if such  
44 property was improved since the most recent annual assessment by more than five percent of the

45 prior year appraised value, except where an eligible owner of the property has made such  
46 improvements to accommodate a disabled person;

47 (6) "Homestead exemption limit", a percentage increase, rounded to the nearest  
48 hundredth of a percent, which shall be equal to the percentage increase to tax liability, not  
49 including improvements, of a homestead from one tax year to the next that exceeds a certain  
50 percentage set pursuant to subsection 10 of this section. For applications filed in 2005 or 2006,  
51 the homestead exemption limit shall be based on the increase to tax liability from 2004 to 2005.  
52 For applications filed between April 1, 2005, and September 30, 2006, an eligible owner, who  
53 otherwise satisfied the requirements of this section, shall not apply for the homestead exemption  
54 credit more than once during such period. For applications filed after 2006, the homestead  
55 exemption limit shall be based on the increase to tax liability from two years prior to application  
56 to the year immediately prior to application. For applications filed between December 31, 2008,  
57 and December 31, 2011, the homestead exemption limit shall be based on the increase in tax  
58 liability from the base year to the year prior to the application year. For applications filed on or  
59 after January 1, 2012, the homestead exemption limit shall be based on the increase to tax  
60 liability from two years prior to application to the year immediately prior to application. For  
61 purposes of this subdivision, the term "base year" means the year prior to the first year in which  
62 the eligible owner's application was approved, or 2006, whichever is later;

63 (7) "Income", federal adjusted gross income, and in the case of ownership of the  
64 homestead by trust, the income of the settlor applicant shall be imputed to the income of the trust  
65 for purposes of determining eligibility with regards to the maximum upper limit;

66 (8) "Maximum upper limit", in the calendar year 2005, the income sum of seventy  
67 thousand dollars; in each successive calendar year this amount shall be raised by the incremental  
68 increase in the general price level, as defined pursuant to article X, section 17 of the Missouri  
69 Constitution.

70 3. Pursuant to article X, section 6(a) of the Constitution of Missouri, if in the prior tax  
71 year, the property tax liability on any parcel of subclass (1) real property increased by more than  
72 the homestead exemption limit, without regard for any prior credit received due to the provisions  
73 of this section, then any eligible owner of the property shall receive a homestead exemption  
74 credit to be applied in the current tax year property tax liability to offset the prior year increase  
75 to tax liability that exceeds the homestead exemption limit, except as eligibility for the credit is  
76 limited by the provisions of this section. The amount of the credit shall be listed separately on  
77 each taxpayer's tax bill for the current tax year, or on a document enclosed with the taxpayer's  
78 bill. The homestead exemption credit shall not affect the process of setting the tax rate as  
79 required pursuant to article X, section 22 of the Constitution of Missouri and section 137.073 in  
80 any prior, current, or subsequent tax year.

81           4. If application is made in 2005, any potential eligible owner may apply for the  
82 homestead exemption credit by completing an application through their local assessor's office.  
83 Applications may be completed between April first and September thirtieth of any tax year in  
84 order for the taxpayer to be eligible for the homestead exemption credit in the tax year next  
85 following the calendar year in which the homestead exemption credit application was completed.  
86 The application shall be on forms provided to the assessor's office by the department. Forms also  
87 shall be made available on the department's internet site and at all permanent branch offices and  
88 all full-time, temporary, or fee offices maintained by the department of revenue.

89 The applicant shall attest under penalty of perjury:

90           (1) To the applicant's age;

91           (2) That the applicant's prior year income was less than the maximum upper limit;

92           (3) To the address of the homestead property; and

93           (4) That any improvements made to the homestead, not made to accommodate a disabled  
94 person, did not total more than five percent of the prior year appraised value. The applicant shall  
95 also include with the application copies of receipts indicating payment of property tax by the  
96 applicant for the homestead property for the two prior tax years.

97           5. If application is made in 2005, the assessor, upon request for an application, shall:

98           (1) Certify the parcel number and owner of record as of January first of the homestead,  
99 including verification of the acreage classified as residential on the assessor's property record  
100 card;

101           (2) Obtain appropriate prior tax year levy codes for each homestead from the county  
102 clerks for inclusion on the form;

103           (3) Record on the application the assessed valuation of the homestead for the current tax  
104 year, and any new construction or improvements for the current tax year; and

105           (4) Sign the application, certifying the accuracy of the assessor's entries.

106           6. If application is made after 2005, any potential eligible owner may apply for the  
107 homestead exemption credit by completing an application. Applications may be completed  
108 between April first and October fifteenth of any tax year in order for the taxpayer to be eligible  
109 for the homestead exemption credit in the tax year next following the calendar year in which the  
110 homestead exemption credit application was completed. The application shall be on forms  
111 provided by the department. Forms also shall be made available on the department's internet site  
112 and at all permanent branch offices and all full-time, temporary, or fee offices maintained by the  
113 department of revenue. The applicant shall attest under penalty of perjury:

114           (1) To the applicant's age;

115           (2) That the applicant's prior year income was less than the maximum upper limit;

116           (3) To the address of the homestead property;

117 (4) That any improvements made to the homestead, not made to accommodate a disabled  
118 person, did not total more than five percent of the prior year appraised value; and

119 (5) The applicant shall also include with the application copies of receipts indicating  
120 payment of property tax by the applicant for the homestead property for the three prior tax years.

121 7. Each applicant shall send the application to the department by October fifteenth of  
122 each year for the taxpayer to be eligible for the homestead exemption credit in the tax year next  
123 following the calendar year in which the application was completed.

124 8. If application is made in 2005, upon receipt of the applications, the department shall  
125 calculate the tax liability, adjusted to exclude new construction or improvements, verify  
126 compliance with the maximum income limit, verify the age of the applicants, and make  
127 adjustments to these numbers as necessary on the applications. The department also shall  
128 disallow any application where the applicant has also filed a valid application for the senior  
129 citizens property tax credit, pursuant to sections 135.010 to 135.035. Once adjusted tax liability,  
130 age, and income are verified, the director shall determine eligibility for the credit, and provide  
131 a list of all verified eligible owners to the county collectors or county clerks in counties with a  
132 township form of government by December fifteenth of each year. By January fifteenth, the  
133 county collectors or county clerks in counties with a township form of government shall provide  
134 a list to the department of any verified eligible owners who failed to pay the property tax due for  
135 the tax year that ended immediately prior. Such eligible owners shall be disqualified from  
136 receiving the credit in the current tax year.

137 9. If application is made after 2005, upon receipt of the applications, the department shall  
138 calculate the tax liability, verify compliance with the maximum income limit, verify the age of  
139 the applicants, and make adjustments to these numbers as necessary on the applications. The  
140 department also shall disallow any application where the applicant also has filed a valid  
141 application for the senior citizens property tax credit under sections 135.010 to 135.035. Once  
142 adjusted tax liability, age, and income are verified, the director shall determine eligibility for the  
143 credit and provide a list of all verified eligible owners to the county assessors or county clerks  
144 in counties with a township form of government by December fifteenth of each year. By January  
145 fifteenth, the county assessors shall provide a list to the department of any verified eligible  
146 owners who made improvements not for accommodation of a disability to the homestead and the  
147 dollar amount of the assessed value of such improvements. If the dollar amount of the assessed  
148 value of such improvements totaled more than five percent of the prior year appraised value,  
149 such eligible owners shall be disqualified from receiving the credit in the current tax year.

150 10. The director shall calculate the level of appropriation necessary to set the homestead  
151 exemption limit at five percent when based on a year of general reassessment or at two and  
152 one-half percent when based on a year without general reassessment for the homesteads of all

153 verified eligible owners, and provide such calculation to the speaker of the house of  
154 representatives, the president pro tempore of the senate, and the director of the office of budget  
155 and planning in the office of administration by January thirty-first of each year.

156       11. For applications made in 2005, the general assembly shall make an appropriation for  
157 the funding of the homestead exemption credit that is signed by the governor, then the director  
158 shall, by July thirty-first of such year, set the homestead exemption limit. The limit shall be a  
159 single, statewide percentage increase to tax liability, rounded to the nearest hundredth of a  
160 percent, which, if applied to all homesteads of verified eligible owners who applied for the  
161 homestead exemption credit in the immediately prior tax year, would cause all but one-quarter  
162 of one percent of the amount of the appropriation, minus any withholding by the governor, to be  
163 distributed during that fiscal year. The remaining one-quarter of one percent shall be distributed  
164 to the county assessment funds of each county on a proportional basis, based on the number of  
165 eligible owners in each county; such one-quarter percent distribution shall be delineated in any  
166 such appropriation as a separate line item in the total appropriation. If no appropriation is made  
167 by the general assembly during any tax year or no funds are actually distributed pursuant to any  
168 appropriation therefor, then no homestead preservation credit shall apply in such year.

169       12. After setting the homestead exemption limit for applications made in 2005, the  
170 director shall apply the limit to the homestead of each verified eligible owner and calculate the  
171 credit to be associated with each verified eligible owner's homestead, if any. The director shall  
172 send a list of those eligible owners who are to receive the homestead exemption credit, including  
173 the amount of each credit, the certified parcel number of the homestead, and the address of the  
174 homestead property, to the county collectors or county clerks in counties with a township form  
175 of government by August thirty-first. Pursuant to such calculation, the director shall instruct the  
176 state treasurer as to how to distribute the appropriation and assessment fund allocation to the  
177 county collector's funds of each county or the treasurer ex officio collector's fund in counties with  
178 a township form of government where recipients of the homestead exemption credit are located,  
179 so as to exactly offset each homestead exemption credit being issued, plus the one-quarter of one  
180 percent distribution for the county assessment funds. As a result of the appropriation, in no case  
181 shall a political subdivision receive more money than it would have received absent the  
182 provisions of this section plus the one-quarter of one percent distribution for the county  
183 assessment funds. Funds, at the direction of the county collector or the treasurer ex officio  
184 collector in counties with a township form of government, shall be deposited in the county  
185 collector's fund of a county or the treasurer ex officio collector's fund or may be sent by mail to  
186 the collector of a county, or the treasurer ex officio collector in counties with a township form  
187 of government, not later than October first in any year a homestead exemption credit is  
188 appropriated as a result of this section and shall be distributed as moneys in such funds are

189 commonly distributed from other property tax revenues by the collector of the county or the  
190 treasurer ex officio collector of the county in counties with a township form of government, so  
191 as to exactly offset each homestead exemption credit being issued. In counties with a township  
192 form of government, the county clerk shall provide the treasurer ex officio collector a summary  
193 of the homestead exemption credit for each township for the purpose of distributing the total  
194 homestead exemption credit to each township collector in a particular county.

195         13. If, in any given year after 2005, the general assembly shall make an appropriation  
196 for the funding of the homestead exemption credit that is signed by the governor, then the  
197 director shall determine the apportionment percentage by equally apportioning the appropriation  
198 among all eligible applicants on a percentage basis. If no appropriation is made by the general  
199 assembly during any tax year or no funds are actually distributed pursuant to any appropriation  
200 therefor, then no homestead preservation credit shall apply in such year.

201         14. After determining the apportionment percentage, the director shall calculate the  
202 credit to be associated with each verified eligible owner's homestead, if any. The director shall  
203 send a list of those eligible owners who are to receive the homestead exemption credit, including  
204 the amount of each credit, the certified parcel number of the homestead, and the address of the  
205 homestead property, to the county collectors or county clerks in counties with a township form  
206 of government by August thirty-first. Pursuant to such calculation, the director shall instruct the  
207 state treasurer as to how to distribute the appropriation to the county collector's fund of each  
208 county where recipients of the homestead exemption credit are located, so as to exactly offset  
209 each homestead exemption credit being issued. As a result of the appropriation, in no case shall  
210 a political subdivision receive more money than it would have received absent the provisions of  
211 this section. Funds, at the direction of the collector of the county or treasurer ex officio collector  
212 in counties with a township form of government, shall be deposited in the county collector's fund  
213 of a county or may be sent by mail to the collector of a county, or treasurer ex officio collector  
214 in counties with a township form of government, not later than October first in any year a  
215 homestead exemption credit is appropriated as a result of this section and shall be distributed as  
216 moneys in such funds are commonly distributed from other property tax revenues by the collector  
217 of the county or the treasurer ex officio collector of the county in counties with a township form  
218 of government, so as to exactly offset each homestead exemption credit being issued.

219         15. The department shall promulgate rules for implementation of this section. Any rule  
220 or portion of a rule, as that term is defined in section 536.010, that is created under the authority  
221 delegated in this section shall become effective only if it complies with and is subject to all of  
222 the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536  
223 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter  
224 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held



225 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after  
226 August 28, 2004, shall be invalid and void. Any rule promulgated by the department shall in no  
227 way impact, affect, interrupt, or interfere with the performance of the required statutory duties  
228 of any county elected official, more particularly including the county collector when performing  
229 such duties as deemed necessary for the distribution of any homestead appropriation and the  
230 distribution of all other real and personal property taxes.

231 16. In the event that an eligible owner dies or transfers ownership of the property after  
232 the homestead exemption limit has been set in any given year, but prior to January first of the  
233 year in which the credit would otherwise be applied, the credit shall be void and any  
234 corresponding moneys, pursuant to subsection 12 of this section, shall lapse to the state to be  
235 credited to the general revenue fund. In the event the collector of the county or the treasurer ex  
236 officio collector of the county in counties with a township form of government determines prior  
237 to issuing the credit that the individual is not an eligible owner because the individual did not  
238 pay the prior three years' property tax liability in full, the credit shall be void and any  
239 corresponding moneys, under subsection 11 of this section, shall lapse to the state to be credited  
240 to the general revenue fund.

241 17. This section shall apply to all tax years beginning on or after January 1, 2005. This  
242 subsection shall become effective June 28, 2004.

243 18. In accordance with the provisions of sections 23.250 to 23.298 and unless otherwise  
244 authorized pursuant to section 23.253:

245 (1) Any new program authorized under the provisions of this section shall automatically  
246 sunset six years after the effective date of this section; and

247 (2) This section shall terminate on September first of the year following the year in  
248 which any new program authorized under this section is sunset, and the revisor of statutes shall  
249 designate such sections and this section in a revision bill for repeal.

143.124. 1. Other provisions of law to the contrary notwithstanding, for tax years ending  
2 on or before December 31, 2006, the total amount of all annuities, pensions, or retirement  
3 allowances above the amount of six thousand dollars annually provided by any law of this state,  
4 the United States, or any other state to any person except as provided in subsection 4 of this  
5 section, shall be subject to tax pursuant to the provisions of this chapter, in the same manner, to  
6 the same extent and under the same conditions as any other taxable income received by the  
7 person receiving it. For purposes of this section, "annuity, pension, retirement benefit, or  
8 retirement allowance" shall be defined as an annuity, pension or retirement allowance provided  
9 by the United States, this state, any other state or any political subdivision or agency or  
10 institution of this or any other state. For all tax years beginning on or after January 1, 1998, for  
11 purposes of this section, annuity, pension or retirement allowance shall be defined to include

12 401(k) plans, deferred compensation plans, self-employed retirement plans, also known as Keogh  
13 plans, annuities from a defined pension plan and individual retirement arrangements, also known  
14 as IRAs, as described in the Internal Revenue Code, but not including Roth IRAs, as well as an  
15 annuity, pension or retirement allowance provided by the United States, this state, any other state  
16 or any political subdivision or agency or institution of this or any other state. An individual  
17 taxpayer shall only be allowed a maximum deduction equal to the amounts provided under this  
18 section for each taxpayer on the combined return.

19 2. For the period beginning July 1, 1989, and ending December 31, 1989, there shall be  
20 subtracted from Missouri adjusted gross income for that period, determined pursuant to section  
21 143.121, the first three thousand dollars of retirement benefits received by each taxpayer:

22 (1) If the taxpayer's filing status is single, head of household or qualifying widow(er) and  
23 the taxpayer's Missouri adjusted gross income is less than twelve thousand five hundred dollars;  
24 or

25 (2) If the taxpayer's filing status is married filing combined and their combined Missouri  
26 adjusted gross income is less than sixteen thousand dollars; or

27 (3) If the taxpayer's filing status is married filing separately and the taxpayer's Missouri  
28 adjusted gross income is less than eight thousand dollars.

29 3. For the tax years beginning on or after January 1, 1990, but ending on or before  
30 December 31, 2006, there shall be subtracted from Missouri adjusted gross income, determined  
31 pursuant to section 143.121, a maximum of the first six thousand dollars of retirement benefits  
32 received by each taxpayer from sources other than privately funded sources, and for tax years  
33 beginning on or after January 1, 1998, there shall be subtracted from Missouri adjusted gross  
34 income, determined pursuant to section 143.121, a maximum of the first one thousand dollars  
35 of any retirement allowance received from any privately funded source for tax years beginning  
36 on or after January 1, 1998, but before January 1, 1999, and a maximum of the first three  
37 thousand dollars of any retirement allowance received from any privately funded source for tax  
38 years beginning on or after January 1, 1999, but before January 1, 2000, and a maximum of the  
39 first four thousand dollars of any retirement allowance received from any privately funded source  
40 for tax years beginning on or after January 1, 2000, but before January 1, 2001, and a maximum  
41 of the first five thousand dollars of any retirement allowance received from any privately funded  
42 source for tax years beginning on or after January 1, 2001, but before January 1, 2002, and a  
43 maximum of the first six thousand dollars of any retirement allowance received from any  
44 privately funded sources for tax years beginning on or after January 1, 2002. A taxpayer shall  
45 be entitled to the maximum exemption provided by this subsection:

46 (1) If the taxpayer's filing status is single, head of household or qualifying widow(er) and  
47 the taxpayer's Missouri adjusted gross income is less than twenty-five thousand dollars; or

48           (2) If the taxpayer's filing status is ~~[married]~~ **domestic union** filing combined and their  
49 combined Missouri adjusted gross income is less than thirty-two thousand dollars; or

50           (3) If the taxpayer's filing status is ~~[married]~~ **domestic union** filing separately and the  
51 taxpayer's Missouri adjusted gross income is less than sixteen thousand dollars.

52           4. If a taxpayer's adjusted gross income exceeds the adjusted gross income ceiling for  
53 such taxpayer's filing status, as provided in subdivisions (1), (2) and (3) of subsection 3 of this  
54 section, such taxpayer shall be entitled to an exemption equal to the greater of zero or the  
55 maximum exemption provided in subsection 3 of this section reduced by one dollar for every  
56 dollar such taxpayer's income exceeds the ceiling for his or her filing status.

57           5. For purposes of this subsection, the term "maximum Social Security benefit available"  
58 shall mean thirty-two thousand five hundred dollars for the tax year beginning on or after January  
59 1, 2007, and for each subsequent tax year such amount shall be increased by the percentage  
60 increase in the Consumer Price Index for All Urban Consumers, or its successor index, as such  
61 index is defined and officially reported by the United States Department of Labor, or its  
62 successor agency. For the tax year beginning on or after January 1, 2007, but ending on or  
63 before December 31, 2007, there shall be subtracted from Missouri adjusted gross income,  
64 determined pursuant to section 143.121, a maximum of an amount equal to the greater of: six  
65 thousand dollars in retirement benefits received from sources other than privately funded  
66 sources, to the extent such benefits are included in the taxpayer's federal adjusted gross income;  
67 or twenty percent of the retirement benefits received from sources other than privately funded  
68 sources in the tax year, but not to exceed the maximum Social Security benefit available for such  
69 tax year. For the tax year beginning on or after January 1, 2008, but ending on or before  
70 December 31, 2008, there shall be subtracted from Missouri adjusted gross income, determined  
71 pursuant to section 143.121, a maximum of an amount equal to the greater of: six thousand  
72 dollars in retirement benefits received from sources other than privately funded sources, to the  
73 extent such benefits are included in the taxpayer's federal adjusted gross income; or thirty-five  
74 percent of the retirement benefits received from sources other than privately funded sources in  
75 the tax year, but not to exceed the maximum Social Security benefit available for such tax year.  
76 For the tax year beginning on or after January 1, 2009, but ending on or before December 31,  
77 2009, there shall be subtracted from Missouri adjusted gross income, determined pursuant to  
78 section 143.121, a maximum of an amount equal to the greater of: six thousand dollars in  
79 retirement benefits received from sources other than privately funded sources, to the extent such  
80 benefits are included in the taxpayer's federal adjusted gross income; or fifty percent of the  
81 retirement benefits received from sources other than privately funded sources in the tax year, but  
82 not to exceed the maximum Social Security benefit available for such tax year. For the tax year  
83 beginning on or after January 1, 2010, but ending on or before December 31, 2010, there shall

84 be subtracted from Missouri adjusted gross income, determined pursuant to section 143.121, a  
85 maximum of an amount equal to the greater of: six thousand dollars in retirement benefits  
86 received from sources other than privately funded sources, to the extent such benefits are  
87 included in the taxpayer's federal adjusted gross income; or sixty-five percent of the retirement  
88 benefits received from sources other than privately funded sources in the tax year, but not to  
89 exceed the maximum Social Security benefit available for such tax year. For the tax year  
90 beginning on or after January 1, 2011, but ending on or before December 31, 2011, there shall  
91 be subtracted from Missouri adjusted gross income, determined pursuant to section 143.121, a  
92 maximum of an amount equal to the greater of: six thousand dollars in retirement benefits  
93 received from sources other than privately funded sources, to the extent such benefits are  
94 included in the taxpayer's federal adjusted gross income; or eighty percent of the retirement  
95 benefits received from sources other than privately funded sources in the tax year, but not to  
96 exceed the maximum Social Security benefit available for such tax year. For all tax years  
97 beginning on or after January 1, 2012, there shall be subtracted from Missouri adjusted gross  
98 income, determined pursuant to section 143.121, a maximum of an amount equal to one hundred  
99 percent of the retirement benefits received from sources other than privately funded sources in  
100 the tax year, but not to exceed the maximum Social Security benefit available for such tax year.

101 A taxpayer shall be entitled to the maximum exemption provided by this subsection:

102 (1) If the taxpayer's filing status is ~~married~~ **domestic union** filing combined, and their  
103 combined Missouri adjusted gross income is equal to or less than one hundred thousand dollars;  
104 or

105 (2) If the taxpayer's filing status is single, head of household, qualifying widow(er), or  
106 ~~married~~ **domestic union** filing separately, and the taxpayer's Missouri adjusted gross income  
107 is equal to or less than eighty-five thousand dollars.

108 6. If a taxpayer's adjusted gross income exceeds the adjusted gross income ceiling for  
109 such taxpayer's filing status, as provided in subdivisions (1) and (2) of subsection 5 of this  
110 section, such taxpayer shall be entitled to an exemption, less any applicable reduction provided  
111 under subsection 7 of this section, equal to the greater of zero or the maximum exemption  
112 provided in subsection 5 of this section reduced by one dollar for every dollar such taxpayer's  
113 income exceeds the ceiling for his or her filing status.

114 7. For purposes of calculating the subtraction provided in subsection 5 of this section,  
115 such subtraction shall be decreased by an amount equal to any Social Security benefit exemption  
116 provided under section 143.125.

117 8. For purposes of this section, any Social Security benefits otherwise included in  
118 Missouri adjusted gross income shall be subtracted; but Social Security benefits shall not be

119 subtracted for purposes of other computations pursuant to this chapter, and are not to be  
120 considered as retirement benefits for purposes of this section.

121         9. The provisions of subdivisions (1) and (2) of subsection 3 of this section shall apply  
122 during all tax years in which the federal Internal Revenue Code provides exemption levels for  
123 calculation of the taxability of Social Security benefits that are the same as the levels in  
124 subdivisions (1) and (2) of subsection 3 of this section. If the exemption levels for the  
125 calculation of the taxability of Social Security benefits are adjusted by applicable federal law or  
126 regulation, the exemption levels in subdivisions (1) and (2) of subsection 3 of this section shall  
127 be accordingly adjusted to the same exemption levels.

128         10. The portion of a taxpayer's lump sum distribution from an annuity or other retirement  
129 plan not otherwise included in Missouri adjusted gross income as calculated pursuant to this  
130 chapter but subject to taxation under Internal Revenue Code Section 402 shall be taxed in an  
131 amount equal to ten percent of the taxpayer's federal liability on such distribution for the same  
132 tax year.

133         11. For purposes of this section, retirement benefits received shall not include any  
134 withdrawals from qualified retirement plans which are subsequently rolled over into another  
135 retirement plan.

136         12. The exemptions provided for in this section shall not affect the calculation of the  
137 income to be used to determine the property tax credit provided in sections 135.010 to 135.035.

138         13. The exemptions provided for in this section shall apply to any annuity, pension, or  
139 retirement allowance as defined in subsection 1 of this section to the extent that such amounts  
140 are included in the taxpayer's federal adjusted gross income and not otherwise deducted from the  
141 taxpayer's federal adjusted gross income in the calculation of Missouri taxable income. This  
142 subsection shall not apply to any individual who qualifies under federal guidelines to be one  
143 hundred percent disabled.

144         14. In addition to all other subtractions authorized in this section, for all tax years  
145 beginning on or after January 1, 2010, there shall be subtracted from Missouri adjusted gross  
146 income, determined under section 143.121, any retirement benefits received by any taxpayer as  
147 a result of the taxpayer's service in the Armed Forces of the United States, including reserve  
148 components and the National Guard of this state, as defined in Sections 101(3) and 109 of Title  
149 32, United States Code, and any other military force organized under the laws of this state, to the  
150 extent such benefits are included in the taxpayer's federal adjusted gross income and not  
151 otherwise deducted from the taxpayer's federal adjusted gross income in the calculation of  
152 Missouri taxable income. Such retirement benefits shall be subtracted as provided in the  
153 following schedule:

- 154           (1) For the tax year beginning on January 1, 2010, fifteen percent of such retirement  
155 benefits;  
156           (2) For the tax year beginning on January 1, 2011, thirty percent of such retirement  
157 benefits;  
158           (3) For the tax year beginning on January 1, 2012, forty-five percent of such retirement  
159 benefits;  
160           (4) For the tax year beginning on January 1, 2013, sixty percent of such retirement  
161 benefits;  
162           (5) For the tax year beginning on January 1, 2014, seventy-five percent of such  
163 retirement benefits;  
164           (6) For the tax year beginning on January 1, 2015, ninety percent of such retirement  
165 benefits;  
166           (7) For tax years beginning on or after January 1, 2016, one hundred percent of such  
167 retirement benefits.

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

- 2           (1) "Benefits", any Social Security benefits received by a taxpayer age sixty-two years  
3 of age and older, or Social Security disability benefits;  
4           (2) "Taxpayer", any resident individual.

5           2. For the taxable year beginning on or after January 1, 2007, any taxpayer shall be  
6 allowed to subtract from the taxpayer's Missouri adjusted gross income to determine Missouri  
7 taxable income a maximum of an amount equal to twenty percent of the amount of any benefits  
8 received by the taxpayer and that are included in federal adjusted gross income under Section 86  
9 of the Internal Revenue Code of 1986, as amended. For the taxable year beginning on or after  
10 January 1, 2008, any taxpayer shall be allowed to subtract from the taxpayer's Missouri adjusted  
11 gross income to determine Missouri taxable income a maximum of an amount equal to thirty-five  
12 percent of the amount of any benefits received by the taxpayer and that are included in federal  
13 adjusted gross income under Section 86 of the Internal Revenue Code of 1986, as amended. For  
14 the taxable year beginning on or after January 1, 2009, any taxpayer shall be allowed to subtract  
15 from the taxpayer's Missouri adjusted gross income to determine Missouri taxable income a  
16 maximum of an amount equal to fifty percent of the amount of any benefits received by the  
17 taxpayer and that are included in federal adjusted gross income under Section 86 of the Internal  
18 Revenue Code of 1986, as amended. For the taxable year beginning on or after January 1, 2010,  
19 any taxpayer shall be allowed to subtract from the taxpayer's Missouri adjusted gross income to  
20 determine Missouri taxable income a maximum of an amount equal to sixty-five percent of the  
21 amount of any benefits received by the taxpayer and that are included in federal adjusted gross  
22 income under Section 86 of the Internal Revenue Code of 1986, as amended. For the taxable

23 year beginning on or after January 1, 2011, any taxpayer shall be allowed to subtract from the  
24 taxpayer's Missouri adjusted gross income to determine Missouri taxable income a maximum  
25 of an amount equal to eighty percent of the amount of any benefits received by the taxpayer and  
26 that are included in federal adjusted gross income under Section 86 of the Internal Revenue Code  
27 of 1986, as amended. For all taxable years beginning on or after January 1, 2012, any taxpayer  
28 shall be allowed to subtract from the taxpayer's Missouri adjusted gross income to determine  
29 Missouri taxable income a maximum of an amount equal to one hundred percent of the amount  
30 of any benefits received by the taxpayer and that are included in federal adjusted gross income  
31 under Section 86 of the Internal Revenue Code of 1986, as amended. A taxpayer shall be entitled  
32 to the maximum exemption provided by this subsection:

33 (1) If the taxpayer's filing status is ~~married~~ **domestic union** filing combined, and their  
34 combined Missouri adjusted gross income is equal to or less than one hundred thousand dollars;  
35 or

36 (2) If the taxpayer's filing status is single, head of household, qualifying widow(er), or  
37 ~~married~~ **domestic union** filing separately, and the taxpayer's Missouri adjusted gross income  
38 is equal to or less than eighty-five thousand dollars.

39 3. If a taxpayer's adjusted gross income exceeds the adjusted gross income ceiling for  
40 such taxpayer's filing status, as provided in subdivisions (1) and (2) of subsection 2 of this  
41 section, such taxpayer shall be entitled to an exemption equal to the greater of zero or the  
42 maximum exemption provided in subsection 2 of this section reduced by one dollar for every  
43 dollar such taxpayer's income exceeds the ceiling for his or her filing status.

44 4. The director of the department of revenue may promulgate rules to implement the  
45 provisions of this section. Any rule or portion of a rule, as that term is defined in section  
46 536.010, that is created under the authority delegated in this section shall become effective only  
47 if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section  
48 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the  
49 general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove  
50 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority  
51 and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

143.161. 1. For all taxable years beginning after December 31, 1997, a resident may  
2 deduct one thousand two hundred dollars for each dependent for whom such resident is entitled  
3 to a dependency exemption deduction for federal income tax purposes. In the case of a  
4 dependent who has attained sixty-five years of age on or before the last day of the taxable year,  
5 if such dependent resides in the taxpayer's home or the dependent's own home or if such  
6 dependent does not receive Medicaid or state funding while residing in a facility licensed  
7 pursuant to chapter 198, the taxpayer may deduct an additional one thousand dollars.

8           2. For all taxable years beginning on or after January 1, 1999, a resident who qualifies  
9 as ~~[an unmarried]~~ a head of household **who is not a party to a contract of domestic union** or  
10 as a surviving spouse for federal income tax purposes may deduct an additional one thousand  
11 four hundred dollars.

12           3. For all taxable years beginning on or after January 1, 2015, for each birth for which  
13 a certificate of birth resulting in stillbirth has been issued under section 193.165, a taxpayer may  
14 claim the exemption under subsection 1 of this section only in the taxable year in which the  
15 stillbirth occurred, if the child otherwise would have been a member of the taxpayer's household.

166.435. 1. Notwithstanding any law to the contrary, the assets of the savings program  
2 held by the board, the assets of any deposit program authorized in section 166.500, and the assets  
3 of any qualified tuition savings program established pursuant to Section 529 of the Internal  
4 Revenue Code and any income therefrom shall be exempt from all taxation by the state or any  
5 of its political subdivisions. Income earned or received from the savings program, deposit, or  
6 other qualified tuition savings programs established under Section 529 of the Internal Revenue  
7 Code ~~[program]~~, or refunds of qualified higher education expenses received by a beneficiary  
8 from an eligible educational institution in connection with withdrawal from enrollment at such  
9 institution which are contributed within sixty days of withdrawal to a qualified tuition savings  
10 program of which such individual is a beneficiary shall not be subject to state income tax  
11 imposed pursuant to chapter 143 and shall be eligible for any benefits provided in accordance  
12 with Section 529 of the Internal Revenue Code. The exemption from taxation pursuant to this  
13 section shall apply only to assets and income maintained, accrued, or expended pursuant to the  
14 requirements of the savings program established pursuant to sections 166.400 to 166.455, the  
15 deposit program established pursuant to sections 166.500 to 166.529, and other qualified tuition  
16 savings programs established under Section 529 of the Internal Revenue Code, and no exemption  
17 shall apply to assets and income expended for any other purposes. Annual contributions made  
18 to the savings program held by the board, the deposit program, and any qualified tuition savings  
19 program established under Section 529 of the Internal Revenue Code up to and including eight  
20 thousand dollars per participating taxpayer, and up to sixteen thousand dollars for ~~[married~~  
21 ~~individuals]~~ **parties to a contract of domestic union** filing a joint tax return, shall be subtracted  
22 in determining Missouri adjusted gross income pursuant to section 143.121.

23           2. If any deductible contributions to or earnings from any such program referred to in this  
24 section are distributed and not used to pay qualified higher education expenses or are not held  
25 for the minimum length of time established by the appropriate Missouri board, the amount so  
26 distributed shall be added to the Missouri adjusted gross income of the participant, or, if the  
27 participant is not living, the beneficiary.



28           3. The provisions of this section shall apply to tax years beginning on or after January  
29 1, 2008, and the provisions of this section with regard to sections 166.500 to 166.529 shall apply  
30 to tax years beginning on or after January 1, 2004.

31           4. The repeal and reenactment of this section shall become effective only upon  
32 notification by the State Treasurer to the Revisor of Statutes of the passage of H.R. 529 of the  
33 114th United States Congress.

          166.435. 1. Notwithstanding any law to the contrary, the assets of the savings program  
2 held by the board, the assets of any deposit program authorized in section 166.500, and the assets  
3 of any qualified tuition savings program established pursuant to Section 529 of the Internal  
4 Revenue Code and any income therefrom shall be exempt from all taxation by the state or any  
5 of its political subdivisions. Income earned or received from the savings program, deposit, or  
6 other qualified tuition savings programs established under Section 529 of the Internal Revenue  
7 Code ~~[program]~~ shall not be subject to state income tax imposed pursuant to chapter 143 and  
8 shall be eligible for any benefits provided in accordance with Section 529 of the Internal  
9 Revenue Code. The exemption from taxation pursuant to this section shall apply only to assets  
10 and income maintained, accrued, or expended pursuant to the requirements of the savings  
11 program established pursuant to sections 166.400 to 166.455, the deposit program established  
12 pursuant to sections 166.500 to 166.529, and other qualified tuition savings programs established  
13 under Section 529 of the Internal Revenue Code, and no exemption shall apply to assets and  
14 income expended for any other purposes. Annual contributions made to the savings program  
15 held by the board, the deposit program, and any qualified tuition savings program established  
16 under Section 529 of the Internal Revenue Code up to and including eight thousand dollars per  
17 participating taxpayer, and up to sixteen thousand dollars for ~~[married individuals]~~ **parties to a**  
18 **contract of domestic union** filing a joint tax return, shall be subtracted in determining Missouri  
19 adjusted gross income pursuant to section 143.121.

20           2. If any deductible contributions to or earnings from any such program referred to in this  
21 section are distributed and not used to pay qualified higher education expenses or are not held  
22 for the minimum length of time established by the appropriate Missouri board, the amount so  
23 distributed shall be added to the Missouri adjusted gross income of the participant, or, if the  
24 participant is not living, the beneficiary.

25           3. The provisions of this section shall apply to tax years beginning on or after January  
26 1, 2008, and the provisions of this section with regard to sections 166.500 to 166.529 shall apply  
27 to tax years beginning on or after January 1, 2004.

          169.075. 1. Certain survivors specified in this section and meeting the requirements of  
2 this section may elect to forfeit any payments payable pursuant to subsection 3 or 6 of section  
3 169.070 and to receive certain other benefits described in this section upon the death of a

4 member prior to retirement, except retirement with disability benefits, whose period of creditable  
5 service in districts included in the retirement system is (1) five years or more, or (2) two years  
6 but less than five years and who dies (a) while teaching in a district included in the retirement  
7 system, or (b) as a result of an injury or sickness incurred while teaching in such a district and  
8 within one year of the commencement of such injury or sickness, or (c) while eligible for a  
9 disability retirement allowance hereunder.

10         2. Upon an election pursuant to subsection 1 of this section, a surviving spouse sixty  
11 years of age, or upon attainment of age sixty, or a surviving spouse who has been totally and  
12 permanently disabled for not less than five years immediately preceding the death of a member  
13 if designated as the sole beneficiary, and if ~~married to~~ **a party to a contract of domestic union**  
14 **with** the member at least three years, and if living with such member at the time of the member's  
15 death, shall be entitled to a monthly payment equal to twenty percent of one-twelfth of the annual  
16 salary rate on which the member contributed for the member's last full year of creditable service  
17 as a teacher in a district included in the retirement system until death or recovery prior to age  
18 sixty from the disability which qualified the spouse for the benefit, whichever first occurs;  
19 provided that the monthly payment shall not be less than five hundred seventy-five dollars or  
20 more than eight hundred sixty dollars. A surviving spouse, who is eligible for benefits pursuant  
21 to this subsection and also pursuant to subsection 3 of this section may receive benefits only  
22 pursuant to subsection 3 of this section as long as the surviving spouse remains eligible pursuant  
23 to both subsections, but shall not be disqualified for the benefit provided in this subsection  
24 because the surviving spouse may have received payments pursuant to subsection 3 of this  
25 section. Beginning August 28, 2001, a surviving spouse who otherwise meets the requirements  
26 of this subsection but who ~~remarried~~ **became a party to a new contract of domestic union**  
27 prior to August 28, 1995, shall be entitled, upon an election pursuant to subsection 1 of this  
28 section, to any remaining benefits that would otherwise have been received had the surviving  
29 spouse not ~~remarried~~ **become a party to a new contract of domestic union** before the change  
30 in law permitting ~~remarried~~ surviving spouses **who become a party to a new contract of**  
31 **domestic union** to continue receiving benefits. Such surviving spouses may, upon application,  
32 become special consultants whose benefit will be to receive the remaining benefits described in  
33 this subsection. No benefit shall be paid to such surviving spouse unless he or she files a valid  
34 application for such benefit with the retirement system postmarked on or before June 30, 2002.  
35 In no event shall any retroactive benefits be paid.

36         3. Upon an election pursuant to subsection 1 of this section, a surviving spouse, if  
37 designated as the sole beneficiary, who has in the surviving spouse's care a dependent  
38 ~~unmarried~~ child **who is not a party of a contract of domestic union**, including a stepchild or  
39 adopted child, of the deceased member, under eighteen years of age, shall be entitled to a

40 monthly payment equal to twenty percent of one-twelfth of the annual salary rate on which the  
41 member contributed for the member's last full year of creditable service as a teacher in a district  
42 included in the retirement system until the surviving spouse's death, or the first date when no  
43 such dependent ~~[unmarried]~~ child **who is not a party of a contract of domestic union** under  
44 age eighteen, or age twenty-four if the child is enrolled in school on a full-time basis, remains  
45 in the surviving spouse's care, whichever first occurs; provided that the monthly payment shall  
46 not be less than five hundred seventy-five dollars or more than eight hundred sixty dollars. In  
47 addition the surviving spouse shall be entitled to a monthly payment equal to one-half this  
48 amount, provided that the monthly payment shall not be less than three hundred dollars, for each  
49 such dependent ~~[unmarried]~~ child **who is not a party of a contract of domestic union** under  
50 eighteen years of age, or age twenty-four if the child is enrolled in school on a full-time basis,  
51 who remains in the surviving spouse's care. Further, in addition to the monthly payment to the  
52 surviving spouse as provided for in this subsection, each dependent ~~[unmarried]~~ child **who is not**  
53 **a party of a contract of domestic union** under the age of eighteen years of the deceased  
54 member not in the care of such surviving spouse shall be entitled to a monthly payment equal  
55 to one-half of the surviving spouse's monthly payment which shall be paid to the child's primary  
56 custodial parent or legal guardian; provided that the payment because of ~~[an unmarried]~~ a  
57 dependent child **who is not a party of a contract of domestic union** shall be made until the  
58 child attains age twenty-four if the child is enrolled in school on a full-time basis; provided,  
59 however, that the total of all monthly payments to the surviving spouse, primary custodial parent  
60 or legal guardian, including payments for such dependent ~~[unmarried]~~ children **who are not**  
61 **parties of a contract of domestic union**, shall in no event exceed two thousand one hundred  
62 sixty dollars, the amount of the children's share to be allocated equally as to each dependent  
63 ~~[unmarried]~~ child **who is not a party of a contract of domestic union** eligible to receive  
64 payments pursuant to this subsection.

65 4. Upon an election pursuant to subsection 1 of this section if the designated beneficiary  
66 is a dependent ~~[unmarried]~~ child **who is not a party of a contract of domestic union** as defined  
67 in this section or automatically upon the death of a surviving spouse receiving benefits pursuant  
68 to subsection 3 of this section, each surviving dependent ~~[unmarried]~~ child **who is not a party**  
69 **of a contract of domestic union**, including a stepchild or adopted child, of the deceased  
70 member, under eighteen years of age, or such a child under age twenty-four if the child is  
71 enrolled in school on a full-time basis, shall be entitled to a monthly payment equal to sixteen  
72 and two-thirds percent of one-twelfth of the annual salary rate on which the member contributed  
73 for the member's last full year of creditable service as a teacher in a district included in the  
74 retirement system until death, ~~[marriage]~~ **a contract of domestic union**, adoption, or attainment  
75 of age eighteen or age twenty-four if enrolled in school on a full-time basis, whichever first

76 occurs; provided that the monthly payment shall not be less than five hundred dollars or more  
77 than seven hundred twenty dollars, and provided further that any child of the deceased member  
78 who is disabled before attainment of age eighteen because of a physical or mental impairment  
79 which renders the child unable to engage in any substantial gainful activity and which disability  
80 continues after the child has attained age eighteen shall be entitled to a like monthly payment,  
81 until death, ~~[marriage]~~ **a contract of domestic union**, adoption, or recovery from the disability,  
82 whichever first occurs; provided, however, that the total of all monthly payments to the surviving  
83 dependent ~~[unmarried]~~ children **who are not parties to a contract of domestic union** shall in  
84 no event exceed two thousand one hundred sixty dollars.

85         5. In lieu of receiving any benefit or lump sum from the retirement system, the  
86 designated beneficiary may elect under subsection 1 of this section to direct that each surviving  
87 dependent ~~[unmarried]~~ child **who is not a party to a contract of domestic union**, including a  
88 stepchild or adopted child, of the deceased member, under eighteen years of age, or such a child  
89 under age twenty-four if the child is enrolled in school on a full-time basis, shall be entitled to  
90 a monthly payment equal to sixteen and two-thirds percent of one-twelfth of the annual salary  
91 rate on which the member contributed for the member's last full year of creditable service as a  
92 teacher in a district included in the retirement system until death, ~~[marriage]~~ **a contract of**  
93 **domestic union**, adoption, or attainment of age eighteen or age twenty-four if enrolled in school  
94 on a full-time basis, whichever first occurs; provided that the monthly payment shall not be less  
95 than five hundred dollars or more than seven hundred twenty dollars, and provided further that  
96 any child of the deceased member who is disabled before attainment of age eighteen because of  
97 a physical or mental impairment which renders the child unable to engage in any substantial  
98 gainful activity and which disability continues after the child has attained age eighteen shall be  
99 entitled to a like monthly payment, until death, ~~[marriage]~~ **a contract of a domestic union**,  
100 adoption, or recovery from the disability, whichever first occurs; provided, however, that the  
101 total of all monthly payments to the surviving dependent ~~[unmarried]~~ children **who are not**  
102 **parties to a contract of domestic union** shall in no event exceed two thousand one hundred  
103 sixty dollars.

104         6. Upon an election pursuant to subsection 1 of this section, a surviving dependent parent  
105 of the deceased member, over sixty-five years of age or upon attainment of age sixty-five if  
106 designated as the sole beneficiary, provided such dependent parent was receiving at least  
107 one-half of the parent's support from such member at the time of the member's death and  
108 provided the parent files proof of such support within two years of such death, shall be entitled  
109 to a monthly payment equal to sixteen and two-thirds percent of one-twelfth of the annual salary  
110 rate on which the member contributed for the member's last full year as a teacher in a district  
111 included in the retirement system until death; provided that the monthly payment shall not be less

112 than five hundred dollars or more than seven hundred twenty dollars. If the other parent also is  
113 a dependent, as ~~defined~~ **described** in this section, the same amount shall be paid to each until  
114 death.

115 7. All else in this section to the contrary notwithstanding, a survivor may not be eligible  
116 to benefit pursuant to this section because of more than one terminated membership, and be it  
117 further provided that the board of trustees shall determine and decide all questions of doubt as  
118 to what constitutes dependency within the meaning of this section.

119 8. The provisions added to subsection 3 of this section in 1991 are intended to clarify the  
120 scope and meaning of this section as originally enacted and shall be applied in all cases in which  
121 such an election has occurred or will occur.

122 9. After July 1, 2000, all benefits payable pursuant to subsections 1 to 8 of this section  
123 shall be payable to eligible current and future survivor beneficiaries in accordance with this  
124 section.

125 10. The system shall pay a monthly retirement allowance for the month in which a retired  
126 member, beneficiary or survivor receiving a retirement allowance or survivor benefit dies.

127 11. If the total of all payments made under this section is less than the total of the  
128 member's accumulated contributions, the difference shall be paid to the person making the  
129 election under subsection 1 of this section. If such person does not survive until all payments  
130 are made under this section, such difference shall be paid in accordance with section 169.076.

169.076. 1. If a member dies before service retirement and is not survived by a  
2 beneficiary under a valid beneficiary designation filed with the retirement system or all  
3 designated beneficiaries have disclaimed the right to receive benefits from the retirement system,  
4 the following individuals shall be deemed to be the member's designated beneficiaries, in the  
5 following order of precedence, for the purpose of making an election and receiving benefits  
6 under paragraph (a) or (b) of subdivision (2) of subsection 3 of section 169.070 or section  
7 169.075:

8 (1) Surviving spouse at the time of the member's death;

9 (2) Surviving children eligible to receive benefits under section 169.075 at the time of  
10 the member's death, share and share alike;

11 (3) Surviving children not eligible to receive benefits under section 169.075 at the time  
12 of the member's death, share and share alike;

13 (4) Surviving dependent parents eligible for a benefit under section 169.075 at the time  
14 of the member's death, share and share alike;

15 (5) Surviving parents, share and share alike;

16 (6) Estate.

17           2. The member's most recent valid designation of a beneficiary received by the  
18 retirement system prior to the member's death revokes all previous designations in their entirety.  
19 The member's ~~[marriage]~~ **contract of domestic union**, divorce, withdrawal of accumulated  
20 contributions, or the birth of the member's child, or the member's adoption of a child, shall result  
21 in an automatic revocation of the member's previous designation in its entirety upon the  
22 retirement system receiving actual notice of such event before or after the member's death and  
23 prior to any payments being made under the provisions of this chapter. This section applies to  
24 all beneficiary designations filed with the retirement system before or after August 28, 2005,  
25 under which payments have not been made under this chapter. This section shall not apply to  
26 the member's designation of a beneficiary to receive a monthly benefit upon the death of the  
27 member under subdivision (1) of subsection 3 of section 169.070.

169.141. 1. Any person receiving a retirement allowance under sections 169.010 to  
2 169.140, and who elected a reduced retirement allowance under subsection 3 of section 169.070  
3 with his spouse as the nominated beneficiary, may nominate a successor beneficiary under either  
4 of the following circumstances:

5           (1) If the nominated beneficiary precedes the retired person in death, the retired person  
6 may, upon ~~[remarriage]~~ **becoming a party to a new contract of domestic union**, nominate the  
7 new spouse under the same option elected in the application for retirement;

8           (2) If the ~~[marriage]~~ **contract of domestic union** of the retired person and the nominated  
9 beneficiary is dissolved, and if the dissolution decree provides for sole retention by the retired  
10 person of all rights in the retirement allowance, the retired person may, upon ~~[remarriage]~~  
11 **becoming a party to a new contract of domestic union**, nominate the new spouse under the  
12 same option elected in the application for retirement.

13           2. Any nomination of a successor beneficiary under subdivision (1) or (2) of subsection  
14 1 of this section must be made in accordance with procedures established by the board of  
15 trustees, and must be filed within ninety days of May 6, 1993, or within ninety days of ~~[the~~  
16 ~~remarriage]~~ **becoming a party to a new contract of domestic union**, whichever later occurs.  
17 Upon receipt of a successor nomination filed in accordance with those procedures, the board  
18 shall adjust the retirement allowance to reflect actuarial considerations of that nomination as well  
19 as previous beneficiary and successor beneficiary nominations.

169.460. 1. Any member may retire and receive a normal pension upon his **or her**  
2 written application to the board of trustees setting forth at what time not less than fifteen days  
3 nor more than one hundred eighty days subsequent to the execution and filing of such application  
4 he desires to be retired; provided, that the member at the time so specified for his **or her**  
5 retirement either (a) shall have attained age sixty-five or (b) shall have attained an age which  
6 when added to the number of years of credited service of such member shall total a sum not less

7 than eighty-five. For purposes of computing any member's age under this section, the board  
8 shall, if necessary, add to his **or her** actual age any accumulated and unused days of sick leave  
9 included in his **or her** credited service.

10 2. Upon retirement pursuant to subsection 1 of this section, a member shall receive an  
11 annual pension payable in monthly installments equal to his **or her** number of years of credited  
12 service multiplied by two percent of his **or her** average final compensation subject to a  
13 maximum pension of sixty percent of his **or her** average final compensation.

14 3. A member who is not eligible for normal pension pursuant to subsection 1 of this  
15 section but who has attained age sixty and has five or more years of credited service may make  
16 application in the same manner as pursuant to subsection 1 of this section for an early pension.  
17 His **or her** early pension shall be computed pursuant to subsection 2 of this section, but shall be  
18 reduced by five-ninths of one percent for each month such member's early retirement date  
19 precedes the earliest date he **or she** could have received a normal pension pursuant to subsection  
20 1 of this section had his **or her** service continued.

21 4. Upon the written application of the member or of the employing board, any active  
22 member who has five or more years of credited service with such board and does not qualify for  
23 a normal pension pursuant to subsection 1 of this section may be retired by the board of trustees,  
24 not less than fifteen days and not more than one hundred eighty days next following the date of  
25 filing such application, and receive a disability pension, provided, that the medical board after  
26 a medical examination of such member or such member's medical records shall certify that such  
27 member is unable to further perform his **or her** duties due to mental or physical incapacity, and  
28 that such incapacity is likely to be permanent and that such member should be retired; or,  
29 provided the member furnishes evidence of the receipt of disability benefits under the federal Old  
30 Age, Survivors and Disability Insurance System of the Social Security Act. The determination  
31 of the board of trustees in the matter shall be final and conclusive. A member being retired  
32 pursuant to this subsection who has accumulated unused vacation and sick leave may elect to  
33 have the commencement of his **or her** disability pension deferred for more than one hundred  
34 eighty days during the period he **or she** is entitled to vacation and sick pay.

35 5. Upon retirement for disability, a member shall receive a disability pension until such  
36 time as he meets the requirements for a normal pension pursuant to subsection 1 of this section,  
37 at which time his disability pension will be deemed to be a normal pension. The member's  
38 disability pension shall be the larger of:

39 (1) A normal pension based on his **or her** credited service to the date of his **or her**  
40 retirement for disability and calculated as if he **or she** were age sixty-five; or

41 (2) One-fourth of his **or her** average final compensation; except that such benefit shall  
42 not exceed the normal pension which he **or she** would have received upon retirement if his **or**

43 **her** service had continued and he **or she** had satisfied the eligibility requirements of subsection  
44 1 of this section and had his **or her** final average compensation been unchanged.

45         6. Once each year during the first five years following retirement for disability and once  
46 in every three-year period thereafter while receiving a disability pension, the board of trustees  
47 may, and shall, require any member receiving a disability pension who has not yet become  
48 eligible for a normal pension pursuant to subsection 1 of this section to undergo a medical  
49 examination at a place designated by the medical board or by a physician or physicians  
50 designated by such board. If any such member receiving a disability pension refuses to submit  
51 to such medical examination, his **or her** benefit may be discontinued until his **or her** withdrawal  
52 of such refusal, and if his **or her** refusal continues for one year, all rights in and to his pension  
53 may be revoked by the board of trustees.

54         7. If the board of trustees finds that any member receiving a disability pension is engaged  
55 in or is able to engage in a gainful occupation paying more than the difference between his **or**  
56 **her** disability pension plus benefits, if any, to which he **or she** and his **or her** family are eligible  
57 under the federal Old Age, Survivors and Disability Insurance System of the Social Security Act  
58 and the current rate of monthly compensation for the position he **or she** held at retirement, then  
59 the amount of his **or her** disability pension shall be reduced to an amount which together with  
60 the amount earnable by him **or her** shall equal such current rate of monthly compensation. The  
61 decisions of the board of trustees in regard to such modification of disability benefits shall be  
62 final and conclusive.

63         8. If any member receiving a disability pension is restored to service as an employee, he  
64 **or she** shall again become an active member of the retirement system and contribute thereunder.  
65 His **or her** credited service at the time of his **or her** retirement for disability shall be restored and  
66 the excess of his **or her** accumulated contributions at his **or her** retirement for disability over  
67 the total disability pension payments which he received shall be credited to his **or her** account.

68         9. If a member with fewer than five years credited service ceases to be an employee,  
69 except by death, he **or she** shall be paid the amount of his accumulated contributions in  
70 accordance with applicable provisions of the Internal Revenue Code.

71         10. If a member with five years or more credited service ceases to be an employee,  
72 except by death or retirement, he **or she** shall be paid on demand the amount of his **or her**  
73 accumulated contributions, or he **or she** may leave his **or her** accumulated contributions with  
74 the retirement system and be an inactive member and claim a retirement benefit at any time after  
75 he **or she** reaches the minimum age for retirement, except that if such a member's accumulated  
76 contributions do not exceed the involuntary distribution limits under provisions of the Internal  
77 Revenue Code, the member must elect to become an inactive member within thirty days of  
78 employment separation to avoid application of the involuntary distribution provisions of the



79 Internal Revenue Code. When an inactive member presents his **or her** valid claim to the board  
80 of trustees, he **or she** shall be granted a benefit at such time and for such amount as is available  
81 pursuant to subsection 2 or 3 of this section in accordance with the provisions of law in effect  
82 at the time his **or her** active membership ceased. The accumulated contributions of an inactive  
83 member may be withdrawn at any time upon ninety days' notice or such shorter notice as is  
84 approved by the board of trustees. If an inactive member dies before retirement, his **or her**  
85 accumulated contributions shall be paid to his **or her** designated beneficiary, if living, otherwise  
86 to the estate of the member. A member's accumulated contributions shall not be paid to him so  
87 long as he remains in service as an employee.

88       11. Any member upon retirement shall receive his **or her** pension payable throughout  
89 life subject to the provision that if his **or her** death occurs before he **or she** has received total  
90 benefits at least as large as his **or her** accumulated contributions at retirement, the difference  
91 shall be paid in one sum to his **or her** designated beneficiary, if living, otherwise to the estate  
92 of the retired member.

93       12. Prior to the date of retirement pursuant to subsection 2, 3, or 4 of this section, a  
94 member may elect to receive the actuarial equivalent of his pension in a lesser amount, payable  
95 throughout life under one of the following options with the provision that:

96       Option 1. Upon his **or her** death, his **or her** pension shall be continued throughout the  
97 life of and paid to his **or her** beneficiary, or

98       Option 2. Upon his **or her** death, one-half of his **or her** pension shall be continued  
99 throughout the life of and paid to his **or her** beneficiary, or

100       Option 3. Upon his **or her** death, his **or her** pension shall be continued throughout the  
101 life of and paid to his **or her** beneficiary, provided that in the event his **or her** designated  
102 beneficiary predeceases him **or her**, then his **or her** pension shall be adjusted effective the first  
103 day of the month following the month in which his **or her** designated beneficiary died to the  
104 amount determined pursuant to subsection 2 or 3 of this section at the time of his **or her**  
105 retirement, or

106       Option 4. Upon his **or her** death, one-half of his **or her** pension shall be continued  
107 throughout the life of and paid to his **or her** beneficiary, provided that in the event his **or her**  
108 designated beneficiary predeceases him **or her**, then his **or her** pension shall be adjusted  
109 effective the first day of the month following the month in which his **or her** designated  
110 beneficiary died to the amount determined pursuant to subsection 2 or 3 of this section at the  
111 time of his **or her** retirement.

112       Option 5. Prior to age sixty-two the member will receive an increased pension, where  
113 the total pension prior to age sixty-two is approximately equal to the pension after age sixty-two  
114 plus the member's estimated federal Social Security benefit, provided that the reduced pension

115 after age sixty-two is not less than one-half the pension the member could have received had no  
116 option been elected. A member may elect a combination of Option 1 and Option 5, or Option 2  
117 and Option 5. The survivor benefits payable to a beneficiary, other than the spouse of the retired  
118 member, under any of the foregoing options shall in no event exceed fifty percent of the actuarial  
119 equivalent of the pension determined pursuant to subsection 2 or 3 of this section at the time of  
120 retirement.

121 13. If an option has been elected pursuant to subsection 12 of this section, and both the  
122 retired member and beneficiary die before receiving total benefits as large as the member's  
123 accumulated contributions at retirement, the difference shall be paid to the designated beneficiary  
124 of the person last entitled to benefits, if living, otherwise to the estate of the person last entitled  
125 to benefits.

126 14. If an active member dies while an employee and with five or more years of credited  
127 service and a dependent of the member is designated as beneficiary to receive his accumulated  
128 contributions, such beneficiary may, in lieu thereof, request that benefits be paid under option  
129 1, subsection 12 of this section, as if the member had attained age sixty, if the member was less  
130 than sixty years of age at the time of his death, and had retired under such option as of the date  
131 of death, provided that under the same circumstances a member may provide by written  
132 designation that benefits must be paid pursuant to option 1 to such beneficiary. In addition to  
133 benefits received under option 1, subsection 12 of this section, a surviving spouse receiving  
134 benefits under this subsection shall receive sixty dollars per month for each ~~[unmarried~~  
135 ~~dependent]~~ child **who is not a party to a contract of domestic union** of the deceased member  
136 who is under twenty-two years of age and is in the care of the surviving spouse; provided, that  
137 if there are more than three such ~~[unmarried]~~ dependent children **who are not parties to a**  
138 **contract of domestic union** one hundred eighty dollars shall be divided equally among them.  
139 A "dependent beneficiary" for the purpose of this subsection only shall mean either the surviving  
140 spouse or a person who at the time of the death of the member was receiving at least one-half of  
141 his support from the member, and the determination of the board of trustees as to whether a  
142 person is a dependent shall be final.

143 15. In lieu of accepting the payment of the accumulated contributions of a member who  
144 dies after having at least eighteen months of credited service and while an employee, an eligible  
145 beneficiary or, if no surviving eligible beneficiary, the ~~[unmarried]~~ dependent children **who are**  
146 **not parties to a contract of domestic union** of the member under twenty-two years of age may  
147 elect to receive the benefits pursuant to subdivision (1), (2), (3), or (4) of this subsection. An  
148 "eligible beneficiary" is the surviving spouse, ~~[unmarried]~~ dependent children **who are not**  
149 **parties to a contract of domestic union** under twenty-two years of age or dependent parents of

150 the member, if designated as beneficiary. A "dependent" is one receiving at least one-half of his  
151 support from the member at his death.

152 (1) A surviving spouse who is sixty-two years of age at the death of the member or upon  
153 becoming such age thereafter, and who was ~~[married to]~~ **a party to a contract of domestic**  
154 **union with** the member at least one year, may receive sixty dollars per month for life. A spouse  
155 may receive this benefit after receiving benefits pursuant to subdivision (2) of this subsection;

156 (2) A surviving spouse who has in his or her care ~~[an unmarried]~~ **a dependent child who**  
157 **is not a party to a contract of domestic union** of the deceased member under twenty-two years  
158 of age may receive sixty dollars per month plus sixty dollars per month for each child under  
159 twenty-two years of age but not more than a total of two hundred forty dollars per month;

160 (3) If no benefits are payable pursuant to subdivision (2) of this subsection, ~~[unmarried]~~  
161 dependent children **who are not parties to a contract of domestic union** under the age of  
162 twenty-two may receive sixty dollars each per month; provided that if there are more than three  
163 such children one hundred eighty dollars per month shall be divided equally among them;

164 (4) A dependent parent upon attaining sixty-two years of age may receive sixty dollars  
165 per month as long as not ~~[remarried]~~ **a party to a new contract of domestic union** provided no  
166 benefits are payable at any time pursuant to subdivision (1), (2), or (3) of this subsection. If there  
167 are two dependent parents entitled to benefits, sixty dollars per month shall be divided equally  
168 between them;

169 (5) If the benefits pursuant to this subsection are elected and the total amount paid is less  
170 than an amount equal to the accumulated contributions of a member at his death, the difference  
171 shall be payable to the beneficiary or the estate of the beneficiary last entitled to benefits.

172 16. If a member receiving a normal pension again becomes an active member, his  
173 pension benefit payments shall cease during such membership and shall be resumed upon  
174 subsequent retirement together with such pension benefit as shall accrue by reason of his latest  
175 period of membership. Except as otherwise provided in section 105.269, a retired member may  
176 not receive a pension benefit for any month for which he receives compensation from an  
177 employing board, except he may serve as a part-time or temporary employee for not to exceed  
178 sixty days in any calendar year without becoming a member and without having his pension  
179 benefit discontinued. A retired member may also serve as a member of the board of trustees and  
180 receive any reimbursement for expenses allowed him because of such service without becoming  
181 an active member and without having his pension benefit discontinued or reduced.

182 17. Upon approval of the board of trustees, any member may make contributions in  
183 addition to those required. Any additional contributions shall be accumulated at interest and paid  
184 in addition to the benefits provided hereunder. The board of trustees shall make such rules and

185 regulations as it deems appropriate in connection with additional contributions including  
186 limitations on amounts of contributions and methods of payment of benefits.

187       18. Notwithstanding any other provisions of this section, any member retiring on or after  
188 age sixty-five who has five or more years of credited service shall be entitled to an annual  
189 pension of the lesser of (a) an amount equal to his number of years of credited service multiplied  
190 by one hundred twenty dollars, or (b) one thousand eight hundred dollars. Upon the death of  
191 such member, any benefits payable to the beneficiary of such member shall be computed as  
192 otherwise provided.

169.572. 1. No court shall divide or set aside any federal old-age, survivors or disability  
2 insurance benefit provided to any party pursuant to the federal Social Security Act, 42 U.S.C.  
3 Section 200 et seq., in any proceeding for dissolution of ~~[marriage]~~ **a contract of domestic**  
4 **union.**

5       2. Subsequent to August 28, 1991, a court of competent jurisdiction may divide the  
6 pension, annuity, benefits, rights, and retirement allowance provided pursuant to this chapter  
7 between the parties to any action for dissolution of ~~[marriage]~~ **a contract of domestic union,**  
8 to the same extent and in the same manner the court may divide any federal old-age, survivors  
9 or disability insurance benefit of the parties provided pursuant to the federal Social Security Act.

169.590. 1. Any insurance contract or plan, including a noninsurance health benefit  
2 program, which provides group health insurance or benefits for employees who are members of  
3 any retirement system established pursuant to this chapter shall contain provisions that permit:

4       (1) Any employee who retires, or who has retired, and is receiving or is eligible to  
5 receive retirement benefits under this chapter to remain or become a member of the group,  
6 including a noninsurance health benefit program, and to receive benefits at the same rate as all  
7 other members of the group;

8       (2) The spouse or surviving spouse of any employee to remain or become a member of  
9 the group, including a noninsurance health benefit program, so long as such spouse is receiving  
10 or is eligible to receive retirement benefits under this chapter; and

11       (3) The children or children who survive any employee to remain or become members  
12 of the group, including a noninsurance health benefit program, so long as they are receiving or  
13 are eligible to receive retirement benefits under this chapter.

14       2. The plan or contract may provide a different level of coverage for any person electing  
15 to remain or become a member of an eligible group, including a noninsurance health benefit  
16 program, as provided in subsection 1 of this section if such person is eligible for Medicare under  
17 the federal Health Insurance for the Aged Act, 42 U.S.C. 1395, as amended.

18           3. A person electing to become or remain a member of a group, including a noninsurance  
19 health benefit program, under subsection 1 of this section shall pay the premium for such  
20 coverage, including the premium for any covered dependents.

21           4. School districts entering into a contract with an insurance company which provides  
22 group health insurance or benefits for employees, including provisions for a noninsurance health  
23 benefit program, shall specify that such contract provides coverage for persons who have retired,  
24 their spouses and ~~unmarried~~ dependent children **who are not parties to a contract of**  
25 **domestic union**, and that the enrollment period for such coverage shall be clearly stated for a  
26 period of time of not less than thirty days. Employees shall have one year from the date last  
27 employed by a school district that is subject to coverage pursuant to this section to qualify for  
28 the coverage provided.

29           5. School districts failing to comply with the provisions of this section shall have  
30 deducted from the state aid due such school district an amount equal to the premium for group  
31 health insurance, including a noninsurance health benefit program, for those persons denied the  
32 benefits required under the provisions of this section.

33           6. As used in this section, the term "noninsurance health benefit program" includes all  
34 group health plans or programs providing coverage on an expense-incurred basis, group service  
35 or indemnity type contracts issued by a nonprofit corporation, and all self-insured group health  
36 benefit plans or programs, of any type or description.

169.676. 1. If a member dies before service retirement and is not survived by a  
2 beneficiary under a valid beneficiary designation filed with the retirement system or all  
3 designated beneficiaries have disclaimed the right to receive benefits from the retirement system,  
4 the following individuals shall be deemed to be the member's designated beneficiaries, in the  
5 following order of precedence, for the purpose of making an election and receiving benefits  
6 under paragraph (a) or (b) of subdivision (2) of subsection 4 of section 169.670:

- 7           (1) Surviving spouse at the time of the member's death;
- 8           (2) Surviving children, share and share alike;
- 9           (3) Surviving parents, share and share alike;
- 10          (4) Estate.

11           2. The member's most recent valid designation of a beneficiary received by the  
12 retirement system prior to the member's death revokes all previous designations in their entirety.  
13 The member's ~~marriage~~ **contract of a domestic union**, divorce, withdrawal of accumulated  
14 contributions, or the birth of the member's child, or the member's adoption of a child, shall result  
15 in an automatic revocation of the member's previous designation in its entirety upon the  
16 retirement system receiving actual notice of such event before or after the member's death and  
17 prior to any payments being made under the provisions of this chapter. This section applies to

18 all beneficiary designations filed with the retirement system before or after August 28, 2005,  
19 under which payments have not been made under this chapter. This section shall not apply to  
20 the member's designation of a beneficiary to receive a monthly benefit upon the death of the  
21 member under subdivision (1) of subsection 4 of section 169.670.

169.715. 1. Any person receiving a retirement allowance under sections 169.600 to  
2 169.712, and who elected a reduced retirement allowance under subsection 4 of section 169.670  
3 with his spouse as the nominated beneficiary, may nominate a successor beneficiary under either  
4 of the following circumstances:

5 (1) If the nominated beneficiary precedes the retired person in death, the retired person  
6 may, upon ~~[remarriage]~~ **becoming a party to a new contract of domestic union**, nominate the  
7 new spouse under the same option elected in the application for retirement;

8 (2) If the ~~[marriage]~~ **contract of domestic union** of the retired person and the nominated  
9 beneficiary is dissolved, and if the dissolution decree provides for sole retention by the retired  
10 person of all rights in the retirement allowance, the retired person may, upon ~~[remarriage]~~  
11 **becoming a party to a new contract of domestic union**, nominate the new spouse under the  
12 same option elected in the application for retirement.

13 2. Any nomination of a successor beneficiary under subdivision (1) or (2) of subsection  
14 1 of this section must be made in accordance with procedures established by the board of  
15 trustees, and must be filed within ninety days of May 6, 1993, or within ninety days of ~~[the~~  
16 ~~remarriage]~~ **a new contract of domestic union**, whichever later occurs. Upon receipt of a  
17 successor nomination filed in accordance with those procedures, the board shall adjust the  
18 retirement allowance to reflect actuarial considerations of that nomination as well as previous  
19 beneficiary and successor beneficiary nominations.

170.015. 1. Any course materials and instruction relating to human sexuality and  
2 sexually transmitted diseases shall be medically and factually accurate and shall:

3 (1) Present abstinence from sexual activity as the preferred choice of behavior in relation  
4 to all sexual activity for ~~[unmarried]~~ pupils **who are not parties to a contract of domestic**  
5 **union** because it is the only method that is one hundred percent effective in preventing  
6 pregnancy, sexually transmitted diseases and the emotional trauma associated with adolescent  
7 sexual activity, and advise students that teenage sexual activity places them at a higher risk of  
8 dropping out of school because of the consequences of sexually transmitted diseases and  
9 unplanned pregnancy;

10 (2) Stress that sexually transmitted diseases are serious, possible, health hazards of  
11 sexual activity. Pupils shall be provided with the latest medical information regarding exposure  
12 to human immunodeficiency virus, acquired immune deficiency syndrome (AIDS), human  
13 papilloma virus, hepatitis and other sexually transmitted diseases;

14 (3) Present students with the latest medically factual information regarding both the  
15 possible side effects and health benefits of all forms of contraception, including the success and  
16 failure rates for the prevention of pregnancy and sexually transmitted diseases; or shall present  
17 students with information on contraceptives and pregnancy in a manner consistent with the  
18 provisions of the federal abstinence education law, 42 U.S.C. Section 710;

19 (4) Include a discussion of the possible emotional and psychological consequences of  
20 preadolescent and adolescent sexual activity and the consequences of adolescent pregnancy, as  
21 well as the advantages of adoption, including the adoption of special needs children, and the  
22 processes involved in making an adoption plan;

23 (5) Teach skills of conflict management, personal responsibility and positive self-esteem  
24 through discussion and role-playing at appropriate grade levels to emphasize that the pupil has  
25 the power to control personal behavior. Pupils shall be encouraged to base their actions on  
26 reasoning, self-discipline, sense of responsibility, self-control, and ethical considerations, such  
27 as respect for one's self and others. Pupils shall be taught not to make unwanted physical and  
28 verbal sexual advances or otherwise exploit another person. Pupils shall be taught to resist  
29 unwanted sexual advances and other negative peer pressure;

30 (6) Advise pupils of the laws pertaining to their financial responsibility to children born  
31 in and out of wedlock and advise pupils of the provisions of chapter 566 pertaining to statutory  
32 rape;

33 (7) Teach pupils about the dangers of sexual predators, including online predators when  
34 using electronic communication methods such as the internet, cell phones, text messages, chat  
35 rooms, email, and instant messaging programs. Pupils shall be taught how to behave responsibly  
36 and remain safe on the internet and the importance of having open communication with  
37 responsible adults and reporting any inappropriate situation, activity, or abuse to a responsible  
38 adult, and depending on intent and content, to local law enforcement, the Federal Bureau of  
39 Investigation, or the National Center for Missing & Exploited Children's CyberTipline; and

40 (8) Teach pupils about the consequences, both personal and legal, of inappropriate text  
41 messaging, even among friends.

42 2. Policies concerning referrals and parental notification regarding contraception shall  
43 be determined by local school boards or charter schools, consistent with the provisions of section  
44 167.611.

45 3. A school district or charter school which provides human sexuality instruction may  
46 separate students according to gender for instructional purposes.

47 4. The board of a school district or charter school shall determine the specific content  
48 of the district's or school's instruction in human sexuality, in accordance with subsections 1 to

49 3 of this section, and shall ensure that all instruction in human sexuality is appropriate to the age  
50 of the students receiving such instruction.

51 5. A school district or charter school shall notify the parent or legal guardian of each  
52 student enrolled in the district or school of:

53 (1) The basic content of the district's or school's human sexuality instruction to be  
54 provided to the student; and

55 (2) The parent's right to remove the student from any part of the district's or school's  
56 human sexuality instruction.

57 6. A school district or charter school shall make all curriculum materials used in the  
58 district's or school's human sexuality instruction available for public inspection pursuant to  
59 chapter 610 prior to the use of such materials in actual instruction.

60 7. No school district or charter school, or its personnel or agents, shall provide abortion  
61 services, or permit a person or entity to offer, sponsor, or furnish in any manner any course  
62 materials or instruction relating to human sexuality or sexually transmitted diseases to its  
63 students if such person or entity is a provider of abortion services.

64 8. As used in this section, the following terms mean:

65 (1) "Abortion", the same meaning as such term is defined in section 188.015;

66 (2) "Abortion services":

67 (a) Performing, inducing, or assisting in the performance or inducing of an abortion  
68 which is not necessary to save the life of the mother; or

69 (b) Encouraging a patient to have an abortion or referring a patient for an abortion, which  
70 is not necessary to save the life of the mother; or

71 (c) Developing or dispensing drugs, chemicals, or devices intended to be used to induce  
72 an abortion which is not necessary to save the life of the mother.

172.310. No person who is related by blood or ~~marriage~~ **a contract of domestic union**  
2 to **or with** any member of the board of curators of the university shall be appointed to any  
3 position in the university as officer, member of any faculty or employee.

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

2 (1) "Foreign government", any government other than the government of the United  
3 States or any state or political subdivision of the United States;

4 (2) "Foreign legal entity", any legal entity created under the laws of:

5 (a) A foreign government; or

6 (b) The United States, or any state of the United States, if a majority of the ownership  
7 of the stock of such legal entity is directly or indirectly owned, legally or beneficially, by one or  
8 more foreign governments, foreign persons, or legal entities created under the laws of a foreign  
9 government, or if a majority of the membership of any such entity is composed of foreign



10 persons or legal entities created under the laws of a foreign government. The term "foreign legal  
11 entity" shall include agents of such entities;

12 (3) "Foreign person", any individual who is not a citizen or national of the United States,  
13 or any trust territory or protectorate of the United States. The term "foreign person" shall include  
14 agents of such persons;

15 (4) "Gift", any endowment, gift, grant, contract, award, or property of any kind;

16 (5) "Institution of higher education" or "institution", the University of Missouri, Lincoln  
17 University, the state colleges, community colleges and teachers' colleges.

18 2. Every institution of higher education shall disclose to the department of higher  
19 education the amount, terms, restrictions, conditions, and requirements attached to or made a part  
20 of any gift from any foreign government, foreign legal entity, or foreign person which has a value  
21 of one hundred thousand dollars or more, made to such institution of higher education in any  
22 fiscal year if any term, restriction, condition or requirement attached to or made a part of any  
23 such gift is a violation of, or would cause the institution of higher education to be in violation  
24 of, any federal or state law relating to discrimination on the basis of race, creed, color, sex, age,  
25 ~~marital~~ **domestic union** status, ethnic background, or religion. If any foreign government,  
26 foreign entity, or foreign person makes more than one gift to any institution of higher education  
27 in any fiscal year of such institution, such institution shall make the report required by this  
28 subsection if the aggregate value of all gifts from any one foreign government, foreign legal  
29 entity, or foreign person is one hundred thousand dollars or more in such fiscal year.

30 3. The information to be furnished to the department of higher education shall be  
31 forwarded to the department no later than thirty days after the final day of the fiscal year of each  
32 institution of higher education, and shall include:

33 (1) The amount of each gift and the date on which it was received by the institution;

34 (2) When a gift is conditional, a matching gift, or designated for a particular purpose,  
35 the full details of the conditions, matching provisions or designation;

36 (3) In the case of a gift by a foreign government, the name of such government;

37 (4) In the case of a gift by a foreign legal entity or foreign person, the name of the  
38 foreign country in which such foreign legal entity or foreign person is principally located or has  
39 his principal residence;

40 (5) The purpose for which the gift will be used; and

41 (6) The name of the foreign legal entity which made the gift if the gift:

42 (a) Contains conditions or restrictions regarding the control of curricula, employment  
43 or termination of faculty members, admission of students, or student fees and tuition; or

44 (b) Is contingent upon the agreement of the institution to take specific public positions  
45 or actions, or to award honorary degrees.

46           4. All information disclosed and furnished to the department of higher education under  
47 this section shall be deemed a public record under sections 610.010 to 610.030 and shall be made  
48 available by the department to the general public for inspection, review and copying during the  
49 department's normal business hours.

          182.050. For the purpose of carrying into effect sections 182.010 to 182.120, in case a  
2 county library district is established and a free county library authorized as provided in section  
3 182.010, within sixty days after the establishment of the county library district, there shall be  
4 created a county library board of trustees, of five members, who shall be residents of the library  
5 district, none of whom shall be elected county officials. The members shall be appointed by the  
6 county commission for terms of four years each, except that as to the members of the first board,  
7 two shall be appointed for one year, and one each shall be appointed for two years, three years,  
8 and four years, respectively, from the first day of July following their appointment; and annually  
9 thereafter before the first day of July the county commission shall appoint successors. Vacancies  
10 in the board occasioned by removals, resignations or otherwise shall be reported to the county  
11 commission and shall be filled in like manner as original appointments; except that if the  
12 vacancy is in an unexpired term, the appointment shall be made for only the unexpired portion  
13 of that term. No member of the board shall receive compensation as such. No person shall be  
14 employed by the board of library trustees or by the librarian who is related within the third degree  
15 by blood or by ~~marriage~~ **a contract of domestic union to or with** any trustee of the board.

          182.190. Vacancies in the board of trustees, occasioned by removals, resignations or  
2 otherwise, shall be reported to the proper official and be filled in like manner as original  
3 appointments, except that if the vacancy is an unexpired term, the appointment shall be made for  
4 only the unexpired portion of that term. No member of the board shall serve for more than three  
5 successive full terms and shall not be eligible for further appointment to the board until two years  
6 after the expiration of the third term. No trustee shall receive compensation as such, and no  
7 person shall be employed by the board who is related either by blood or by ~~marriage~~ **a contract**  
8 **of domestic union to or with** any trustee of the board.

          182.640. 1. A consolidated public library district created under the provisions of  
2 sections 182.610 to 182.670 shall be governed by a board of trustees which shall consist of not  
3 less than eight trustees to be appointed by the county commission or county executive officers  
4 of the counties participating in the consolidated public library district. The county commission  
5 or county executive officers of each participating county shall appoint four trustees who are  
6 residents of that county and who reside in the district, as representatives of its county. No  
7 appointed trustee shall be an elective official.

          2. The trustees of the existing boards of a county public district shall remain as the  
9 representatives of their respective county and shall serve the remainder of their respective term

10 as the governing board of a consolidated public library district. Upon expiration of their term  
11 the county commission or county executive officer shall appoint a resident of the respective  
12 county and district for a four-year term beginning the first day of July or until a successor shall  
13 be appointed. Trustees in office as of August 28, 2005, who reside outside the district shall be  
14 deemed to have vacated their trusteeships and successors shall be appointed under subsection  
15 4 of this section.

16 3. Whenever any member of the board of trustees shall, without good cause, fail to attend  
17 six consecutive board meetings of the consolidated public library district or whenever any  
18 member of the board of trustees is deemed by the majority of the board of trustees to be guilty  
19 of conduct prejudicial to the good order and effective operation of the consolidated public library  
20 district, or whenever any member is deemed to be guilty of neglect of duty, then such member  
21 may be removed by resolution of the board of trustees duly acted upon, after specification of  
22 charge and hearing.

23 4. Vacancies in the board occasioned by removals, resignations, or otherwise shall be  
24 reported to the county commission or county executive officers and shall be filled in like manner  
25 as original appointments; except that, if the vacancy occurs during an unexpired term, the  
26 appointment shall be for only the unexpired portion of that term.

27 5. No person shall be employed by the board of library trustees or by the librarian who  
28 is related within the third degree by blood or by ~~marriage~~ **a contract of domestic union to or**  
29 **with** any trustee of the board.

30 6. Except as in sections 182.610 to 182.670 otherwise expressly provided, no trustee of  
31 a consolidated public library district shall receive any fee, salary, gratuity or other compensation  
32 or remuneration for acting as such; except that, the board of trustees may reimburse its members  
33 for actual and necessary expenses incurred in the performance of their duties.

34 7. The board of trustees shall have a president, secretary and a treasurer and such other  
35 officers as the board may select. All officers of the board shall be selected by the board. All  
36 officers of the board of trustees shall serve at the pleasure of the board, and shall not receive any  
37 salary, gratuity or other compensation or reimbursement for acting as such, except the treasurer,  
38 who may also serve as secretary.

39 8. The board shall provide for regularly scheduled meetings of the board to be held  
40 monthly; except that, the board shall not be required to meet more than ten times in any calendar  
41 year. The board shall make and adopt bylaws, rules and regulations governing the proceedings  
42 of the board, including bylaws prescribing the duties of each officer of the board of trustees. No  
43 bylaws, rules or regulations shall be contrary to, or inconsistent with, any provision of law.

44 9. A majority of the full board of trustees shall constitute a quorum for the transaction  
45 of business. The act of the majority of the trustees present at a meeting at which a quorum is

46 present shall be the act of the board of trustees, except as hereinafter provided. The affirmative  
47 vote of a majority of the full board of trustees shall be required to enter into any contract, employ  
48 or dismiss the chief administrative officer of the district, effect a merger or consolidation or  
49 approve a budget.

50 10. The board of trustees of a consolidated public library district shall adopt policies for  
51 the government of the consolidated public library district that will carry out the spirit and intent  
52 of sections 182.610 to 182.670, and the board shall employ a duly qualified graduate librarian  
53 as the chief executive and administrative officer of the consolidated public library district  
54 charged with the duty of carrying out the policies adopted by the board. The librarian shall serve  
55 at the pleasure of the board. The librarian shall have the authority to employ professional library  
56 assistants and other employees to fill the positions that are created by the board. The assistants  
57 and employees may be dismissed by the librarian.

190.060. 1. An ambulance district shall have the following governmental powers, and  
2 all other powers incidental, necessary, convenient or desirable to carry out and effectuate the  
3 express powers:

4 (1) To establish and maintain an ambulance service within its corporate limits, and to  
5 acquire for, develop, expand, extend and improve such service;

6 (2) To acquire land in fee simple, rights in land and easements upon, over or across land  
7 and leasehold interests in land and tangible and intangible personal property used or useful for  
8 the location, establishment, maintenance, development, expansion, extension or improvement  
9 of an ambulance service. The acquisition may be by dedication, purchase, gift, agreement, lease,  
10 use or adverse possession;

11 (3) To operate, maintain and manage the ambulance service, and to make and enter into  
12 contracts for the use, operation or management of and to provide rules and regulations for the  
13 operation, management or use of the ambulance service;

14 (4) To fix, charge and collect reasonable fees and compensation for the use of the  
15 ambulance service according to the rules and regulations prescribed by the board from time to  
16 time;

17 (5) To borrow money and to issue bonds, notes, certificates, or other evidences of  
18 indebtedness for the purpose of accomplishing any of its corporate purposes, subject to  
19 compliance with any condition or limitation set forth in sections 190.001 to 190.090 or otherwise  
20 provided by the Constitution of the state of Missouri;

21 (6) To employ or enter into contracts for the employment of any person, firm, or  
22 corporation, and for professional services, necessary or desirable for the accomplishment of the  
23 objects of the district or the proper administration, management, protection or control of its  
24 property;

25 (7) To maintain the ambulance service for the benefit of the inhabitants of the area  
26 comprising the district regardless of race, creed or color, and to adopt such reasonable rules and  
27 regulations as may be necessary to render the highest quality of emergency medical care; to  
28 exclude from the use of the ambulance service all persons who willfully disregard any of the  
29 rules and regulations so established; to extend the privileges and use of the ambulance service  
30 to persons residing outside the area of the district upon such terms and conditions as the board  
31 of directors prescribes by its rules and regulations;

32 (8) To provide for health, accident, disability and pension benefits for the salaried  
33 members of its organized ambulance district and such other benefits for the members' spouses  
34 and minor children, through either, or both, a contributory or noncontributory plan. The type and  
35 amount of such benefits shall be determined by the board of directors of the ambulance district  
36 within the level of available revenue of the pension program and other available revenue of the  
37 district. If an employee contributory plan is adopted, then at least one voting member of the  
38 board of trustees shall be a member of the ambulance district elected by the contributing  
39 members. The board of trustees shall not be the same as the board of directors;

40 (9) To purchase insurance indemnifying the district and its employees, officers,  
41 volunteers and directors against liability in rendering services incidental to the furnishing of  
42 ambulance services. Purchase of insurance pursuant to this section is not intended to waive  
43 sovereign immunity, official immunity or the Missouri public duty doctrine defenses; and

44 (10) To provide for life insurance, accident, sickness, health, disability, annuity, length  
45 of service, pension, retirement and other employee-type fringe benefits, subject to the provisions  
46 of section 70.615, for the volunteer members of any organized ambulance district and such other  
47 benefits for their spouses and eligible unemancipated children, either through a contributory or  
48 noncontributory plan, or both. For purposes of this section, "eligible unemancipated child"  
49 means a natural or adopted child of an insured, or a stepchild of an insured who is domiciled  
50 with the insured, who is less than twenty-three years of age, who is not ~~married~~ **a party to a**  
51 **contract of domestic union**, not employed on a full-time basis, not maintaining a separate  
52 residence except for full-time students in an accredited school or institution of higher learning,  
53 and who is dependent on parents or guardians for at least fifty percent of his or her support. The  
54 type and amount of such benefits shall be determined by the board of directors of the ambulance  
55 district within available revenues of the district, including the pension program of the district.  
56 The provision and receipt of such benefits shall not make the recipient an employee of the  
57 district. Directors who are also volunteer members may receive such benefits while serving as  
58 a director of the district.

59           2. The use of any ambulance service of a district shall be subject to the reasonable  
60 regulation and control of the district and upon such reasonable terms and conditions as shall be  
61 established by its board of directors.

62           3. A regulatory ordinance of a district adopted pursuant to any provision of this section  
63 may provide for a suspension or revocation of any rights or privileges within the control of the  
64 district for a violation of any regulatory ordinance.

65           4. Nothing in this section or in other provisions of sections 190.001 to 190.245 shall be  
66 construed to authorize the district or board to establish or enforce any regulation or rule in  
67 respect to the operation or maintenance of the ambulance service within its jurisdiction which  
68 is in conflict with any federal or state law or regulation applicable to the same subject matter.

69           5. After August 28, 1998, the board of directors of an ambulance district that proposes  
70 to contract for the total management and operation of the ambulance service, when that  
71 ambulance district has not previously contracted out for said service, shall hold a public hearing  
72 within a thirty-day period and shall make a finding that the proposed contract to manage and  
73 operate the ambulance service will:

74           (1) Provide benefits to the public health that outweigh the associated costs;

75           (2) Maintain or enhance public access to ambulance service;

76           (3) Maintain or improve the public health and promote the continued development of  
77 the regional emergency medical services system.

78           6. (1) Upon a satisfactory finding following the public hearing in subsection 5 of this  
79 section and after a sixty-day period, the ambulance district may enter into the proposed contract,  
80 however said contract shall not be implemented for at least thirty days.

81           (2) The provisions of subsection 5 of this section shall not apply to contracts which were  
82 executed prior to August 28, 1998, or to the renewal or modification of such contracts or to the  
83 signing of a new contract with an ambulance service provider for services that were previously  
84 contracted out.

85           7. All ambulance districts authorized to adopt laws, ordinances, or regulations regarding  
86 basic life support ambulances shall require such ambulances to be equipped with an automated  
87 external defibrillator and be staffed by at least one individual trained in the use of an automated  
88 external defibrillator.

89           8. The ambulance district may adopt procedures for conducting fingerprint background  
90 checks on current and prospective employees, contractors, and volunteers. The ambulance  
91 district may submit applicant fingerprints to the Missouri state highway patrol, Missouri criminal  
92 records repository, for the purpose of checking the person's criminal history. The fingerprints  
93 shall be used to search the Missouri criminal records repository and shall be submitted to the  
94 Federal Bureau of Investigation to be used for searching the federal criminal history files. The

95 fingerprints shall be submitted on forms and in the manner prescribed by the Missouri state  
96 highway patrol. Fees shall be as set forth in section 43.530.

190.294. 1. The powers and duties of the emergency services board shall include, but  
2 not be limited to:

3 (1) Planning a 911 system and dispatching system;

4 (2) Coordinating and supervising the implementation, upgrading or maintenance of the  
5 system, including the establishment of equipment specifications and coding systems;

6 (3) Receiving money from any county sales tax authorized to be levied pursuant to  
7 section 190.292 and authorizing disbursements from such moneys collected;

8 (4) Hiring any staff necessary for the implementation, upgrade or operation of the  
9 system;

10 (5) Acquiring land in fee simple, rights in land and easements upon, over, or across land  
11 and leasehold interests in land and tangible and intangible personal property used or useful for  
12 the location, establishment, maintenance, development, expansion, extension, or improvement  
13 of the central dispatching of emergency services. The acquisition may be by dedication,  
14 purchase, gift, agreement, lease, use, or adverse possession;

15 (6) Borrowing money and issuing bonds, notes, certificates, or other evidences of  
16 indebtedness for the purpose of accomplishing any of its corporate purposes, subject to  
17 compliance with any condition or limitation set forth in sections 190.290 to 190.296 or otherwise  
18 provided by the Constitution of Missouri;

19 (7) Suing and being sued, and to be party to suits, actions, and proceedings;

20 (8) Having and using a corporate seal;

21 (9) Entering into contracts, franchises, and agreements with any person, partnership,  
22 association, or corporation, public or private, affecting the affairs of the board;

23 (10) Having the management, control, and supervision of all the business affairs of the  
24 board and the construction, installation, operation, and maintenance of any improvements;

25 (11) Hiring and retaining agents and employees and providing for their compensation,  
26 including health and pension benefits;

27 (12) Adopting and amending bylaws and any other rules and regulations;

28 (13) Paying all expenses connected with the first election and all subsequent elections;

29 (14) Having and exercising all rights and powers necessary or incidental to or implied  
30 from the specific powers granted in this section. Such specific powers shall not be considered  
31 as a limitation upon any power necessary or appropriate to carry out the purposes and intent of  
32 sections 190.290 to 190.296;

33 (15) Maintaining central dispatching of emergency services for the benefit of the  
34 inhabitants of the area comprising the district regardless of race, creed, or color, and to adopt

35 such reasonable rules and regulations as may be necessary to render the highest quality of the  
36 central dispatching of emergency services; excluding from the use of the central dispatching of  
37 emergency services all persons who willfully disregard any of the rules and regulations so  
38 established; extending the privileges and use of the central dispatching of emergency services  
39 to persons residing outside the area of the district upon such terms and conditions as the board  
40 prescribes by its rules and regulations;

41 (16) Purchasing insurance indemnifying the district and its employees, officers,  
42 volunteers, and directors against liability in rendering services incidental to the furnishing of  
43 central dispatching of emergency services. Purchase of insurance pursuant to this section is not  
44 intended to waive sovereign immunity, official immunity, or the Missouri public duty doctrine  
45 defenses.

46 2. The administrative control and management of the moneys from any county sales tax  
47 authorized to be levied pursuant to section 190.292 and the administrative control and  
48 management of the central dispatching of emergency services shall rest solely with the board,  
49 and the board shall employ all necessary personnel, affix their compensation and provide suitable  
50 quarters and equipment for the operation of the central dispatching of emergency services from  
51 the funds available for this purpose.

52 3. The board may contract to provide services relating in whole or in part to central  
53 dispatching of emergency services and for such purpose may expend the tax funds or other funds.

54 4. The board shall elect a vice chairman, treasurer, secretary and such other officers as  
55 it deems necessary. Before taking office, the treasurer shall furnish a surety bond in an amount  
56 to be determined and in a form to be approved by the board for the faithful performance of the  
57 treasurer's duties and faithful accounting of all moneys that may come into the treasurer's hands.  
58 The treasurer shall enter into the surety bond with a surety company authorized to do business  
59 in Missouri, and the cost of such bond shall be paid by the board of directors.

60 5. The board may accept any gift of property or money for the use and benefit of the  
61 central dispatching of emergency services, and the board is authorized to sell or exchange any  
62 such property which it believes would be to the benefit of the service so long as the proceeds are  
63 used exclusively for central dispatching of emergency services. The board shall have exclusive  
64 control of all gifts, property or money it may accept; of all interest of other proceeds which may  
65 accrue from the investment of such gifts or money or from the sale of such property; of all tax  
66 revenues collected by the county on behalf of the central dispatching of emergency services; and  
67 of all other funds granted, appropriated or loaned to it by the federal government, the state or its  
68 political subdivisions so long as such resources are used solely to benefit the central dispatching  
69 of emergency services.



70           6. Any board member may, following notice and an opportunity to be heard, be removed  
71 from any office by a majority vote of the other members of the board for any of the following  
72 reasons:

73           (1) Failure to attend five consecutive meetings, without good cause;

74           (2) Conduct prejudicial to the good order and efficient operation of the central  
75 dispatching of emergency services; or

76           (3) Neglect of duty.

77           7. The chairperson of the board shall preside at such removal hearing, unless the  
78 chairperson is the person sought to be removed, in which case the hearing shall be presided over  
79 by another member elected by a majority vote of the other board members. All interested parties  
80 may present testimony and arguments at such hearing, and the witnesses shall be sworn in by  
81 oath or affirmation before testifying. Any interested party may, at his or her own expense, record  
82 the proceedings.

83           8. Vacancies on the board occasioned by removals, resignations or otherwise shall be  
84 filled by the remaining members of the board. The appointee or appointees shall act until the  
85 next election at which a director or directors are elected to serve the remainder of the unexpired  
86 term.

87           9. Individual board members shall not be eligible for employment by the board within  
88 twelve months of termination of service as a member of the board.

89           10. No person shall be employed by the board who is related within the fourth degree  
90 by blood or by ~~marriage~~ **a contract of domestic union** to **or with** any member of the board.

91           11. Any rule or portion of a rule, as that term is defined in section 536.010, that is  
92 created under the authority delegated in sections 190.300 to 190.341 shall become effective only  
93 if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section  
94 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the  
95 general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove  
96 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority  
97 and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

98           12. This section shall only apply to any county of the third classification without a  
99 township form of government and with more than twenty-four thousand five hundred but less  
100 than twenty-four thousand six hundred inhabitants.

190.339. 1. The powers and duties of the emergency services board shall include, but  
2 not be limited to:

3           (1) Planning a 911 system and dispatching system;

4           (2) Coordinating and supervising the implementation, upgrading or maintenance of the  
5 system, including the establishment of equipment specifications and coding systems;

6 (3) Receiving money from any county sales tax authorized to be levied pursuant to  
7 section 190.335 and authorizing disbursements from such moneys collected;

8 (4) Hiring any staff necessary for the implementation, upgrade or operation of the  
9 system.

10 2. Except for emergency services 911 boards in existence prior to August 25, 2010, and  
11 operating under the authority of subsection 11 of section 190.335, the board shall be a body  
12 corporate and a political subdivision of the state and shall be known as the "..... Emergency  
13 Services Board".

14 3. The administrative control and management of the moneys from any county sales tax  
15 authorized to be levied pursuant to section 190.335 and the administrative control and  
16 management of the central dispatching of emergency services shall rest solely with the board,  
17 and the board shall employ all necessary personnel, affix their compensation and provide suitable  
18 quarters and equipment for the operation of the central dispatching of emergency services from  
19 the funds available for this purpose.

20 4. The board may contract to provide services relating in whole or in part to central  
21 dispatching of emergency services and for such purpose may expend the tax funds or other funds.

22 5. The board shall elect a vice chairman, treasurer, secretary and such other officers as  
23 it deems necessary. Before taking office, the treasurer shall furnish a surety bond in an amount  
24 to be determined and in a form to be approved by the board for the faithful performance of the  
25 treasurer's duties and faithful accounting of all moneys that may come into the treasurer's hands.  
26 The treasurer shall enter into the surety bond with a surety company authorized to do business  
27 in Missouri, and the cost of such bond shall be paid by the board of directors.

28 6. The board may accept any gift of property or money for the use and benefit of the  
29 central dispatching of emergency services, and the board is authorized to sell or exchange any  
30 such property which it believes would be to the benefit of the service so long as the proceeds are  
31 used exclusively for central dispatching of emergency services. The board shall have exclusive  
32 control of all gifts, property or money it may accept; of all interest of other proceeds which may  
33 accrue from the investment of such gifts or money or from the sale of such property; of all tax  
34 revenues collected by the county on behalf of the central dispatching of emergency services; and  
35 of all other funds granted, appropriated or loaned to it by the federal government, the state or its  
36 political subdivisions so long as such resources are used solely to benefit the central dispatching  
37 of emergency services.

38 7. Any board member may, following notice and an opportunity to be heard, be removed  
39 from any office by a majority vote of the other members of the board for any of the following  
40 reasons:

41 (1) Failure to attend five consecutive meetings, without good cause;

42 (2) Conduct prejudicial to the good order and efficient operation of the central  
43 dispatching of emergency services; or

44 (3) Neglect of duty.

45 8. The chairperson of the board shall preside at such removal hearing, unless the  
46 chairperson is the person sought to be removed, in which case the hearing shall be presided over  
47 by another member elected by a majority vote of the other board members. All interested parties  
48 may present testimony and arguments at such hearing, and the witnesses shall be sworn in by  
49 oath or affirmation before testifying. Any interested party may, at his or her own expense, record  
50 the proceedings.

51 9. Vacancies on the board occasioned by removals, resignations or otherwise shall be  
52 filled by the remaining members of the board. The appointee or appointees shall act until the  
53 next election at which a director or directors are elected to serve the remainder of the unexpired  
54 term.

55 10. Individual board members shall not be eligible for employment by the board within  
56 twelve months of termination of service as a member of the board.

57 11. No person shall be employed by the board who is related within the fourth degree  
58 by blood or by ~~marriage~~ **a contract of domestic union** to or with any member of the board.

192.016. 1. The department of health and senior services shall establish a putative father  
2 registry which shall record the names and addresses of:

3 (1) Any person adjudicated by a court of this state to be the father of a child born out of  
4 ~~wedlock~~ **a contract of domestic union**;

5 (2) Any person who has filed with the registry before or after the birth of a child out of  
6 ~~wedlock~~ **a contract of domestic union**, a notice of intent to claim paternity of the child;

7 (3) Any person adjudicated by a court of another state or territory of the United States  
8 to be the father of an ~~out-of-wedlock~~ **out-of-contract-of-domestic-union** child, where a  
9 certified copy of the court order has been filed with the registry by such person or any other  
10 person.

11 2. A person filing a notice of intent to claim paternity of a child or an acknowledgment  
12 of paternity shall file the acknowledgment affidavit form developed by the state registrar which  
13 shall include the minimum requirements prescribed by the Secretary of the United States  
14 Department of Health and Human Services pursuant to 42 U.S.C. Section 652(a)(7).

15 3. A person filing a notice of intent to claim paternity of a child shall notify the registry  
16 of any change of address.

17 4. A person who has filed a notice of intent to claim paternity may at any time revoke  
18 a notice of intent to claim paternity previously filed therewith and, upon receipt of such

19 notification by the registry, the revoked notice of intent to claim paternity shall be deemed a  
20 nullity nunc pro tunc.

21 5. An unrevoked notice of intent to claim paternity of a child may be introduced in  
22 evidence by any party, other than the person who filed such notice, in any proceeding in which  
23 such fact may be relevant.

24 6. Lack of knowledge of the pregnancy does not excuse failure to timely file pursuant  
25 to paragraph (b) or (c) of subdivision (2) of subsection 3 of section 453.030.

26 7. Failure to timely file pursuant to paragraph (b) or (c) of subsection 3 of section  
27 453.030 shall waive a man's right to withhold consent to an adoption proceeding unless:

28 (1) The person was led to believe through the mother's misrepresentation or fraud that:

29 (a) The mother was not pregnant when in fact she was; or

30 (b) The pregnancy was terminated when in fact the baby was born; or

31 (c) After the birth, the child died when in fact the child is alive; and

32 (2) The person upon the discovery of the misrepresentation or fraud satisfied the  
33 requirements of paragraph (b) or (c) of **subdivision (2)** of subsection 3 of section 453.030 within  
34 fifteen days of that discovery.

35 8. The department shall, upon request and within two business days of such request,  
36 provide the names and addresses of persons listed with the registry to any court or authorized  
37 agency, or entity or person named in section 453.014, and such information shall not be divulged  
38 to any other person, except upon order of a court for good cause shown.

39 9. The department of health and senior services shall:

40 (1) Prepare forms for registration of paternity and an application for search of the  
41 putative father registry;

42 (2) Produce and distribute a pamphlet or publication informing the public about the  
43 putative father registry, including the procedures for voluntary acknowledgment of paternity, the  
44 consequences of acknowledgment and failure to acknowledge paternity pursuant to section  
45 453.010, a copy of a statement informing the public about the putative father registry, including  
46 to whom and under what circumstances it applies, the time limits and responsibilities for filing,  
47 protection of paternal rights and associated responsibilities, and other provisions of this section,  
48 and a detachable form meeting the requirements of subsection 2 of this section addressed to the  
49 putative father registry. Such pamphlet or publication shall be made available for distribution  
50 at all offices of the department of health and senior services. The department shall also provide  
51 such pamphlets or publications to the department of social services, hospitals, libraries, medical  
52 clinics, schools, universities, and other providers of child-related services upon request;

53 (3) Provide information to the public at large by way of general public service  
54 announcements, or other ways to deliver information to the public about the putative father  
55 registry and its services.

56 10. Pursuant to subdivision (2) of subsection 9 of this section, a statement prepared by  
57 the department of health and senior services shall be contained in any pamphlet or publication  
58 informing the public about the putative father registry.

59 11. There is hereby created in the state treasury the "Putative Father Registry Fund",  
60 which shall consist of moneys collected under section 453.020. Upon appropriation, moneys in  
61 the fund shall be used solely for the administration of the putative father registry.  
62 Notwithstanding the provisions of section 33.080 to the contrary, moneys in the fund shall not  
63 revert to the credit of general revenue at the end of the biennium, but shall be used upon  
64 appropriations by the general assembly for the purpose of carrying out the provisions of this  
65 chapter.

192.2200. As used in sections 192.2200 to 192.2260, unless the context clearly indicates  
2 otherwise, the following terms mean:

3 (1) "Abuse", the infliction of physical, sexual, or emotional injury or harm;

4 (2) "Adult", an individual over the age of eighteen;

5 (3) "Adult day care program", a group program designed to provide care and supervision  
6 to meet the needs of functionally impaired adults for periods of less than twenty-four hours but  
7 more than two hours per day in a place other than the adult's own home;

8 (4) "Adult day care provider", the person, corporation, partnership, association or  
9 organization legally responsible for the overall operation of the adult day care program;

10 (5) "Department", the department of health and senior services;

11 (6) "Functionally impaired adult", an adult who by reason of age or infirmity requires  
12 care and supervision;

13 (7) "License", the document issued by the department in accordance with the provisions  
14 of sections 192.2200 to 192.2260 to an adult day care program which authorizes the adult day  
15 care provider to operate the program in accordance with the provisions of sections 192.2200 to  
16 192.2260 and the applicable rules promulgated pursuant thereto;

17 (8) "Operator", any person licensed or required to be licensed under the provisions of  
18 sections 192.2200 to 192.2260 in order to establish, conduct, or maintain an adult day care  
19 program;

20 (9) "Participant", a functionally impaired adult who is enrolled in an adult day care  
21 program;

22 (10) "Person", any individual, firm, corporation, partnership, association, agency, or an  
23 incorporated or unincorporated organization regardless of the name used;

24 (11) "Related", any of the following by blood, ~~[marriage]~~ **a contract of domestic union**,  
25 or adoption: parent, child, grandchild, brother, sister, half-brother, half-sister, stepparent, uncle,  
26 aunt, niece, nephew, or first cousin;

27 (12) "Staff participant ratio", the number of adult care staff required by the department  
28 in relation to the number of adults being cared for by such staff;

29 (13) "Substantial noncompliance", any violation of a class I or class II standard or twenty  
30 or more violations of class III standards.

193.015. As used in sections 193.005 to 193.325, unless the context clearly indicates  
2 otherwise, the following terms shall mean:

3 (1) "Advanced practice registered nurse", a person licensed to practice as an advanced  
4 practice registered nurse under chapter 335, and who has been delegated tasks outlined in section  
5 193.145 by a physician with whom they have entered into a collaborative practice arrangement  
6 under chapter 334;

7 (2) "Assistant physician", as such term is defined in section 334.036, and who has been  
8 delegated tasks outlined in section 193.145 by a physician with whom they have entered into a  
9 collaborative practice arrangement under chapter 334;

10 (3) "Dead body", a human body or such parts of such human body from the condition  
11 of which it reasonably may be concluded that death recently occurred;

12 (4) "Department", the department of health and senior services;

13 (5) "Final disposition", the burial, interment, cremation, removal from the state, or other  
14 authorized disposition of a dead body or fetus;

15 (6) "Institution", any establishment, public or private, which provides inpatient or  
16 outpatient medical, surgical, or diagnostic care or treatment or nursing, custodian, or domiciliary  
17 care, or to which persons are committed by law;

18 (7) "Live birth", the complete expulsion or extraction from its mother of a child,  
19 irrespective of the duration of pregnancy, which after such expulsion or extraction, breathes or  
20 shows any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or  
21 definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the  
22 placenta is attached;

23 (8) "Physician", a person authorized or licensed to practice medicine or osteopathy  
24 pursuant to chapter 334;

25 (9) "Physician assistant", a person licensed to practice as a physician assistant pursuant  
26 to chapter 334, and who has been delegated tasks outlined in section 193.145 by a physician with  
27 whom they have entered into a supervision agreement under chapter 334;

28 (10) "Spontaneous fetal death", a noninduced death prior to the complete expulsion or  
29 extraction from its mother of a fetus, irrespective of the duration of pregnancy; the death is

30 indicated by the fact that after such expulsion or extraction the fetus does not breathe or show  
31 any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite  
32 movement of voluntary muscles;

33 (11) "State registrar", state registrar of vital statistics of the state of Missouri;

34 (12) "System of vital statistics", the registration, collection, preservation, amendment and  
35 certification of vital records; the collection of other reports required by sections 193.005 to  
36 193.325 and section 194.060; and activities related thereto including the tabulation, analysis and  
37 publication of vital statistics;

38 (13) "Vital records", certificates or reports of birth, death, ~~[marriage]~~ **contracts of**  
39 **domestic union**, dissolution of ~~[marriage]~~ **a contract of domestic union**, and data related  
40 thereto;

41 (14) "Vital statistics", the data derived from certificates and reports of birth, death,  
42 spontaneous fetal death, marriage, dissolution of marriage and related reports.

193.085. 1. A certificate of birth for each live birth which occurs in this state shall be  
2 filed with the local registrar, or as otherwise directed by the state registrar, within five days after  
3 such birth and shall be registered if such certificate has been completed and filed pursuant to the  
4 provisions of this section.

5 2. When a birth occurs in an institution or en route to an institution, the person in charge  
6 of the institution or such person's designated representative shall obtain the personal data,  
7 prepare the certificate, certify that the child was born alive at the place and time and on the date  
8 stated either by signature or an electronic process approved by the department, and file the  
9 certificate pursuant to this section or as otherwise directed by the state registrar within the  
10 required five days. The physician or other person in attendance shall provide the medical  
11 information required by the certificate and certify to the facts of birth within five days after the  
12 birth. If the physician or other person in attendance does not certify to the facts of birth within  
13 the five-day period, the person in charge of the institution shall complete the certificate.

14 3. When a birth occurs outside an institution, the certificate shall be prepared and filed  
15 by one of the following in the indicated order of priority:

16 (1) The physician in attendance at or immediately after the birth;

17 (2) Any other person in attendance at or immediately after the birth;

18 (3) The father, the mother, or, in the absence of the father and the inability of the mother,  
19 the person in charge of the premises where the birth occurred.

20 4. When a birth occurs on a moving conveyance within the United States and the child  
21 is first removed from the conveyance in this state, the birth shall be registered in this state and  
22 such place shall be considered the place of birth. When a birth occurs on a moving conveyance  
23 while in international waters or air space or in a foreign country or its air space and the child is

24 first removed from the conveyance in this state, the birth shall be registered in this state but the  
25 certificate shall show the actual place of birth insofar as can be determined.

26 5. If the mother was ~~married~~ **a party to a contract of domestic union** at the time of  
27 either conception or birth, or between conception and birth, the name of the husband shall be  
28 entered on the certificate as the father of the child, unless:

29 (1) Paternity has been determined otherwise by a court of competent jurisdiction; or

30 (2) The mother executes an affidavit attesting that the husband is not the father and the  
31 putative father is the father, and the putative father executes an affidavit attesting that he is the  
32 father, and the husband executes an affidavit attesting that he is not the father. If such affidavits  
33 are executed, the putative father shall be shown as the father on the birth certificate and the  
34 signed acknowledgment of paternity shall be considered a legal finding of paternity. The  
35 affidavits shall be as provided for in section 193.215.

36 6. In any case in which paternity of a child is determined by a court of competent  
37 jurisdiction, the name of the father and surname of the child shall be entered on the certificate  
38 of birth pursuant to the finding and order of the court.

39 7. Notwithstanding any other law to the contrary, if a child is born to ~~unmarried~~ parents  
40 **who are not parties to a contract of domestic union**, the name of the father and other required  
41 information shall be entered on the certificate of birth only if an acknowledgment of paternity  
42 pursuant to section 193.215 is completed, or if paternity is determined by a court of competent  
43 jurisdiction or by an administrative order of the family support division.

44 8. If the father is not named on the certificate of birth, no other information about the  
45 father shall be entered on the certificate.

46 9. The birth certificate of a child born to a ~~married~~ woman **who is a party to a**  
47 **contract of domestic union**, as a result of artificial insemination, with consent of her husband,  
48 shall be completed pursuant to the provisions of subsection 5 of this section.

49 10. Either of the parents of the child, or other informant, shall attest to the accuracy of  
50 the personal data entered on the certificate in time to permit the filing of the certificate within  
51 the required five days.

193.087. 1. In addition to the requirements of subsection 2 of section 193.085, when a  
2 birth occurs to ~~an unmarried~~ a mother **who is not a party to a contract of domestic union**,  
3 whether in an institution or en route to an institution, the person in charge of the institution or  
4 a designated representative shall:

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

8 (2) File the form, when completed, along with the certificate required by this section; and



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

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

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

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

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

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

193.185. 1. A report of each ~~[marriage performed]~~ **contract of domestic union**  
2 **recorded** in this state shall be filed with the department and shall be registered if it has been  
3 completed and filed in accordance with this section.

4 2. The official who ~~[issues the marriage license]~~ **records a contract of domestic union**  
5 shall prepare the report on the form prescribed and furnished by the state registrar upon the basis  
6 of information obtained from one of the parties ~~[to be married]~~ **of the contract of domestic**  
7 **union.**

8 3. ~~[Each person who performs a marriage shall certify the fact of marriage and return the~~  
9 ~~license to the official who issued the license within fifteen days after the ceremony. This license~~  
10 ~~shall be signed by the witnesses to the ceremony. A marriage certificate shall be given to the~~  
11 ~~parties.~~

12 ~~—4.]~~ Every official ~~[issuing marriage licenses]~~ **recording a contract of domestic union**  
13 shall complete and forward to the department on or before the fifteenth day of each calendar  
14 month the reports of ~~[marriages returned to]~~ **contracts of domestic union recorded by** such  
15 official during the preceding calendar month.

193.195. Every officer authorized to ~~[issue marriage licenses]~~ **record contracts of**  
2 **domestic union** shall be paid a recording fee of two dollars for each ~~[marriage license]~~ **contract**  
3 **of domestic union** filed and reported by him or her to the state registrar. The recording fee shall  
4 be paid by the ~~[applicant for the license]~~ **party presenting the contract of domestic union** and  
5 be collected together with the fee for the ~~[license]~~ **contract of domestic union to be recorded.**

193.205. 1. A record of each dissolution of ~~[marriage]~~ **a contract of domestic union,**  
2 and annulment of ~~[marriage]~~ **a contract of domestic union** granted by any court in this state  
3 shall be filed by the clerk of the court with the department and shall be registered if it has been  
4 completed and filed in accordance with this section. The record shall be prepared by the  
5 petitioner or such petitioner's legal representative on a form prescribed and furnished by the state  
6 registrar and shall be presented to the clerk of the court with the petition.  
7 2. The clerk of the court shall complete and forward to the department on or before the  
8 fifteenth day of each calendar month the records of each dissolution of ~~[marriage]~~ **a contract of**  
9 **domestic union,** and annulment of ~~[marriage]~~ **a contract of domestic union** decree granted  
10 during the preceding calendar month.

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

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

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

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

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

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

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

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

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

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

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

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

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

193.265. 1. For the issuance of a certification or copy of a death record, the applicant  
2 shall pay a fee of thirteen dollars for the first certification or copy and a fee of ten dollars for each  
3 additional copy ordered at that time. For the issuance of a certification or copy of a birth,  
4 ~~[marriage]~~ **a contract of domestic union**, divorce, or fetal death record, the applicant shall pay  
5 a fee of fifteen dollars. All fees shall be deposited to the state department of revenue. Beginning  
6 August 28, 2004, for each vital records fee collected, the director of revenue shall credit four  
7 dollars to the general revenue fund, five dollars to the children's trust fund, one dollar shall be

8 credited to the endowed care cemetery audit fund, and three dollars for the first copy of death  
9 records and five dollars for birth, ~~[marriage]~~ **a contract of domestic union**, divorce, and fetal  
10 death records shall be credited to the Missouri public services health fund established in section  
11 192.900. Money in the endowed care cemetery audit fund shall be available by appropriation  
12 to the division of professional registration to pay its expenses in administering sections 214.270  
13 to 214.410. All interest earned on money deposited in the endowed care cemetery audit fund  
14 shall be credited to the endowed care cemetery fund. Notwithstanding the provisions of section  
15 33.080 to the contrary, money placed in the endowed care cemetery audit fund shall not be  
16 transferred and placed to the credit of general revenue until the amount in the fund at the end of  
17 the biennium exceeds three times the amount of the appropriation from the endowed care  
18 cemetery audit fund for the preceding fiscal year. The money deposited in the public health  
19 services fund under this section shall be deposited in a separate account in the fund, and moneys  
20 in such account, upon appropriation, shall be used to automate and improve the state vital  
21 records system, and develop and maintain an electronic birth and death registration system. For  
22 any search of the files and records, when no record is found, the state shall be entitled to a fee  
23 equal to the amount for a certification of a vital record for a five-year search to be paid by the  
24 applicant. For the processing of each legitimation, adoption, court order or recording after the  
25 registrant's twelfth birthday, the state shall be entitled to a fee equal to the amount for a  
26 certification of a vital record. Except whenever a certified copy or copies of a vital record is  
27 required to perfect any claim of any person on relief, or any dependent of any person who was  
28 on relief for any claim upon the government of the state or United States, the state registrar shall,  
29 upon request, furnish a certified copy or so many certified copies as are necessary, without any  
30 fee or compensation therefor.

31         2. For the issuance of a certification of a death record by the local registrar, the applicant  
32 shall pay a fee of thirteen dollars for the first certification or copy and a fee of ten dollars for each  
33 additional copy ordered at that time. For the issuance of a certification or copy of a birth,  
34 ~~[marriage]~~ **a contract of domestic union**, divorce, or fetal death record, the applicant shall pay  
35 a fee of fifteen dollars; except that, in any county with a charter form of government and with  
36 more than six hundred thousand but fewer than seven hundred thousand inhabitants, a donation  
37 of one dollar may be collected by the local registrar over and above any fees required by law  
38 when a certification or copy of any ~~[marriage-license]~~ **contract of domestic union** or birth  
39 certificate is provided, with such donations collected to be forwarded monthly by the local  
40 registrar to the county treasurer of such county and the donations so forwarded to be deposited  
41 by the county treasurer into the housing resource commission fund to assist homeless families  
42 and provide financial assistance to organizations addressing homelessness in such county. The  
43 local registrar shall include a check-off box on the application form for such copies. All fees,

44 other than the donations collected in any county with a charter form of government and with  
45 more than six hundred thousand but fewer than seven hundred thousand inhabitants for ~~[marriage~~  
46 ~~licenses]~~ **contracts of domestic union** and birth certificates, shall be deposited to the official city  
47 or county health agency. A certified copy of a death record by the local registrar can only be  
48 issued within twenty-four hours of receipt of the record by the local registrar.  
49 Computer-generated certifications of death records may be issued by the local registrar after  
50 twenty-four hours of receipt of the records. The fees paid to the official county health agency  
51 shall be retained by the local agency for local public health purposes.

193.275. 1. Every person in charge of an institution shall keep a record of data  
2 concerning each person admitted or confined to such institution as may be required for the filing  
3 of a certificate of birth and death or report of spontaneous fetal death which occurs in the  
4 institution. The record shall be made from information provided by the person being admitted  
5 or confined, but when it cannot be so obtained, the information shall be obtained from relatives  
6 or other persons acquainted with the facts. The name and address of the person providing the  
7 information shall be a part of the record.

8 2. When a dead body or dead fetus is released or disposed of by an institution, the person  
9 in charge of the institution shall keep a record showing the name of the decedent, date of death,  
10 name and address of the person to whom the body or fetus is released, and the date of removal  
11 from the institution. If final disposition is made by the institution, the date, place, and manner  
12 of disposition shall also be recorded.

13 3. A funeral director, embalmer, sexton, or other person who removes from the place of  
14 death, transports, or makes final disposition of a dead body or fetus, in addition to filing any  
15 certificate or other report required by sections 193.005 to 193.325, or regulations promulgated  
16 hereunder, shall keep a record which shall identify the body, and such information pertaining to  
17 his receipt, removal, delivery, burial, or cremation of such body as may be required by  
18 regulations adopted by the department.

19 4. Records maintained under this section shall be retained for a period of not less than  
20 five years and shall be made available for inspection by the state registrar or his designee upon  
21 demand.

22 5. Any person having knowledge of the facts shall furnish such information as he **or she**  
23 may possess regarding any birth, death, spontaneous fetal death, ~~[marriage, or dissolution of~~  
24 ~~marriage]~~ **contract of domestic union, or dissolution of a contract of domestic union** upon  
25 demand of the state registrar.

194.115. 1. Except when ordered or directed by a public officer, court of record or  
2 agency authorized by law to order an autopsy or postmortem examination, it is unlawful for any

3 licensed physician and surgeon to perform an autopsy or postmortem examination upon the  
4 remains of any person without the consent of one of the following:

5 (1) The deceased, if in writing, and duly signed and acknowledged prior to his death; or

6 (2) A person designated by the deceased in a durable power of attorney that expressly  
7 refers to the giving of consent to an autopsy or postmortem examination; or

8 (3) The surviving spouse; or

9 (4) If the surviving spouse through injury, illness or mental capacity is incapable of  
10 giving his or her consent, or if the surviving spouse is unknown, or his or her address unknown  
11 or beyond the boundaries of the United States, or if he or she has been separated and living apart  
12 from the deceased, or if there is no surviving spouse, then any surviving child, parent, brother  
13 or sister, in the order named; or

14 (5) If no surviving child, parent, brother or sister can be contacted by telephone or  
15 telegraph, then any other relative, by blood or ~~marriage~~ **a contract of domestic union**; or

16 (6) If there are no relatives who assume the right to control the disposition of the  
17 remains, then any person, friend or friends who assume such responsibility.

18 2. If an individual through injury, illness, or mental capacity is incapable of giving  
19 consent prior to his or her death as contemplated by subdivision (1) of subsection 1 of this  
20 section, then any child, parent, brother or sister of said individual may petition the court to order  
21 that an autopsy or postmortem examination shall be performed upon the remains of said  
22 individual following his or her passing.

23 3. If the surviving spouse, child, parent, brother or sister hereinabove mentioned is under  
24 the age of twenty-one years, but over the age of sixteen years, such minor shall be deemed of age  
25 for the purpose of granting the consent hereinabove required.

26 4. Any licensed physician and surgeon performing an autopsy or postmortem  
27 examination with the consent of any of the persons enumerated in subsection 1 of this section  
28 shall use his judgment as to the scope and extent to be performed, and shall be in no way liable  
29 for such action.

30 5. It is unlawful for any licensed physician, unless specifically authorized by law, to hold  
31 a postmortem examination on any unclaimed dead without the consent required by section  
32 194.170.

33 6. Any person not a licensed physician performing an autopsy or any licensed physician  
34 performing an autopsy without the authorization herein required shall upon conviction be  
35 adjudged guilty of a misdemeanor, and subject to the penalty provided for in section 194.180.

36 7. If an autopsy is performed on a deceased patient and an autopsy report is prepared,  
37 such report shall be made available upon request to the personal representative or administrator

38 of the estate of the deceased, the surviving spouse, any surviving child, parent, brother or sister  
39 of the deceased.

198.088. 1. Every facility, in accordance with the rules applying to each particular type  
2 of facility, shall ensure that:

3 (1) There are written policies and procedures available to staff, residents, their families  
4 or legal representative and the public which govern all areas of service provided by the facility.  
5 The facility shall also retain and make available for public inspection at the facility to staff,  
6 residents, their families or legal representative and the public a complete copy of each official  
7 notification from the department of violations, deficiencies, licensure approvals, disapprovals,  
8 and responses, a description of services, basic rate and charges for any services not covered by  
9 the basic rate, if any, and a list of names, addresses and occupation of all individuals who have  
10 a proprietary interest in the facility;

11 (2) Policies relating to admission, transfer, and discharge of residents shall assure that:

12 (a) Only those persons are accepted whose needs can be met by the facility directly or  
13 in cooperation with community resources or other providers of care with which it is affiliated or  
14 has contracts;

15 (b) As changes occur in their physical or mental condition, necessitating service or care  
16 which cannot be adequately provided by the facility, residents are transferred promptly to  
17 hospitals, skilled nursing facilities, or other appropriate facilities; and

18 (c) Except in the case of an emergency, the resident, his next of kin, attending physician,  
19 and the responsible agency, if any, are consulted at least thirty days in advance of the transfer or  
20 discharge of any resident, and casework services or other means are utilized to assure that  
21 adequate arrangements exist for meeting his needs through other resources;

22 (3) Policies define the uses of chemical and physical restraints, identify the professional  
23 personnel who may authorize the application of restraints in emergencies and describe the  
24 mechanism for monitoring and controlling their use;

25 (4) Policies define procedures for submittal of complaints and recommendations by  
26 residents and for assuring response and disposition;

27 (5) There are written policies governing access to, duplication of, and dissemination of  
28 information from the resident's records;

29 (6) Each resident admitted to the facility:

30 (a) Is fully informed of his rights and responsibilities as a resident. Prior to or at the time  
31 of admission, a list of resident rights shall be provided to each resident, or his designee, next of  
32 kin, or legal guardian. A list of resident rights shall be posted in a conspicuous location in the  
33 facility and copies shall be available to anyone upon request;

34 (b) Is fully informed in writing, prior to or at the time of admission and during stay, of  
35 services available in the facility, and of related charges including any charges for services not  
36 covered under the federal or state programs or not covered by the facility's basic per diem rate;

37 (c) Is fully informed by a physician of his health and medical condition unless medically  
38 contraindicated, as documented by a physician in his resident record, and is afforded the  
39 opportunity to participate in the planning of his total care and medical treatment and to refuse  
40 treatment, and participates in experimental research only upon his informed written consent;

41 (d) Is transferred or discharged only for medical reasons or for his welfare or that of  
42 other residents, or for nonpayment for his stay. No resident may be discharged without notice  
43 of his right to a hearing and an opportunity to be heard on the issue of whether his immediate  
44 discharge is necessary. Such notice shall be given in writing no less than thirty days in advance  
45 of the discharge except in the case of an emergency discharge. In emergency discharges a  
46 written notice of discharge and right to a hearing shall be given as soon as practicable and an  
47 expedited hearing shall be held upon request of the resident, next of kin, legal guardian, or  
48 nursing facility;

49 (e) Is encouraged and assisted, throughout his period of stay, to exercise his rights as a  
50 resident and as a citizen, and to this end may voice grievances and recommend changes in  
51 policies and services to facility staff or to outside representatives of his choice, free from  
52 restraint, interference, coercion, discrimination, or reprisal;

53 (f) May manage his personal financial affairs, and, to the extent that the facility assists  
54 in such management, has his personal financial affairs managed in accordance with section  
55 198.090;

56 (g) Is free from mental and physical abuse, and free from chemical and physical  
57 restraints except as follows:

58 a. When used as a part of a total program of care to assist the resident to attain or  
59 maintain the highest practicable level of physical, mental or psychosocial well-being;

60 b. When authorized in writing by a physician for a specified period of time; and

61 c. When necessary in an emergency to protect the resident from injury to himself or to  
62 others, in which case restraints may be authorized by designated professional personnel who  
63 promptly report the action taken to the physician. When restraints are indicated, devices that are  
64 least restrictive, consistent with the resident's total treatment program, shall be used;

65 (h) Is ensured confidential treatment of all information contained in his records,  
66 including information contained in an automatic data bank, and his written consent shall be  
67 required for the release of information to persons not otherwise authorized under law to receive  
68 it;



69 (i) Is treated with consideration, respect, and full recognition of his dignity and  
70 individuality, including privacy in treatment and in care for his personal needs;

71 (j) Is not required to perform services for the facility;

72 (k) May communicate, associate and meet privately with persons of his choice, unless  
73 to do so would infringe upon the rights of other residents, and send and receive his personal mail  
74 unopened;

75 (l) May participate in activities of social, religious and community groups at his  
76 discretion, unless contraindicated for reasons documented by a physician in the resident's medical  
77 record;

78 (m) May retain and use his personal clothing and possessions as space permits;

79 (n) If ~~married~~ **a party to a contract of domestic union**, is ensured privacy for visits  
80 by his or her spouse; if both are residents in the facility, they are permitted to share a room; and

81 (o) Is allowed the option of purchasing or renting goods or services not included in the  
82 per diem or monthly rate from a supplier of his own choice;

83 (7) The resident or his designee, next of kin or legal guardian receives an itemized bill  
84 for all goods and services actually rendered;

85 (8) A written account, available to residents and their families, is maintained on a current  
86 basis for each resident with written receipts for all personal possessions and funds received by  
87 or deposited with the facility and for all disbursements made to or on behalf of the resident.

88 2. Each facility and the department shall encourage and assist residents in the free  
89 exercise of the resident's rights to civil and religious liberties, including knowledge of available  
90 choices and the right to independent personal decision. Each resident shall be given a copy of  
91 a statement of his rights and responsibilities, including a copy of the facility's rules and  
92 regulations. Each facility shall prepare a written plan to ensure the respect of each resident's  
93 rights and privacy and shall provide appropriate staff training to implement the plan.

94 3. (1) Each facility shall establish written procedures approved by the department by  
95 which complaints and grievances of residents may be heard and considered. The procedures  
96 shall provide for referral to the department of any complaints or grievances not resolved by the  
97 facility's grievance procedure.

98 (2) Each facility shall designate one staff member, employed full time, referred to in this  
99 subsection as the "designee", to receive all grievances when they are first made.

100 (3) If anyone wishes to complain about treatment, conditions, or violations of rights, he  
101 shall write or cause to be written his grievance or shall state it orally to the designee no later than  
102 fourteen days after the occurrence giving rise to the grievance. When the department receives  
103 a complaint that does not contain allegations of abuse or neglect or allegations which would, if  
104 substantiated, constitute violation of a class I or class II standard as defined in section 198.085,

105 and the complainant indicates that the complaint was not filed with the facility prior to the  
106 reporting of it to the department, the department may in such instances refer the complaint to the  
107 staff person who is designated by the facility to receive all grievances when they are first made.  
108 In such instances the department shall assure appropriate response from the facility, assure  
109 resolution at a subsequent on-site visit and provide a report to the complainant. The designee  
110 shall confer with persons involved in the occurrence and with any other witnesses and, no later  
111 than three days after the grievance, give a written explanation of findings and proposed remedies,  
112 if any, to the complainant and to the aggrieved party, if someone other than the complainant.  
113 Where appropriate because of the mental or physical condition of the complainant or the  
114 aggrieved party, the written explanation shall be accompanied by an oral explanation.

115 (4) The department shall establish and implement procedures for the making and  
116 transmission of complaints to the department by any person alleging violation of the provisions  
117 of sections 198.003 to 198.186, 198.200, 208.030, and 208.159 and the standards established  
118 thereunder. The department shall promptly review each complaint. In the case of a refusal to  
119 investigate, the department shall promptly notify the complainant of its refusal and the reasons  
120 therefor; and in every other case, the department shall, following investigation, notify the  
121 complainant of its investigation and any proposed action.

122 4. Whenever the department finds upon investigation that there have been violations of  
123 the provisions of sections 198.003 to 198.186, 198.200, 208.030, and 208.159 or the standards  
124 established thereunder by any person licensed under the provisions of chapter 330, 331, 332, 334,  
125 335, 336, 337, 338, or 344, the department shall forward a report of its findings to the  
126 appropriate licensing or examining board for further investigation.

127 5. Each facility shall maintain a complete record of complaints and grievances made  
128 against such facility and a record of the final disposition of the complaints and grievances. Such  
129 record shall be open to inspection by representatives of the department during normal business  
130 hours.

131 6. Nothing in this section shall be construed as requiring a resident to exhaust grievance  
132 procedures established by the facility or by the department prior to filing a complaint pursuant  
133 to section ~~[198.090]~~ **198.093**.

199.009. 1. The department may provide injury prevention, and brain injury evaluation,  
2 care, treatment, rehabilitation and such related services directly or through contracts from private  
3 and public vendors in this state, the quality of the services being equal, appropriate and  
4 consistent with professional advice in the least restrictive environment and as close to an  
5 individual's home community as possible, with funds appropriated for this purpose.

6 2. If it is determined through a comprehensive evaluation that a person has a traumatic  
7 brain injury so as to require the coordination of provision of services, including other state

8 governmental agencies, nongovernmental and the private sector, and if such person, such  
9 person's parent, if the person is a minor, or legal guardian, so requests, the department shall,  
10 within the limits of available resources and subject to relevant federal and state laws, secure a  
11 comprehensive program of any necessary services for such person. Such services may include,  
12 but need not be limited to, the following:

- 13 (1) Assessment and evaluation;
- 14 (2) Service coordination;
- 15 (3) Counseling;
- 16 (4) Respite care;
- 17 (5) Recreation;
- 18 (6) Rehabilitation;
- 19 (7) Cognitive retraining;
- 20 (8) Prevocational rehabilitation;
- 21 (9) Residential care;
- 22 (10) Homemaker services;
- 23 (11) Day activity programs;
- 24 (12) Supported living;
- 25 (13) Referral to appropriate services;
- 26 (14) Transportation;
- 27 (15) Supported work, if provided by the department, shall be directed toward preparation  
28 for education or vocational achievement, independent living, and community participation.  
29 Long-term needs shall be identified and efforts made to link participants with appropriate  
30 resources.

31 3. In securing the comprehensive program of services, the department shall involve the  
32 participant, his or her family or his or her legal guardian in decisions affecting his or her care,  
33 rehabilitation, services or referral. The quality of the services being equal, appropriate and  
34 consistent with professional advice, services shall be offered in the least restrictive environment  
35 and as close to an individual's home community as possible.

36 4. In accordance with state and federal law, no service or program operated or funded  
37 by the department shall deny admission or other services to any person because of the person's  
38 race, sex, creed, ~~[marital]~~ **domestic union** status, national origin, handicap, or age.

199.043. In accordance with state and federal law, no residential facility, day program  
2 or specialized service operated or funded by the department shall deny admission or other  
3 services to any person because of his race, sex, creed, ~~[marital]~~ **domestic union** status, national  
4 origin, handicap or age.

205.970. 1. When approved by the voters pursuant to section 205.971, the governing  
2 body of the county or city not within a county shall appoint a board of directors consisting of a  
3 total of nine members, two of whom shall be related by blood or ~~marriage~~ **a contract of**  
4 **domestic union** within the third degree to a handicapped person as defined in section 205.968,  
5 and four of whom shall be public members. At least seven of the board members shall be  
6 residents of the county or city not within a county where the facility is located. After September  
7 28, 1979, all board members shall be appointed to serve for a term of three years, except that of  
8 the first board appointed after September 28, 1979, three members shall be appointed for  
9 one-year terms, three members for two-year terms and three members for three-year terms.  
10 Board members may be reappointed. The directors shall not receive compensation for their  
11 services, but may be reimbursed for their actual and necessary expenses.

12 2. The administrative control and management of the facility shall rest solely with the  
13 board, and the board shall employ all necessary personnel, fix their compensation, and provide  
14 suitable quarters and equipment for the operation of the facility from funds made available for  
15 this purpose.

16 3. Notwithstanding any provision of law to the contrary, and irrespective of whether or  
17 not a county sheltered workshop or residence facility has been established, the board may  
18 contract to provide services relating in whole or in part to the services which the board may  
19 provide to handicapped persons as defined in this law and for such purpose may expend the tax  
20 funds or other funds.

21 4. The board shall elect a chairman, vice chairman, treasurer, and such other officers as  
22 it deems necessary for its membership. Before taking office, the treasurer shall furnish a surety  
23 bond, in an amount to be determined and in a form to be approved by the board, for the faithful  
24 performance of his duties and faithful accounting of all moneys that may come into his hands.  
25 The treasurer shall enter into the surety bond with a surety company authorized to do business  
26 in Missouri, and the cost of such bond shall be paid by the board of directors.

27 5. The board shall set rules for admission to the facility, and shall do all other things  
28 necessary to carry out the purposes of sections 205.968 to 205.972.

29 6. The board may contract with any not-for-profit corporation including any corporation  
30 which is incorporated for the purpose of implementing the provisions of sections 178.900 to  
31 178.970 for any common services, or for the common use of any property of either group.

32 7. The board may accept any gift of property or money for the use and benefit of the  
33 facility, and the board is authorized to sell or exchange any such property which it believes  
34 would be to the benefit of the facility so long as the proceeds are used exclusively for facility  
35 purposes. The board shall have exclusive control of all gifts, property or money it may accept;  
36 of all interest or other proceeds which may accrue from the investment of such gifts or money

37 or from the sale of such property; of all tax revenues collected by the county on behalf of the  
38 facilities or services; and of all other funds granted, appropriated, or loaned to it by the federal  
39 government, the state, or its political subdivisions so long as these resources are used solely to  
40 benefit the facility or related services except those paid for transportation purposes under the  
41 provisions of section 94.645.

42 8. Any board member may, following notice and an opportunity to be heard, be removed  
43 from office by a majority vote of the other members of the board for any of the following  
44 grounds:

45 (1) Failure to attend five consecutive meetings, without good cause;

46 (2) Conduct prejudicial to the good order and efficient operation of the facility or  
47 services; or

48 (3) Neglect of duty. The chairman of the board shall preside at such removal hearing,  
49 unless he or she is the person sought to be removed. In which case the hearing shall be presided  
50 over by another member elected by the majority vote of the other board members. All interested  
51 parties may present testimony and arguments at such hearing, and the witnesses shall be sworn  
52 by oath or affirmation before testifying. Any interested party may, at his or her own expense,  
53 record the proceedings.

54 9. Vacancies in the board occasioned by removals, resignations or otherwise shall be  
55 reported by the board chairman to the mayor's office of a city not within a county or the county  
56 commission or county executive officer and shall be filled in like manner as original  
57 appointments; except that, if the vacancy occurs during an unexpired term, the appointment shall  
58 be for only the unexpired portion of that term.

59 10. Individual board members shall not be eligible for employment by the board within  
60 twelve months of termination of service as a member of the board.

61 11. No person shall be employed by the board who is related within the third degree by  
62 blood or by ~~marriage~~ **a contract of domestic union** to or with any member of the board.

208.010. 1. In determining the eligibility of a claimant for public assistance pursuant  
2 to this law, it shall be the duty of the family support division to consider and take into account  
3 all facts and circumstances surrounding the claimant, including his or her living conditions,  
4 earning capacity, income and resources, from whatever source received, and if from all the facts  
5 and circumstances the claimant is not found to be in need, assistance shall be denied. In  
6 determining the need of a claimant, the costs of providing medical treatment which may be  
7 furnished pursuant to sections 208.151 to 208.158 shall be disregarded. The amount of benefits,  
8 when added to all other income, resources, support, and maintenance shall provide such persons  
9 with reasonable subsistence compatible with decency and health in accordance with the standards  
10 developed by the family support division; provided, when a husband and wife are living together,

11 the combined income and resources of both shall be considered in determining the eligibility of  
12 either or both. "Living together" for the purpose of this chapter is defined as including a husband  
13 and wife separated for the purpose of obtaining medical care or nursing home care, except that  
14 the income of a husband or wife separated for such purpose shall be considered in determining  
15 the eligibility of his or her spouse, only to the extent that such income exceeds the amount  
16 necessary to meet the needs (as defined by rule or regulation of the division) of such husband or  
17 wife living separately. In determining the need of a claimant in federally aided programs there  
18 shall be disregarded such amounts per month of earned income in making such determination  
19 as shall be required for federal participation by the provisions of the federal Social Security Act  
20 (42 [U.S.C.A.] U.S.C. Section 301, et seq.), or any amendments thereto. When federal law or  
21 regulations require the exemption of other income or resources, the family support division may  
22 provide by rule or regulation the amount of income or resources to be disregarded.

23 2. Benefits shall not be payable to any claimant who:

24 (1) Has or whose spouse with whom he or she is living has, prior to July 1, 1989, given  
25 away or sold a resource within the time and in the manner specified in this subdivision. In  
26 determining the resources of an individual, unless prohibited by federal statutes or regulations,  
27 there shall be included (but subject to the exclusions pursuant to subdivisions (4) and (5) of this  
28 subsection, and subsection 5 of this section) any resource or interest therein owned by such  
29 individual or spouse within the twenty-four months preceding the initial investigation, or at any  
30 time during which benefits are being drawn, if such individual or spouse gave away or sold such  
31 resource or interest within such period of time at less than fair market value of such resource or  
32 interest for the purpose of establishing eligibility for benefits, including but not limited to  
33 benefits based on December, 1973, eligibility requirements, as follows:

34 (a) Any transaction described in this subdivision shall be presumed to have been for the  
35 purpose of establishing eligibility for benefits or assistance pursuant to this chapter unless such  
36 individual furnishes convincing evidence to establish that the transaction was exclusively for  
37 some other purpose;

38 (b) The resource shall be considered in determining eligibility from the date of the  
39 transfer for the number of months the uncompensated value of the disposed of resource is  
40 divisible by the average monthly grant paid or average Medicaid payment in the state at the time  
41 of the investigation to an individual or on his or her behalf under the program for which benefits  
42 are claimed, provided that:

43 a. When the uncompensated value is twelve thousand dollars or less, the resource shall  
44 not be used in determining eligibility for more than twenty-four months; or

45 b. When the uncompensated value exceeds twelve thousand dollars, the resource shall  
46 not be used in determining eligibility for more than sixty months;

47           (2) The provisions of subdivision (1) of this subsection shall not apply to a transfer, other  
48 than a transfer to claimant's spouse, made prior to March 26, 1981, when the claimant furnishes  
49 convincing evidence that the uncompensated value of the disposed of resource or any part thereof  
50 is no longer possessed or owned by the person to whom the resource was transferred;

51           (3) Has received, or whose spouse with whom he or she is living has received, benefits  
52 to which he or she was not entitled through misrepresentation or nondisclosure of material facts  
53 or failure to report any change in status or correct information with respect to property or income  
54 as required by section 208.210. A claimant ineligible pursuant to this ~~[subsection]~~ **subdivision**  
55 shall be ineligible for such period of time from the date of discovery as the family support  
56 division may deem proper; or in the case of overpayment of benefits, future benefits may be  
57 decreased, suspended or entirely withdrawn for such period of time as the division may deem  
58 proper;

59           (4) Owns or possesses resources in the sum of one thousand dollars or more; provided,  
60 however, that if such person is ~~[married]~~ **a party to a contract of domestic union** and living  
61 with spouse, he or she, or they, individually or jointly, may own resources not to exceed two  
62 thousand dollars; and provided further, that in the case of a temporary assistance for needy  
63 families claimant, a MO HealthNet blind claimant, a MO HealthNet aged claimant, or a MO  
64 HealthNet permanent and total disability claimant, the provision of this subsection shall not  
65 apply;

66           (5) Prior to October 1, 1989, owns or possesses property of any kind or character,  
67 excluding amounts placed in an irrevocable prearranged funeral or burial contract under chapter  
68 436, or has an interest in property, of which he or she is the record or beneficial owner, the value  
69 of such property, as determined by the family support division, less encumbrances of record,  
70 exceeds twenty-nine thousand dollars, or if ~~[married]~~ **a party to a contract of domestic union**  
71 and actually living together with husband or wife, if the value of his or her property, or the value  
72 of his or her interest in property, together with that of such husband and wife, exceeds such  
73 amount;

74           (6) In the case of temporary assistance for needy families, if the parent, stepparent, and  
75 child or children in the home owns or possesses property of any kind or character, or has an  
76 interest in property for which he or she is a record or beneficial owner, the value of such  
77 property, as determined by the family support division and as allowed by federal law or  
78 regulation, less encumbrances of record, exceeds one thousand dollars, excluding the home  
79 occupied by the claimant, amounts placed in an irrevocable prearranged funeral or burial contract  
80 under chapter 436, one automobile which shall not exceed a value set forth by federal law or  
81 regulation and for a period not to exceed six months, such other real property which the family  
82 is making a good-faith effort to sell, if the family agrees in writing with the family support

83 division to sell such property and from the net proceeds of the sale repay the amount of  
84 assistance received during such period. If the property has not been sold within six months, or  
85 if eligibility terminates for any other reason, the entire amount of assistance paid during such  
86 period shall be a debt due the state;

87 (7) In the case of MO HealthNet blind claimants, MO HealthNet aged claimants, and  
88 MO HealthNet permanent and total disability claimants, starting in fiscal year 2018, owns or  
89 possesses resources not to exceed two thousand dollars; provided, however, that if such person  
90 is ~~[married]~~ **a party to a contract of domestic union** and living with spouse, he or she, or they,  
91 individually or jointly, may own resources not to exceed four thousand dollars except for medical  
92 savings accounts and independent living accounts as defined and limited under subsection 3 of  
93 section 208.146. These resource limits shall be increased annually by one thousand dollars and  
94 two thousand dollars respectively until the sum of resources reach the amount of five thousand  
95 dollars and ten thousand dollars respectively by fiscal year 2021. Beginning in fiscal year 2022  
96 and each successive fiscal year thereafter, the division shall measure the cost-of-living  
97 percentage increase, if any, as of the preceding July over the level as of July of the immediately  
98 preceding year of the Consumer Price Index for All Urban Consumers or successor index  
99 published by the U.S. Department of Labor or its successor agency, and the sum of resources  
100 allowed under this subdivision shall be modified accordingly to reflect any increases in the  
101 cost-of-living, with the amount of the resource limit rounded to the nearest five cents;

102 (8) Is an inmate of a public institution, except as a patient in a public medical institution.

103 3. In determining eligibility and the amount of benefits to be granted pursuant to  
104 federally aided programs, the income and resources of a relative or other person living in the  
105 home shall be taken into account to the extent the income, resources, support and maintenance  
106 are allowed by federal law or regulation to be considered.

107 4. In determining eligibility and the amount of benefits to be granted pursuant to  
108 federally aided programs, the value of burial lots or any amounts placed in an irrevocable  
109 prearranged funeral or burial contract under chapter 436 shall not be taken into account or  
110 considered an asset of the burial lot owner or the beneficiary of an irrevocable prearranged  
111 funeral or funeral contract. For purposes of this section, "burial lots" means any burial space as  
112 defined in section 214.270 and any memorial, monument, marker, tombstone or letter marking  
113 a burial space. If the beneficiary, as defined in chapter 436, of an irrevocable prearranged funeral  
114 or burial contract receives any public assistance benefits pursuant to this chapter and if the  
115 purchaser of such contract or his or her successors in interest transfer, amend, or take any other  
116 such actions regarding the contract so that any person will be entitled to a refund, such refund  
117 shall be paid to the state of Missouri with any amount in excess of the public assistance benefits  
118 provided under this chapter to be refunded by the state of Missouri to the purchaser or his or her



119 successors. In determining eligibility and the amount of benefits to be granted under federally  
120 aided programs, the value of any life insurance policy where a seller or provider is made the  
121 beneficiary or where the life insurance policy is assigned to a seller or provider, either being in  
122 consideration for an irrevocable prearranged funeral contract under chapter 436, shall not be  
123 taken into account or considered an asset of the beneficiary of the irrevocable prearranged funeral  
124 contract. In addition, the value of any funds, up to nine thousand nine hundred ninety-nine  
125 dollars, placed into an irrevocable personal funeral trust account, where the trustee of the  
126 irrevocable personal funeral trust account is a state or federally chartered financial institution  
127 authorized to exercise trust powers in the state of Missouri, shall not be taken into account or  
128 considered an asset of the person whose funds are so deposited if such funds are restricted to be  
129 used only for the burial, funeral, preparation of the body, or other final disposition of the person  
130 whose funds were deposited into said personal funeral trust account. No person or entity shall  
131 charge more than ten percent of the total amount deposited into a personal funeral trust in order  
132 to create or set up said personal funeral trust, and any fees charged for the maintenance of such  
133 a personal funeral trust shall not exceed three percent of the trust assets annually. Trustees may  
134 commingle funds from two or more such personal funeral trust accounts so long as accurate  
135 books and records are kept as to the value, deposits, and disbursements of each individual  
136 depositor's funds and trustees are to use the prudent investor standard as to the investment of any  
137 funds placed into a personal funeral trust. If the person whose funds are deposited into the  
138 personal funeral trust account receives any public assistance benefits pursuant to this chapter and  
139 any funds in the personal funeral trust account are, for any reason, not spent on the burial,  
140 funeral, preparation of the body, or other final disposition of the person whose funds were  
141 deposited into the trust account, such funds shall be paid to the state of Missouri with any  
142 amount in excess of the public assistance benefits provided under this chapter to be refunded by  
143 the state of Missouri to the person who received public assistance benefits or his or her  
144 successors. No contract with any cemetery, funeral establishment, or any provider or seller shall  
145 be required in regards to funds placed into a personal funeral trust account as set out in this  
146 subsection.

147         5. In determining the total property owned pursuant to subdivision (5) of subsection 2  
148 of this section, or resources, of any person claiming or for whom public assistance is claimed,  
149 there shall be disregarded any life insurance policy, or prearranged funeral or burial contract, or  
150 any two or more policies or contracts, or any combination of policies and contracts, which  
151 provides for the payment of one thousand five hundred dollars or less upon the death of any of  
152 the following:

153         (1) A claimant or person for whom benefits are claimed; or

154           (2) The spouse of a claimant or person for whom benefits are claimed with whom he or  
155 she is living.

156

157 If the value of such policies exceeds one thousand five hundred dollars, then the total value of  
158 such policies may be considered in determining resources; except that, in the case of temporary  
159 assistance for needy families, there shall be disregarded any prearranged funeral or burial  
160 contract, or any two or more contracts, which provides for the payment of one thousand five  
161 hundred dollars or less per family member.

162           6. Beginning September 30, 1989, when determining the eligibility of institutionalized  
163 spouses, as defined in 42 U.S.C. Section 1396r-5, for medical assistance benefits as provided for  
164 in section 208.151 and 42 U.S.C. Sections 1396a, et seq., the family support division shall  
165 comply with the provisions of the federal statutes and regulations. As necessary, the division  
166 shall by rule or regulation implement the federal law and regulations which shall include but not  
167 be limited to the establishment of income and resource standards and limitations. The division  
168 shall require:

169           (1) That at the beginning of a period of continuous institutionalization that is expected  
170 to last for thirty days or more, the institutionalized spouse, or the community spouse, may request  
171 an assessment by the family support division of total countable resources owned by either or both  
172 spouses;

173           (2) That the assessed resources of the institutionalized spouse and the community spouse  
174 may be allocated so that each receives an equal share;

175           (3) That upon an initial eligibility determination, if the community spouse's share does  
176 not equal at least twelve thousand dollars, the institutionalized spouse may transfer to the  
177 community spouse a resource allowance to increase the community spouse's share to twelve  
178 thousand dollars;

179           (4) That in the determination of initial eligibility of the institutionalized spouse, no  
180 resources attributed to the community spouse shall be used in determining the eligibility of the  
181 institutionalized spouse, except to the extent that the resources attributed to the community  
182 spouse do exceed the community spouse's resource allowance as defined in 42 U.S.C. Section  
183 1396r-5;

184           (5) That beginning in January, 1990, the amount specified in subdivision (3) of this  
185 subsection shall be increased by the percentage increase in the Consumer Price Index for All  
186 Urban Consumers between September, 1988, and the September before the calendar year  
187 involved; and

188           (6) That beginning the month after initial eligibility for the institutionalized spouse is  
189 determined, the resources of the community spouse shall not be considered available to the  
190 institutionalized spouse during that continuous period of institutionalization.

191           7. Beginning July 1, 1989, institutionalized individuals shall be ineligible for the periods  
192 required and for the reasons specified in 42 U.S.C. Section 1396p.

193           8. The hearings required by 42 U.S.C. Section 1396r-5 shall be conducted pursuant to  
194 the provisions of section 208.080.

195           9. Beginning October 1, 1989, when determining eligibility for assistance pursuant to  
196 this chapter there shall be disregarded unless otherwise provided by federal or state statutes the  
197 home of the applicant or recipient when the home is providing shelter to the applicant or  
198 recipient, or his or her spouse or dependent child. The family support division shall establish by  
199 rule or regulation in conformance with applicable federal statutes and regulations a definition  
200 of the home and when the home shall be considered a resource that shall be considered in  
201 determining eligibility.

202           10. Reimbursement for services provided by an enrolled Medicaid provider to a recipient  
203 who is duly entitled to Title XIX Medicaid and Title XVIII Medicare Part B, Supplementary  
204 Medical Insurance (SMI) shall include payment in full of deductible and coinsurance amounts  
205 as determined due pursuant to the applicable provisions of federal regulations pertaining to Title  
206 XVIII Medicare Part B, except for hospital outpatient services or the applicable Title XIX cost  
207 sharing.

208           11. A "community spouse" is defined as being the noninstitutionalized spouse.

209           12. An institutionalized spouse applying for Medicaid and having a spouse living in the  
210 community shall be required, to the maximum extent permitted by law, to divert income to such  
211 community spouse to raise the community spouse's income to the level of the minimum monthly  
212 needs allowance, as described in 42 U.S.C. Section 1396r-5. Such diversion of income shall  
213 occur before the community spouse is allowed to retain assets in excess of the community spouse  
214 protected amount described in 42 U.S.C. Section 1396r-5.

208.026. 1. This section and sections 208.040, 208.067, and 208.244 shall be known  
2 and may be cited as the "Strengthening Missouri Families Act".

3           2. For the purposes of this section and sections 208.040 and 208.244, "work activities"  
4 shall have the same meaning as defined in 42 U.S.C. Section 607(d), including:

5           (1) Unsubsidized employment;

6           (2) Subsidized private sector employment;

7           (3) Subsidized public sector employment;

8           (4) Work experience, including work associated with refurbishing of publicly assisted  
9 housing, if sufficient private sector employment is not available;

- 10 (5) On-the-job training;
- 11 (6) Job search and job readiness assistance, which shall include utilization of the state  
12 employment database website. The department shall, in conjunction with the department of  
13 economic development, create a database tracking method in order to track temporary assistance  
14 for needy families benefits recipients' utilization of the employment database for the purpose of  
15 recording work activities, as well as include information on the state employment database  
16 website about the temporary assistance for needy families program's eligibility and work  
17 requirements, application process, and contact information;
- 18 (7) Community service programs;
- 19 (8) Vocational educational training, provided that such training does not exceed twelve  
20 months for any individual;
- 21 (9) Job skills training directly related to employment;
- 22 (10) Education directly related to employment for individuals who have not received a  
23 high school diploma or certificate of high school equivalency;
- 24 (11) Satisfactory attendance at a secondary school, provided that the individual has not  
25 already completed secondary school; and
- 26 (12) Provision of child care services to an individual who is participating in a community  
27 service program.
- 28 3. Beginning January 1, 2016, any parent or caretaker seeking assistance under the  
29 temporary assistance for needy families program shall engage in work activities before becoming  
30 eligible for benefits, unless such individual is otherwise exempt from the work requirement.
- 31 4. If after an investigation the department determines that a person is not cooperating  
32 with a work activity requirement under the temporary assistance for needy families program, a  
33 representative of the department shall meet face-to-face with the person to explain the potential  
34 sanction and the requirements to cure the sanction. After the meeting, the person shall have six  
35 weeks to comply with the work activity requirement, during which time no sanction of benefits  
36 shall occur. If the person does not comply with the work activity requirement within that  
37 six-week period, the department shall immediately apply a sanction terminating fifty percent of  
38 the amount of temporary assistance benefits to or for the person and the person's family for a  
39 maximum of ten weeks. During that period of sanctions, the person shall remain on the caseload  
40 in sanction status and a representative of the department shall attempt to meet face-to-face with  
41 the person to explain the existing sanction and the requirements to cure the sanction. To cure  
42 a sanction, the person shall perform work activities for at least a minimum average of thirty  
43 hours per week for one month, as described in 45 CFR 261.31(d). If the person does not cure  
44 the sanction, the case shall be closed.

45           5. To return to the temporary assistance for needy families benefits program after having  
46 been sanctioned off the caseload under subsection 4 of this section, the person shall complete  
47 work activities for a minimum average of thirty hours per week within one month of the  
48 temporary assistance eligibility interview.

49           6. This section does not prohibit the state from providing child care or any other related  
50 social or support services for a person who is eligible for financial assistance but to whom that  
51 assistance is not paid because of the person's failure to cooperate with the work activity.

52           7. In order to encourage the formation and maintenance of two-parent families, when a  
53 temporary assistance for needy families benefits recipient ~~[marries]~~ **becomes a party to a**  
54 **contract of domestic union**, the new spouse's income and assets shall be disregarded for six  
55 consecutive months. This disregard shall be a once-in-a-lifetime benefit for the recipient.

56           8. The department shall promulgate rules to implement this section including procedures  
57 to determine whether a person has cooperated with the requirements of the work activity and  
58 procedures for notification of a caretaker relative, second parent, or payee receiving the financial  
59 assistance on behalf of the person's family unit. Any rule or portion of a rule, as that term is  
60 defined in section 536.010, that is created under the authority delegated in this section shall  
61 become effective only if it complies with and is subject to all of the provisions of chapter 536  
62 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of  
63 the powers vested with the general assembly pursuant to chapter 536 to review, to delay the  
64 effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the  
65 grant of rulemaking authority and any rule proposed or adopted after August 28, 2015, shall be  
66 invalid and void.

208.040. 1. Temporary assistance benefits shall be granted on behalf of a dependent  
2 child or children and may be granted to the parents or other needy eligible relative caring for a  
3 dependent child or children who:

4           (1) Is under the age of eighteen years; or is under the age of nineteen years and a  
5 full-time student in a secondary school (or at the equivalent level of vocational or technical  
6 training), if before the child attains the age of nineteen the child may reasonably be expected to  
7 complete the program of the secondary school (or vocational or technical training);

8           (2) Has been deprived of parental support or care by reason of the death, continued  
9 absence from the home, or physical or mental incapacity of a parent, and who is living with  
10 father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother,  
11 stepsister, uncle, aunt, first cousin, nephew or niece, in a place of residence maintained by one  
12 or more of such relatives as the child's own home, and financial aid for such child is necessary  
13 to save the child from neglect and to secure for the child proper care in such home. Physical or  
14 mental incapacity shall be certified to by competent medical or other appropriate authority

15 designated by the family support division, and such certificate is hereby declared to be competent  
16 evidence in any proceedings concerning the eligibility of such claimant to receive temporary  
17 assistance benefits. Benefits may be granted and continued for this reason only while it is the  
18 judgment of the family support division that a physical or mental defect, illness or disability  
19 exists which prevents the parent from performing any gainful work;

20 (3) Is not receiving supplemental aid to the blind, blind pension, supplemental payments,  
21 or aid or public relief as an unemployable person;

22 (4) Is a resident of the state of Missouri.

23 2. The family support division shall require as additional conditions of eligibility for  
24 benefits that each applicant for or recipient of assistance:

25 (1) Shall furnish to the division the applicant's or recipient's Social Security number or  
26 numbers, if the applicant or recipient has more than one such number;

27 (2) Shall assign to the family support division in behalf of the state any rights to support  
28 from any other person such applicant may have in the applicant's own behalf or in behalf of any  
29 other person for whom the applicant is applying for or receiving assistance. An application for  
30 benefits made under this section shall constitute an assignment of support rights which shall take  
31 effect, by operation of law, upon a determination that the applicant is eligible for assistance  
32 under this section. The assignment shall comply with the requirements of 42 U.S.C. Section  
33 608(a)(3) and authorizes the family support division of the department of social services to bring  
34 any administrative or judicial action to establish or enforce a current support obligation, to  
35 collect support arrearages accrued under an existing order for support, or to seek reimbursement  
36 of support provided by the division;

37 (3) Shall cooperate with the family support division unless the division determines in  
38 accordance with federally prescribed standards that such cooperation is contrary to the best  
39 interests of the child on whose behalf assistance is claimed or to the caretaker of such child, in  
40 establishing the paternity of a child born out of ~~wedlock~~ **a contract of domestic union** with  
41 respect to whom assistance is claimed, and in obtaining support payments for such applicant and  
42 for a child with respect to whom such assistance is claimed, or in obtaining any other payments  
43 or property due such applicant or such child. The family support division shall impose all  
44 penalties allowed pursuant to federal participation requirements;

45 (4) Shall cooperate with the department of social services in identifying and providing  
46 information to assist the state in pursuing any third party who may be liable to pay for care and  
47 services available under the state's plan for medical assistance as provided in section 208.152,  
48 unless such individual has good cause for refusing to cooperate as determined by the department  
49 of social services in accordance with federally prescribed standards; and

50 (5) Shall participate in any program designed to reduce the recipient's dependence on  
51 welfare, if requested to do so by the department of social services.

52 3. The division shall require as a condition of eligibility for temporary assistance benefits  
53 that a minor child under the age of eighteen who has never ~~married~~ **been a party to a contract**  
54 **of domestic union** and who has a dependent child in his or her care, or who is pregnant and  
55 otherwise eligible for temporary assistance benefits, shall reside in a place of residence  
56 maintained by a parent, legal guardian, or other adult relative or in some other adult-supervised  
57 supportive living arrangement, as required by Section 403 of P.L. 100-485. Exceptions to the  
58 requirements of this subsection shall be allowed in accordance with requirements of the federal  
59 Family Support Act of 1988 in any of the following circumstances:

60 (1) The individual has no parent or legal guardian who is living or the whereabouts of  
61 the individual's parent or legal guardian is unknown; or

62 (2) The family support division determines that the physical health or safety of the  
63 individual or the child of the individual would be jeopardized; or

64 (3) The individual has lived apart from any parent or legal guardian for a period of at  
65 least one year prior to the birth of the child or applying for benefits; or

66 (4) The individual claims to be or to have been the victim of abuse while residing in the  
67 home where she would be required to reside and the case has been referred to the child abuse  
68 hotline and a "reason to suspect finding" has been made.

69

70 Households where the individual resides with a parent, legal guardian or other adult relative or  
71 in some other adult-supervised supportive living arrangement shall, subject to federal waiver to  
72 retain full federal financial participation and appropriation, have earned income disregarded from  
73 eligibility determinations up to one hundred percent of the federal poverty level.

74 4. If the relative with whom a child is living is found to be ineligible because of refusal  
75 to cooperate as required in subdivision (3) of subsection 2 of this section, any assistance for  
76 which such child is eligible will be paid in the manner provided in subsection 2 of section  
77 208.180, without regard to subsections 1 and 2 of this section.

78 5. The department of social services may implement policies designed to reduce a  
79 family's dependence on welfare. The department of social services is authorized to implement  
80 these policies by rule promulgated pursuant to section 660.017 and chapter 536, including the  
81 following:

82 (1) The department shall increase the earned income and resource disregards allowed  
83 recipients to help families achieve a gradual transition to self-sufficiency, including  
84 implementing policies to simplify employment-related eligibility standards by increasing the  
85 earned income disregard to two-thirds by October 1, 1999. The expanded earned income

86 disregard shall apply only to recipients of cash assistance who obtain employment but not to new  
87 applicants for cash assistance who are already working. Once the individual has received the  
88 two-thirds disregard for twelve months, the individual would not be eligible for the two-thirds  
89 disregard until the individual has not received temporary assistance benefits for twelve  
90 consecutive months. The department shall promulgate rules pursuant to chapter 536 to  
91 implement the expanded earned income disregard provisions;

92 (2) The department shall permit a recipient's enrollment in educational programs beyond  
93 secondary education to qualify as a work activity for purposes of receipt of temporary assistance  
94 for needy families. Such education beyond secondary education shall qualify as a work activity  
95 if such recipient is attending and according to the standards of the institution and the family  
96 support division, making satisfactory progress towards completion of a postsecondary or  
97 vocational program. Weekly classroom time and allowable study time shall be applied toward  
98 the recipient's weekly work requirement. Such recipient shall be subject to the forty-five-month  
99 lifetime limit for receipt of temporary assistance for needy families unless otherwise excluded  
100 by rule of the family support division;

101 (3) Beginning January 1, 2002, and every two years thereafter, the department of social  
102 services shall make a detailed report and a presentation on the temporary assistance for needy  
103 families program to the house appropriations for social services committee and the house social  
104 services, Medicaid and the elderly committee, and the senate aging, families and mental health  
105 committee, or comparable committees;

106 (4) Other policies designed to reduce a family's dependence on welfare may include  
107 supplementing wages for recipients for the lesser of forty-eight months or the length of the  
108 recipient's employment by diverting the temporary assistance grant;

109 (5) Beginning January 1, 2016, the lifetime limit for temporary assistance for needy  
110 families shall be forty-five months. The lifetime limit shall not apply to the exceptions set forth  
111 in 42 U.S.C. Section 608(a)(7), including but not limited to:

112 (a) Any assistance provided with respect to and during the time in which the individual  
113 was a minor child, provided that the minor child was not the head of a household or ~~[married to]~~  
114 **a party to a contract of domestic union with** the head of a household; and

115 (b) Any family to which the state has granted an exemption for reasons of hardship or  
116 if the family includes an individual who has been battered or subjected to extreme cruelty,  
117 provided that the average monthly number of such families in a fiscal year shall not exceed  
118 twenty percent of the average monthly number of families to which temporary assistance for  
119 needy families is provided during the fiscal year or the immediately preceding fiscal year.

120



121 The provisions of this subdivision shall not apply to persons obtaining assistance under  
122 subdivision (6) of this subsection;

123 (6) Beginning January 1, 2016, the department shall implement a cash diversion program  
124 that grants eligible temporary assistance for needy families benefits recipients lump-sum cash  
125 grants for short-term needs, as well as job referrals or referrals to career centers, in lieu of  
126 signing up for the long-term monthly cash assistance program upon a showing of good cause as  
127 determined by the department. Such lump-sum grants shall be available for use once in a  
128 twelve-month period and only five instances in a lifetime. Good cause may include loss of  
129 employment, excluding voluntarily quitting or a dismissal due to poor job performance or failure  
130 to meet a condition of employment; catastrophic illness or accident of a family member that  
131 requires an employed recipient to leave employment; a domestic violence incident; or another  
132 situation or emergency that renders an employed family member unable to care for the basic  
133 needs of the family. The department shall promulgate rules determining the parameters for the  
134 diversion program, including good cause determinations, and shall set the lump-sum maximum  
135 limit at three times the family size allowance and for use once in a twelve-month period and only  
136 five instances in a lifetime; and

137 (7) The department shall develop a standardized program orientation for temporary  
138 assistance for needy families benefits applicants that informs applicants of the program's rules  
139 and requirements, available resources for work activities, and consequences if the program's  
140 requirements are not satisfied. Following the orientation, applicants shall sign a participation  
141 agreement in which applicants commit to participate in the program and specify the work  
142 activities in which they will participate. This participation agreement shall be known as a  
143 personal responsibility plan. The department shall not issue a case without confirmation that an  
144 applicant has undergone the orientation and signed a personal responsibility plan, unless the  
145 individual is otherwise exempt from the work activity requirements.

146

147 The provisions of this subsection shall be subject to compliance by the department with all  
148 applicable federal laws and rules regarding temporary assistance for needy families.

149 6. The work history requirements and definition of unemployed shall not apply to any  
150 parents in order for these parents to be eligible for assistance pursuant to section 208.041.

151 7. The department shall continue to apply uniform standards of eligibility and benefits,  
152 excepting pilot projects, in all political subdivisions of the state.

153 8. Consistent with federal law, the department shall establish income and resource  
154 eligibility requirements that are no more restrictive than its July 16, 1996, income and resource  
155 eligibility requirements in determining eligibility for temporary assistance benefits.

208.784. 1. The program shall coordinate prescription drug coverage with the Medicare Part D prescription drug benefit, including related supplies as determined by the department[;]  
3 **for each person** who:  
4 (1) Is a resident of the state of Missouri and is either:  
5 (a) Sixty-five years of age or older; or  
6 (b) Is disabled and receiving a Social Security benefit and is enrolled in the Medicare  
7 program;  
8 (2) Is enrolled in a Medicare Part D drug plan;  
9 (3) Is not a member of a retirement plan that is receiving a benefit under the Medicare  
10 Prescription Drug, Improvement and Modernization Act of 2003, P.L. 108-173.  
11 2. The department shall give initial enrollment priority to the Medicaid dual eligible  
12 population. A second enrollment priority will be afforded to Medicare-eligible applicants with  
13 annual household incomes at or below one hundred fifty percent of the federal poverty guidelines  
14 who also meet the asset test. Medicaid dual eligible persons may be automatically enrolled into  
15 the program, as long as they may opt out of the program if they so choose. The department shall  
16 determine the procedures for automatic enrollment in, and election out of, the Missouri Rx plan.  
17 Applicants meeting the eligibility requirements set forth in this section may begin enrolling in  
18 the program as determined by the department.  
19 3. An individual or ~~married couple~~ **parties to a contract of domestic union** who meet  
20 the eligibility requirements in subsection 1 of this section and who are not Medicaid dual eligible  
21 persons may apply for enrollment in the program by submitting an application to the department,  
22 or the department's designee, that attests to the age, residence, household income, and liquid  
23 assets of the individual or couple.

209.030. Every adult blind person, eighteen years of age or over, of good moral character  
2 who shall have been a resident of the state of Missouri for one year or more next preceding the  
3 time of making application for the pension herein provided and every adult blind person eighteen  
4 years of age or over who may have lost his or her sight while a bona fide resident of this state  
5 and who has been a continuous resident thereof since such loss of sight, shall be entitled to  
6 receive, when enrolled under the provisions of sections 209.010 to 209.160, an annual pension  
7 as provided for herein, payable in equal monthly installments, provided that no such person shall  
8 be entitled to a pension who owns property or has an interest in property to the value of twenty  
9 thousand dollars or more, or if ~~married~~ **a party to a contract of domestic union** and actually  
10 living with husband or wife, if the value of his or her interest in property, together with that of  
11 such husband or wife, exceeds said amount; provided, further, that in determining the total value  
12 of property owned, the real estate occupied by the blind person or spouse as the home, shall be  
13 excluded; or who has a sighted spouse resident in this state who upon the investigation of the

14 family support division may be found to be able to provide for the reasonable support of such  
15 applicant, or while publicly soliciting alms in any manner or through any artifice in any part of  
16 this state; and provided, further, that blind persons who are maintained in private or endowed  
17 institutions or who are inmates of a public institution shall not be entitled to the benefits of  
18 sections 209.010 to 209.160, except as a patient in a public medical institution; provided,  
19 benefits shall not be paid to a blind person under sixty-five years of age, who is a patient in an  
20 institution for mental diseases or tuberculosis. In order to comply with federal laws and  
21 regulations and state plans in making payments to or on behalf of mentally ill individuals  
22 sixty-five years of age, or over, who are patients in a state mental institution, the family support  
23 division shall require agreements or other arrangements with the institution to provide a  
24 framework for cooperation and to assure that state plan requirements and federal laws and  
25 regulations relating to such payment will be observed. In the event the federal laws or  
26 regulations will not permit approval of the state plan for benefit payments to or on behalf of an  
27 individual who is sixty-five years of age, or over, and is a patient in a state institution for mental  
28 diseases, this portion of this section shall be inoperative until approval of a state plan is obtained.

209.625. 1. Notwithstanding any law to the contrary, the assets of the ABLE program  
2 held by the board and the assets of any ABLE account and any income therefrom shall be exempt  
3 from all taxation by the state or any of its political subdivisions. Income earned or received  
4 from an ABLE account or deposit shall not be subject to state income tax imposed pursuant to  
5 chapter 143. The exemption from taxation pursuant to this section shall apply only to assets and  
6 income maintained, accrued, or expended pursuant to the requirements of the ABLE program  
7 established pursuant to sections 209.600 to 209.645, and no exemption shall apply to assets and  
8 income expended for any other purposes. Annual contributions made to the ABLE program  
9 held by the board up to and including eight thousand dollars per participating taxpayer, and up  
10 to sixteen thousand dollars for ~~married individuals~~ **parties to a contract of domestic union**  
11 filing a joint tax return, shall be subtracted in determining Missouri adjusted gross income  
12 pursuant to section 143.121.

13 2. If any deductible contributions to or earnings from any such program referred to in this  
14 section are distributed and not used to pay qualified disability expenses or are not held for the  
15 minimum length of time established by the appropriate Missouri board, the amount so distributed  
16 shall be added to the Missouri adjusted gross income of the participant, or, if the participant is  
17 not living, the designated beneficiary.

18 3. The provisions of this section shall apply to tax years beginning on or after January  
19 1, 2015.

210.211. 1. It shall be unlawful for any person to establish, maintain or operate a  
2 child-care facility for children, or to advertise or hold himself or herself out as being able to

3 perform any of the services as defined in section 210.201, without having in effect a written  
4 license granted by the department of health and senior services; except that nothing in sections  
5 210.203 to 210.245 shall apply to:

6 (1) Any person who is caring for four or fewer children. For purposes of this  
7 subdivision, children who are related by blood, ~~marriage~~ **a contract of domestic union**, or  
8 adoption to such person within the third degree shall not be considered in the total number of  
9 children being cared for;

10 (2) Any person who has been duly appointed by a court of competent jurisdiction the  
11 guardian of the person of the child or children, or the person who has legal custody of the child  
12 or children;

13 (3) Any person who receives free of charge, and not as a business, for periods not  
14 exceeding ninety consecutive days, as bona fide, occasional and personal guests the child or  
15 children of personal friends of such person, and who receives custody of no other unrelated child  
16 or children;

17 (4) Any graded boarding school, summer camp, hospital, sanitarium or home which is  
18 conducted in good faith primarily to provide education, recreation, medical treatment, or nursing  
19 or convalescent care for children;

20 (5) Any child-care facility maintained or operated under the exclusive control of a  
21 religious organization. When a nonreligious organization, having as its principal purpose the  
22 provision of child-care services, enters into an arrangement with a religious organization for the  
23 maintenance or operation of a child-care facility, the facility is not under the exclusive control  
24 of the religious organization;

25 (6) Any residential facility or day program licensed by the department of mental health  
26 pursuant to sections 630.705 to 630.760 which provides care, treatment and habilitation  
27 exclusively to children who have a primary diagnosis of mental disorder, mental illness,  
28 intellectual disability or developmental disability, as defined in section 630.005; and

29 (7) Any nursery school.

30 2. Notwithstanding the provisions of subsection 1 of this section, no child-care facility  
31 shall be exempt from licensure if such facility receives any state or federal funds for providing  
32 care for children, except for federal funds for those programs which meet the requirements for  
33 participation in the Child and Adult Care Food Program pursuant to 42 U.S.C. Section 1766.  
34 Grants to parents for child care pursuant to sections 210.201 to 210.257 shall not be construed  
35 to be funds received by a person or facility listed in subdivisions (1) and (5) of subsection 1 of  
36 this section.

37 3. Any child care facility not exempt from licensure shall disclose the licensure status  
38 of the facility to the parents or guardians of children for which the facility provides care. No

39 child care facility exempt from licensure shall represent to any parent or guardian of children for  
40 which the facility provides care that the facility is licensed when such facility is in fact not  
41 licensed.

42 4. Any in-home licensed child care facility that is organized as a corporation, association,  
43 firm, partnership, proprietorship, limited liability company, or any other type of business entity  
44 in this state shall qualify for the exemption for related children for children who are related to  
45 the member of the corporation, association, firm, partnership, proprietorship, limited liability  
46 company, or other type of business entity who is responsible for the daily operation of the child  
47 care facility and who meets the requirements of the child care provider. If more than one  
48 member of the corporation, association, firm, partnership, proprietorship, limited liability  
49 company, or other type of business entity is responsible for the daily operation of the child care  
50 facility, the exemption for related children shall only be granted for children who are related to  
51 one of the members. All child care facilities under this subsection shall disclose the licensure  
52 status of the facility to the parents or guardians of children for which the facility provides care.  
53 A parent or guardian shall sign a written notice indicating he or she is aware of the licensure  
54 status of the facility. The facility shall keep a copy of this signed written notice on file. All child  
55 care facilities shall provide the parent or guardian enrolling a child in the facility with a written  
56 explanation of the disciplinary philosophy and policies of the child care facility.

210.481. As used in sections 210.481 to 210.536, unless the context clearly requires  
2 otherwise, the following terms shall mean:

3 (1) "Child", any individual under eighteen years of age or in the custody of the division;

4 (2) "Child placing agency", any person, other than the parents, who places a child outside  
5 the home of the child's parents or guardian, or advertises or holds himself forth as performing  
6 such services, but excluding the attorney, physician, or clergyman of the parents;

7 (3) "Division", the children's division of the department of social services of the state of  
8 Missouri;

9 (4) "Foster home", a private residence of one or more family members providing  
10 twenty-four-hour care to one or more but less than seven children who are unattended by parent  
11 or guardian and who are unrelated to either foster parent by blood, ~~marriage~~ **a contract of**  
12 **domestic union**, or adoption;

13 (5) "Guardian", the person designated by a court of competent jurisdiction as the  
14 "guardian of the person of a minor" or "guardian of the person and conservator of the estate of  
15 a minor";

16 (6) "License", the document issued by the division in accordance with the applicable  
17 provisions of sections 210.481 to 210.536 to a foster home, residential care facility, or child  
18 placing agency which authorizes the foster home, residential care facility, or child placing agency

19 to operate its program in accordance with the applicable provisions of sections 210.481 to  
20 210.536 and rules issued pursuant thereto;

21 (7) "Person", any individual, firm, corporation, partnership, association, agency, or an  
22 incorporated or unincorporated organization, regardless of the name used;

23 (8) "Provisional license", the document issued by the division in accordance with the  
24 applicable provisions of sections 210.481 to 210.536 to a foster home, residential care facility,  
25 or child placing agency which is not currently meeting requirements for full licensure;

26 (9) "Related", any of the following by blood, ~~marriage~~ **a contract of domestic union**,  
27 or adoption: Parent, grandparent, brother, sister, half-brother, half-sister, stepparent, stepbrother,  
28 stepsister, uncle, aunt, or first cousin;

29 (10) "Residential care facility", a facility providing twenty-four-hour care in a group  
30 setting to children who are unrelated to the person operating the facility and who are unattended  
31 by a parent or guardian.

210.565. 1. Whenever a child is placed in a foster home and the court has determined  
2 pursuant to subsection 4 of this section that foster home placement with relatives is not contrary  
3 to the best interest of the child, the children's division shall give foster home placement to  
4 relatives of the child. Notwithstanding any rule of the division to the contrary, the children's  
5 division shall make diligent efforts to locate the grandparents of the child and determine whether  
6 they wish to be considered for placement of the child. Grandparents who request consideration  
7 shall be given preference and first consideration for foster home placement of the child. If more  
8 than one grandparent requests consideration, the family support team shall make  
9 recommendations to the juvenile or family court about which grandparent should be considered  
10 for placement.

11 2. As used in this section, the term "relative" means a grandparent or any other person  
12 related to another by blood or affinity within the third degree. The status of a grandparent shall  
13 not be affected by the death or the dissolution of ~~the marriage~~ **a contract of domestic union**  
14 of a son or daughter.

15 3. The following shall be the order or preference for placement of a child under this  
16 section:

17 (1) Grandparents and relatives;

18 (2) A trusted adult that has a preexisting relationship with the child, such as a godparent,  
19 teacher, neighbor, or fellow parishioner who voluntarily agrees to care for the child; and (3)  
20 Any foster parent who is currently licensed and capable of accepting placement of the child.

21 4. The preference for placement and first consideration for grandparents or preference  
22 for placement with other relatives created by this section shall only apply where the court finds  
23 that placement with such grandparents or other relatives is not contrary to the best interest of the

24 child considering all circumstances. If the court finds that it is contrary to the best interest of a  
25 child to be placed with grandparents or other relatives, the court shall make specific findings on  
26 the record detailing the reasons why the best interests of the child necessitate placement of the  
27 child with persons other than grandparents or other relatives.

28 5. Recognizing the critical nature of sibling bonds for children, the children's division  
29 shall make reasonable efforts to place siblings in the same foster care, kinship, guardianship, or  
30 adoptive placement, unless doing so would be contrary to the safety or well-being of any of the  
31 siblings. If siblings are not placed together, the children's division shall make reasonable efforts  
32 to provide frequent visitation or other ongoing interaction between the siblings, unless this  
33 interaction would be contrary to a sibling's safety or well-being.

34 6. The age of the child's grandparent or other relative shall not be the only factor that the  
35 children's division takes into consideration when it makes placement decisions and  
36 recommendations to the court about placing the child with such grandparent or other relative.

37 7. For any Native American child placed in protective custody, the children's division  
38 shall comply with the placement requirements set forth in 25 U.S.C. Section 1915.

39 8. A grandparent or other relative may, on a case-by-case basis, have standards for  
40 licensure not related to safety waived for specific children in care that would otherwise impede  
41 licensing of the grandparent's or relative's home. In addition, any person receiving a preference  
42 may be licensed in an expedited manner if a child is placed under such person's care.

43 9. The guardian ad litem shall ascertain the child's wishes and feelings about his or her  
44 placement by conducting an interview or interviews with the child, if appropriate based on the  
45 child's age and maturity level, which shall be considered as a factor in placement decisions and  
46 recommendations, but shall not supersede the preference for relative placement created by this  
47 section or be contrary to the child's best interests.

210.818. The parent and child relationship extends equally to every child and every  
2 parent, regardless of the ~~[marital]~~ **domestic union** status of the parents.

210.822. 1. A man shall be presumed to be the natural father of a child if:

2 (1) He and the child's natural mother are or have been ~~[married to]~~ **parties to a contract**  
3 **of domestic union with** each other and the child is born during the ~~[marriage]~~ **contract of**  
4 **domestic union**, or within three hundred days after the ~~[marriage]~~ **contract of domestic union**  
5 is terminated by death, annulment, declaration of invalidity, or dissolution, or after a decree of  
6 separation is entered by a court; or

7 (2) Before the child's birth, he and the child's natural mother have attempted to ~~[marry~~  
8 ~~each other by a marriage solemnized in apparent compliance with the law]~~ **become parties to**  
9 **a contract of domestic union in apparent compliance with the law**, although the attempted  
10 ~~[marriage]~~ **contract of domestic union** is or may be declared invalid, and:

11 (a) If the attempted ~~[marriage]~~ **contract of domestic union** may be declared invalid only  
12 by a court, the child is born during the attempted ~~[marriage]~~ **contract of domestic union** or  
13 within three hundred days after its termination by death, annulment, declaration of invalidity or  
14 dissolution; or

15 (b) If the ~~[marriage]~~ **contract of domestic union** is invalid without a court order, the  
16 child is born within three hundred days after the termination of cohabitation; or

17 (3) After the child's birth, he and the child's natural mother have ~~[married]~~ **become**  
18 **parties to a contract of domestic union** or attempted to ~~[marry each other by a marriage~~  
19 ~~solemnized in apparent compliance with law]~~ **become parties to a contract of domestic union**  
20 **in apparent compliance with the law**, although the ~~[marriage]~~ **contract of domestic union** is  
21 or may be declared invalid, and:

22 (a) He has acknowledged his paternity of the child in writing filed with the bureau; or

23 (b) With his consent, he is named as the child's father on the child's birth certificate; or

24 (c) He is obligated to support the child pursuant to a written voluntary promise or by  
25 court order; or

26 (4) An expert concludes that the blood tests show that the alleged parent is not excluded  
27 and that the probability of paternity is ninety-eight percent or higher, using a prior probability  
28 of 0.5.

29 2. A presumption pursuant to this section may be rebutted in an appropriate action only  
30 by clear and convincing evidence, except that a presumption under subsection 1 of this section  
31 that arises from a blood test or the filing of an acknowledgment of paternity in a state or territory  
32 in which the blood test or the filing creates a conclusive presumption by law also has conclusive  
33 effect in Missouri. If two or more presumptions arise which conflict with each other, the  
34 presumption which on the facts is founded on the weightier considerations of policy and logic  
35 controls. The presumption is rebutted by a court decree establishing the paternity of the child  
36 by another man.

210.824. 1. If, under the supervision of a licensed physician and with the consent of her  
2 husband, a wife is inseminated artificially with semen donated by a man not her husband, the  
3 husband is treated in law as if he were the natural father of a child thereby conceived. The  
4 husband's consent must be in writing and signed by him and his wife. The physician shall certify  
5 their signatures and the date of the insemination, and file the husband's consent with the bureau,  
6 where it shall be kept confidential and in a sealed file. The physician's failure to comply with  
7 this section shall not affect the father and child relationship. All papers and records pertaining  
8 to the insemination, whether part of the permanent record of a court or of a file held by the  
9 supervising physician or elsewhere, are subject to inspection only upon an order of the court for  
10 good cause shown.



11           2. The donor of semen provided to a licensed physician for use in artificial insemination  
12 of a ~~married~~ woman **who is a party to a contract to domestic union** other than the donor's  
13 wife is treated in law as if he were not the natural father of a child thereby conceived.

210.829. 1. The circuit court has jurisdiction of an action brought under sections  
2 210.817 to 210.852. The action may be joined by separate document with an action for  
3 dissolution of ~~marriage~~ **a contract of domestic union**, annulment, separate maintenance,  
4 support, custody or visitation, except that in any action instituted at the request of the family  
5 support division by a prosecuting or circuit attorney or attorney under contract with such  
6 division, if an action for dissolution, annulment, separate maintenance, custody or visitation is  
7 joined hereunder, it shall be severed upon request. Failure to join an action for reimbursement  
8 of necessities provided with an action brought under sections 210.817 to 210.852 shall not be  
9 a bar to subsequently bringing such an action for reimbursement of necessities provided.

10           2. A person who has sexual intercourse in this state thereby submits to the jurisdiction  
11 of the courts of this state to an action brought under sections 210.817 to 210.852 with respect to  
12 a child who may have been conceived by that act of intercourse. In addition to any other method  
13 provided by rule or statute, including sections 506.160 and 506.510, personal jurisdiction may  
14 be acquired by personal service of summons outside this state or by certified mail with proof of  
15 actual receipt.

16           3. Notwithstanding subsection 2 of this section, personal jurisdiction may be asserted  
17 over any person if there is any basis consistent with the constitution of this state or the United  
18 States.

19           4. An action brought under sections 210.817 to 210.852 may be brought in the county  
20 in which the child resides, the mother resides, or the alleged father resides or is found or, if the  
21 father is deceased, in which proceedings for probate of his or her estate have been or could be  
22 commenced.

210.841. 1. The judgment or order of the court determining the existence or  
2 nonexistence of the parent and child relationship is determinative for all purposes.

3           2. If the judgment or order of the court varies with the child's birth certificate, the court  
4 shall order that an amended birth registration be made pursuant to section 210.849.

5           3. The judgment or order shall contain the Social Security number of each party and may  
6 contain any other provision directed against the appropriate party to the proceeding concerning:

- 7           (1) The duty of support;  
8           (2) The custody and guardianship of the child;  
9           (3) Visitation privileges with the child;  
10          (4) The furnishing of bond or other security for the payment of the judgment; or

11 (5) Any matter in the best interest of the child. The judgment or order may direct the  
12 father to pay the reasonable expenses of the mother's pregnancy and confinement.

13 4. Support judgments or orders ordinarily shall be for periodic payments. In the best  
14 interests of the child, a lump sum payment or the purchase of an annuity may be ordered in lieu  
15 of periodic payments of support. The court may limit the father's liability for past support of the  
16 child to the proportion of the expenses already incurred that the court deems just.

17 5. There shall be a rebuttable presumption that the amount of support that would result  
18 from the application of supreme court rule 88.01 is the correct amount of child support to be  
19 awarded. A written finding or specific finding on the record that the application of supreme  
20 court rule 88.01 would be unjust or inappropriate in a particular case, after considering all  
21 relevant factors including the factors in subsection 6 of this section, shall be sufficient to rebut  
22 the presumption in the case.

23 6. In determining the amount to be paid by a parent for support of the child and the  
24 period during which the duty of support is owed, the court shall consider all relevant facts,  
25 including:

- 26 (1) The needs of the child;  
27 (2) The standard of living and circumstances of the parents;  
28 (3) The relative financial means of the parents;  
29 (4) The earning ability of the parents;  
30 (5) The need and capacity of the child for education, including higher education;  
31 (6) The age of the child;  
32 (7) The financial resources and earning capacity of the child;  
33 (8) The responsibility of the parents for the support of other children;  
34 (9) The value of the services contributed by the custodial parent; and  
35 (10) The standard of living and circumstances of the family prior to the dissolution of  
36 ~~marriage~~ **a contract of domestic union** of parents or during the period of cohabitation of the  
37 parents.

38 7. Any award for periodic child support may be retroactive to the date of service of the  
39 original petition upon the obligor.

211.021. 1. As used in this chapter, unless the context clearly requires otherwise:

2 (1) "Adult" means a person seventeen years of age or older except for seventeen-year-old  
3 children as defined in this section;

4 (2) "Child" means any person under seventeen years of age and shall mean, in addition,  
5 any person over seventeen but not yet eighteen years of age alleged to have committed a status  
6 offense;

7 (3) "Juvenile court" means the juvenile division or divisions of the circuit court of the  
8 county, or judges while hearing juvenile cases assigned to them;

9 (4) "Legal custody" means the right to the care, custody and control of a child and the  
10 duty to provide food, clothing, shelter, ordinary medical care, education, treatment and discipline  
11 of a child. Legal custody may be taken from a parent only by court action and if the legal  
12 custody is taken from a parent without termination of parental rights, the parent's duty to provide  
13 support continues even though the person having legal custody may provide the necessities of  
14 daily living;

15 (5) "Parent" means either a natural parent or a parent by adoption and if the child is  
16 illegitimate, "parent" means the mother;

17 (6) "Shelter care" means the temporary care of juveniles in physically unrestricting  
18 facilities pending final court disposition. These facilities may include:

19 (a) "Foster home", the private home of foster parents providing twenty-four-hour care  
20 to one to three children unrelated to the foster parents by blood, ~~marriage~~ **contract of domestic**  
21 **union**, or adoption;

22 (b) "Group foster home", the private home of foster parents providing twenty-four-hour  
23 care to no more than six children unrelated to the foster parents by blood, ~~marriage~~ **contract**  
24 **of domestic union**, or adoption;

25 (c) "Group home", a child care facility which approximates a family setting, provides  
26 access to community activities and resources, and provides care to no more than twelve children;

27 (7) "Status offense", any offense as described in subdivision (2) of subsection 1 of  
28 section 211.031.

29 2. The amendments to subsection 1 of this section, as provided for in this act, shall not  
30 take effect until such time as appropriations by the general assembly for additional juvenile  
31 officer full-time equivalents and deputy juvenile officer full-time equivalents shall exceed by one  
32 million nine hundred thousand dollars the amount spent by the state for such officers in fiscal  
33 year 2007 and appropriations by the general assembly to single first class counties for juvenile  
34 court personnel costs shall exceed by one million nine hundred thousand dollars the amount  
35 spent by the state for such juvenile court personnel costs in fiscal year 2007 and notice of such  
36 appropriations has been given to the revisor of statutes.

214.270. As used in sections 214.270 to 214.410, the following terms mean:

2 (1) "Agent" or "authorized agent", any person empowered by the cemetery operator to  
3 represent the operator in dealing with the general public, including owners of the burial space  
4 in the cemetery;

5 (2) "Burial merchandise", a monument, marker, memorial, tombstone, headstone, urn,  
6 outer burial container, or similar article which may contain specific lettering, shape, color, or  
7 design as specified by the purchaser;

8 (3) "Burial space", one or more than one plot, grave, mausoleum, crypt, lawn, surface  
9 lawn crypt, niche or space used or intended for the interment of the human dead;

10 (4) "Cemetery", property restricted in use for the interment of the human dead by formal  
11 dedication or reservation by deed but shall not include any of the foregoing held or operated by  
12 the state or federal government or any political subdivision thereof, any incorporated city or  
13 town, any county or any religious organization, cemetery association or fraternal society holding  
14 the same for sale solely to members and their immediate families;

15 (5) "Cemetery association", any number of persons who shall have associated themselves  
16 by articles of agreement in writing as a not-for-profit association or organization, whether  
17 incorporated or unincorporated, formed for the purpose of ownership, preservation, care,  
18 maintenance, adornment and administration of a cemetery. Cemetery associations shall be  
19 governed by a board of directors. Directors shall serve without compensation;

20 (6) "Cemetery operator" or "operator", any person who owns, controls, operates or  
21 manages a cemetery;

22 (7) "Cemetery prearranged contract", any contract with a cemetery or cemetery operator  
23 for burial merchandise or burial services covered by sections 214.270 to 214.410 which is  
24 entered into before the death of the individual for whom the burial merchandise or burial services  
25 are intended;

26 (8) "Cemetery service" or "burial service", those services performed by a cemetery owner  
27 or operator licensed as an endowed care or nonendowed cemetery including setting a monument  
28 or marker, setting a tent, excavating a grave, interment, entombment, inurnment, setting a vault,  
29 or other related services within the cemetery;

30 (9) "Columbarium", a building or structure for the inurnment of cremated human  
31 remains;

32 (10) "Community mausoleum", a mausoleum containing a substantial area of enclosed  
33 space and having either a heating, ventilating or air conditioning system;

34 (11) "Department", department of insurance, financial institutions and professional  
35 registration;

36 (12) "Developed acreage", the area which has been platted into grave spaces and has  
37 been developed with roads, paths, features, or ornamentations and in which burials can be made;

38 (13) "Director", director of the division of professional registration;

39 (14) "Division", division of professional registration;

40 (15) "Endowed care", the maintenance, repair and care of all burial space subject to the  
41 endowment within a cemetery, including any improvements made for the benefit of such burial  
42 space. Endowed care shall include the general overhead expenses needed to accomplish such  
43 maintenance, repair, care and improvements. Endowed care shall include the terms perpetual  
44 care, permanent care, continual care, eternal care, care of duration, or any like term;

45 (16) "Endowed care cemetery", a cemetery, or a section of a cemetery, which represents  
46 itself as offering endowed care and which complies with the provisions of sections 214.270 to  
47 214.410;

48 (17) "Endowed care fund", "endowed care trust", or "trust", any cash or cash equivalent,  
49 to include any income therefrom, impressed with a trust by the terms of any gift, grant,  
50 contribution, payment, devise or bequest to an endowed care cemetery, or its endowed care trust,  
51 or funds to be delivered to an endowed care cemetery's trust received pursuant to a contract and  
52 accepted by any endowed care cemetery operator or his agent. This definition includes the terms  
53 endowed care funds, maintenance funds, memorial care funds, perpetual care funds, or any like  
54 term;

55 (18) "Escrow account", an account established in lieu of an endowed care fund as  
56 provided under section 214.330 or an account used to hold deposits under section 214.387;

57 (19) "Escrow agent", an attorney, title company, certified public accountant or other  
58 person authorized by the division to exercise escrow powers under the laws of this state;

59 (20) "Escrow agreement", an agreement subject to approval by the office between an  
60 escrow agent and a cemetery operator or its agent or related party with common ownership, to  
61 receive and administer payments under cemetery prearranged contracts sold by the cemetery  
62 operator;

63 (21) "Family burial ground", a cemetery in which no burial space is sold to the public  
64 and in which interments are restricted to persons related by blood or ~~marriage~~ **a contract of**  
65 **domestic union**;

66 (22) "Fraternal cemetery", a cemetery owned, operated, controlled or managed by any  
67 fraternal organization or auxiliary organizations thereof, in which the sale of burial space is  
68 restricted solely to its members and their immediate families;

69 (23) "Garden mausoleum", a mausoleum without a substantial area of enclosed space  
70 and having its crypt and niche fronts open to the atmosphere. Ventilation of the crypts by forced  
71 air or otherwise does not constitute a garden mausoleum as a community mausoleum;

72 (24) "Government cemetery", or "municipal cemetery", a cemetery owned, operated,  
73 controlled or managed by the federal government, the state or a political subdivision of the state,  
74 including a county or municipality or instrumentality thereof;

75 (25) "Grave" or "plot", a place of ground in a cemetery, used or intended to be used for  
76 burial of human remains;

77 (26) "Human remains", the body of a deceased person in any state of decomposition, as  
78 well as cremated remains;

79 (27) "Inurnment", placing an urn containing cremated remains in a burial space;

80 (28) "Lawn crypt", a burial vault or other permanent container for a casket which is  
81 permanently installed below ground prior to the time of the actual interment. A lawn crypt may  
82 permit single or multiple interments in a grave space;

83 (29) "Mausoleum", a structure or building for the entombment of human remains in  
84 crypts;

85 (30) "Niche", a space in a columbarium used or intended to be used for inurnment of  
86 cremated remains;

87 (31) "Nonendowed care cemetery", or "nonendowed cemetery", a cemetery or a section  
88 of a cemetery for which no endowed care trust fund has been established in accordance with  
89 sections 214.270 to 214.410;

90 (32) "Office", the office of endowed care cemeteries within the division of professional  
91 registration;

92 (33) "Owner of burial space", a person to whom the cemetery operator or his authorized  
93 agent has transferred the right of use of burial space;

94 (34) "Person", an individual, corporation, partnership, joint venture, association, trust  
95 or any other legal entity;

96 (35) "Registry", the list of cemeteries maintained in the division office for public review.  
97 The division may charge a fee for copies of the registry;

98 (36) "Religious cemetery", a cemetery owned, operated, controlled or managed by any  
99 church, convention of churches, religious order or affiliated auxiliary thereof in which the sale  
100 of burial space is restricted solely to its members and their immediate families;

101 (37) "Surface lawn crypt", a sealed burial chamber whose lid protrudes above the land  
102 surface;

103 (38) "Total acreage", the entire tract which is dedicated to or reserved for cemetery  
104 purposes;

105 (39) "Trustee of an endowed care fund", the separate legal entity qualified under section  
106 214.330 appointed as trustee of an endowed care fund.

227.297. 1. This section establishes a designation program, to be known as the "Heroes  
2 Way Designation Program", to honor the fallen Missouri heroes who have been killed in action  
3 while performing active military duty with the Armed Forces. The signs shall be placed upon  
4 interstate or state-numbered highway interchanges or upon bridges or segments of highway on

5 the state highway system in accordance with this section, and any applicable federal and state  
6 limitations or conditions on highway signage, including location and spacing.

7         2. Any person who is related by ~~[marriage]~~ **a contract of domestic union**, adoption, or  
8 consanguinity within the second degree to a member of the United States Armed Forces who was  
9 killed in action while performing active military duty with the Armed Forces, and who was a  
10 resident of this state at the time he or she was killed in action, may apply for a designation under  
11 the provisions of this section.

12         3. Any person described under subsection 2 of this section who desires to have an  
13 interstate or state-numbered highway interchange or bridge or segment of highway on the state  
14 highway system designated after his or her family member shall petition the department of  
15 transportation by submitting the following:

16             (1) An application in a form prescribed by the director, describing the interstate or  
17 state-numbered highway interchange or bridge or segment of highway on the state highway  
18 system for which the designation is sought and the proposed name of the interchange, bridge or  
19 relevant segment of highway. The application shall include the name of at least one current  
20 member of the general assembly who will sponsor the designation. The application may contain  
21 written testimony for support of the designation;

22             (2) Proof that the family member killed in action was a member of the United States  
23 Armed Forces and proof that such family member was in fact killed in action while performing  
24 active military duty with the United States Armed Forces. Acceptable proof shall be a statement  
25 from the Missouri veterans commission or the United States Department of Veterans Affairs so  
26 certifying such facts;

27             (3) By signing a form provided by the Missouri transportation department, the applicant  
28 shall certify that the applicant is related by ~~[marriage]~~ **contract of domestic union**, adoption, or  
29 consanguinity within the second degree to the member of the United States Armed Forces who  
30 was killed in action; and

31             (4) A fee to be determined by the commission to cover the costs of constructing and  
32 maintaining the proposed interchange, bridge, or highway signs. The fee shall not exceed the  
33 cost of constructing and maintaining each sign.

34         4. All moneys received by the department of transportation for the construction and  
35 maintenance of interchange, bridge, or highway signs shall be deposited in the state treasury to  
36 the credit of the state road fund.

37         5. The documents and fees required under this section shall be submitted to the  
38 department of transportation.

39         6. The department of transportation shall submit for approval or disapproval all  
40 applications for designations to the joint committee on transportation oversight. The joint

41 committee on transportation oversight may review such applications at any scheduled meeting  
42 convened pursuant to section 21.795. If satisfied with the application and all its contents, the  
43 committee shall approve the application. The committee shall notify the department of  
44 transportation upon the approval or denial of an application for a designation.

45 7. The department of transportation shall give notice of any proposed designation under  
46 this section in a manner reasonably calculated to advise the public of such proposal. Reasonable  
47 notice shall include posting the proposal for the designation on the department's official public  
48 website and making available copies of the sign designation application to any representative of  
49 the news media or public upon request and posting the application on a bulletin board or other  
50 prominent public place which is easily accessible to the public and clearly designated for that  
51 purpose at the principal office.

52 8. If the memorial designation request is not approved by the joint committee on  
53 transportation oversight, ninety-seven percent of the application fee shall be refunded to the  
54 applicant.

55 9. Two signs shall be erected for each interchange, bridge, or highway designation  
56 processed under this section.

57 10. No interchange, bridge, or highway may be named or designated after more than one  
58 member of the United States Armed Forces killed in action. Such person shall only be eligible  
59 for one interchange, bridge, or highway designation under the provisions of this section.

60 11. Any highway signs erected for any designation under the provisions of this section  
61 shall be erected and maintained for a twenty-year period. After such period, the signs shall be  
62 subject to removal by the department of transportation and the interchange, bridge, or highway  
63 may be designated to honor persons other than the current designee. An existing designation  
64 processed under the provisions of this section may be retained for additional twenty-year  
65 increments if, at least one year before the designation's expiration, an application to the  
66 department of transportation is made to retain the designation along with the required documents  
67 and all applicable fees required under this section.

273.110. 1. No owner or custodian of livestock or poultry which has been injured or  
2 killed by dogs shall be entitled to receive any portion of the county dog license fund unless  
3 within ten days after suffering such loss or damage he **or she**, with two other credible residents  
4 of the county, not kin to him **or her** by blood or ~~marriage~~ **by a contract of domestic union** or  
5 not in his **or her** employ, make written application supported by affidavit to the county clerk on  
6 blanks furnished by the county clerk, stating:

7 (1) That he **or she** is a resident of the state of Missouri, and that he **or she** has resided  
8 in such county for more than thirty days immediately preceding the date of the injury or killing  
9 of his **or her** livestock or poultry;



- 10           (2) That he **or she** was the owner or custodian on such date of such livestock or poultry;  
11           (3) The legal description of the premises on which such livestock or poultry was injured  
12 or killed;  
13           (4) A complete description as to the number, weight and color of such livestock or  
14 poultry;  
15           (5) The market value thereof on the date of such injury or killing.  
16           2. The county clerk shall file all such applications and affidavits so received by him to  
17 be examined and passed upon by the county commission, except that no claim shall be  
18 considered or paid for the destruction of livestock or poultry by a dog or dogs belonging to the  
19 owner of such livestock or poultry.

287.240. If the injury causes death, either with or without disability, the compensation  
2 therefor shall be as provided in this section:

- 3           (1) In all cases the employer shall pay direct to the persons furnishing the same the  
4 reasonable expense of the burial of the deceased employee not exceeding five thousand dollars.  
5 But no person shall be entitled to compensation for the burial expenses of a deceased employee  
6 unless he has furnished the same by authority of the widow or widower, the nearest relative of  
7 the deceased employee in the county of his death, his personal representative, or the employer,  
8 who shall have the right to give the authority in the order named. All fees and charges under this  
9 section shall be fair and reasonable, shall be subject to regulation by the division or the  
10 commission and shall be limited to such as are fair and reasonable for similar service to persons  
11 of a like standard of living. The division or the commission shall also have jurisdiction to hear  
12 and determine all disputes as to the charges. If the deceased employee leaves no dependents, the  
13 death benefit in this subdivision provided shall be the limit of the liability of the employer under  
14 this chapter on account of the death, except as herein provided for burial expenses and except  
15 as provided in section 287.140; provided that in all cases when the employer admits or does not  
16 deny liability for the burial expense, it shall be paid within thirty days after written notice, that  
17 the service has been rendered, has been delivered to the employer. The notice may be sent by  
18 registered mail, return receipt requested, or may be made by personal delivery;  
19           (2) The employer shall also pay to the total dependents of the employee a death benefit  
20 based on the employee's average weekly earnings during the year immediately preceding the  
21 injury that results in the death of the employee, as provided in section 287.250. The amount of  
22 compensation for death, which shall be paid in installments in the same manner that  
23 compensation is required to be paid under this chapter, shall be computed as follows:  
24           (a) If the injury which caused the death occurred on or after September 28, 1983, but  
25 before September 28, 1986, the weekly compensation shall be an amount equal to sixty-six and  
26 two-thirds percent of the employee's average weekly earnings during the year immediately

27 preceding the injury; provided that the weekly compensation paid under this paragraph shall not  
28 exceed an amount equal to seventy percent of the state average weekly wage, as such wage is  
29 determined by the division of employment security, as of the July first immediately preceding  
30 the date of injury. If there is a total dependent, no death benefits shall be payable to partial  
31 dependents or any other persons except as provided in subdivision (1) of this section;

32 (b) If the injury which caused the death occurred on or after September 28, 1986, but  
33 before August 28, 1990, the weekly compensation shall be an amount equal to sixty-six and  
34 two-thirds percent of the employee's average weekly earnings during the year immediately  
35 preceding the injury; provided that the weekly compensation paid under this paragraph shall not  
36 exceed an amount equal to seventy-five percent of the state average weekly wage, as such wage  
37 is determined by the division of employment security, as of the July first immediately preceding  
38 the date of injury. If there is a total dependent, no death benefit shall be payable to partial  
39 dependents or any other persons except as provided in subdivision (1) of this section;

40 (c) If the injury which caused the death occurred on or after August 28, 1990, but before  
41 August 28, 1991, the weekly compensation shall be an amount equal to sixty-six and two-thirds  
42 percent of the injured employee's average weekly earnings as of the date of the injury; provided  
43 that the weekly compensation paid under this paragraph shall not exceed an amount equal to one  
44 hundred percent of the state average weekly wage;

45 (d) If the injury which caused the death occurred on or after August 28, 1991, the weekly  
46 compensation shall be an amount equal to sixty-six and two-thirds percent of the injured  
47 employee's average weekly earnings as of the date of the injury; provided that the weekly  
48 compensation paid under this paragraph shall not exceed an amount equal to one hundred five  
49 percent of the state average weekly wage;

50 (e) If the injury which caused the death occurred on or after September 28, 1981, the  
51 weekly compensation shall in no event be less than forty dollars per week;

52 (3) If there are partial dependents, and no total dependents, a part of the death benefit  
53 herein provided in the case of total dependents, determined by the proportion of his contributions  
54 to all partial dependents by the employee at the time of the injury, shall be paid by the employer  
55 to each of the dependents proportionately;

56 (4) The word "dependent" as used in this chapter shall be construed to mean a relative  
57 by blood or ~~marriage~~ **by a contract of domestic union** of a deceased employee, who is actually  
58 dependent for support, in whole or in part, upon his or her wages at the time of the injury. The  
59 following persons shall be conclusively presumed to be totally dependent for support upon a  
60 deceased employee, and any death benefit shall be payable to them to the exclusion of other total  
61 dependents:

62 (a) A wife upon a husband with whom she lives or who is legally liable for her support,  
63 and a husband upon a wife with whom he lives or who is legally liable for his support; provided  
64 that on the death or remarriage of a widow or widower, the death benefit shall cease unless there  
65 be other total dependents entitled to any death benefits under this chapter. In the event of  
66 ~~remarriage~~ **a new contract of domestic union**, a lump sum payment equal in amount to the  
67 benefits due for a period of two years shall be paid to the widow or widower. Thereupon the  
68 periodic death benefits shall cease unless there are other total dependents entitled to any death  
69 benefit under this chapter, in which event the periodic benefits to which such widow or widower  
70 would have been entitled had he or she not died or ~~remarried~~ **become a party to a new**  
71 **contract of domestic union** shall be divided among such other total dependents and paid to  
72 them during their period of entitlement under this chapter;

73 (b) A natural, posthumous, or adopted child or children, whether legitimate or  
74 illegitimate, under the age of eighteen years, or over that age if physically or mentally  
75 incapacitated from wage earning, upon the parent legally liable for the support or with whom he,  
76 she, or they are living at the time of the death of the parent. In case there is a wife or a husband  
77 mentally or physically incapacitated from wage earning, dependent upon a wife or husband, and  
78 a child or more than one child thus dependent, the death benefit shall be divided among them in  
79 such proportion as may be determined by the commission after considering their ages and other  
80 facts bearing on the dependency. In all other cases questions of total or partial dependency shall  
81 be determined in accordance with the facts at the time of the injury, and in such other cases if  
82 there is more than one person wholly dependent the death benefit shall be divided equally among  
83 them. The payment of death benefits to a child or other dependent as provided in this paragraph  
84 shall cease when the dependent dies, attains the age of eighteen years, or becomes physically and  
85 mentally capable of wage earning over that age, or until twenty-two years of age if the child of  
86 the deceased is in attendance and remains as a full-time student in any accredited educational  
87 institution, or if at eighteen years of age the dependent child is a member of the Armed Forces  
88 of the United States on active duty; provided, however, that such dependent child shall be  
89 entitled to compensation during four years of full-time attendance at a fully accredited  
90 educational institution to commence prior to twenty-three years of age and immediately upon  
91 cessation of his active duty in the Armed Forces, unless there are other total dependents entitled  
92 to the death benefit under this chapter;

93 (5) The division or the commission may, in its discretion, order or award the share of  
94 compensation of any such child to be paid to the parent, grandparent, or other adult next of kin  
95 or conservator of the child for the latter's support, maintenance and education, which order or  
96 award upon notice to the parties may be modified from time to time by the commission in its

97 discretion with respect to the person to whom shall be paid the amount of the order or award  
98 remaining unpaid at the time of the modification;

99 (6) The payments of compensation by the employer in accordance with the order or  
100 award of the division or the commission shall discharge the employer from all further obligations  
101 as to the compensation;

102 (7) All death benefits in this chapter shall be paid in installments in the same manner as  
103 provided for disability compensation;

104 (8) Every employer shall keep a record of the correct names and addresses of the  
105 dependents of each of his employees, and upon the death of an employee by accident arising out  
106 of and in the course of his employment shall so far as possible immediately furnish the division  
107 with such names and addresses;

108 (9) Dependents receiving death benefits under the provisions of this chapter shall  
109 annually report to the division as to ~~marital~~ **domestic union** status in the case of a widow or  
110 widower or age and physical or mental condition of a dependent child. The division shall  
111 provide forms for the making of such reports.

287.812. As used in sections 287.812 to 287.855, unless the context clearly requires  
2 otherwise, the following terms shall mean:

3 (1) "Administrative law judge", any person appointed pursuant to section 287.610 or  
4 section 621.015, or any person who hereafter may have by law all of the powers now vested by  
5 law in administrative law judges appointed under the provisions of the workers' compensation  
6 law;

7 (2) "Beneficiary", a surviving spouse ~~married to~~ **who was a party to a contract of**  
8 **domestic union with** the deceased administrative law judge or legal advisor of the division of  
9 workers' compensation continuously for a period of at least two years immediately preceding the  
10 administrative law judge's or legal advisor's death and also on the day of the last termination of  
11 such person's employment as an administrative law judge or legal advisor for the division of  
12 workers' compensation, or if there is no surviving spouse eligible to receive benefits, any minor  
13 child of the deceased administrative law judge or legal advisor, or any child of the deceased  
14 administrative law judge or legal advisor who, regardless of age, is unable to support himself  
15 because of intellectual disability, disease or disability, or any physical handicap or disability, who  
16 shall share in the benefits on an equal basis with all other beneficiaries;

17 (3) "Benefit", a series of equal monthly payments payable during the life of an  
18 administrative law judge or legal advisor of the division of workers' compensation retiring  
19 pursuant to the provisions of sections 287.812 to 287.855 or payable to a beneficiary as provided  
20 in sections 287.812 to 287.850;

21 (4) "Board", the board of trustees of the Missouri state employees' retirement system;

22 (5) "Chief legal counsel", any person appointed or employed under section 287.615 to  
23 serve in the capacity of legal counsel to the division;

24 (6) "Division", the division of workers' compensation of the state of Missouri;

25 (7) "Legal advisor", any person appointed or employed pursuant to section 287.600,  
26 287.615, or 287.616 to serve in the capacity as a legal advisor or an associate administrative law  
27 judge and any person appointed pursuant to section 286.010 or pursuant to section 295.030, and  
28 any attorney or legal counsel appointed or employed pursuant to section 286.070;

29 (8) "Salary", the total annual compensation paid for personal services as an  
30 administrative law judge or legal advisor, or both, of the division of workers' compensation by  
31 the state or any of its political subdivisions.

301.443. 1. Any legal resident of the state of Missouri who is a veteran of service in the  
2 Armed Forces of the United States and has been honorably discharged from such service and  
3 who is a former prisoner of war and any legal resident of the state of Missouri who is a former  
4 prisoner of war and who was a United States citizen not in the Armed Forces of the United States  
5 during such time is, upon filing an application for registration together with such information and  
6 proof in the form of a statement from the United States Veterans Administration or the  
7 Department of Defense or any other form of proof as the director may require, entitled to receive  
8 annually one certificate of registration and one set of license plates or other evidence of  
9 registration as provided in section 301.130 for a motor vehicle other than a commercial motor  
10 vehicle licensed in excess of twenty-four thousand pounds gross weight. There shall be no fee  
11 charged for license plates issued under the provisions of this section.

12 2. Not more than one certificate of registration and one corresponding set of motor  
13 vehicle license plates or other evidence of registration as provided in section 301.130 shall be  
14 issued each year to a qualified former prisoner of war under this section.

15 3. Proof of ownership and vehicle inspection of the particular motor vehicle for which  
16 a registration certificate and set of license plates is requested must be shown at the time of  
17 application. Proof of status as a former prisoner of war as required in subsection 1 of this section  
18 shall only be required on the initial application.

19 4. As used in this section, "former prisoner of war" means any person who was taken as  
20 an enemy prisoner during World War I, World War II, the Korean Conflict, or the Vietnam  
21 Conflict.

22 5. The director shall furnish each former prisoner of war obtaining a set of license plates  
23 under the provisions of subsections 1 to 4 of this section special plates which shall have the  
24 words "FORMER P.O.W." on the license plates in preference to the words "SHOW-ME  
25 STATE" as provided in section 301.130 in a form prescribed by the advisory committee  
26 established in section 301.129. Such license plates shall be made with fully reflective material,

27 shall have a white background with a blue and red configuration at the discretion of the advisory  
28 committee established in section 301.129, shall be clearly visible at night, and shall be  
29 aesthetically attractive, as prescribed by section 301.130.

30 6. Registration certificates and license plates issued under the provisions of this section  
31 shall not be transferable to any other person except that any registered co-owner of the motor  
32 vehicle will be entitled to operate the motor vehicle for the duration of the year licensed in the  
33 event of the death of the qualified former prisoner of war.

34 7. (1) Notwithstanding the provisions of subsection 6 of this section to the contrary, the  
35 surviving spouse of a former prisoner of war who has not ~~[remarried]~~ **become a party to a new**  
36 **contract of domestic union** and who has been issued license plates described in subsection 5  
37 of this section shall be entitled to transfer such license plates to the motor vehicle of the  
38 surviving spouse and receive annually one certificate of registration and one set of license plates  
39 or other evidence of registration as provided in section 301.130 as if a former prisoner of war  
40 until ~~[remarriage]~~ **he or she becomes a party to a new contract of domestic union**. There shall  
41 be no fee charged for the transfer of such license plates.

42 (2) The department of revenue shall promulgate rules for the obtaining of a set of license  
43 plates described in subsection 5 of this section by the surviving spouse of the former prisoner of  
44 war when such license plates are not issued prior to the death of the former prisoner of war. The  
45 surviving spouse shall be entitled to receive annually one certificate of registration and one set  
46 of license plates or other evidence of registration as provided in section 301.130 as if a former  
47 prisoner of war until ~~[remarriage]~~ **he or she becomes a party to a new contract of domestic**  
48 **union**. There shall be no fee charged for the license plates issued pursuant to this subdivision.

301.682. If an owner dies and no surviving owner or surviving beneficiary exists, on  
2 proof of death of all persons shown on the certificate of ownership, surrender of the outstanding  
3 certificate of ownership, and on application and payment of the fee for an original certificate of  
4 ownership, the director of revenue may rely on, transfer and issue a new certificate of ownership  
5 in accordance with one of the following:

6 (1) A certified copy of a court order approving the transfer, refusing to issue letters of  
7 administration, terminating administration or authorizing distribution of the deceased owner's  
8 estate;

9 (2) A small estate affidavit with the certificate of the clerk of the probate division of the  
10 circuit court as provided in section 473.097;

11 (3) A verified application of the owner's surviving spouse or, if none, the owner's  
12 ~~[unmarried]~~ minor children **who are not parties to a contract of domestic union** or someone  
13 acting in their behalf, that claims the property as exempt property of the deceased under section  
14 474.250; or

15 (4) A notarized application for transfer from a personal representative of the deceased  
16 owner accompanied by a copy of the personal representative's letters of administration or letters  
17 testamentary together with a court order approving the transfer or a statement that the personal  
18 representative has authority under section 473.457 or subdivision (16) of section 473.810 to  
19 make the transfer without court order.

301.3121. 1. Notwithstanding the provisions of any other section to the contrary, any  
2 surviving spouse who was ~~[married to]~~ **a party to a contract of domestic union** with an  
3 individual who would have been eligible to own any of the various special military license plates  
4 provided for in section 301.448, and who has not ~~[remarried]~~ **become a party to a new contract**  
5 **of domestic union**, shall be allowed to obtain such special license plates. The surviving spouse  
6 shall make application, provide necessary documentation of the individual's military service, and  
7 pay such fees as are otherwise required by section 301.448, for issuance of the special military  
8 plates. Such plates must be renewed as otherwise required by law. The surviving spouse may  
9 renew such plates unless such spouse ~~[remarries]~~ **becomes a party to a new contract of**  
10 **domestic union**. License plates issued pursuant to this section shall not be transferable to any  
11 other person.

12 2. The director of the department of revenue shall have the authority to promulgate any  
13 rules and regulations necessary for the administration of this section. No rule or portion of a rule  
14 promulgated pursuant to the authority of this section shall become effective unless it has been  
15 promulgated pursuant to chapter 536.

302.171. 1. The director shall verify that an applicant for a driver's license is a Missouri  
2 resident or national of the United States or a noncitizen with a lawful immigration status, and a  
3 Missouri resident before accepting the application. The director shall not issue a driver's license  
4 for a period that exceeds the duration of an applicant's lawful immigration status in the United  
5 States. The director may establish procedures to verify the Missouri residency or United States  
6 naturalization or lawful immigration status and Missouri residency of the applicant and establish  
7 the duration of any driver's license issued under this section. An application for a license shall  
8 be made upon an approved form furnished by the director. Every application shall state the full  
9 name, Social Security number, age, height, weight, color of eyes, sex, residence, mailing address  
10 of the applicant, and the classification for which the applicant has been licensed, and, if so, when  
11 and by what state, and whether or not such license has ever been suspended, revoked, or  
12 disqualified, and, if revoked, suspended or disqualified, the date and reason for such suspension,  
13 revocation or disqualification and whether the applicant is making a one dollar donation to  
14 promote an organ donation program as prescribed in subsection 2 of this section. A driver's  
15 license, nondriver's license, or instruction permit issued under this chapter shall contain the  
16 applicant's legal name as it appears on a birth certificate or as legally changed through ~~[marriage]~~

17 **a contract of domestic union** or court order. No name change by common usage based on  
18 common law shall be permitted. The application shall also contain such information as the  
19 director may require to enable the director to determine the applicant's qualification for driving  
20 a motor vehicle; and shall state whether or not the applicant has been convicted in this or any  
21 other state for violating the laws of this or any other state or any ordinance of any municipality,  
22 relating to driving without a license, careless driving, or driving while intoxicated, or failing to  
23 stop after an accident and disclosing the applicant's identity, or driving a motor vehicle without  
24 the owner's consent. The application shall contain a certification by the applicant as to the truth  
25 of the facts stated therein. Every person who applies for a license to operate a motor vehicle who  
26 is less than twenty-one years of age shall be provided with educational materials relating to the  
27 hazards of driving while intoxicated, including information on penalties imposed by law for  
28 violation of the intoxication-related offenses of the state. Beginning January 1, 2001, if the  
29 applicant is less than eighteen years of age, the applicant must comply with all requirements for  
30 the issuance of an intermediate driver's license pursuant to section 302.178. For persons  
31 mobilized and deployed with the United States Armed Forces, an application under this  
32 subsection shall be considered satisfactory by the department of revenue if it is signed by a  
33 person who holds general power of attorney executed by the person deployed, provided the  
34 applicant meets all other requirements set by the director.

35       2. An applicant for a license may make a donation of one dollar to promote an organ  
36 donor program. The director of revenue shall collect the donations and deposit all such  
37 donations in the state treasury to the credit of the organ donor program fund established in  
38 sections 194.297 to 194.304. Moneys in the organ donor program fund shall be used solely for  
39 the purposes established in sections 194.297 to 194.304 except that the department of revenue  
40 shall retain no more than one percent for its administrative costs. The donation prescribed in this  
41 subsection is voluntary and may be refused by the applicant for the license at the time of issuance  
42 or renewal of the license. The director shall make available an informational booklet or other  
43 informational sources on the importance of organ and tissue donations to applicants for licensure  
44 as designed by the organ donation advisory committee established in sections 194.297 to  
45 194.304. The director shall inquire of each applicant at the time the licensee presents the  
46 completed application to the director whether the applicant is interested in making the one dollar  
47 donation prescribed in this subsection and whether the applicant is interested in inclusion in the  
48 organ donor registry and shall also specifically inform the licensee of the ability to consent to  
49 organ donation by completing the form on the reverse of the license that the applicant will  
50 receive in the manner prescribed by subdivision (1) of subsection 1 of section 194.225. A  
51 symbol shall be placed on the front of the document indicating the applicant's desire to be listed  
52 in the registry. The director shall notify the department of health and senior services of



53 information obtained from applicants who indicate to the director that they are interested in  
54 registry participation, and the department of health and senior services shall enter the complete  
55 name, address, date of birth, race, gender and a unique personal identifier in the registry  
56 established in subsection 1 of section 194.304.

57         3. An applicant for a license may make a donation of one dollar to promote a blindness  
58 education, screening and treatment program. The director of revenue shall collect the donations  
59 and deposit all such donations in the state treasury to the credit of the blindness education,  
60 screening and treatment program fund established in section 209.015. Moneys in the blindness  
61 education, screening and treatment program fund shall be used solely for the purposes  
62 established in section 209.015; except that the department of revenue shall retain no more than  
63 one percent for its administrative costs. The donation prescribed in this subsection is voluntary  
64 and may be refused by the applicant for the license at the time of issuance or renewal of the  
65 license. The director shall inquire of each applicant at the time the licensee presents the  
66 completed application to the director whether the applicant is interested in making the one dollar  
67 donation prescribed in this subsection.

68         4. Beginning July 1, 2005, the director shall deny the driving privilege of any person  
69 who commits fraud or deception during the examination process or who makes application for  
70 an instruction permit, driver's license, or nondriver's license which contains or is substantiated  
71 with false or fraudulent information or documentation, or who knowingly conceals a material  
72 fact or otherwise commits a fraud in any such application. The period of denial shall be one year  
73 from the effective date of the denial notice sent by the director. The denial shall become  
74 effective ten days after the date the denial notice is mailed to the person. The notice shall be  
75 mailed to the person at the last known address shown on the person's driving record. The notice  
76 shall be deemed received three days after mailing unless returned by the postal authorities. No  
77 such individual shall reapply for a driver's examination, instruction permit, driver's license, or  
78 nondriver's license until the period of denial is completed. No individual who is denied the  
79 driving privilege under this section shall be eligible for a limited driving privilege issued under  
80 section 302.309.

81         5. All appeals of denials under this section shall be made as required by section 302.311.

82         6. The period of limitation for criminal prosecution under this section shall be extended  
83 under subdivision (1) of subsection 3 of section 556.036.

84         7. The director may promulgate rules and regulations necessary to administer and  
85 enforce this section. No rule or portion of a rule promulgated pursuant to the authority of this  
86 section shall become effective unless it has been promulgated pursuant to chapter 536.

87         8. Notwithstanding any provision of this chapter that requires an applicant to provide  
88 proof of Missouri residency for renewal of a noncommercial driver's license, noncommercial

89 instruction permit, or nondriver's license, an applicant who is sixty-five years and older and who  
90 was previously issued a Missouri noncommercial driver's license, noncommercial instruction  
91 permit, or Missouri nondriver's license is exempt from showing proof of Missouri residency.

92 9. Notwithstanding any provision of this chapter, for the renewal of a noncommercial  
93 driver's license, noncommercial instruction permit, or nondriver's license, a photocopy of an  
94 applicant's United States birth certificate along with another form of identification approved by  
95 the department of revenue, including, but not limited to, United States military identification or  
96 United States military discharge papers, shall constitute sufficient proof of Missouri citizenship.

97 10. Notwithstanding any other provision of this chapter, if an applicant does not meet  
98 the requirements of subsection 8 of this section and does not have the required documents to  
99 prove Missouri residency, United States naturalization, or lawful immigration status, the  
100 department may issue a one-year driver's license renewal. This one-time renewal shall only be  
101 issued to an applicant who previously has held a Missouri noncommercial driver's license,  
102 noncommercial instruction permit, or nondriver's license for a period of fifteen years or more and  
103 who does not have the required documents to prove Missouri residency, United States  
104 naturalization, or lawful immigration status. After the expiration of the one-year period, no  
105 further renewal shall be provided without the applicant producing proof of Missouri residency,  
106 United States naturalization, or lawful immigration status.

302.178. 1. Any person between the ages of sixteen and eighteen years who is qualified  
2 to obtain a license pursuant to sections 302.010 to 302.340 may apply for, and the director shall  
3 issue, an intermediate driver's license entitling the applicant, while having such license in his or  
4 her possession, to operate a motor vehicle of the appropriate class upon the highways of this state  
5 in conjunction with the requirements of this section. An intermediate driver's license shall be  
6 readily distinguishable from a license issued to those over the age of eighteen. All applicants for  
7 an intermediate driver's license shall:

8 (1) Successfully complete the examination required by section 302.173;

9 (2) Pay the fee required by subsection 4 of this section;

10 (3) Have had a temporary instruction permit issued pursuant to subsection 1 of section  
11 302.130 for at least a six-month period or a valid license from another state; and

12 (4) Have a parent, grandparent, legal guardian, or, if the applicant is a participant in a  
13 federal residential job training program, a driving instructor employed by a federal residential  
14 job training program, sign the application stating that the applicant has completed at least forty  
15 hours of supervised driving experience under a temporary instruction permit issued pursuant to  
16 subsection 1 of section 302.130, or, if the applicant is an emancipated minor, the person over  
17 twenty-one years of age who supervised such driving. For purposes of this section, the term

18 "emancipated minor" means a person who is at least sixteen years of age, but less than eighteen  
19 years of age, who:

20 (a) ~~Marries~~ **Becomes a party to a contract of domestic union** with the consent of the  
21 legal custodial parent or legal guardian pursuant to section 451.080;

22 (b) Has been declared emancipated by a court of competent jurisdiction;

23 (c) Enters active duty in the Armed Forces;

24 (d) Has written consent to the emancipation from the custodial parent or legal guardian;

25 or

26 (e) Through employment or other means provides for such person's own food, shelter  
27 and other cost-of-living expenses;

28 (5) Have had no alcohol-related enforcement contacts as defined in section 302.525  
29 during the preceding twelve months; and

30 (6) Have no nonalcoholic traffic convictions for which points are assessed pursuant to  
31 section 302.302, within the preceding six months.

32 2. An intermediate driver's license grants the licensee the same privileges to operate that  
33 classification of motor vehicle as a license issued pursuant to section 302.177, except that no  
34 person shall operate a motor vehicle on the highways of this state under such an intermediate  
35 driver's license between the hours of 1:00 a.m. and 5:00 a.m. unless accompanied by a person  
36 described in subsection 1 of section 302.130; except the licensee may operate a motor vehicle  
37 without being accompanied if the travel is to or from a school or educational program or activity,  
38 a regular place of employment or in emergency situations as defined by the director by  
39 regulation.

40 3. Each intermediate driver's license shall be restricted by requiring that the driver and  
41 all passengers in the licensee's vehicle wear safety belts at all times. This safety belt restriction  
42 shall not apply to a person operating a motorcycle. For the first six months after issuance of the  
43 intermediate driver's license, the holder of the license shall not operate a motor vehicle with more  
44 than one passenger who is under the age of nineteen who is not a member of the holder's  
45 immediate family. As used in this subsection, an intermediate driver's license holder's immediate  
46 family shall include brothers, sisters, stepbrothers or stepsisters of the driver, including adopted  
47 or foster children residing in the same household of the intermediate driver's license holder.  
48 After the expiration of the first six months, the holder of an intermediate driver's license shall  
49 not operate a motor vehicle with more than three passengers who are under nineteen years of age  
50 and who are not members of the holder's immediate family. The passenger restrictions of this  
51 subsection shall not be applicable to any intermediate driver's license holder who is operating  
52 a motor vehicle being used in agricultural work-related activities.

53           4. Notwithstanding the provisions of section 302.177 to the contrary, the fee for an  
54 intermediate driver's license shall be five dollars and such license shall be valid for a period of  
55 two years.

56           5. Any intermediate driver's licensee accumulating six or more points in a twelve-month  
57 period may be required to participate in and successfully complete a driver-improvement  
58 program approved by the state highways and transportation commission. The  
59 driver-improvement program ordered by the director of revenue shall not be used in lieu of point  
60 assessment.

61           6. (1) An intermediate driver's licensee who has, for the preceding twelve-month period,  
62 had no alcohol-related enforcement contacts, as defined in section 302.525 and no traffic  
63 convictions for which points are assessed, upon reaching the age of eighteen years or within the  
64 thirty days immediately preceding their eighteenth birthday may apply for and receive without  
65 further examination, other than a vision test as prescribed by section 302.173, a license issued  
66 pursuant to this chapter granting full driving privileges. Such person shall pay the required fee  
67 for such license as prescribed in section 302.177.

68           (2) If an intermediate driver's license expires on a Saturday, Sunday, or legal holiday,  
69 such license shall remain valid for the five business days immediately following the expiration  
70 date. In no case shall a licensee whose intermediate driver's license expires on a Saturday,  
71 Sunday, or legal holiday be guilty of an offense of driving with an expired or invalid driver's  
72 license if such offense occurred within five business days immediately following an expiration  
73 date that occurs on a Saturday, Sunday, or legal holiday.

74           (3) The director of revenue shall deny an application for a full driver's license until the  
75 person has had no traffic convictions for which points are assessed for a period of twelve months  
76 prior to the date of application for license or until the person is eligible to apply for a six-year  
77 driver's license as provided for in section 302.177, provided the applicant is otherwise eligible  
78 for full driving privileges. An intermediate driver's license shall expire when the licensee is  
79 eligible and receives a full driver's license as prescribed in subdivision (1) of this section.

80           7. No person upon reaching the age of eighteen years whose intermediate driver's license  
81 and driving privilege is denied, suspended, cancelled or revoked in this state or any other state  
82 for any reason may apply for a full driver's license until such license or driving privilege is fully  
83 reinstated. Any such person whose intermediate driver's license has been revoked pursuant to  
84 the provisions of sections 302.010 to 302.540 shall, upon receipt of reinstatement of the  
85 revocation from the director, pass the complete driver examination, apply for a new license, and  
86 pay the proper fee before again operating a motor vehicle upon the highways of this state.

87           8. A person shall be exempt from the intermediate licensing requirements if the person  
88 has reached the age of eighteen years and meets all other licensing requirements.

89           9. Any person who violates any of the provisions of this section relating to intermediate  
90 drivers' licenses or the provisions of section 302.130 relating to temporary instruction permits  
91 is guilty of an infraction, and no points shall be assessed to his or her driving record for any such  
92 violation.

93           10. Any rule or portion of a rule, as that term is defined in section 536.010, that is  
94 created under the authority delegated in this section shall become effective only if it complies  
95 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.  
96 This section and chapter 536 are nonseverable and if any of the powers vested with the general  
97 assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and  
98 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and  
99 any rule proposed or adopted after August 28, 2000, shall be invalid and void.

          314.100. No person, upon proper application, shall be denied credit solely on account  
2 of sex or ~~marital~~ **contract of domestic union** status, except as may be required to comply with  
3 section 408.200, and except that any creditor may require the signature of both husband and wife  
4 on the credit instrument.

          320.320. 1. A volunteer firefighter serving a rural, volunteer or subscription fire  
2 department or organization is serving the state of Missouri in an official capacity as a fire  
3 protection volunteer and is hereby declared to be a public safety officer of the state of Missouri  
4 serving without wages, salary or certain other employee-type fringe benefits described in  
5 subsection 3 of this section.

6           2. The designation of a volunteer firefighter as a public safety officer of the state of  
7 Missouri in subsection 1 of this section does not entitle a volunteer firefighter to any rights,  
8 privileges or benefits provided to an employee or official of the state of Missouri, including  
9 retirement benefits and participation in the state legal defense fund, except as provided in  
10 subsection 3 of this section.

11          3. Notwithstanding the provisions of subsection 2 of this section, any rural, volunteer  
12 or subscription fire department or organization, or volunteer fire protection association as defined  
13 in section 320.300, may provide life insurance, accident, sickness, health, disability, annuity,  
14 length of service, retirement, pension and other employee-type fringe benefits, subject to the  
15 provisions of section 70.615, for volunteer firefighters who are members of any such department,  
16 organization or association and such other benefits for their spouses and eligible unemancipated  
17 children as the governing board deems appropriate, either through a contributory or  
18 noncontributory plan, or both. For purposes of this section, "eligible unemancipated child"  
19 means a natural or adopted child of an insured, or a stepchild of an insured who is domiciled  
20 with the insured, who is less than twenty-three years of age, who is not ~~married~~ **a party to a**  
21 **contract of domestic union**, not employed on a full-time basis, not maintaining a separate

22 residence except for full-time students in an accredited school or institution of higher learning,  
23 and who is dependent on parents or guardians for at least fifty percent of his or her support. The  
24 type and extent of such benefits shall be determined by the governing board of the department,  
25 organization or association, whichever is applicable. The provision and receipt of such benefits  
26 shall not make the recipient an employee of the district, association or organization. Directors  
27 or board members who are also volunteer firefighters may receive such benefits while serving  
28 as a director or board member of the district, association or organization.

321.220. For the purpose of providing fire protection to the property within the district,  
2 the district and, on its behalf, the board shall have the following powers, authority and privileges:

- 3 (1) To have perpetual existence;
- 4 (2) To have and use a corporate seal;
- 5 (3) To sue and be sued, and be a party to suits, actions and proceedings;
- 6 (4) To enter into contracts, franchises and agreements with any person, partnership,  
7 association or corporation, public or private, affecting the affairs of the district, including  
8 contracts with any municipality, district or state, or the United States of America, and any of their  
9 agencies, political subdivisions or instrumentalities, for the planning, development, construction,  
10 acquisition or operation of any public improvement or facility, or for a common service relating  
11 to the control or prevention of fires, including the installation, operation and maintenance of  
12 water supply distribution, fire hydrant and fire alarm systems; provided, that a notice shall be  
13 published for bids on all construction or purchase contracts for work or material or both, outside  
14 the authority contained in subdivision (9) of this section, involving an expense of ten thousand  
15 dollars or more;
- 16 (5) Upon approval of the voters as herein provided, to borrow money and incur  
17 indebtedness and evidence the same by certificates, notes or debentures, and to issue bonds, in  
18 accordance with the provisions of this chapter;
- 19 (6) To acquire, construct, purchase, maintain, dispose of and encumber real and personal  
20 property, fire stations, fire protection and fire-fighting apparatus and auxiliary equipment  
21 therefor, and any interest therein, including leases and easements;
- 22 (7) To refund any bonded indebtedness of the district without an election. The terms and  
23 conditions of refunding bonds shall be substantially the same as those of the original issue of  
24 bonds, and the board shall provide for the payment of interest, at not to exceed the legal rate, and  
25 the principal of such refunding bonds in the same manner as is provided for the payment of  
26 interest and principal of bonds refunded;
- 27 (8) To have the management, control and supervision of all the business and affairs of  
28 the district, and the construction, installation, operation and maintenance of district  
29 improvements therein;

30 (9) To hire and retain agents, employees, engineers and attorneys, including part-time  
31 or volunteer firemen;

32 (10) To have and exercise the power of eminent domain and in the manner provided by  
33 law for the condemnation of private property for public use to take any property within the  
34 district necessary to the exercise of the powers herein granted;

35 (11) To receive and accept by bequest, gift or donation any kind of property.  
36 Notwithstanding any other provision of law to the contrary, any property received by the fire  
37 protection district as a gift or any property purchased by the fire protection district at a price  
38 below the actual market value of the property may be returned to the donor or resold to the seller  
39 if such property is not used for the specific purpose for which it was acquired;

40 (12) To adopt and amend bylaws, fire protection and fire prevention ordinances, and any  
41 other rules and regulations not in conflict with the constitution and laws of this state, necessary  
42 for the carrying on of the business, objects and affairs of the board and of the district, and refer  
43 to the proper authorities for prosecution any infraction thereof detrimental to the district. Any  
44 person violating any such ordinance is hereby declared to be guilty of a misdemeanor, and upon  
45 conviction thereof shall be punished as is provided by law therefor. The prosecuting attorney  
46 for the county in which the violation occurs shall prosecute such violations in the circuit court  
47 of that county. The legal officer or attorney for the fire district may be appointed by the  
48 prosecuting attorney as special assistant prosecuting attorney for the prosecution of any such  
49 violation. The enactments of the fire district in delegating administrative authority to officials  
50 of the district may provide standards of action for the administrative officials, which standards  
51 are declared as industrial codes adopted by nationally organized and recognized trade bodies.  
52 The board shall have the power to adopt an ordinance, rule, or regulation allowing the district  
53 to charge individuals who reside outside of the district, but who receive emergency services  
54 within the boundaries of the district, for the actual and reasonable cost of such services.  
55 However, such actual and reasonable costs shall not exceed one hundred dollars for responding  
56 to each fire call or alarm and two hundred fifty dollars for each hour or a proportional sum for  
57 each quarter hour spent in combating a fire or emergency;

58 (13) To pay all court costs and expenses connected with the first election or any  
59 subsequent election in the district;

60 (14) To have and exercise all rights and powers necessary or incidental to or implied  
61 from the specific powers granted herein. Such specific powers shall not be considered as a  
62 limitation upon any power necessary or appropriate to carry out the purposes and intent of this  
63 chapter;

64 (15) To provide for health, accident, disability and pension benefits for the salaried  
65 members of its organized fire department of the district and such other benefits for their spouses

66 and eligible unemancipated children, through either or both a contributory or noncontributory  
67 plan. For purposes of this section, "eligible unemancipated child" means a natural or adopted  
68 child of an insured, or a stepchild of an insured who is domiciled with the insured, who is less  
69 than twenty-three years of age, who is not ~~married~~ **a party to a contract of domestic union**,  
70 not employed on a full-time basis, not maintaining a separate residence except for full-time  
71 students in an accredited school or institution of higher learning, and who is dependent on  
72 parents or guardians for at least fifty percent of his or her support. The type and amount of such  
73 benefits shall be determined by the board of directors of the fire protection district within the  
74 level of available revenues of the pension program and other available revenues of the district.  
75 If an employee contributory plan is adopted, then at least one voting member of the board of  
76 trustees shall be a member of the fire district elected by the contributing members, which shall  
77 not be the same as the board of directors;

78 (16) To contract with any municipality that is contiguous to a fire protection district for  
79 the fire protection district to provide fire protection to the municipality for a fee as hereinafter  
80 provided;

81 (17) To provide for life insurance, accident, sickness, health, disability, annuity, length  
82 of service, pension, retirement and other employee-type fringe benefits, subject to the provisions  
83 of section 70.615, for the volunteer members of any organized fire department of the district and  
84 such other benefits for their spouses and eligible unemancipated children, through either a  
85 contributory or noncontributory plan, or both. For purposes of this section, "eligible  
86 unemancipated child" means a natural or adopted child of an insured, or a stepchild of an insured  
87 who is domiciled with the insured, who is less than twenty-three years of age, who is not  
88 ~~married~~ **a party to a contract of domestic union**, not employed on a full-time basis, not  
89 maintaining a separate residence except for full-time students in an accredited school or  
90 institution of higher learning, and who is dependent on parents or guardians for at least fifty  
91 percent of his or her support. The type and amount of such benefits shall be determined by the  
92 board of directors of the fire protection district within available revenues of the district, including  
93 the pension program of the district. The provision and receipt of such benefits shall not make  
94 the recipient an employee of the district. Directors who are also volunteer members may receive  
95 such benefits while serving as a director of the district;

96 (18) To contract for services with any rural, volunteer or subscription fire department  
97 or organization, or volunteer fire protection association, as defined in section 320.300, for the  
98 purpose of providing the benefits described in subdivision (17) of this section.

321.600. For the purpose of providing fire protection to the property within the district,  
2 the district and, on its behalf, the board shall have the following powers, authority and privileges:

3 (1) To have perpetual existence;



4           (2) To have and use a corporate seal;

5           (3) To sue and be sued, and be a party to suits, actions and proceedings;

6           (4) To enter into contracts, franchises and agreements with any person, partnership,  
7 association or corporation, public or private, affecting the affairs of the district, including  
8 contracts with any municipality, district or state, or the United States of America, and any of their  
9 agencies, political subdivisions or instrumentalities, for the planning, development, construction,  
10 acquisition or operation of any public improvement or facility, or for a common service relating  
11 to the control or prevention of fires, including the installation, operation and maintenance of  
12 water supply distribution, fire hydrant and fire alarm systems; provided, that a notice shall be  
13 published for bids on all construction or purchase contracts for work or material or both, outside  
14 the authority contained in subdivision (9) of this section, involving an expense of ten thousand  
15 dollars or more;

16          (5) Upon approval of the voters, as herein provided, to borrow money and incur  
17 indebtedness and evidence the same by certificates, notes or debentures, and to issue bonds, in  
18 accordance with the provisions of sections 321.010 to 321.450;

19          (6) To acquire, construct, purchase, maintain, dispose of and encumber real and personal  
20 property, fire stations, fire protection and fire-fighting apparatus and auxiliary equipment  
21 therefor, and any interest therein, including leases and easements;

22          (7) To refund any bonded indebtedness of the district without an election. The terms and  
23 conditions of refunding bonds shall be substantially the same as those of the original issue of  
24 bonds, and the board shall provide for the payment of interest, at not to exceed the legal rate, and  
25 the principal of such refunding bonds in the same manner as is provided for the payment of  
26 interest and principal of bonds refunded;

27          (8) To have the management, control and supervision of all the business and affairs of  
28 the district, and the construction, installation, operation and maintenance of district  
29 improvements therein;

30          (9) To hire and retain agents, employees, engineers and attorneys, including part-time  
31 or volunteer firemen;

32          (10) To have and exercise the power of eminent domain and in the manner provided by  
33 law for the condemnation of private property for public use to take any property within the  
34 district necessary to the exercise of the powers herein granted;

35          (11) To receive and accept by bequest, gift or donation any kind of property.  
36 Notwithstanding any other provision of law to the contrary, any property received by the fire  
37 protection district as a gift or any property purchased by the fire protection district at a price  
38 below the actual market value of the property may be returned to the donor or resold to the seller  
39 if such property is not used for the specific purpose for which it was acquired;

40 (12) To adopt and amend bylaws, fire protection and fire prevention ordinances, and any  
41 other rules and regulations not in conflict with the constitution and laws of this state, necessary  
42 for the carrying on of the business, objects and affairs of the board and of the district, and refer  
43 to the proper authorities for prosecution any violation thereof detrimental to the district. Any  
44 person violating any such ordinance is hereby declared to be guilty of a class B misdemeanor,  
45 and upon conviction thereof shall be punished as is provided herein:

46 (a) The prosecuting attorney for the county in which the violation occurs shall prosecute  
47 such violations in the circuit court of that county. The legal officer or attorney for the fire district  
48 may be appointed by the prosecuting attorney as special assistant prosecuting attorney for the  
49 prosecution of any such violation; or

50 (b) The board may adopt a specific ordinance to impose a fine or a series of fines for  
51 specific offenses of not more than five hundred dollars. The accused person may either appear  
52 in court at a set date or make payment to the officer appointed by the board, either in person or  
53 through the United States mail, with the moneys handled as are all other moneys of the district.  
54 If the fine is not paid by the deadline imposed, the violation and the failure to pay the fine or  
55 appear in court at the set date may be further prosecuted as provided in paragraph (a) of this  
56 subdivision. The enactments of the fire district in delegating administrative authority to officials  
57 of the district may provide standards of action for the administrative officials, which standards  
58 are declared as industrial codes adopted by nationally organized and recognized trade bodies;

59 (13) To pay all court costs and expenses connected with the first election or any  
60 subsequent election in the district;

61 (14) To have and exercise all rights and powers necessary or incidental to or implied  
62 from the specific powers granted herein. Such specific powers shall not be considered as a  
63 limitation upon any power necessary or appropriate to carry out the purposes and intent of  
64 sections 321.010 to 321.450;

65 (15) To provide for health, accident, disability, and pension benefits, through either or  
66 both a contributory or noncontributory plan, of the salaried members and such other benefits for  
67 their spouses and eligible unemancipated children of its organized fire department of the district.  
68 For purposes of this section, "eligible unemancipated child" means a natural or adopted child of  
69 an insured, or a stepchild of an insured who is domiciled with the insured, who is less than  
70 twenty-three years of age, who is not ~~married~~ **a party to a contract of domestic union**, not  
71 employed on a full-time basis, not maintaining a separate residence except for full-time students  
72 in an accredited school or institution of higher learning, and who is dependent on parents or  
73 guardians for at least fifty percent of his or her support. Such benefits shall be determined by  
74 the board of directors of the fire protection district within the level of available revenues of the  
75 pension program and other available revenues of the district. If an employee contributory plan

76 is adopted, then at least one voting member of the board of trustees shall be a member of the fire  
77 district elected by the contributing members, which shall not be the same as the board of  
78 directors;

79 (16) To provide for life insurance, accident, sickness, health, disability, annuity, uniform,  
80 length of service, pension, retirement and other employee-type fringe benefits, subject to the  
81 provisions of section 70.615, through either a contributory or noncontributory plan or both, for  
82 the volunteer members and such other benefits for their spouses and minor children of any  
83 organized fire department of the district. The type and amount of such benefits shall be  
84 determined by the board of directors of the fire protection district within available revenues of  
85 the district, including the pension program of the district. The provision and receipt of such  
86 benefits shall not make the recipient an employee of the district. Directors who are also  
87 volunteer members may receive such benefits while serving as a director of the district;

88 (17) To contract for services with any rural, volunteer or subscription fire department  
89 or organization, or volunteer fire protection association, as defined in section 320.300, for the  
90 purpose of providing the benefits described in subdivision (16) of this section.

354.095. 1. A corporation subject to the provisions of sections 354.010 to 354.380 may,  
2 in the discretion of its board of directors, limit or define the classes of persons who shall be  
3 eligible to become members or beneficiaries, limit and define the benefits which it will furnish,  
4 and may define such benefits as it undertakes to furnish into classes or kinds. It may make  
5 available to its members or beneficiaries such health services, or reimbursement therefor, as the  
6 board of directors of any such corporation may approve; if maternity benefits are provided to any  
7 members of any plan, then maternity benefits shall be provided to any member of such plan  
8 without discrimination as to whether the member is ~~[married or unmarried]~~ **a party to a contract**  
9 **of domestic union or not a party to a contract of domestic union**, and if maternity benefits  
10 are provided to a beneficiary of any plan, then maternity benefits shall be provided to such  
11 beneficiary of such plan without discrimination as to whether the beneficiary is ~~[married or~~  
12 ~~unmarried]~~ **a party to a contract of domestic union or not a party to a contract of domestic**  
13 **union**.

14 2. If an ambulatory surgical facility as defined by subdivision (1) of section 197.200, has  
15 received a certificate of need as provided in chapter 197, a health services corporation shall  
16 provide benefits to the facility on the same basis as it does to all other health care facilities,  
17 whether contracting members or noncontracting members. A health services corporation shall  
18 use the same standards that are applied to any other health care facility within the same health  
19 services area in defining the benefits that the corporation will furnish to the ambulatory surgical  
20 facility, the classes to which such benefits will be furnished, and the amount of reimbursement.

354.536. 1. If a health maintenance organization plan provides that coverage of a dependent child terminates upon attainment of the limiting age for dependent children, such coverage shall continue while the child is and continues to be both incapable of self-sustaining employment by reason of mental or physical handicap and chiefly dependent upon the enrollee for support and maintenance. Proof of such incapacity and dependency must be furnished to the health maintenance organization by the enrollee at least thirty-one days after the child's attainment of the limiting age. The health maintenance organization may require at reasonable intervals during the two years following the child's attainment of the limiting age subsequent proof of the child's disability and dependency. After such two-year period, the health maintenance organization may require subsequent proof not more than once each year.

2. If a health maintenance organization plan provides that coverage of a dependent child terminates upon attainment of the limiting age for dependent children, such plan, so long as it remains in force, until the dependent child attains the limiting age, shall remain in force at the option of the enrollee. The enrollee's election for continued coverage under this section shall be furnished to the health maintenance organization within thirty-one days after the child's attainment of the limiting age. As used in this subsection, a dependent child is a person who is:

(1) ~~Unmarried~~ **Not a party to a contract of domestic union** and no more than twenty-five years of age; and

(2) A resident of this state; and

(3) Not provided coverage as a named subscriber, insured, enrollee, or covered person under any group or individual health benefit plan, or entitled to benefits under Title XVIII of the Social Security Act, P.L. 89-97, 42 U.S.C. Section 1395, et seq.

375.936. Any of the following practices, if committed in violation of section 375.934, are hereby defined as unfair trade practices in the business of insurance:

(1) "Boycott, coercion, intimidation", entering into any agreement to commit, or by any concerted action committing any act of boycott, coercion or intimidation resulting in or tending to result in an unreasonable restraint of, or monopoly in, the business of insurance;

(2) "Defamation", making, publishing, disseminating, or circulating, directly or indirectly, or aiding, abetting or encouraging the making, publishing, disseminating or circulating of any oral or written statement or any pamphlet, circular, article or literature which is false, or maliciously critical of or derogatory to the financial condition of any insurer, and which is calculated to injure such insurer;

(3) "Failure to maintain complaint handling procedures", failure of any person to maintain a complete record of all the complaints which it has received for a period of not less than three years. This record shall indicate the total number of complaints, their classification by line of insurance, the nature of each complaint, the disposition of these complaints, and the

37 time it took to process each complaint. For purposes of this subdivision, "complaint" shall mean  
38 any written communication primarily expressing a grievance;

39 (4) "False information and advertising generally", making, publishing, disseminating,  
40 circulating or placing before the public, or causing, directly or indirectly, to be made, published,  
41 disseminated, circulated, or placed before the public, in a newspaper, magazine or other  
42 publication, or in the form of a notice, circular, pamphlet, letter or poster or over any radio or  
43 television station, or in any other way, an advertisement, announcement or statement containing  
44 any assertion, representation or statement with respect to the business of insurance or with  
45 respect to any insurer in the conduct of his insurance business, which is untrue, deceptive or  
46 misleading;

47 (5) "False statements and entries:"

48 (a) Knowingly filing with any supervisory or other public official, or knowingly making,  
49 publishing, disseminating, circulating or delivering to any person, or placing before the public,  
50 or knowingly causing, directly or indirectly, to be made, published, disseminated, circulated,  
51 delivered to any person, or placed before the public, any false material statement of fact as to the  
52 financial condition or dealings of an insurer;

53 (b) Knowingly making any false entry of a material fact in any book, report or statement  
54 of any insurer or knowingly omitting to make a true entry of any material fact pertaining to the  
55 business of such insurer in any book, report or statement of such insurer;

56 (6) "Misrepresentations and false advertising of insurance policies", making, issuing,  
57 circulating, or causing to be made, issued or circulated, any estimate, illustrations, circular or  
58 statement, sales presentation, omission, or comparison which:

59 (a) Misrepresents the benefits, advantages, conditions, or terms of any policy;

60 (b) Misrepresents the dividends or share of the surplus to be received on any policy;

61 (c) Makes any false or misleading statements as to the dividends or share of surplus  
62 previously paid on any policy;

63 (d) Is misleading or is a misrepresentation as to the financial condition of any insurer,  
64 or as to the legal reserve system upon which any life insurer operates;

65 (e) Uses any name or title of any policy or class of policies misrepresenting the true  
66 nature thereof;

67 (f) Is a misrepresentation for the purpose of inducing or tending to induce the purchase,  
68 lapse, forfeiture, exchange, conversion, or surrender of any policy, including any intentional  
69 misquote of a premium rate;

70 (g) Is a misrepresentation for the purpose of effecting a pledge or assignment of or  
71 effecting a loan against any policy; or

72 (h) Misrepresents any policy as being shares of stock;

73 (7) "Misrepresentation in insurance applications", making false or fraudulent statements  
74 or representations on or relative to an application for a policy, for the purpose of obtaining a fee,  
75 commission, money, or other benefit from any insurer, agent, agency, broker or other person;

76 (8) "Prohibited group enrollments", no insurer shall offer more than one group contract  
77 of insurance through any person unless such person is licensed pursuant to law; however, this  
78 prohibition shall not apply to employer-employee relationships, nor to any such enrollments;

79 (9) "Rebates":

80 (a) Except as otherwise expressly provided by law, knowingly permitting or offering to  
81 make or making any contract of life insurance, life annuity, accident and health insurance or  
82 other insurance, or agreement as to such contract other than as plainly expressed in the insurance  
83 contract issued thereon, or paying or allowing, or giving or offering to pay, allow, or give,  
84 directly or indirectly, as inducement to such insurance or annuity, any rebate of premiums  
85 payable on the contract, or any special favor or advantage in the dividends or other benefits  
86 thereon, or any valuable consideration or inducement whatever not specified in the contract; or  
87 giving, or selling, or purchasing or offering or to give, sell, or purchase as inducement to such  
88 insurance contract or annuity or in connection therewith, any stocks, bonds or other securities  
89 of any insurance company or other corporation, association, or partnership, or any dividends or  
90 profits accrued thereon, or anything of value whatsoever not specified in the contract;

91 (b) Nothing in subdivision (11) or paragraph (a) of this subdivision shall be construed  
92 as including within the definition of discrimination or rebates any of the following practices:

93 a. In the case of any contract of life insurance or life annuity, paying bonuses to  
94 nonparticipating policyholders or otherwise abating their premiums in whole or in part out of  
95 surplus accumulated from nonparticipating insurance; provided that any such bonuses or  
96 abatement of premiums shall be fair and equitable to policyholders and for the best interest of  
97 the company and its policyholders;

98 b. In the case of life insurance policies issued on the industrial debit plan, making  
99 allowance to policyholders who have continuously for a specified period made premium  
100 payments directly to an office of the insurer in an amount which fairly represents the saving in  
101 collection expenses;

102 c. Readjustment of the rate of premium for a group insurance policy based on the loss  
103 or expense experience thereunder, at the end of the first or any subsequent policy year of  
104 insurance thereunder, which may be made retroactive only for such policy year;

105 (10) "Stock operations and advisory board contracts", issuing or delivering or permitting  
106 agents, officers or employees to issue or deliver, agency company stock or other capital stock,  
107 or benefit certificates or shares in any common law corporation, or securities or any special or

108 advisory board contracts or other contracts of any kind promising returns and profits as an  
109 inducement to insurance;

110 (11) "Unfair discrimination":

111 (a) Making or permitting any unfair discrimination between individuals of the same class  
112 and equal expectation of life in the rates charged for any contract of life insurance or of life  
113 annuity or in the dividends or other benefits payable thereon, or in any other of the terms and  
114 conditions of such contract;

115 (b) Making or permitting any unfair discrimination between individuals of the same class  
116 and of essentially the same hazard in the amount of premium, policy fees, or rates charged for  
117 any policy or contract of accident or health insurance or in the benefits payable thereunder, or  
118 in any of the terms or conditions of such contract, or in any other manner whatever, including  
119 any unfair discrimination by not permitting the insured full freedom of choice in the selection  
120 of any duly licensed physician, surgeon, optometrist, chiropractor, dentist, psychologist,  
121 pharmacist, pharmacy, or podiatrist; except that the terms of this paragraph shall not apply to  
122 health maintenance organizations licensed pursuant to chapter 354;

123 (c) Making or permitting any unfair discrimination between individuals or risks of the  
124 same class and of essentially the same hazards by refusing to issue, refusing to renew, cancelling  
125 or limiting the amount of insurance coverage on a property or casualty risk because of the  
126 geographic location of the risk;

127 (d) Making or permitting any unfair discrimination between individuals or risks of the  
128 same class and of essentially the same hazards by refusing to issue, refusing to renew, cancelling  
129 or limiting the amount of insurance coverage on a residential property risk, or the personal  
130 property contained therein, because of the age of the residential property;

131 (e) Refusing to insure, refusing to continue to insure, or limiting the amount of coverage  
132 available to an individual because of the gender or ~~marital~~ **domestic union** status of the  
133 individual; however, nothing in this paragraph shall prohibit an insurer from taking ~~marital~~  
134 **domestic union** status into account for the purpose of defining persons eligible for dependent  
135 benefits;

136 (f) Refusing to insure solely because another insurer has refused to issue a policy, or has  
137 cancelled or has refused to renew an existing policy for which that person was the named  
138 insured, nor shall any insurance company or its agent or representative require any applicant or  
139 policyholder to divulge in a written application or otherwise whether any insurer has cancelled  
140 or refused to renew or issue to the applicant or policyholder a policy of insurance, provided that  
141 an insurer may require the name of the prior carrier in order to verify the applicant's previous  
142 claims or medical history;

143 (g) Cancelling or refusing to insure or refusing to continue to insure a policy solely  
144 because of race, gender, color, creed, national origin, or ancestry of anyone who is or seeks to  
145 become insured;

146 (h) Terminating, or modifying coverage or refusing to issue or refusing to renew any  
147 property or casualty policy or contract of insurance solely because the applicant or insured or any  
148 employee of either is mentally or physically impaired; except that this paragraph shall not apply  
149 to accident and health insurance sold by a casualty insurer and, in addition, this paragraph shall  
150 not be interpreted to modify any other provision of law relating to the termination, modification,  
151 issuance or renewal of any insurance policy or contract;

152 (i) The provisions of paragraphs (c), (d), (e), (f), (g), and (h) of this subdivision shall not  
153 apply if:

154 a. The refusal, cancellation, limitation, termination or modification is for a business  
155 purpose which is not a mere pretext for unfair discrimination, or

156 b. The refusal, cancellation, limitation, termination or modification is required by law  
157 or regulatory mandate;

158 (12) "Unfair financial planning practices", an insurance producer, agent, broker or  
159 consultant:

160 (a) Holding himself out, directly or indirectly, to the public as a financial planner,  
161 investment adviser, financial consultant, financial counselor, or any other specialist engaged in  
162 the business of giving financial planning or advice relating to investments, insurance, real estate,  
163 tax matters, or trust and estate matters when such person is in fact engaged only in the sale of  
164 policies; provided, however, an insurance producer, agent, broker or consultant who has passed  
165 a professional course of study may use the symbol of the professional designation on his or her  
166 business card or stationery;

167 (b) Engaging in the business of financial planning without disclosing to the client prior  
168 to the execution of the agreement provided for in paragraph (c) of this subdivision or solicitation  
169 of the sale of a product or service that:

170 a. He is also an insurance salesperson; and

171 b. That a commission for the sale of an insurance product will be received in addition  
172 to a fee for financial planning, if such is the case. The disclosure requirement under this  
173 paragraph may be met by including it in any disclosure required by federal or state securities law;

174 (c) Charging fees, other than commissions, for financial planning by insurance agents,  
175 brokers or consultants, unless such fees are based upon a written agreement, which is signed by  
176 the party to be charged in advance of the performance of the services under the agreement. A  
177 copy of the agreement shall be provided to the party to be charged at the time the agreement is  
178 signed by the party and:



179           a. The services for which the fee is to be charged must be specifically stated in the  
180 agreement;

181           b. The amount of the fee to be charged or how it will be determined or calculated must  
182 be specifically stated in the agreement;

183           c. The agreement must state that the client is under no obligation to purchase any  
184 insurance product through the insurance agent, broker or consultant. The insurance agent, broker  
185 or consultant shall retain a copy of the agreement for not less than three years after completion  
186 of services, and a copy shall be available to the director upon request;

187           (13) Any violation of section 375.445.

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

2           (1) "Contract", any insurance policy, plan, or binder, including any rider or endorsement  
3 thereto, offered by an insurer;

4           (2) "Insurer", any insurance company, association, reciprocal or interinsurance exchange,  
5 not-for-profit hospital plan, not-for-profit professional health service plan, health maintenance  
6 organization, fraternal benefit society, beneficial association, or health services corporation, as  
7 defined in section 354.010.

8           2. The purpose of this section is to eliminate the act of denying insurance benefits or  
9 coverage on the sole basis of sex or ~~[marital]~~ **domestic union** status in any terms or conditions  
10 of insurance contracts and in the underwriting criteria of insurance carriers.

11           3. This section shall apply to all contracts delivered or issued for delivery in this state  
12 by an insurer on or after October 1, 1986, and to all existing group contracts which are amended  
13 on or after October 1, 1986.

14           4. The availability of any insurance contract shall not be denied to any insured or  
15 prospective insured on the sole basis of the sex or ~~[marital]~~ **domestic union** status of such  
16 insured or prospective insured. Neither the amount of benefits payable under a contract, nor any  
17 term, condition, or type of coverage within a contract, shall be restricted, modified, excluded,  
18 or reduced solely on the basis of the sex or ~~[marital]~~ **domestic union** status of the insured or  
19 prospective insured except to the extent such restriction, modification, exclusion, or reduction  
20 is a result of the application of rate differentials permitted under the insurance laws of this state.  
21 Nothing in this section shall prohibit an insurer from taking the ~~[marital]~~ **domestic union** status  
22 of an insured or prospective insured into account for the purpose of defining persons eligible for  
23 dependents' benefits. Specific examples of practices prohibited by this section include, but are  
24 not limited to, the following:

25           (1) Denying coverage to females gainfully employed at home, employed part time or  
26 employed by relatives when such coverage is offered to males similarly employed;

27           (2) Denying policy riders to females when such riders are available to males;

- 28           (3) Denying maternity benefits to insureds or prospective insureds purchasing an  
29 individual contract when comparable family coverage contracts offer maternity benefits;
- 30           (4) Denying, under group contracts, dependent coverage to husbands of female  
31 employees, when dependent coverage is available to wives of male employees;
- 32           (5) Denying disability income contracts to employed women when such coverage is  
33 offered to men similarly employed;
- 34           (6) Treating complications of pregnancy differently from any other illness or sickness  
35 under the contract;
- 36           (7) Restricting, reducing, modifying, or excluding benefits relating to coverage involving  
37 the genital organs of only one sex;
- 38           (8) Offering lower maximum monthly benefits to women than to men who are in the  
39 same classification under a disability income contract;
- 40           (9) Offering more restrictive benefit periods and more restrictive definitions of disability  
41 to women than to men in the same classifications under a disability income contract;
- 42           (10) Establishing different conditions by sex under which the policyholder may exercise  
43 benefit options contained in the contract;
- 44           (11) Limiting the amount of coverage an insured or prospective insured may purchase  
45 based upon the insured's or prospective insured's ~~marital~~ **domestic union** status unless such  
46 limitation is for the purpose of defining persons eligible for dependents' benefits.

376.426. No policy of group health insurance shall be delivered in this state unless it  
2 contains in substance the following provisions, or provisions which in the opinion of the director  
3 of the department of insurance, financial institutions and professional registration are more  
4 favorable to the persons insured or at least as favorable to the persons insured and more favorable  
5 to the policyholder; except that: provisions in subdivisions (5), (7), (12), (15), and (16) of this  
6 section shall not apply to policies insuring debtors; standard provisions required for individual  
7 health insurance policies shall not apply to group health insurance policies; and if any provision  
8 of this section is in whole or in part inapplicable to or inconsistent with the coverage provided  
9 by a particular form of policy, the insurer, with the approval of the director, shall omit from such  
10 policy any inapplicable provision or part of a provision, and shall modify any inconsistent  
11 provision or part of the provision in such manner as to make the provision as contained in the  
12 policy consistent with the coverage provided by the policy:

- 13           (1) A provision that the policyholder is entitled to a grace period of thirty-one days for  
14 the payment of any premium due except the first, during which grace period the policy shall  
15 continue in force, unless the policyholder shall have given the insurer written notice of  
16 discontinuance in advance of the date of discontinuance and in accordance with the terms of the

17 policy. The policy may provide that the policyholder shall be liable to the insurer for the  
18 payment of a pro rata premium for the time the policy was in force during such grace period;

19 (2) A provision that the validity of the policy shall not be contested, except for  
20 nonpayment of premiums, after it has been in force for two years from its date of issue, and that  
21 no statement made by any person covered under the policy relating to insurability shall be used  
22 in contesting the validity of the insurance with respect to which such statement was made after  
23 such insurance has been in force prior to the contest for a period of two years during such  
24 person's lifetime nor unless it is contained in a written instrument signed by the person making  
25 such statement; except that, no such provision shall preclude the assertion at any time of defenses  
26 based upon the person's ineligibility for coverage under the policy or upon other provisions in  
27 the policy;

28 (3) A provision that a copy of the application, if any, of the policyholder shall be  
29 attached to the policy when issued, that all statements made by the policyholder or by the persons  
30 insured shall be deemed representations and not warranties and that no statement made by any  
31 person insured shall be used in any contest unless a copy of the instrument containing the  
32 statement is or has been furnished to such person or, in the event of the death or incapacity of  
33 the insured person, to the individual's beneficiary or personal representative;

34 (4) A provision setting forth the conditions, if any, under which the insurer reserves the  
35 right to require a person eligible for insurance to furnish evidence of individual insurability  
36 satisfactory to the insurer as a condition to part or all of the individual's coverage;

37 (5) A provision specifying the additional exclusions or limitations, if any, applicable  
38 under the policy with respect to a disease or physical condition of a person, not otherwise  
39 excluded from the person's coverage by name or specific description effective on the date of the  
40 person's loss, which existed prior to the effective date of the person's coverage under the policy.  
41 Any such exclusion or limitation may only apply to a disease or physical condition for which  
42 medical advice or treatment was received by the person during the twelve months prior to the  
43 effective date of the person's coverage. In no event shall such exclusion or limitation apply to  
44 loss incurred or disability commencing after the earlier of:

45 (a) The end of a continuous period of twelve months commencing on or after the  
46 effective date of the person's coverage during all of which the person has received no medical  
47 advice or treatment in connection with such disease or physical condition; or

48 (b) The end of the two-year period commencing on the effective date of the person's  
49 coverage;

50 (6) If the premiums or benefits vary by age, there shall be a provision specifying an  
51 equitable adjustment of premiums or of benefits, or both, to be made in the event the age of the

52 covered person has been misstated, such provision to contain a clear statement of the method of  
53 adjustment to be used;

54 (7) A provision that the insurer shall issue to the policyholder, for delivery to each  
55 person insured, a certificate setting forth a statement as to the insurance protection to which that  
56 person is entitled, to whom the insurance benefits are payable, and a statement as to any family  
57 member's or dependent's coverage;

58 (8) A provision that written notice of claim must be given to the insurer within twenty  
59 days after the occurrence or commencement of any loss covered by the policy. Failure to give  
60 notice within such time shall not invalidate nor reduce any claim if it shall be shown not to have  
61 been reasonably possible to give such notice and that notice was given as soon as was reasonably  
62 possible;

63 (9) A provision that the insurer shall furnish to the person making claim, or to the  
64 policyholder for delivery to such person, such forms as are usually furnished by it for filing proof  
65 of loss. If such forms are not furnished before the expiration of fifteen days after the insurer  
66 receives notice of any claim under the policy, the person making such claim shall be deemed to  
67 have complied with the requirements of the policy as to proof of loss upon submitting, within  
68 the time fixed in the policy for filing proof of loss, written proof covering the occurrence,  
69 character, and extent of the loss for which claim is made;

70 (10) A provision that in the case of claim for loss of time for disability, written proof of  
71 such loss must be furnished to the insurer within ninety days after the commencement of the  
72 period for which the insurer is liable, and that subsequent written proofs of the continuance of  
73 such disability must be furnished to the insurer at such intervals as the insurer may reasonably  
74 require, and that in the case of claim for any other loss, written proof of such loss must be  
75 furnished to the insurer within ninety days after the date of such loss. Failure to furnish such  
76 proof within such time shall not invalidate nor reduce any claim if it was not reasonably possible  
77 to furnish such proof within such time, provided such proof is furnished as soon as reasonably  
78 possible and in no event, except in the absence of legal capacity of the claimant, later than one  
79 year from the time proof is otherwise required;

80 (11) A provision that all benefits payable under the policy other than benefits for loss of  
81 time shall be payable not more than thirty days after receipt of proof and that, subject to due  
82 proof of loss, all accrued benefits payable under the policy for loss of time shall be paid not less  
83 frequently than monthly during the continuance of the period for which the insurer is liable, and  
84 that any balance remaining unpaid at the termination of such period shall be paid as soon as  
85 possible after receipt of such proof;

86 (12) A provision that benefits for accidental loss of life of a person insured shall be  
87 payable to the beneficiary designated by the person insured or, if the policy contains conditions

88 pertaining to family status, the beneficiary may be the family member specified by the policy  
89 terms. In either case, payment of these benefits is subject to the provisions of the policy in the  
90 event no such designated or specified beneficiary is living at the death of the person insured. All  
91 other benefits of the policy shall be payable to the person insured. The policy may also provide  
92 that if any benefit is payable to the estate of a person, or to a person who is a minor or otherwise  
93 not competent to give a valid release, the insurer may pay such benefit, up to an amount not  
94 exceeding two thousand dollars, to any relative by blood or connection by ~~marriage~~ **a contract**  
95 **of domestic union** of such person who is deemed by the insurer to be equitably entitled thereto;

96 (13) A provision that the insurer shall have the right and opportunity, at the insurer's own  
97 expense, to examine the person of the individual for whom claim is made when and so often as  
98 it may reasonably require during the pendency of the claim under the policy and also the right  
99 and opportunity, at the insurer's own expense, to make an autopsy in case of death where it is not  
100 prohibited by law;

101 (14) A provision that no action at law or in equity shall be brought to recover on the  
102 policy prior to the expiration of sixty days after proof of loss has been filed in accordance with  
103 the requirements of the policy and that no such action shall be brought at all unless brought  
104 within three years from the expiration of the time within which proof of loss is required by the  
105 policy;

106 (15) A provision specifying the conditions under which the policy may be terminated.  
107 Such provision shall state that except for nonpayment of the required premium or the failure to  
108 meet continued underwriting standards, the insurer may not terminate the policy prior to the first  
109 anniversary date of the effective date of the policy as specified therein, and a notice of any  
110 intention to terminate the policy by the insurer must be given to the policyholder at least  
111 thirty-one days prior to the effective date of the termination. Any termination by the insurer shall  
112 be without prejudice to any expenses originating prior to the effective date of termination. An  
113 expense will be considered incurred on the date the medical care or supply is received;

114 (16) A provision stating that if a policy provides that coverage of a dependent child  
115 terminates upon attainment of the limiting age for dependent children specified in the policy,  
116 such policy, so long as it remains in force, shall be deemed to provide that attainment of such  
117 limiting age does not operate to terminate the hospital and medical coverage of such child while  
118 the child is and continues to be both incapable of self-sustaining employment by reason of  
119 mental or physical handicap and chiefly dependent upon the certificate holder for support and  
120 maintenance. Proof of such incapacity and dependency must be furnished to the insurer by the  
121 certificate holder at least thirty-one days after the child's attainment of the limiting age. The  
122 insurer may require at reasonable intervals during the two years following the child's attainment  
123 of the limiting age subsequent proof of the child's incapacity and dependency. After such

124 two-year period, the insurer may require subsequent proof not more than once each year. This  
125 subdivision shall apply only to policies delivered or issued for delivery in this state on or after  
126 one hundred twenty days after September 28, 1985;

127 (17) A provision stating that if a policy provides that coverage of a dependent child  
128 terminates upon attainment of the limiting age for dependent children specified in the policy,  
129 such policy, so long as it remains in force, until the dependent child attains the limiting age, shall  
130 remain in force at the option of the certificate holder. Eligibility for continued coverage shall  
131 be established where the dependent child is:

132 (a) ~~Unmarried~~ **Not a party to a contract of domestic union** and no more than ~~that~~  
133 twenty-five years of age; and

134 (b) A resident of this state; and

135 (c) Not provided coverage as a named subscriber, insured, enrollee, or covered person  
136 under any group or individual health benefit plan, or entitled to benefits under Title XVIII of the  
137 Social Security Act, P.L. 89-97, 42 U.S.C. Section 1395, et seq.;

138 (18) In the case of a policy insuring debtors, a provision that the insurer shall furnish to  
139 the policyholder for delivery to each debtor insured under the policy a certificate of insurance  
140 describing the coverage and specifying that the benefits payable shall first be applied to reduce  
141 or extinguish the indebtedness;

142 (19) Notwithstanding any other provision of law to the contrary, a health carrier, as  
143 defined in section 376.1350, may offer a health benefit plan that is a managed care plan that  
144 requires all health care services to be delivered by a participating provider in the health carrier's  
145 network, except for emergency services, as defined in section 376.1350, and the services  
146 described in subsection 4 of section 376.811. Such a provision shall be disclosed in clear,  
147 conspicuous, and understandable language in the enrollment application and in the policy form.  
148 Whenever a health carrier offers a health benefit plan pursuant to this subdivision to a group  
149 contract holder as an exclusive or full replacement health benefit plan the health carrier shall  
150 offer at least one additional health benefit plan option that includes an out-of-network benefit.  
151 The decision to accept or reject the offer of the option of a health benefit plan that includes an  
152 out-of-network benefit shall be made by the enrollee and not the group contract holder;

153 (20) A provision stating that a health benefit plan issued pursuant to subdivision (19) of  
154 this section shall have in place a procedure by which an enrollee may obtain a referral to a  
155 nonparticipating provider when the enrollee is diagnosed with a life-threatening condition or  
156 disabling degenerative disease. The provisions of subdivisions (19) and (20) of this section shall  
157 expire and be null and void at the end of the calendar year following the repeal of 42 U.S.C.  
158 Section 300gg by the United States Congress or at the end of the calendar year following a

159 finding by a court of competent jurisdiction that such section is unconstitutional or otherwise  
160 infirm.

376.428. 1. A group policy delivered or issued for delivery in this state by a health  
2 carrier or health benefit plan, as defined in section 376.1350, which insures employees or  
3 members and their eligible dependents for hospital, surgical or major medical insurance on an  
4 expense-incurred or service basis, other than for specific diseases or for accidental injuries only,  
5 shall provide that employees or members whose coverage under the group policy, which includes  
6 coverage for their eligible dependents, would otherwise terminate because of termination of  
7 employment or membership shall be entitled to continue their hospital, surgical or major medical  
8 coverage, including coverage for their eligible dependents, under that group policy in the same  
9 manner as continuation of coverage is required under the continuation of coverage provisions  
10 set forth in the federal Consolidated Omnibus Budget Reconciliation Act (COBRA), as amended.

11 2. The spouse of an employee or member whose coverage under the group policy would  
12 otherwise terminate due to dissolution of ~~[marriage]~~ **a contract of domestic union**, or death of  
13 the employee or member shall have the same continuation privilege accorded under sections  
14 376.421 to 376.442, 376.694 to 376.696, and 376.779 to the employee or member upon  
15 termination of employment or membership.

16 3. The right to a converted policy pursuant to sections 376.395 to 376.404 for an  
17 employee or member entitled to continuation of coverage under sections 376.421 to 376.442,  
18 376.694 to 376.696, and 376.779 shall commence upon termination of the continued coverage  
19 provided for in sections 376.421 to 376.442, 376.694 to 376.696, and 376.779.

20 4. This section shall only apply to those persons who are not subject to the continuation  
21 and conversion provisions set forth in Title I, Subtitle B, Part 6 of the Employment Retirement  
22 Income Security Act of 1974 or Title XXII of the Public Health Service Act, as said acts were  
23 in effect on January 1, 1987.

376.450. 1. Sections 376.450 to 376.454 shall be known and may be cited as the  
2 "Missouri Health Insurance Portability and Accountability Act". Notwithstanding any other  
3 provision of law to the contrary, health insurance coverage offered in connection with the small  
4 group market, the large group market and the individual market shall comply with the provisions  
5 of sections 376.450 to 376.453 and, in the case of the small group market, the provisions of  
6 sections 379.930 to 379.952. As used in sections 376.450 to 376.453, the following terms mean:

7 (1) "Affiliation period", a period which, under the terms of the coverage offered by a  
8 health maintenance organization, must expire before the coverage becomes effective. The  
9 organization is not required to provide health care services or benefits during such period and  
10 no premium shall be charged to the participant or beneficiary for any coverage during the period;

- 11 (2) "Beneficiary", the same meaning given such term under Section 3(8) of the Employee  
12 Retirement Income Security Act of 1974 and Public Law 104-191;
- 13 (3) "Bona fide association", an association which:
- 14 (a) Has been actively in existence for at least five years;
- 15 (b) Has been formed and maintained in good faith for purposes other than obtaining  
16 insurance;
- 17 (c) Does not condition membership in the association on any health status-related factor  
18 relating to an individual (including an employee of an employer or a dependent of an employee);
- 19 (d) Makes health insurance coverage offered through the association available to all  
20 members regardless of any health status-related factor relating to such members (or individuals  
21 eligible for coverage through a member); and
- 22 (e) Does not make health insurance coverage offered through the association available  
23 other than in connection with a member of the association; and
- 24 (f) Meets all other requirements for an association set forth in subdivision (5) of  
25 subsection 1 of section 376.421 that are not inconsistent with this subdivision;
- 26 (4) "COBRA continuation provision":
- 27 (a) Section 4980B of the Internal Revenue Code (26 U.S.C. 4980B), as amended, other  
28 than subsection (f)(1) of such section as it relates to pediatric vaccines;
- 29 (b) Title I, Subtitle B, Part 6, excluding Section 609, of the Employee Retirement Income  
30 Security Act of 1974; or
- 31 (c) Title XXII of the Public Health Service Act, 42 U.S.C. 300dd, et seq.;
- 32 (5) "Creditable coverage", with respect to an individual:
- 33 (a) Coverage of the individual under any of the following:
- 34 a. A group health plan;
- 35 b. Health insurance coverage;
- 36 c. Part A or Part B of Title XVIII of the Social Security Act;
- 37 d. Title XIX of the Social Security Act, other than coverage consisting solely of benefits  
38 under Section 1928 of such act;
- 39 e. Chapter 55 of Title 10, United States Code;
- 40 f. A medical care program of the Indian Health Service or of a tribal organization;
- 41 g. A state health benefits risk pool;
- 42 h. A health plan offered under Title 5, Chapter 89, of the United States Code;
- 43 i. A public health plan as defined in federal regulations authorized by Section  
44 2701(c)(1)(I) of the Public Health Services Act, as amended by Public Law 104-191;
- 45 j. A health benefit plan under Section 5(e) of the Peace Corps Act (22 U.S.C. 2504(3));
- 46 (b) Creditable coverage does not include coverage consisting solely of excepted benefits;



- 47 (6) "Department", the Missouri department of insurance, financial institutions and  
48 professional registration;
- 49 (7) "Director", the director of the Missouri department of insurance, financial institutions  
50 and professional registration;
- 51 (8) "Enrollment date", with respect to an individual covered under a group health plan  
52 or health insurance coverage, the date of enrollment of the individual in the plan or coverage or,  
53 if earlier, the first day of the waiting period for such enrollment;
- 54 (9) "Excepted benefits":
- 55 (a) Coverage only for accident (including accidental death and dismemberment)  
56 insurance;
- 57 (b) Coverage only for disability income insurance;
- 58 (c) Coverage issued as a supplement to liability insurance;
- 59 (d) Liability insurance, including general liability insurance and automobile liability  
60 insurance;
- 61 (e) Workers' compensation or similar insurance;
- 62 (f) Automobile medical payment insurance;
- 63 (g) Credit-only insurance;
- 64 (h) Coverage for on-site medical clinics;
- 65 (i) Other similar insurance coverage, as approved by the director, under which benefits  
66 for medical care are secondary or incidental to other insurance benefits;
- 67 (j) If provided under a separate policy, certificate or contract of insurance, any of the  
68 following:
- 69 a. Limited scope dental or vision benefits;
- 70 b. Benefits for long-term care, nursing home care, home health care, community-based  
71 care, or any combination thereof;
- 72 c. Other similar limited benefits as specified by the director;
- 73 (k) If provided under a separate policy, certificate or contract of insurance, any of the  
74 following:
- 75 a. Coverage only for a specified disease or illness;
- 76 b. Hospital indemnity or other fixed indemnity insurance;
- 77 (l) If offered as a separate policy, certificate, or contract of insurance, any of the  
78 following:
- 79 a. Medicare supplemental coverage (as defined under Section 1882(g)(1) of the Social  
80 Security Act);
- 81 b. Coverage supplemental to the coverage provided under Chapter 55 of Title 10, United  
82 States Code;

83 c. Similar supplemental coverage provided to coverage under a group health plan;

84 (10) "Group health insurance coverage", health insurance coverage offered in connection  
85 with a group health plan;

86 (11) "Group health plan", an employee welfare benefit plan as defined in Section 3(1)  
87 of the Employee Retirement Income Security Act of 1974 and Public Law 104-191 to the extent  
88 that the plan provides medical care, as defined in this section, and including any item or service  
89 paid for as medical care to an employee or the employee's dependent, as defined under the terms  
90 of the plan, directly or through insurance, reimbursement or otherwise, but not including  
91 excepted benefits;

92 (12) "Health insurance coverage", or "health benefit plan" as defined in section 376.1350  
93 and benefits consisting of medical care, including items and services paid for as medical care,  
94 that are provided directly, through insurance, reimbursement, or otherwise under a policy,  
95 certificate, membership contract, or health services agreement offered by a health insurance  
96 issuer, but not including excepted benefits;

97 (13) "Health insurance issuer", "issuer", or "insurer", an insurance company, health  
98 services corporation, fraternal benefit society, health maintenance organization, multiple  
99 employer welfare arrangement specifically authorized to operate in the state of Missouri, or any  
100 other entity providing a plan of health insurance or health benefits subject to state insurance  
101 regulation;

102 (14) "Individual health insurance coverage", health insurance coverage offered to  
103 individuals in the individual market, not including excepted benefits or short-term limited  
104 duration insurance;

105 (15) "Individual market", the market for health insurance coverage offered to individuals  
106 other than in connection with a group health plan;

107 (16) "Large employer", in connection with a group health plan, with respect to a calendar  
108 year and a plan year, an employer who employed an average of at least fifty-one employees on  
109 business days during the preceding calendar year and who employs at least two employees on  
110 the first day of the plan year;

111 (17) "Large group market", the health insurance market under which individuals obtain  
112 health insurance coverage directly or through any arrangement on behalf of themselves and their  
113 dependents through a group health plan maintained by a large employer;

114 (18) "Late enrollee", a participant who enrolls in a group health plan other than during  
115 the first period in which the individual is eligible to enroll under the plan, or a special enrollment  
116 period under subsection 6 of this section;

117 (19) "Medical care", amounts paid for:

118 (a) The diagnosis, cure, mitigation, treatment, or prevention of disease or amounts paid  
119 for the purpose of affecting any structure or function of the body;

120 (b) Transportation primarily for and essential to medical care referred to in paragraph  
121 (a) of this subdivision; or

122 (c) Insurance covering medical care referred to in paragraphs (a) and (b) of this  
123 subdivision;

124 (20) "Network plan", health insurance coverage offered by a health insurance issuer  
125 under which the financing and delivery of medical care, including items and services paid for as  
126 medical care, are provided, in whole or in part, through a defined set of providers under contract  
127 with the issuer;

128 (21) "Participant", the same meaning given such term under Section 3(7) of the  
129 Employer Retirement Income Security Act of 1974 and Public Law 104-191;

130 (22) "Plan sponsor", the same meaning given such term under Section 3(16)(B) of the  
131 Employee Retirement Income Security Act of 1974;

132 (23) "Preexisting condition exclusion", with respect to coverage, a limitation or  
133 exclusion of benefits relating to a condition based on the fact that the condition was present  
134 before the date of enrollment for such coverage, whether or not any medical advice, diagnosis,  
135 care, or treatment was recommended or received before such date. Genetic information shall not  
136 be treated as a preexisting condition in the absence of a diagnosis of the condition related to such  
137 information;

138 (24) "Public Law 104-191", the federal Health Insurance Portability and Accountability  
139 Act of 1996;

140 (25) "Small group market", the health insurance market under which individuals obtain  
141 health insurance coverage directly or through an arrangement, on behalf of themselves and their  
142 dependents, through a group health plan maintained by a small employer as defined in section  
143 379.930;

144 (26) "Waiting period", with respect to a group health plan and an individual who is a  
145 potential participant or beneficiary in a group health plan, the period that must pass with respect  
146 to the individual before the individual is eligible to be covered for benefits under the terms of  
147 the group health plan.

148 2. A health insurance issuer offering group health insurance coverage may, with respect  
149 to a participant or beneficiary, impose a preexisting condition exclusion only if:

150 (1) Such exclusion relates to a condition, whether physical or mental, regardless of the  
151 cause of the condition, for which medical advice, diagnosis, care, or treatment was recommended  
152 or received within the six-month period ending on the enrollment date;

(2) Such exclusion extends for a period of not more than twelve months, or eighteen months in the case of a late enrollee, after the enrollment date; and

(3) The period of any such preexisting condition exclusion is reduced by the aggregate of the periods of creditable coverage, if any, applicable to the participant as of the enrollment date.

3. For the purposes of applying subdivision (3) of subsection 2 of this section:

(1) A period of creditable coverage shall not be counted, with respect to enrollment of an individual under group health insurance coverage, if, after such period and before the enrollment date, there was a sixty-three day period during all of which the individual was not covered under any creditable coverage;

(2) Any period of time that an individual is in a waiting period for coverage under group health insurance coverage, or is in an affiliation period, shall not be taken into account in determining whether a sixty-three day break under subdivision (1) of this subsection has occurred;

(3) Except as provided in subdivision (4) of this subsection, a health insurance issuer offering group health insurance coverage shall count a period of creditable coverage without regard to the specific benefits included in the coverage;

(4) (a) A health insurance issuer offering group health insurance coverage may elect to apply the provisions of subdivision (3) of subsection 2 of this section based on coverage within any category of benefits within each of several classes or categories of benefits specified in regulations implementing Public Law 104-191, rather than as provided under subdivision (3) of this subsection. Such election shall be made on a uniform basis for all participants and beneficiaries. Under such election a health insurance issuer shall count a period of creditable coverage with respect to any class or category of benefits if any level of benefits is covered within the class or category.

(b) In the case of an election with respect to health insurance coverage offered by a health insurance issuer in the small or large group market under this subdivision, the health insurance issuer shall prominently state in any disclosure statements concerning the coverage, and prominently state to each employer at the time of the offer or sale of the coverage, that the issuer has made such election, and include in such statements a description of the effect of this election;

(5) Periods of creditable coverage with respect to an individual may be established through presentation of certifications and other means as specified in Public Law 104-191 and regulations pursuant thereto.

4. A health insurance issuer offering group health insurance coverage shall not apply any preexisting condition exclusion in the following circumstances:

189           (1) Subject to subdivision (4) of this subsection, a health insurance issuer offering group  
190 health insurance coverage shall not impose any preexisting condition exclusion in the case of an  
191 individual who, as of the last day of the thirty-one-day period beginning with the date of birth,  
192 is covered under creditable coverage;

193           (2) Subject to subdivision (4) of this subsection, a health insurance issuer offering group  
194 health insurance coverage shall not impose any preexisting condition exclusion in the case of a  
195 child who is adopted or placed for adoption before attaining eighteen years of age and who, as  
196 of the last day of the thirty-day period beginning on the date of the adoption or placement for  
197 adoption, is covered under creditable coverage. The previous sentence shall not apply to  
198 coverage before the date of such adoption or placement for adoption;

199           (3) A health insurance issuer offering group health insurance coverage shall not impose  
200 any preexisting condition exclusion relating to pregnancy as a preexisting condition;

201           (4) Subdivisions (1) and (2) of this subsection shall no longer apply to an individual after  
202 the end of the first sixty-three-day period during all of which the individual was not covered  
203 under any creditable coverage.

204           5. A health insurance issuer offering group health insurance coverage shall provide a  
205 certification of creditable coverage as required by Public Law 104-191 and regulations pursuant  
206 thereto.

207           6. A health insurance issuer offering group health insurance coverage shall provide for  
208 special enrollment periods in the following circumstances:

209           (1) A health insurance issuer offering group health insurance in connection with a group  
210 health plan shall permit an employee or a dependent of an employee who is eligible but not  
211 enrolled for coverage under the terms of the plan to enroll for coverage if:

212           (a) The employee or dependent was covered under a group health plan or had health  
213 insurance coverage at the time that coverage was previously offered to the employee or  
214 dependent;

215           (b) The employee stated in writing at the time that coverage under a group health plan  
216 or health insurance coverage was the reason for declining enrollment, but only if the plan sponsor  
217 or health insurance issuer required the statement at the time and provided the employee with  
218 notice of the requirement and the consequences of the requirement at the time;

219           (c) The employee's or dependent's coverage described in paragraph (a) of this  
220 subdivision was:

221           a. Under a COBRA continuation provision and was exhausted; or

222           b. Not under a COBRA continuation provision and was terminated as a result of loss of  
223 eligibility for the coverage or because employer contributions toward the cost of coverage were  
224 terminated; and

225 (d) Under the terms of the group health plan, the employee requests the enrollment not  
226 later than thirty days after the date of exhaustion of coverage described in subparagraph a. of  
227 paragraph (c) of this subdivision or termination of coverage or employer contributions described  
228 in subparagraph b.

229 of paragraph (c) of this subdivision;

230 (2) (a) A group health plan shall provide for a dependent special enrollment period  
231 described in paragraph (b) of this subdivision during which an employee who is eligible but not  
232 enrolled and a dependent may be enrolled under the group health plan and, in the case of the  
233 birth or adoption of a child, the spouse of the employee may be enrolled as a dependent if the  
234 spouse is otherwise eligible for coverage.

235 (b) A dependent special enrollment period under this subdivision is a period of not less  
236 than thirty days that begins on the date of the ~~[marriage]~~ **contract of domestic union**, or  
237 adoption or placement for adoption, or the period provided for enrollment in section 376.406 in  
238 the case of a birth;

239 (3) The coverage becomes effective:

240 (a) In the case of ~~[marriage]~~ **a contract of domestic union**, not later than the first day  
241 of the first month beginning after the date on which the completed request for enrollment is  
242 received;

243 (b) In the case of a dependent's birth, as of the date of birth; or

244 (c) In the case of a dependent's adoption or placement for adoption, the date of the  
245 adoption or placement for adoption.

246 7. In the case of group health insurance coverage offered by a health maintenance  
247 organization, the plan may provide for an affiliation period with respect to coverage through the  
248 organization only if:

249 (1) No preexisting condition exclusion is imposed with respect to coverage through the  
250 organization;

251 (2) The period is applied uniformly without regard to any health status-related factors;

252 (3) Such period does not exceed two months, or three months in the case of a late  
253 enrollee;

254 (4) Such period begins on the enrollment date; and

255 (5) Such period runs concurrently with any waiting period.

376.776. 1. This section applies to the hospital and medical expense provisions of an  
2 accident or sickness insurance policy.

3 2. If a policy provides that coverage of a dependent child terminates upon attainment of  
4 the limiting age for dependent children specified in the policy, such policy so long as it remains  
5 in force shall be deemed to provide that attainment of such limiting age does not operate to

6 terminate the hospital and medical coverage of such child while the child is and continues to be  
7 both incapable of self-sustaining employment by reason of mental or physical handicap and  
8 chiefly dependent upon the policyholder for support and maintenance. Proof of such incapacity  
9 and dependency must be furnished to the insurer by the policyholder at least thirty-one days after  
10 the child's attainment of the limiting age. The insurer may require at reasonable intervals during  
11 the two years following the child's attainment of the limiting age subsequent proof of the child's  
12 disability and dependency. After such two-year period, the insurer may require subsequent proof  
13 not more than once each year.

14 3. If a policy provides that coverage of a dependent child terminates upon attainment of  
15 the limiting age for dependent children specified in the policy, such policy, so long as it remains  
16 in force until the dependent child attains the limiting age, shall remain in force at the option of  
17 the policyholder. The policyholder's election for continued coverage under this section shall be  
18 furnished by the policyholder to the insurer within thirty-one days after the child's attainment of  
19 the limiting age. As used in this subsection, a dependent child is a person who:

20 (1) Is a resident of this state;

21 (2) Is ~~unmarried~~ **not a party of a contract of domestic union** and no more than  
22 twenty-five years of age; and

23 (3) ~~[Not]~~ **Is not** provided coverage as a named subscriber, insured, enrollee, or covered  
24 person under any group or individual health benefit plan, or entitled to benefits under Title XVIII  
25 of the Social Security Act, P.L. 89-97, 42 U.S.C. Section 1395, et seq.

26 4. This section applies only to policies delivered or issued for delivery in this state more  
27 than one hundred twenty days after October 13, 1967.

376.777. 1. Required provisions. Except as provided in subsection 3 of this section each  
2 such policy delivered or issued for delivery to any person in this state shall contain the provisions  
3 specified in this subsection in the words in which the same appear in this section; provided,  
4 however, that the insurer may, at its option, substitute for one or more of such provisions  
5 corresponding provisions of different wording approved by the director of the department of  
6 insurance, financial institutions and professional registration which are in each instance not less  
7 favorable in any respect to the insured or the beneficiary. Such provisions shall be preceded  
8 individually by the caption appearing in this subsection or, at the option of the insurer, by such  
9 appropriate individual or group captions or subcaptions as the director of the department of  
10 insurance, financial institutions and professional registration may approve.

11 (1) A provision as follows:

12 "ENTIRE CONTRACT; CHANGES:

13 This policy, including the endorsements and the attached papers, if any, constitutes the  
14 entire contract of insurance. No change in this policy shall be valid until approved by an

15 executive officer of the insurer and unless such approval be endorsed hereon or attached hereto.  
16 No agent has authority to change this policy or to waive any of its provisions".

17 (When under the provisions of subdivision (2) of subsection 1 of section 376.775 the  
18 effective and termination dates are stated in the premium receipt, the insurer shall insert in the  
19 first sentence of the foregoing policy provision immediately following the comma after the word  
20 "any", the following words: "and the insurer's official premium receipt when executed").

21 (2) A provision as follows:

22 "TIME LIMIT ON CERTAIN DEFENSES:

23 (a) After two years from the date of issue of this policy no misstatements, except  
24 fraudulent misstatements, made by the applicant in the application for such policy shall be used  
25 to void the policy or to deny a claim for loss incurred or disability (as defined in the policy)  
26 commencing after the expiration of such two-year period".

27 (The foregoing policy provision shall not be so construed as to affect any legal  
28 requirements for avoidance of a policy or denial of a claim during such initial two-year period,  
29 nor to limit the application of subdivisions (1), (2), (3), (4) and (5) of subsection 2 of this section  
30 in the event of misstatement with respect to age or occupation or other insurance.)

31 (A policy which the insured has the right to continue in force subject to its terms by the  
32 timely payment of premium (1) until at least age fifty or, (2) in the case of a policy issued after  
33 age forty-four, for at least five years from its date of issue, may contain in lieu of the foregoing  
34 the following provision (from which the clause in parentheses may be omitted at the insurer's  
35 option) under the caption "UNCONTESTABLE":

36

37 "After this policy has been in force for a period of three years during the lifetime of the insured  
38 (excluding any period during which the insured is disabled), it shall become uncontestable as to  
39 the statements contained in the application).

40 (b) No claim for loss incurred or disability (as defined in the policy) commencing after  
41 two years from the date of issue of this policy shall be reduced or denied on the ground that a  
42 disease or physical condition not excluded from coverage by name or specific description  
43 effective on the date of loss had existed prior to the effective date of coverage of this policy."

44 (3) A provision as follows:

45 "GRACE PERIOD:

46 A grace period of ..... (insert a number not less than "7" for weekly premium policies,  
47 "10" for monthly premium policies and "31" for all other policies) days will be granted for the  
48 payment of each premium falling due after the first premium, during which grace period the  
49 policy shall continue in force."



50 (A policy which contains a cancellation provision may add, at the end of the above  
51 provision, subject to the right of the insurer to cancel in accordance with the cancellation  
52 provision hereof. A policy in which the insurer reserves the right to refuse any renewal shall  
53 have, at the beginning of the above provision, "Unless not less than five days prior to the  
54 premium due date the insurer has delivered to the insured or has mailed to his last address as  
55 shown by the records of the insurer written notice of its intention not to renew this policy beyond  
56 the period for which the premium has been accepted").

57 (4) A provision as follows:

58 "REINSTATEMENT:

59 If any renewal premium be not paid within the time granted the insured for payment, a  
60 subsequent acceptance of premium by the insurer or by any agent duly authorized by the insurer  
61 to accept such premium, without requiring in connection therewith an application for  
62 reinstatement, shall reinstate the policy; provided, however, that if the insurer or such agent  
63 requires an application for reinstatement and issues a conditional receipt for the premium  
64 tendered, the policy will be reinstated upon approval of such application by the insurer, or,  
65 lacking such approval, upon the forty-fifth day following the date of such conditional receipt  
66 unless the insurer has previously notified the insured in writing of its disapproval of such  
67 application. The reinstated policy shall cover only loss resulting from such accidental injury as  
68 may be sustained after the date of reinstatement and loss due to such sickness as may begin more  
69 than ten days after such date. In all other respects the insured and insurer shall have the same  
70 rights thereunder as they had under the policy immediately before the due date of the defaulted  
71 premium, subject to any provisions endorsed hereon or attached hereto in connection with the  
72 reinstatement. Any premium accepted in connection with a reinstatement shall be applied to a  
73 period for which premium has not been previously paid, but not to any period more than sixty  
74 days prior to the date of reinstatement".

75 (The last sentence of the above provision may be omitted from any policy which the  
76 insured has the right to continue in force subject to its terms by the timely payment of premiums  
77 (1) until at least age fifty or, (2) in the case of a policy issued after age forty-four, for at least five  
78 years from its date of issue.)

79 (5) A provision as follows:

80 "NOTICE OF CLAIM:

81 Written notice of claim must be given to the insurer within twenty days after the  
82 occurrence or commencement of any loss covered by the policy, or as soon thereafter as is  
83 reasonably possible. Notice given by or on behalf of the insured or the beneficiary to the insured  
84 at ..... (insert the location of such office as the insurer may designate for the purpose), or to

85 any authorized agent of the insurer, with information sufficient to identify the insured, shall be  
86 deemed notice to the insurer".

87 (In a policy providing a loss-of-time benefit which may be payable for at least two years,  
88 an insurer may at its option insert the following between the first and second sentences of the  
89 above provision:

90

91 "Subject to the qualifications set forth below, if the insured suffers loss of time on account of  
92 disability for which indemnity may be payable for at least two years, he shall, at least once in  
93 every six months after having given notice of claim, give to the insurer notice of continuance of  
94 said disability, except in the event of legal incapacity. The period of six months following any  
95 filing of proof by the insured or any payment by the insurer on account of such claim or any  
96 denial of liability in whole or in part by the insurer shall be excluded in applying this provision.  
97 Delay in the giving of such notice shall not impair the insured's right to any indemnity which  
98 would otherwise have accrued during the period of six months preceding the date on which such  
99 notice is actually given").

100 (6) A provision as follows:

101

"CLAIM FORMS:

102 The insurer upon receipt of a notice of claim, will furnish to the claimant such forms as  
103 are usually furnished by it for filing proofs of loss. If such forms are not furnished within fifteen  
104 days after the giving of such notice the claimant shall be deemed to have complied with the  
105 requirements of this policy as to proof of loss upon submitting, within the time fixed in the  
106 policy for filing proofs of loss, written proof covering the occurrence, the character and the  
107 extent of the loss for which claim is made".

108 (7) A provision as follows:

109

"PROOFS OF LOSS:

110 Written proof of loss must be furnished to the insurer at its said office in case of claim  
111 for loss for which this policy provides any periodic payment contingent upon continuing loss  
112 within ninety days after the termination of the period for which the insurer is liable and in case  
113 of claim for any other loss within ninety days after the date of such loss. Failure to furnish such  
114 proof within the time required shall not invalidate nor reduce any claim if it was not reasonably  
115 possible to give proof within such time, provided such proof is furnished as soon as reasonably  
116 possible and in no event, except in the absence of legal capacity, later than one year from the  
117 time proof is otherwise required".

118 (8) A provision as follows:

119

"TIME OF PAYMENT OF CLAIMS:

120 Indemnities payable under this policy for any loss other than loss for which this policy  
121 provides any periodic payment will be paid immediately upon receipt of due written proof of  
122 such loss. Subject to due written proof of loss, all accrued indemnities for loss for which this  
123 policy provides periodic payment will be paid ..... (insert period for payment which must not  
124 be less frequently than monthly) and any balance remaining unpaid upon the termination of  
125 liability will be paid immediately upon receipt of due written proof".

126 (9) A provision as follows:

127 "PAYMENT OF CLAIMS:

128 Indemnity for loss of life will be payable in accordance with the beneficiary designation  
129 and the provisions respecting such payment which may be prescribed herein and effective at the  
130 time of payment. If no such designation or provision is then effective, such indemnity shall be  
131 payable to the estate of the insured. Any other accrued indemnities unpaid at the insured's death  
132 may, at the option of the insurer, be paid either to such beneficiary or to such estate. All other  
133 indemnities will be payable to the insured".

134 (The following provisions, or either of them, may be included with the foregoing  
135 provision at the option of the insurer:

136 "If any indemnity of this policy shall be payable to the estate of the insured, or to an insured or  
137 beneficiary who is a minor or otherwise not competent to give a valid release, the insurer may  
138 pay such indemnity, up to an amount not exceeding \$..... (insert an amount which shall not  
139 exceed one thousand dollars), to any relative by blood or connection by ~~marriage~~ **a contract**  
140 **of domestic union** of the insured or beneficiary who is deemed by the insurer to be equitably  
141 entitled thereto. Any payment made by the insurer in good faith pursuant to this provision shall  
142 fully discharge the insurer to the extent of such payment. Subject to any written direction of the  
143 insured in the application or otherwise all or a portion of any indemnities provided by this policy  
144 on account of hospital, nursing, medical, or surgical services may, at the insurer's option and  
145 unless the insured requests otherwise in writing not later than the time of filing proofs of such  
146 loss, be paid directly to the hospital or person rendering such services; but it is not required that  
147 the service be rendered by a particular hospital or person").

148 (10) A provision as follows:

149 "PHYSICAL EXAMINATIONS AND AUTOPSY:

150 The insurer at its own expense shall have the right and opportunity to examine the person  
151 of the insured when and as often as it may reasonably require during the pendency of a claim  
152 hereunder and to make an autopsy in case of death where it is not forbidden by law".

153 (11) A provision as follows:

154 "LEGAL ACTIONS:

155 No action at law or in equity shall be brought to recover on this policy prior to the  
156 expiration of sixty days after written proof of loss has been furnished in accordance with the  
157 requirements of this policy. No such action shall be brought after the expiration of three years  
158 after the time written proof of loss is required to be furnished".

159 (12) A provision as follows:

160 "CHANGE OF BENEFICIARY:

161 Unless the insured makes an irrevocable designation of beneficiary, the right to change  
162 of beneficiary is reserved to the insured and the consent of the beneficiary or beneficiaries shall  
163 not be requisite to surrender or assignment of this policy or to change of beneficiary or  
164 beneficiaries, or to any other changes in this policy".

165 (The first clause of this provision, relating to the irrevocable designation of beneficiary,  
166 may be omitted at the insurer's option).

167 2. Other provisions. Except as provided in subsection 3 of this section, no such policy  
168 delivered or issued for delivery to any person in this state shall contain provisions respecting the  
169 matters set forth below unless such provisions are in the words in which the same appear in this  
170 section; provided, however, that the insurer may, at its option, use in lieu of any such provision  
171 a corresponding provision of different wording approved by the director of the department of  
172 insurance, financial institutions and professional registration which is not less favorable in any  
173 respect to the insured or the beneficiary. Any such provision contained in the policy shall be  
174 preceded individually by the appropriate caption appearing in this subsection or, at the option  
175 of the insurer, by such appropriate individual or group captions or subcaptions as the director of  
176 the department of insurance, financial institutions and professional registration may approve.

177 (1) A provision as follows:

178 "CHANGE OF OCCUPATION:

179 If the insured be injured or contract sickness after having changed his occupation to one  
180 classified by the insurer as more hazardous than that stated in this policy or while doing for  
181 compensation anything pertaining to an occupation so classified, the insurer will pay only such  
182 portion of the indemnities provided in this policy as the premium paid would have purchased at  
183 the rates and within the limits fixed by the insurer for such more hazardous occupation. If the  
184 insured changes his occupation to one classified by the insurer as less hazardous than that stated  
185 in this policy, the insurer, upon receipt of proof of such change of occupation, will reduce the  
186 premium rate accordingly, and will return the excess pro rata unearned premium from the date  
187 of change of occupation or from the policy anniversary date immediately preceding receipt of  
188 such proof, whichever is the more recent. In applying this provision, the classification of  
189 occupational risk and the premium rates shall be such as have been last filed by the insurer prior  
190 to the occurrence of the loss for which the insurer is liable or prior to date of proof of change in

191 occupation with the state official having supervision of insurance in the state where the insured  
192 resided at the time this policy was issued; but if such filing was not required, then the  
193 classification of occupational risk and the premium rates shall be those last made effective by  
194 the insurer in such state prior to the occurrence of the loss or prior to the date of proof of change  
195 in occupation".

196 (2) A provision as follows:

197 "MISSTATEMENT OF AGE:

198 If the age of the insured has been misstated, all amounts payable under this policy shall  
199 be such as the premium paid would have purchased at the correct age".

200 (3) A provision as follows:

201 "OTHER INSURANCE IN THIS INSURER:

202 If an accident or sickness or accident and sickness policy or policies previously issued  
203 by the insurer to the insured be in force concurrently herewith, making the aggregate indemnity  
204 for ..... (insert type of coverage or coverages) in excess of \$..... (insert maximum limit of  
205 indemnity or indemnities) the excess insurance shall be void and all premiums paid for such  
206 excess shall be returned to the insured or to his estate, or in lieu thereof. Insurance effective at  
207 any one time on the insured under a like policy or policies in this insurer is limited to the one  
208 such policy elected by the insured, his beneficiary or his estate, as the case may be, and the  
209 insurer will return all premiums paid for all other such policies".

210 (4) A provision as follows:

211 "INSURANCE WITH OTHER INSURERS:

212 If there be other valid coverage, not with this insurer, providing benefits for the same loss  
213 on a provision of service basis or on an expense incurred basis and of which this insurer has not  
214 been given written notice prior to the occurrence or commencement of loss, the only liability  
215 under any expense incurred coverage of this policy shall be for such proportion of the loss as the  
216 amount which would otherwise have been payable hereunder plus the total of the like amounts  
217 under all such other valid coverages for the same loss of which this insurer had notice bears to  
218 the total like amounts under all valid coverages for such loss, and for the return of such portion  
219 of the premiums paid as shall exceed the pro rata portion for the amount so determined. For the  
220 purpose of applying this provision when other coverage is on a provision of service basis, the  
221 "like amount" of such other coverage shall be taken as the amount which the services rendered  
222 would have cost in the absence of such coverage".

223 (If the foregoing policy provision is included in a policy which also contains the next  
224 following policy provision there shall be added to the caption of the foregoing provision the  
225 phrase "EXPENSE INCURRED BENEFITS". The insurer may, at its option, include in this  
226 provision a definition of "other valid coverage", approved as to form by the director of the

227 department of insurance, financial institutions and professional registration, which definition  
228 shall be limited in subject matter to coverage provided by organizations subject to regulation by  
229 insurance law or by insurance authorities of this or any other state of the United States or any  
230 province of Canada, and by hospital or medical service organizations, and to any other coverage  
231 the inclusion of which may be approved by the director of the department of insurance, financial  
232 institutions and professional registration. In the absence of such definition such term shall not  
233 include group insurance, automobile medical payments insurance, or coverage provided by  
234 hospital or medical service organizations or by union welfare plans or employer or employees  
235 benefit organizations. For the purpose of applying the foregoing policy provision with respect  
236 to any insured, any amount of benefit provided for such insured pursuant to any compulsory  
237 benefit statute (including any workers' compensation or employer's liability statute whether  
238 provided by a governmental agency or otherwise shall in all cases be deemed to be "other valid  
239 coverage" of which the insurer has had notice. In applying the foregoing policy provision no  
240 third party liability coverage shall be included as "other valid coverage").

241 (5) A provision as follows:

242 "INSURANCE WITH OTHER INSURERS:

243 If there be other valid coverage, not with this insurer, providing benefits for the same loss  
244 on other than an expense incurred basis and of which this insurer has not been given written  
245 notice prior to the occurrence or commencement of loss, the only liability for such benefits under  
246 this policy shall be for such proportion of the indemnities otherwise provided hereunder for such  
247 loss as the like indemnities of which the insurer had notice (including the indemnities under this  
248 policy) bear to the total amount of all like indemnities for such loss, and for the return of such  
249 portion of the premium paid as shall exceed the pro rata portion for the indemnities thus  
250 determined".

251 (If the foregoing policy provision is included in a policy which also contains the next  
252 preceding policy provision there shall be added to the caption of the foregoing provision the  
253 phrase "OTHER BENEFITS". The insurer may, at its option, include in this provision a  
254 definition of "other valid coverage", approved as to form by the director of the department of  
255 insurance, financial institutions and professional registration which definition shall be limited  
256 in subject matter to coverage provided by organizations subject to regulation by insurance law  
257 or by insurance authorities of this or any other state of the United States or any province of  
258 Canada, and to any other coverage the inclusion of which may be approved by the director of the  
259 department of insurance, financial institutions and professional registration. In the absence of  
260 such definition such term shall not include group insurance, or benefits provided by union  
261 welfare plans or by employer or employee benefit organizations. For the purpose of applying  
262 the foregoing policy provision with respect to any insured, any amount of benefit provided for

263 such insured pursuant to any compulsory benefit statute (including any workers' compensation  
264 or employer's liability statute) whether provided by a governmental agency or otherwise shall in  
265 all cases be deemed to be "other valid coverage", of which the insurer has had notice. In  
266 applying the foregoing policy provision no third party liability coverage shall be included as  
267 "other valid coverage").

268 (6) A provision as follows:

269 "RELATION OF EARNINGS TO INSURANCE:

270 If the total monthly amount of loss of time benefits promised for the same loss under all  
271 valid loss of time coverage upon the insured, whether payable on a weekly or monthly basis,  
272 shall exceed the monthly earnings of the insured at the time disability commenced or his average  
273 monthly earnings for the period of two years immediately preceding a disability for which claim  
274 is made, whichever is the greater, the insurer will be liable only for such proportionate amount  
275 of such benefits under this policy as the amount of such monthly earnings or such average  
276 monthly earnings of the insured bears to the total amount of monthly benefits for the same loss  
277 under all such coverage upon the insured at the time such disability commences and for the  
278 return of such part of the premiums paid during such two years as shall exceed the pro rata  
279 amount of the premiums for the benefits actually paid hereunder; but this shall not operate to  
280 reduce the total monthly amount of benefits payable under all such coverage upon the insured  
281 below the sum of two hundred dollars or the sum of the monthly benefits specified in such  
282 coverages, whichever is the lesser, nor shall it operate to reduce benefits other than those payable  
283 for loss of time".

284 (The foregoing policy provision may be inserted only in a policy which the insured has  
285 the right to continue in force subject to its terms by the timely payment of premiums (1) until at  
286 least age fifty or, (2) in the case of a policy issued after age forty-four, for at least five years from  
287 this date of issue. The insurer may, at its option, include in this provision a definition of "valid  
288 loss of time coverage", approved as to form by the director of the department of insurance,  
289 financial institutions and professional registration, which definition shall be limited in subject  
290 matter to coverage provided by governmental agencies or by organizations subject to regulation  
291 by insurance law or by insurance authorities of this or any other state of the United States or any  
292 province of Canada, or to any other coverage the inclusion of which may be approved by the  
293 director of the department of insurance, financial institutions and professional registration or any  
294 combination of such coverages. In the absence of such definition such term shall not include any  
295 coverage provided for such insured pursuant to any compulsory benefit statute (including any  
296 workers' compensation or employer's liability statute), or benefits provided by union welfare  
297 plans or by employer or employee benefit organizations).

298 (7) A provision as follows:

299 "UNPAID PREMIUM:

300 Upon the payment of a claim under this policy, any premium then due and unpaid or  
301 covered by any note or written order may be deducted therefrom".

302 (8) A provision as follows:

303 "CANCELLATION:

304 The insurer may cancel this policy at any time by written notice delivered to the insured,  
305 or mailed to his last address as shown by the records of the insurer, stating when, not less than  
306 five days thereafter, such cancellation shall be effective; and after the policy has been continued  
307 beyond its original term the insured may cancel this policy at any time by written notice  
308 delivered or mailed to the insurer, effective upon receipt or on such later date as may be specified  
309 in such notice. In the event of cancellation, the insurer will return promptly the unearned portion  
310 of any premium paid. If the insured cancels, the earned premium shall be computed by the use  
311 of the short-rate table last filed with the state official having supervision of insurance in the state  
312 where the insured resided when the policy was issued. If the insurer cancels, the earned premium  
313 shall be computed pro rata. Cancellation shall be without prejudice to any claim originating  
314 prior to the effective date of cancellation".

315 (9) A provision as follows:

316 "CONFORMITY WITH STATE STATUTES:

317 Any provision of this policy which, on its effective date, is in conflict with the statutes  
318 of the state in which the insured resides on such date is hereby amended to conform to the  
319 minimum requirements of such statutes".

320 (10) A provision as follows:

321 "ILLEGAL OCCUPATION:

322 The insurer shall not be liable for any loss to which a contributing cause was the insured's  
323 commission of or attempt to commit a felony or to which a contributing cause was the insured's  
324 being engaged in an illegal occupation".

325 (11) A provision as follows:

326 "INTOXICANTS AND NARCOTICS:

327 The insurer shall not be liable for any loss sustained or contracted in consequence of the  
328 insured's being intoxicated or under the influence of any narcotic unless administered on the  
329 advice of a physician".

330 3. Inapplicable or inconsistent provisions. If any provision of this section is in whole  
331 or in part inapplicable to or inconsistent with the coverage provided by a particular form of  
332 policy the insurer, with the approval of the director of the department of insurance, financial  
333 institutions and professional registration, shall omit from such policy an inapplicable provision  
334 or part of a provision, and shall modify any inconsistent provision or part of the provision, in



335 such manner as to make the provision as contained in the policy consistent with the coverage  
336 provided by the policy.

337 4. Order of certain policy provisions. The provisions which are the subject of  
338 subsections 1 and 2 of this section, or any corresponding provisions which are used in lieu  
339 thereof in accordance with such subsections, shall be printed in the consecutive order of the  
340 provisions in such subsections or, at the option of the insurer, any such provision may appear as  
341 a unit in any part of the policy, with other provisions to which it may be logically related,  
342 provided the resulting policy shall not be in whole or in part unintelligible, uncertain, ambiguous,  
343 abstruse, or likely to mislead a person to whom the policy is offered, delivered or issued.

344 5. Third party ownership. The word "insured" as used in sections 376.770 to 376.800,  
345 shall not be construed as preventing a person other than the insured with a proper insurable  
346 interest from making application for and owning a policy covering the insured or from being  
347 entitled under such a policy to any indemnities, benefits and rights provided therein.

348 6. Requirements of other jurisdictions.

349 (1) Any policy of a foreign or alien insurer, when delivered or issued for delivery to any  
350 person in this state, may contain any provision which is not less favorable to the insured or the  
351 beneficiary than the provisions of sections 376.770 to 376.800 and which is prescribed or  
352 required by the law of the state under which the insurer is organized.

353 (2) Any policy of a domestic insurer may, when issued for delivery in any other state or  
354 country, contain any provision permitted or required by the laws of such other state or country.

355 7. Approval of policies.

356 (1) No policy subject to sections 376.770 to 376.800 shall be delivered or issued for  
357 delivery to any person in this state unless such policy, including any rider, endorsement or other  
358 provisions, supplementary thereto, shall have been approved by the director of the department  
359 of insurance, financial institutions and professional registration.

360 (2) The director of the department of insurance, financial institutions and professional  
361 registration shall have authority to make such reasonable rules and regulations concerning the  
362 filing and submission of policies as are necessary, proper or advisable. Such rules and  
363 regulations shall provide, among other things, that if a policy form is disapproved, all specific  
364 reasons for nonconformance shall be stated in writing within forty-five days from the date of  
365 filing; that a hearing shall be granted upon such disapproval, if so requested; and that the failure  
366 of the director of the department of insurance, financial institutions and professional registration,  
367 to take action approving or disapproving a submitted policy form within forty-five days from the  
368 date of filing, shall be deemed an approval thereof. If at any time after a policy form is approved  
369 or deemed approved, the director determines that any provision of the filing is contrary to state  
370 law, the director shall notify the health carrier of the specific provisions that are contrary to state

371 law and any specific statute or regulation to which the provision is contrary, and request that the  
372 health carrier file within thirty days of the notification an amendment form that modifies the  
373 provision to conform to state law. Upon approval of the amendment form by the director, the  
374 health carrier shall issue a copy of the amendment to each individual and entity to which the  
375 filing has been issued. Such amendment shall have the force and effect as if the amendment was  
376 in the original filing or policy.

377 (3) The director of the department of insurance, financial institutions and professional  
378 registration shall approve only those policies which are in compliance with the insurance laws  
379 of this state and which contain such words, phraseology, conditions and provisions which are  
380 specific, certain and unambiguous and reasonably adequate to meet needed requirements for the  
381 protection of those insured. The disapproval of any policy form shall be based upon the  
382 requirements of the laws of this state or of any regulation lawfully promulgated thereunder.

383 (4) The director of the department of insurance, financial institutions and professional  
384 registration may, by order or bulletin, exempt from the approval requirements of this section for  
385 so long as he deems proper any insurance policy, document, or form or type thereof, as specified  
386 in such order or bulletin, to which, in his opinion, this section may not practicably be applied,  
387 or the approval of which is, in his opinion, not desirable or necessary for the protection of the  
388 public.

389 (5) Notwithstanding any other provision of law to the contrary, a health carrier, as  
390 defined in section 376.1350, may offer a health benefit plan that is a managed care plan that  
391 requires all health care services to be delivered by a participating provider in the health carrier's  
392 network, except for emergency services, as defined in section 376.1350, and the services  
393 described in subsection 4 of section 376.811. Such a provision shall be disclosed in the policy  
394 form.

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

2 (1) "Health insurance contract", any one of the following when providing coverage to  
3 a resident of this state:

4 (a) Individual insurance policies providing coverage on an expense incurred basis;

5 (b) Individual indemnity type contracts issued by a health services corporation;

6 (c) Any individual contract issued by a health maintenance organization;

7 (d) Any self-insured health benefit plan, except to the extent preempted by federal law;

8 (e) Group health insurance in which the insured pays the full premium directly to the  
9 insurer, health services corporation or health maintenance corporation;

10 (2) "Health insurer", any entity issuing a health insurance contract.

11 2. A health insurer shall refund promptly any premium which it did not earn, upon  
12 notification of the death of any person covered under the health insurer's health insurance

13 contract. The health insurer shall earn only that part of the premiums paid on behalf of the  
14 decedent which the period of coverage during which the decedent was alive bears to the whole  
15 period for which premiums were paid.

16 3. The refund of premiums shall be made directly to:

17 (1) The decedent's spouse at the time of the decedent's death;

18 (2) The primary insured person under the health insurance contract, if the decedent was  
19 not ~~[married]~~ **a party to a contract of domestic union** at the time of death and was covered  
20 under the health insurance contract as a dependent;

21 (3) The decedent's estate, if neither subdivision (1) nor (2) of this subsection is  
22 applicable.

23 4. This section does not apply if the notification of the death of an insured person is  
24 given to the health insurer more than one year after the death of the decedent.

376.820. No individual or group insurance policy providing coverage on an  
2 expense-incurred basis, no individual or group service or indemnity contract issued by a  
3 not-for-profit health services corporation, no health maintenance organization nor any  
4 self-insured group health benefit plan of any type or description shall be offered, issued or  
5 renewed in this state on or after July 1, 1994, by an insurer, including a group health plan, as  
6 defined in section 607(1) of the federal Employee Retirement Income Security Act of 1974, that  
7 denies enrollment of a child under the health coverage of the child's parent on the grounds that:

8 (1) The child was born out of ~~[wedlock]~~ **a contract of domestic union**; or

9 (2) The child is not claimed as a dependent on the parent's federal income tax return; or

10 (3) The child does not reside with the parent or in the insurer's service area.

376.892. 1. Any policy, contract or plan offered, issued or renewed in this state after  
2 August 28, 1993, providing coverage for hospital or medical expenses, other than coverage  
3 limited to expenses from accidents or specific diseases, shall contain a provision that:

4 (1) The surviving spouse of a certificate holder may continue coverage under the policy,  
5 contract or plan, at the death of the certificate holder, with respect to the spouse and any  
6 dependent children whose coverage under the policy, contract or plan, otherwise would terminate  
7 because of the death of the certificate holder if the surviving spouse is fifty-five years of age or  
8 older at the time of the expiration of coverage provided by the federal Consolidated Omnibus  
9 Budget Reconciliation Act (COBRA); and

10 (2) The divorced or legally separated spouse of a certificate holder may continue  
11 coverage under the policy, contract or plan, upon dissolution of ~~[marriage with]~~ **a contract of**  
12 **domestic union**, or legal separation from, the certificate holder, with respect to the divorced or  
13 legally separated spouse and any dependent children whose coverage under the policy, contract  
14 or plan, otherwise would terminate because of the dissolution of ~~[marriage]~~ **a contract of**

15 **domestic union**, or legal separation, if the divorced or legally separated spouse is fifty-five years  
16 of age or older at the time of the expiration of coverage provided by the federal Consolidated  
17 Omnibus Budget Reconciliation Act (COBRA).

18 2. Continued coverage for dental, vision care or prescription drug expenses shall be  
19 offered to legally separated, divorced or surviving spouses and any dependent children eligible  
20 under subsection 1 of this section if such coverage is or was available to the certificate holder.

376.893. 1. Within sixty days of legal separation or the entry of a decree of dissolution  
2 ~~[of marriage]~~ **of a contract of domestic union** or prior to the expiration of a thirty-six month  
3 federal Consolidated Omnibus Budget Reconciliation Act (COBRA) continuation period  
4 covering a legally separated or divorced spouse, if such spouse has elected and maintained such  
5 COBRA coverage, a legally separated or divorced spouse eligible for continued coverage under  
6 section 376.892 who seeks such coverage shall give the plan administrator written notice of the  
7 legal separation or dissolution. The notice shall include the mailing address of the legally  
8 separated or divorced spouse.

9 2. Within thirty days of the death of a certificate holder whose surviving spouse is  
10 eligible for continued coverage under section 376.892 or prior to the expiration of a thirty-six  
11 month federal Consolidated Omnibus Budget Reconciliation Act (COBRA) continuation period  
12 covering such surviving spouse, if such spouse has elected and maintained such COBRA  
13 coverage, the group policyholder shall give the plan administrator written notice of the death and  
14 of the mailing address of the surviving spouse.

15 3. Within fourteen days of receipt of notice under subsection 1 or 2 of this section, the  
16 plan administrator shall notify the legally separated, divorced or surviving spouse that the policy  
17 may be continued. The notice shall be mailed to the mailing address provided to the plan  
18 administrator and shall include:

- 19 (1) A form for election to continue the coverage;  
20 (2) A statement of the amount of periodic premiums to be charged for the continuation  
21 of coverage and of the method and place of payment; and  
22 (3) Instructions for returning the election form by mail within sixty days after the date  
23 of mailing of the notice by the plan administrator.

24 4. Failure of the legally separated, divorced or surviving spouse to exercise the election  
25 in accordance with subsection 3 of this section shall terminate the right to continuation of  
26 benefits.

27 5. If a plan administrator was properly notified pursuant to the provisions of subsection  
28 1 or 2 of this section and fails to notify the legally separated, divorced or surviving spouse as  
29 required by subsection 3 of this section, such spouse's coverage shall continue in effect, and such  
30 spouse's obligation to make any premium payment for continuation coverage under sections

31 376.891 to 376.894 shall be postponed for the period of time beginning on the date the spouse's  
32 coverage would otherwise terminate and ending thirty-one days after the date the plan  
33 administrator provides the required notice. Failure or delay by a plan administrator in providing  
34 the notice required by this section shall not reduce, eliminate or postpone the plan sponsor's  
35 obligation to pay premiums on behalf of such legally separated, divorced or surviving spouse to  
36 the plan administrator during such period.

37 6. The provisions of sections 376.891 to 376.894 apply only to employers with twenty  
38 or more employees and any policy, contract or plan with twenty or more certificate holders.

376.894. If a legally separated, divorced or surviving spouse elects continuation of  
2 coverage under section 376.893:

3 (1) During the period of time covered by the federal Consolidated Omnibus Budget  
4 Reconciliation Act (COBRA), the monthly contribution for the premium shall not be greater than  
5 the amount that would be charged if the legally separated, divorced or surviving spouse were a  
6 current certificate holder of the group contract, policy or plan plus the amount that the group  
7 policyholder would contribute toward the premium if the legally separated, divorced or surviving  
8 spouse were a certificate holder of the group plan, plus an additional amount not to exceed two  
9 percent of the certificate holder and group plan holder contributions, for the cost of  
10 administration. Once the period of time covered by the insurance premium provisions of the  
11 federal Consolidated Omnibus Budget Reconciliation Act (COBRA) has expired, the monthly  
12 contribution for the premium shall not be greater than the amount that would have been charged  
13 if the legally separated, divorced or surviving spouse were a current certificate holder of the  
14 group contract, policy or plan plus the amount that the group policyholder would contribute  
15 toward the premium if the legally separated, divorced or surviving spouse were a certificate  
16 holder plus an amount not to exceed twenty-five percent of the certificate holder and group plan  
17 holder contributions. Such additional contributions shall be determined by each individual plan  
18 administrator and shall be subject to review by the Missouri department of insurance, financial  
19 institutions and professional registration;

20 (2) The first premium shall be paid by the legally separated, divorced or surviving spouse  
21 within forty-five days of the date of the election;

22 (3) The right to continuation of coverage shall terminate upon the earliest of any of the  
23 following:

24 (a) The failure to pay premiums when due, including any grace period allowed by the  
25 policy;

26 (b) The date that the group policy is terminated as to all group members except that if  
27 a different group policy is made available to group members, the legally separated, divorced or

28 surviving spouse shall be eligible for continuation of coverage as if the original policy had not  
29 been terminated;

30 (c) The date on which the legally separated, divorced or surviving spouse becomes  
31 insured under any other group health plan;

32 (d) The date on which the legally separated, divorced or surviving spouse ~~[remarries]~~  
33 **becomes a party to a new contract of domestic union** and becomes insured under another  
34 group health plan; or

35 (e) The date on which the legally separated, divorced or surviving spouse attains his  
36 sixty-fifth birthday.

376.920. The annual statement shall be in such form as the department shall elect. The  
2 proposed provider shall include as an exhibit a copy of the proposed form of life care contract  
3 to be entered into with residents at each facility. The annual statement shall contain the  
4 following information:

5 (1) The name and business address of applicant;

6 (2) The name, address and a description of the physical property of the facility;

7 (3) The terms and conditions of the life care contracts to be used by the applicant,  
8 including the services to be provided to residents pursuant to the contract and the fees or charges  
9 to be paid by residents, including the method of payment of such fees or charges. The  
10 description of terms and conditions shall include:

11 (a) A statement of the fees that will be charged if the resident ~~[marries]~~ **becomes a party**  
12 **to a contract of domestic union** while at the facility, and a statement of the terms concerning  
13 the entry of a spouse to the facility and the consequences if the spouse does not meet the  
14 requirements for entry;

15 (b) The circumstances under which the resident will be permitted to remain in the facility  
16 in the event of possible financial difficulties of the resident;

17 (c) The terms and conditions under which a contract for continuing care at the facility  
18 may be cancelled by the provider or by the resident; and the conditions, if any, under which all  
19 or any portion of the entrance fee will be refunded in the event of cancellation of the contract by  
20 the provider or by the resident or in the event of the death of the resident prior to or following  
21 occupancy of a living unit;

22 (d) The conditions under which a living unit occupied by a resident may be made  
23 available by the facility to a different or new resident other than on the death of the original  
24 resident;

25 (4) If the applicant is other than an individual, such as a corporation, partnership, or trust,  
26 a statement naming the type of legal entity and listing the interest and extent of such interest of  
27 each principal in the entity. For the purposes of this section, "principal" means any person or

28 entity having a ten percent or more financial interest or, if the legal entity is a trust, each  
29 beneficiary of the trust holding a ten percent or more beneficial interest;

30 (5) If the applicant is other than an individual, the names of the members of the board  
31 of directors, the trustees, or the managing partners;

32 (6) The estimated number of residents of the facility to be provided services by the  
33 applicant pursuant to the life care contracts;

34 (7) A statement of the provisions that have been made or will be made to provide reserve  
35 funding or security by the provider to enable the provider to fully perform his obligations  
36 pursuant to life care contracts, including, but not limited to, the establishment of escrow  
37 accounts, accounts in financial institutions, trusts, or reserve funds;

38 (8) A statement as to whether the applicant was or is affiliated with a religious,  
39 charitable, or other nonprofit organization, the extent of any affiliation and the extent to which  
40 the affiliate organization will be responsible for the financial and contract obligations of the  
41 applicant;

42 (9) If the applicant is a subsidiary corporation or the affiliate of another corporation, a  
43 statement identifying the parent corporation or the other affiliate corporation and the primary  
44 activities of such parent or other affiliate corporation;

45 (10) A description of the business experience of the applicant in the operation of similar  
46 facilities and, if the facility will be managed on a day-to-day basis by a corporation or  
47 organization other than the applicant, a description of the business experience of the manager  
48 in the operation or management of similar facilities. The description shall include the name and  
49 address of any professional service, firm, association, trust, partnership, or corporation in which  
50 such manager has, or which has in such manager, a ten percent or greater interest and which it  
51 is presently intended will or may provide goods, leases, or services to the facility of a value of  
52 five hundred dollars within any year, including a description of the goods, leases or services and  
53 the probable or anticipated cost thereof to the facility or provider or a statement that such cost  
54 cannot presently be estimated;

55 (11) A statement as to whether the applicant, a principal, a parent or subsidiary  
56 corporation, or an affiliate has had any injunctive or restrictive order of a court of record, or any  
57 suspension or revocation of any state or federal license or permit, arising out of or relating to  
58 business activity or health care applied against it, including without limitation actions affecting  
59 a license to operate a foster care facility, a health care institution, retirement home, or a home for  
60 the aged;

61 (12) A statement of any periodic rates to be initially paid by residents, the method by  
62 which such rates are determined and the manner by which the provider may adjust such rates in  
63 the future. If the facility is already in operation, or if the provider operates one or more similar

64 facilities within this state, the statement shall include tables showing the frequency and average  
65 dollar amount of each increase in periodic rates at each such facility for the previous five years  
66 or such shorter period as the facility may have been operated by the provider;

67 (13) A statement of the terms and conditions under which a life care contract may be  
68 cancelled by the provider or resident, including any health and financial conditions required for  
69 a person to continue as a resident and any conditions under which all or any portion of the  
70 entrance fee will be refunded by the provider;

71 (14) If construction or purchase of the facility has not yet been completed, a statement  
72 of the anticipated source and application of the funds to be used in such purchase or construction,  
73 including all of the following:

74 (a) An estimate of the cost of purchasing or constructing and equipping the facility  
75 including such related costs as financing expense, legal expense, land costs, occupancy  
76 development costs, and all other similar costs which the provider expects to incur or become  
77 obligated for prior to the commencement of operations;

78 (b) An estimate of the total entrance fees to be received from residents upon completion  
79 of occupancy;

80 (c) A description of any mortgage loan or other long-term financing intended to be used  
81 for the financing of the facility, including the anticipated terms and costs of such financing;

82 (d) An estimate of any funds which are anticipated to be necessary to fund start-up losses  
83 and to assure full performance of the obligations of the provider pursuant to life care contracts  
84 including, but not limited to, any reserve fund escrow required by the division pursuant to section  
85 376.940;

86 (15) Financial statements of the applicant as of a date not more than ninety days prior  
87 to the date the annual statement is filed, which shall include a balance sheet and income  
88 statements for the three most recent fiscal years of the applicant or such shorter period of time  
89 as the applicant shall have been in existence. If applicant's fiscal year ended more than ninety  
90 days prior to the date of filing there shall also be included an income statement, which need not  
91 be certified, covering the period between the date such fiscal year ended and a date not more than  
92 ninety days prior to the date the application is filed.

376.960. As used in sections 376.960 to 376.989, the following terms mean:

2 (1) "Benefit plan", the coverages to be offered by the pool to eligible persons pursuant  
3 to the provisions of section 376.986;

4 (2) "Board", the board of directors of the pool;

5 (3) "Church plan", a plan as defined in Section 3(33) of the Employee Retirement  
6 Income Security Act of 1974, as amended;

7 (4) "Creditable coverage", with respect to an individual:



- 8 (a) Coverage of the individual provided under any of the following:
- 9 a. A group health plan;
- 10 b. Health insurance coverage;
- 11 c. Part A or Part B of Title XVIII of the Social Security Act;
- 12 d. Title XIX of the Social Security Act, other than coverage consisting solely of benefits
- 13 under Section 1928;
- 14 e. Chapter 55 of Title 10, United States Code;
- 15 f. A medical care program of the Indian Health Service or of a tribal organization;
- 16 g. A state health benefits risk pool;
- 17 h. A health plan offered under Chapter 89 of Title 5, United States Code;
- 18 i. A public health plan as defined in federal regulations; or
- 19 j. A health benefit plan under Section 5(e) of the Peace Corps Act, 22 U.S.C. 2504(e);
- 20 (b) Creditable coverage does not include coverage consisting solely of excepted benefits;
- 21 (5) "Department", the Missouri department of insurance, financial institutions and
- 22 professional registration;
- 23 (6) "Dependent", a resident spouse or resident ~~unmarried~~ child **who is not a party to**
- 24 **a contract of domestic union** under the age of nineteen years, a child who is a student under the
- 25 age of twenty-five years and who is financially dependent upon the parent, or a child of any age
- 26 who is disabled and dependent upon the parent;
- 27 (7) "Director", the director of the Missouri department of insurance, financial institutions
- 28 and professional registration;
- 29 (8) "Excepted benefits":
- 30 (a) Coverage only for accident, including accidental death and dismemberment,
- 31 insurance;
- 32 (b) Coverage only for disability income insurance;
- 33 (c) Coverage issued as a supplement to liability insurance;
- 34 (d) Liability insurance, including general liability insurance and automobile liability
- 35 insurance;
- 36 (e) Workers' compensation or similar insurance;
- 37 (f) Automobile medical payment insurance;
- 38 (g) Credit-only insurance;
- 39 (h) Coverage for on-site medical clinics;
- 40 (i) Other similar insurance coverage, as approved by the director, under which benefits
- 41 for medical care are secondary or incidental to other insurance benefits;
- 42 (j) If provided under a separate policy, certificate or contract of insurance, any of the
- 43 following:

- 44           a. Limited scope dental or vision benefits;
- 45           b. Benefits for long-term care, nursing home care, home health care, community-based
- 46 care, or any combination thereof;
- 47           c. Other similar, limited benefits as specified by the director;
- 48           (k) If provided under a separate policy, certificate or contract of insurance, any of the
- 49 following:
- 50           a. Coverage only for a specified disease or illness;
- 51           b. Hospital indemnity or other fixed indemnity insurance;
- 52           (l) If offered as a separate policy, certificate or contract of insurance, any of the
- 53 following:
- 54           a. Medicare supplemental coverage (as defined under Section 1882(g)(1) of the Social
- 55 Security Act);
- 56           b. Coverage supplemental to the coverage provided under Chapter 55 of Title 10, United
- 57 States Code;
- 58           c. Similar supplemental coverage provided to coverage under a group health plan;
- 59           (9) "Federally defined eligible individual", an individual:
- 60           (a) For whom, as of the date on which the individual seeks coverage through the pool,
- 61 the aggregate of the periods of creditable coverage as defined in this section is eighteen or more
- 62 months and whose most recent prior creditable coverage was under a group health plan,
- 63 governmental plan, church plan, or health insurance coverage offered in connection with any
- 64 such plan;
- 65           (b) Who is not eligible for coverage under a group health plan, Part A or Part B of Title
- 66 XVIII of the Social Security Act, or state plan under Title XIX of such act or any successor
- 67 program, and who does not have other health insurance coverage;
- 68           (c) With respect to whom the most recent coverage within the period of aggregate
- 69 creditable coverage was not terminated because of nonpayment of premiums or fraud;
- 70           (d) Who, if offered the option of continuation coverage under COBRA continuation
- 71 provision or under a similar state program, both elected and exhausted the continuation coverage;
- 72           (10) "Governmental plan", a plan as defined in Section 3(32) of the Employee
- 73 Retirement Income Security Act of 1974 and any federal governmental plan;
- 74           (11) "Group health plan", an employee welfare benefit plan as defined in Section 3(1)
- 75 of the Employee Retirement Income Security Act of 1974 and Public Law 104-191 to the extent
- 76 that the plan provides medical care and including items and services paid for as medical care to
- 77 employees or their dependents as defined under the terms of the plan directly or through
- 78 insurance, reimbursement or otherwise, but not including excepted benefits;

79           (12) "Health insurance", any hospital and medical expense incurred policy, nonprofit  
80 health care service for benefits other than through an insurer, nonprofit health care service plan  
81 contract, health maintenance organization subscriber contract, preferred provider arrangement  
82 or contract, or any other similar contract or agreement for the provisions of health care benefits.  
83 The term "health insurance" does not include accident, fixed indemnity, limited benefit or credit  
84 insurance, coverage issued as a supplement to liability insurance, insurance arising out of a  
85 workers' compensation or similar law, automobile medical-payment insurance, or insurance  
86 under which benefits are payable with or without regard to fault and which is statutorily required  
87 to be contained in any liability insurance policy or equivalent self-insurance;

88           (13) "Health maintenance organization", any person which undertakes to provide or  
89 arrange for basic and supplemental health care services to enrollees on a prepaid basis, or which  
90 meets the requirements of section 1301 of the United States Public Health Service Act;

91           (14) "Hospital", a place devoted primarily to the maintenance and operation of facilities  
92 for the diagnosis, treatment or care for not less than twenty-four hours in any week of three or  
93 more nonrelated individuals suffering from illness, disease, injury, deformity or other abnormal  
94 physical condition; or a place devoted primarily to provide medical or nursing care for three or  
95 more nonrelated individuals for not less than twenty-four hours in any week. The term "hospital"  
96 does not include convalescent, nursing, shelter or boarding homes, as defined in chapter 198;

97           (15) "Insurance arrangement", any plan, program, contract or other arrangement under  
98 which one or more employers, unions or other organizations provide to their employees or  
99 members, either directly or indirectly through a trust or third party administration, health care  
100 services or benefits other than through an insurer;

101           (16) "Insured", any individual resident of this state who is eligible to receive benefits  
102 from any insurer or insurance arrangement, as defined in this section;

103           (17) "Insurer", any insurance company authorized to transact health insurance business  
104 in this state, any nonprofit health care service plan act, or any health maintenance organization;

105           (18) "Medical care", amounts paid for:

106           (a) The diagnosis, care, mitigation, treatment, or prevention of disease, or amounts paid  
107 for the purpose of affecting any structure or function of the body;

108           (b) Transportation primarily for and essential to medical care referred to in paragraph  
109 (a) of this subdivision; and

110           (c) Insurance covering medical care referred to in paragraphs (a) and (b) of this  
111 subdivision;

112           (19) "Medicare", coverage under both part A and part B of Title XVIII of the Social  
113 Security Act, 42 U.S.C. 1395 et seq., as amended;

114           (20) "Member", all insurers and insurance arrangements participating in the pool;

115 (21) "Physician", physicians and surgeons licensed under chapter 334 or by state board  
116 of healing arts in the state of Missouri;

117 (22) "Plan of operation", the plan of operation of the pool, including articles, bylaws and  
118 operating rules, adopted by the board pursuant to the provisions of sections 376.961, 376.962 and  
119 376.964;

120 (23) "Pool", the state health insurance pool created in sections 376.961, 376.962 and  
121 376.964;

122 (24) "Resident", an individual who has been legally domiciled in this state for a period  
123 of at least thirty days, except that for a federally defined eligible individual, there shall not be a  
124 thirty-day requirement;

125 (25) "Significant break in coverage", a period of sixty-three consecutive days during all  
126 of which the individual does not have any creditable coverage, except that neither a waiting  
127 period nor an affiliation period is taken into account in determining a significant break in  
128 coverage;

129 (26) "Trade act eligible individual", an individual who is eligible for the federal health  
130 coverage tax credit under the Trade Act of 2002, Public Law 107-210.

379.930. 1. Sections 379.930 to 379.952 shall be known and may be cited as the "Small  
2 Employer Health Insurance Availability Act".

3 2. For the purposes of sections 379.930 to 379.952, the following terms shall mean:

4 (1) "Actuarial certification", a written statement by a member of the American Academy  
5 of Actuaries or other individual acceptable to the director that a small employer carrier is in  
6 compliance with the provisions of section 379.936, based upon the person's examination,  
7 including a review of the appropriate records and of the actuarial assumptions and methods used  
8 by the small employer carrier in establishing premium rates for applicable health benefit plans;

9 (2) "Affiliate" or "affiliated", any entity or person who directly or indirectly through one  
10 or more intermediaries, controls or is controlled by, or is under common control with, a specified  
11 entity or person;

12 (3) "Base premium rate", for each class of business as to a rating period, the lowest  
13 premium rate charged or that could have been charged under the rating system for that class of  
14 business, by the small employer carrier to small employers with similar case characteristics for  
15 health benefit plans with the same or similar coverage;

16 (4) "Board" means the board of directors of the program established pursuant to sections  
17 379.942 and 379.943;

18 (5) "Bona fide association", an association which:

19 (a) Has been actively in existence for at least five years;

- 20 (b) Has been formed and maintained in good faith for purposes other than obtaining  
21 insurance;
- 22 (c) Does not condition membership in the association on any health status-related factor  
23 relating to an individual (including an employee of an employer or a dependent of an employee);
- 24 (d) Makes health insurance coverage offered through the association available to all  
25 members regardless of any health status-related factor relating to such members (or individuals  
26 eligible for coverage through a member);
- 27 (e) Does not make health insurance coverage offered through the association available  
28 other than in connection with a member of the association; and
- 29 (f) Meets all other requirements for an association set forth in subdivision (5) of  
30 subsection 1 of section 376.421 that are not inconsistent with this subdivision;
- 31 (6) "Carrier" or "health insurance issuer", any entity that provides health insurance or  
32 health benefits in this state. For the purposes of sections 379.930 to 379.952, carrier includes  
33 an insurance company, health services corporation, fraternal benefit society, health maintenance  
34 organization, multiple employer welfare arrangement specifically authorized to operate in the  
35 state of Missouri, or any other entity providing a plan of health insurance or health benefits  
36 subject to state insurance regulation;
- 37 (7) "Case characteristics", demographic or other objective characteristics of a small  
38 employer that are considered by the small employer carrier in the determination of premium rates  
39 for the small employer, provided that claim experience, health status and duration of coverage  
40 since issue shall not be case characteristics for the purposes of sections 379.930 to 379.952;
- 41 (8) "Church plan", the meaning given such term in Section 3(33) of the Employee  
42 Retirement Income Security Act of 1974;
- 43 (9) "Class of business", all or a separate grouping of small employers established  
44 pursuant to section 379.934;
- 45 (10) "Committee", the health benefit plan committee created pursuant to section  
46 379.944;
- 47 (11) "Control" shall be defined in manner consistent with chapter 382;
- 48 (12) "Creditable coverage", with respect to an individual:
- 49 (a) Coverage of the individual under any of the following:
- 50 a. A group health plan;
- 51 b. Health insurance coverage;
- 52 c. Part A or Part B of Title XVIII of the Social Security Act;
- 53 d. Title XIX of the Social Security Act, other than coverage consisting solely of benefits  
54 under Section 1928 of such act;
- 55 e. Chapter 55 of Title 10, United States Code;

- 56 f. A medical care program of the Indian Health Service or of a tribal organization;  
57 g. A state health benefits risk pool;  
58 h. A health plan offered under Chapter 89 of Title 5, United States Code;  
59 i. A public health plan, as defined in federal regulations authorized by Section  
60 2701(c)(1)(I) of the Public Health Services Act, as amended by Public Law 104-191; and  
61 j. A health benefit plan under Section 5(e) of the Peace Corps Act (22 U.S.C. 2504(e));  
62 (b) Creditable coverage shall not include coverage consisting solely of excepted benefits;  
63 (13) "Dependent", a spouse or ~~[an unmarried]~~ **a child who is not a party to a contract**  
64 **of domestic union** under the age of nineteen years; ~~[an unmarried]~~ **a child who is not a party**  
65 **to a contract of domestic union** who is a full-time student under the age of twenty-three years  
66 and who is financially dependent upon the parent; or ~~[an unmarried]~~ **a child of any age who is**  
67 **medically certified as disabled and dependent upon the parent;**  
68 (14) "Director", the director of the department of insurance, financial institutions and  
69 professional registration of this state;  
70 (15) "Eligible employee", an employee who works on a full-time basis and has a normal  
71 work week of thirty or more hours. The term includes a sole proprietor, a partner of a  
72 partnership, and an independent contractor, if the sole proprietor, partner or independent  
73 contractor is included as an employee under a health benefit plan of a small employer, but does  
74 not include an employee who works on a part-time, temporary or substitute basis. For purposes  
75 of sections 379.930 to 379.952, a person, his spouse and his minor children shall constitute only  
76 one eligible employee when they are employed by the same small employer;  
77 (16) "Established geographic service area", a geographical area, as approved by the  
78 director and based on the carrier's certificate of authority to transact insurance in this state, within  
79 which the carrier is authorized to provide coverage;  
80 (17) "Excepted benefits":  
81 (a) Coverage only for accident (including accidental death and dismemberment)  
82 insurance;  
83 (b) Coverage only for disability income insurance;  
84 (c) Coverage issued as a supplement to liability insurance;  
85 (d) Liability insurance, including general liability insurance and automobile liability  
86 insurance;  
87 (e) Workers' compensation or similar insurance;  
88 (f) Automobile medical payment insurance;  
89 (g) Credit-only insurance;  
90 (h) Coverage for on-site medical clinics;

- 91 (i) Other similar insurance coverage, as approved by the director, under which benefits  
92 for medical care are secondary or incidental to other insurance benefits;
- 93 (j) If provided under a separate policy, certificate or contract of insurance, any of the  
94 following:
- 95 a. Limited scope dental or vision benefits;
- 96 b. Benefits for long-term care, nursing home care, home health care, community-based  
97 care, or any combination thereof;
- 98 c. Other similar, limited benefits as specified by the director.
- 99 (k) If provided under a separate policy, certificate or contract of insurance, any of the  
100 following:
- 101 a. Coverage only for a specified disease or illness;
- 102 b. Hospital indemnity or other fixed indemnity insurance.
- 103 (l) If offered as a separate policy, certificate or contract of insurance, any of the  
104 following:
- 105 a. Medicare supplemental coverage (as defined under Section 1882(g)(1) of the Social  
106 Security Act);
- 107 b. Coverage supplemental to the coverage provided under Chapter 55 of Title 10, United  
108 States Code;
- 109 c. Similar supplemental coverage provided to coverage under a group health plan;
- 110 (18) "Governmental plan", the meaning given such term under Section 3(32) of the  
111 Employee Retirement Income Security Act of 1974 or any federal government plan;
- 112 (19) "Group health plan", an employee welfare benefit plan as defined in Section 3(1)  
113 of the Employee Retirement Income Security Act of 1974 and Public Law 104-191 to the extent  
114 that the plan provides medical care, as defined in this section, and including any item or service  
115 paid for as medical care to an employee or the employee's dependent, as defined under the terms  
116 of the plan, directly or through insurance, reimbursement or otherwise, but not including  
117 excepted benefits;
- 118 (20) "Health benefit plan" or "health insurance coverage", benefits consisting of medical  
119 care, including items and services paid for as medical care, that are provided directly, through  
120 insurance, reimbursement, or otherwise, under a policy, certificate, membership contract, or  
121 health services agreement offered by a health insurance issuer, but not including excepted  
122 benefits or a policy that is individually underwritten;
- 123 (21) "Health status-related factor", any of the following:
- 124 (a) Health status;
- 125 (b) Medical condition, including both physical and mental illnesses;
- 126 (c) Claims experience;

- 127 (d) Receipt of health care;  
128 (e) Medical history;  
129 (f) Genetic information;  
130 (g) Evidence of insurability, including a condition arising out of an act of domestic  
131 violence;  
132 (h) Disability;
- 133 (22) "Index rate", for each class of business as to a rating period for small employers  
134 with similar case characteristics, the arithmetic mean of the applicable base premium rate and  
135 the corresponding highest premium rate;
- 136 (23) "Late enrollee", an eligible employee or dependent who requests enrollment in a  
137 health benefit plan of a small employer following the initial enrollment period for which such  
138 individual is entitled to enroll under the terms of the health benefit plan, provided that such  
139 initial enrollment period is a period of at least thirty days. However, an eligible employee or  
140 dependent shall not be considered a late enrollee if:
- 141 (a) The individual meets each of the following:
- 142 a. The individual was covered under creditable coverage at the time of the initial  
143 enrollment;
- 144 b. The individual lost coverage under creditable coverage as a result of cessation of  
145 employer contribution, termination of employment or eligibility, reduction in the number of  
146 hours of employment, the involuntary termination of the creditable coverage, death of a spouse,  
147 dissolution or legal separation;
- 148 c. The individual requests enrollment within thirty days after termination of the  
149 creditable coverage;
- 150 (b) The individual is employed by an employer that offers multiple health benefit plans  
151 and the individual elects a different plan during an open enrollment period; or
- 152 (c) A court has ordered coverage be provided for a spouse or minor or dependent child  
153 under a covered employee's health benefit plan and request for enrollment is made within thirty  
154 days after issuance of the court order;
- 155 (24) "Medical care", an amount paid for:
- 156 (a) The diagnosis, care, mitigation, treatment or prevention of disease, or for the purpose  
157 of affecting any structure or function of the body;
- 158 (b) Transportation primarily for and essential to medical care referred to in paragraph  
159 (a) of this subdivision; or
- 160 (c) Insurance covering medical care referred to in paragraphs (a) and (b) of this  
161 subdivision;



162 (25) "Network plan", health insurance coverage offered by a health insurance issuer  
163 under which the financing and delivery of medical care, including items and services paid for as  
164 medical care, are provided, in whole or in part, through a defined set of providers under contract  
165 with the issuer;

166 (26) "New business premium rate", for each class of business as to a rating period, the  
167 lowest premium rate charged or offered, or which could have been charged or offered, by the  
168 small employer carrier to small employers with similar case characteristics for newly issued  
169 health benefit plans with the same or similar coverage;

170 (27) "Plan of operation", the plan of operation of the program established pursuant to  
171 sections 379.942 and 379.943;

172 (28) "Plan sponsor", the meaning given such term under Section 3(16)(B) of the  
173 Employee Retirement Income Security Act of 1974;

174 (29) "Premium", all moneys paid by a small employer and eligible employees as a  
175 condition of receiving coverage from a small employer carrier, including any fees or other  
176 contributions associated with the health benefit plan;

177 (30) "Producer", the meaning given such term in section 375.012 and includes an  
178 insurance agent or broker;

179 (31) "Program", the Missouri small employer health reinsurance program created  
180 pursuant to sections 379.942 and 379.943;

181 (32) "Rating period", the calendar period for which premium rates established by a small  
182 employer carrier are assumed to be in effect;

183 (33) "Restricted network provision", any provision of a health benefit plan that  
184 conditions the payment of benefits, in whole or in part, on the use of health care providers that  
185 have entered into a contractual arrangement with the carrier pursuant to section 354.400, et seq.  
186 to provide health care services to covered individuals;

187 (34) "Small employer", in connection with a group health plan with respect to a calendar  
188 year and a plan year, any person, firm, corporation, partnership, association, or political  
189 subdivision that is actively engaged in business that employed an average of at least two but no  
190 more than fifty eligible employees on business days during the preceding calendar year and that  
191 employs at least two employees on the first day of the plan year. All persons treated as a single  
192 employer under subsection (b), (c), (m) or (o) of Section 414 of the Internal Revenue Code of  
193 1986 shall be treated as one employer. Subsequent to the issuance of a health plan to a small  
194 employer and for the purpose of determining continued eligibility, the size of a small employer  
195 shall be determined annually. Except as otherwise specifically provided, the provisions of  
196 sections 379.930 to 379.952 that apply to a small employer shall continue to apply at least until  
197 the plan anniversary following the date the small employer no longer meets the requirements of

198 this definition. In the case of an employer which was not in existence throughout the preceding  
199 calendar year, the determination of whether the employer is a small or large employer shall be  
200 based on the average number of employees that it is reasonably expected that the employer will  
201 employ on business days in the current calendar year. Any reference in sections 379.930 to  
202 379.952 to an employer shall include a reference to any predecessor of such employer;

203 (35) "Small employer carrier", a carrier that offers health benefit plans covering eligible  
204 employees of one or more small employers in this state.

205 3. Other terms used in sections 379.930 to 379.952 not set forth in subsection 2 of this  
206 section shall have the same meaning as defined in section 376.450.

400.9-102. (a) In this article:

2 (1) "Accession" means goods that are physically united with other goods in such a  
3 manner that the identity of the original goods is not lost;

4 (2) "Account", except as used in "account for", means a right to payment of a monetary  
5 obligation, whether or not earned by performance, (i) for property that has been or is to be sold,  
6 leased, licensed, assigned, or otherwise disposed of, (ii) for services rendered or to be rendered,  
7 (iii) for a policy of insurance issued or to be issued, (iv) for a secondary obligation incurred or  
8 to be incurred, (v) for energy provided or to be provided, (vi) for the use or hire of a vessel under  
9 a charter or other contract, (vii) arising out of the use of a credit or charge card or information  
10 contained on or for use with the card, or (viii) as winnings in a lottery or other game of chance  
11 operated or sponsored by a state, governmental unit of a state, or person licensed or authorized  
12 to operate the game by a state or governmental unit of a state. The term includes  
13 health-care-insurance receivables. The term does not include (i) rights to payment evidenced by  
14 chattel paper or an instrument, (ii) commercial tort claims, (iii) deposit accounts, (iv) investment  
15 property, (v) letter-of-credit rights or letters of credit, or (vi) rights to payment for money or  
16 funds advanced or sold, other than rights arising out of the use of a credit or charge card or  
17 information contained on or for use with the card;

18 (3) "Account debtor" means a person obligated on an account, chattel paper, or general  
19 intangible. The term does not include persons obligated to pay a negotiable instrument, even if  
20 the instrument constitutes part of chattel paper;

21 (4) "Accounting", except as used in "accounting for", means a record:

22 (A) Authenticated by a secured party;

23 (B) Indicating the aggregate unpaid secured obligations as of a date not more than  
24 thirty-five days earlier or thirty-five days later than the date of the record; and

25 (C) Identifying the components of the obligations in reasonable detail;

26 (5) "Agricultural lien" means an interest, other than a security interest, in farm products:

27 (A) Which secures payment or performance of an obligation for:

- 28 (i) Goods or services furnished in connection with a debtor's farming operation; or  
29 (ii) Rent on real property leased by a debtor in connection with its farming operation;  
30 (B) Which is created by statute in favor of a person that:  
31 (i) In the ordinary course of its business furnished goods or services to a debtor in  
32 connection with a debtor's farming operation; or  
33 (ii) Leased real property to a debtor in connection with the debtor's farming operation;  
34 and  
35 (C) Whose effectiveness does not depend on the person's possession of the personal  
36 property;
- 37 (6) "As-extracted collateral" means:  
38 (A) Oil, gas, or other minerals that are subject to a security interest that:  
39 (i) Is created by a debtor having an interest in the minerals before extraction; and  
40 (ii) Attaches to the minerals as extracted; or  
41 (B) Accounts arising out of the sale at the wellhead or minehead of oil, gas, or other  
42 minerals in which the debtor had an interest before extraction;
- 43 (7) "Authenticate" means:  
44 (A) To sign; or  
45 (B) With the present intent to adopt or accept a record, to attach to or logically associate  
46 with the record an electronic sound, symbol or process;
- 47 (8) "Bank" means an organization that is engaged in the business of banking. The term  
48 includes savings banks, savings and loan associations, credit unions, and trust companies;
- 49 (9) "Cash proceeds" means proceeds that are money, checks, deposit accounts, or the  
50 like;
- 51 (10) "Certificate of title" means a certificate of title with respect to which a statute  
52 provides for the security interest in question to be indicated on the certificate as a condition or  
53 result of the security interest's obtaining priority over the rights of a lien creditor with respect to  
54 the collateral. The term includes another record maintained as an alternative to a certificate of  
55 title by the governmental unit that issues certificates of title if a statute permits the security  
56 interest in question to be indicated on the record as a condition or result of the security interest's  
57 obtaining priority over the rights of a lien creditor with respect to the collateral;
- 58 (11) "Chattel paper" means a record or records that evidence both a monetary obligation  
59 and a security interest in specific goods, a security interest in specific goods and software used  
60 in the goods, a security interest in specific goods and license of software used in the goods, a  
61 lease of specific goods, or a lease of specific goods and license of software used in the goods.  
62 In this paragraph, "monetary obligation" means a monetary obligation secured by the goods or  
63 owed under a lease of the goods and includes a monetary obligation with respect to software used

64 in the goods. The term does not include (i) charters or other contracts involving the use or hire  
65 of a vessel or (ii) records that evidence a right to payment arising out of the use of a credit or  
66 charge card or information contained on or for use with the card. If a transaction is evidenced  
67 by records that include an instrument or series of instruments, the group of records taken together  
68 constitutes chattel paper;

69 (12) "Collateral" means the property subject to a security interest or agricultural lien.  
70 The term includes:

71 (A) Proceeds to which a security interest attaches;

72 (B) Accounts, chattel paper, payment intangibles, and promissory notes that have been  
73 sold; and

74 (C) Goods that are the subject of a consignment;

75 (13) "Commercial tort claim" means a claim arising in tort with respect to which:

76 (A) The claimant is an organization; or

77 (B) The claimant is an individual and the claim:

78 (i) Arose in the course of the claimant's business or profession; and

79 (ii) Does not include damages arising out of personal injury to or the death of an  
80 individual;

81 (14) "Commodity account" means an account maintained by a commodity intermediary  
82 in which a commodity contract is carried for a commodity customer;

83 (15) "Commodity contract" means a commodity futures contract, an option on a  
84 commodity futures contract, a commodity option, or another contract if the contract or option is:

85 (A) Traded on or subject to the rules of a board of trade that has been designated as a  
86 contract market for such a contract pursuant to federal commodities laws; or

87 (B) Traded on a foreign commodity board of trade, exchange, or market, and is carried  
88 on the books of a commodity intermediary for a commodity customer;

89 (16) "Commodity customer" means a person for which a commodity intermediary carries  
90 a commodity contract on its books;

91 (17) "Commodity intermediary" means a person that:

92 (A) Is registered as a futures commission merchant under federal commodities law; or

93 (B) In the ordinary course of its business provides clearance or settlement services for  
94 a board of trade that has been designated as a contract market pursuant to federal commodities  
95 law;

96 (18) "Communicate" means:

97 (A) To send a written or other tangible record;

98 (B) To transmit a record by any means agreed upon by the persons sending and receiving  
99 the record; or

- 100 (C) In the case of transmission of a record to or by a filing office, to transmit a record  
101 by any means prescribed by filing-office rule;
- 102 (19) "Consignee" means a merchant to which goods are delivered in a consignment;
- 103 (20) "Consignment" means a transaction, regardless of its form, in which a person  
104 delivers goods to a merchant for the purpose of sale and:
- 105 (A) The merchant:
- 106 (i) Deals in goods of that kind under a name other than the name of the person making  
107 delivery;
- 108 (ii) Is not an auctioneer; and
- 109 (iii) Is not generally known by its creditors to be substantially engaged in selling the  
110 goods of others;
- 111 (B) With respect to each delivery, the aggregate value of the goods is one thousand  
112 dollars or more at the time of delivery;
- 113 (C) The goods are not consumer goods immediately before delivery; and
- 114 (D) The transaction does not create a security interest that secures an obligation;
- 115 (21) "Consignor" means a person that delivers goods to a consignee in a consignment;
- 116 (22) "Consumer debtor" means a debtor in a consumer transaction;
- 117 (23) "Consumer goods" means goods that are used or bought for use primarily for  
118 personal, family, or household purposes;
- 119 (24) "Consumer-goods transaction" means a consumer transaction in which:
- 120 (A) An individual incurs an obligation primarily for personal, family, or household  
121 purposes; and
- 122 (B) A security interest in consumer goods secures the obligation;
- 123 (25) "Consumer obligor" means an obligor who is an individual and who incurred the  
124 obligation as part of a transaction entered into primarily for personal, family, or household  
125 purposes;
- 126 (26) "Consumer transaction" means a transaction in which (i) an individual incurs an  
127 obligation primarily for personal, family, or household purposes, (ii) a security interest secures  
128 the obligation, and (iii) the collateral is held or acquired primarily for personal, family, or  
129 household purposes. The term includes consumer-goods transactions;
- 130 (27) "Continuation statement" means an amendment of a financing statement which:
- 131 (A) Identifies, by its file number, the initial financing statement to which it relates; and
- 132 (B) Indicates that it is a continuation statement for, or that it is filed to continue the  
133 effectiveness of, the identified financing statement;
- 134 (28) "Debtor" means:

- 135 (A) A person having an interest, other than a security interest or other lien, in the  
136 collateral, whether or not the person is an obligor;
- 137 (B) A seller of accounts, chattel paper, payment intangibles, or promissory notes; or  
138 (C) A consignee;
- 139 (29) "Deposit account" means a demand, time, savings, passbook, or similar account  
140 maintained with a bank. The term does not include investment property or accounts evidenced  
141 by an instrument;
- 142 (30) "Document" means a document of title or a receipt of the type described in section  
143 400.7-201(2);
- 144 (31) "Electronic chattel paper" means chattel paper evidenced by a record or records  
145 consisting of information stored in an electronic medium;
- 146 (32) "Encumbrance" means a right, other than an ownership interest, in real property.  
147 The term includes mortgages and other liens on real property;
- 148 (33) "Equipment" means goods other than inventory, farm products, or consumer goods;
- 149 (34) "Farm products" means goods, other than standing timber, with respect to which  
150 the debtor is engaged in a farming operation and which are:
- 151 (A) Crops grown, growing, or to be grown, including:  
152 (i) Crops produced on trees, vines, and bushes; and  
153 (ii) Aquatic goods produced in aquacultural operations;
- 154 (B) Livestock, born or unborn, including aquatic goods produced in aquacultural  
155 operations;
- 156 (C) Supplies used or produced in a farming operation; or  
157 (D) Products of crops or livestock in their unmanufactured states;
- 158 (35) "Farming operation" means raising, cultivating, propagating, fattening, grazing, or  
159 any other farming, livestock, or aquacultural operation;
- 160 (36) "File number" means the number assigned to an initial financing statement pursuant  
161 to section 400.9-519(a);
- 162 (37) "Filing office" means an office designated in section 400.9-501 as the place to file  
163 a financing statement;
- 164 (38) "Filing-office rule" means a rule adopted pursuant to section 400.9-526;
- 165 (39) "Financing statement" means a record or records composed of an initial financing  
166 statement and any filed record relating to the initial financing statement;
- 167 (40) "Fixture filing" means the filing of a financing statement covering goods that are  
168 or are to become fixtures and satisfying section 400.9-502(a) and (b). The term includes the  
169 filing of a financing statement covering goods of a transmitting utility which are or are to  
170 become fixtures;

171 (41) "Fixtures" means goods that have become so related to particular real property that  
172 an interest in them arises under real property law;

173 (42) "General intangible" means any personal property, including things in action, other  
174 than accounts, chattel paper, commercial tort claims, deposit accounts, documents, goods,  
175 instruments, investment property, letter-of-credit rights, letters of credit, money, and oil, gas, or  
176 other minerals before extraction. The term includes payment intangibles and software;

177 (43) "Good faith" means honesty in fact;

178 (44) "Goods" means all things that are movable when a security interest attaches. The  
179 term includes (i) fixtures, (ii) standing timber that is to be cut and removed under a conveyance  
180 or contract for sale, (iii) the unborn young of animals, (iv) crops grown, growing, or to be grown,  
181 even if the crops are produced on trees, vines, or bushes, and (v) manufactured homes. The term  
182 also includes a computer program embedded in goods and any supporting information provided  
183 in connection with a transaction relating to the program if (i) the program is associated with the  
184 goods in such a manner that it customarily is considered part of the goods, or (ii) by becoming  
185 the owner of the goods, a person acquires a right to use the program in connection with the  
186 goods. The term does not include a computer program embedded in goods that consist solely  
187 of the medium in which the program is embedded. The term also does not include accounts,  
188 chattel paper, commercial tort claims, deposit accounts, documents, general intangibles,  
189 instruments, investment property, letter-of-credit rights, letters of credit, money, or oil, gas, or  
190 other minerals before extraction;

191 (45) "Governmental unit" means a subdivision, agency, department, county, parish,  
192 municipality, or other unit of the government of the United States, a state, or a foreign country.  
193 The term includes an organization having a separate corporate existence if the organization is  
194 eligible to issue debt on which interest is exempt from income taxation under the laws of the  
195 United States;

196 (46) "Health-care-insurance receivable" means an interest in or claim under a policy of  
197 insurance which is a right to payment of a monetary obligation for health-care goods or services  
198 provided or to be provided;

199 (47) "Instrument" means a negotiable instrument or any other writing that evidences a  
200 right to the payment of a monetary obligation, is not itself a security agreement or lease, and is  
201 of a type that in ordinary course of business is transferred by delivery with any necessary  
202 indorsement or assignment. The term does not include (i) investment property, (ii) letters of  
203 credit, or (iii) writings that evidence a right to payment arising out of the use of a credit or charge  
204 card or information contained on or for use with the card;

205 (48) "Inventory" means goods, other than farm products, which:

206 (A) Are leased by a person as lessor;

- 207 (B) Are held by a person for sale or lease or to be furnished under a contract of service;  
208 (C) Are furnished by a person under a contract of service; or  
209 (D) Consist of raw materials, work in process, or materials used or consumed in a  
210 business;
- 211 (49) "Investment property" means a security, whether certificated or uncertificated,  
212 security entitlement, securities account, commodity contract, or commodity account;
- 213 (50) "Jurisdiction of organization", with respect to a registered organization, means the  
214 jurisdiction under whose law the organization is formed or organized;
- 215 (51) "Letter-of-credit right" means a right to payment or performance under a letter of  
216 credit, whether or not the beneficiary has demanded or is at the time entitled to demand payment  
217 or performance. The term does not include the right of a beneficiary to demand payment or  
218 performance under a letter of credit;
- 219 (52) "Lien creditor" means:
- 220 (A) A creditor that has acquired a lien on the property involved by attachment, levy, or  
221 the like;
- 222 (B) An assignee for benefit of creditors from the time of assignment;
- 223 (C) A trustee in bankruptcy from the date of the filing of the petition; or
- 224 (D) A receiver in equity from the time of appointment;
- 225 (53) "Manufactured home" means a structure, transportable in one or more sections,  
226 which, in the traveling mode, is eight body feet or more in width or forty body feet or more in  
227 length, or, when erected on site, is three hundred twenty or more square feet, and which is built  
228 on a permanent chassis and designed to be used as a dwelling with or without a permanent  
229 foundation when connected to the required utilities, and includes the plumbing, heating,  
230 air-conditioning, and electrical systems contained therein. The term includes any structure that  
231 meets all of the requirements of this paragraph except the size requirements and with respect to  
232 which the manufacturer voluntarily files a certification required by the United States Secretary  
233 of Housing and Urban Development and complies with the standards established under Title 42  
234 of the United States Code;
- 235 (54) "Manufactured-home transaction" means a secured transaction:
- 236 (A) That creates a purchase-money security interest in a manufactured home, other than  
237 a manufactured home held as inventory; or
- 238 (B) In which a manufactured home, other than a manufactured home held as inventory,  
239 is the primary collateral;
- 240 (55) "Mortgage" means a consensual interest in real property, including fixtures, which  
241 secures payment or performance of an obligation;



- 242 (56) "New debtor" means a person that becomes bound as debtor under section  
243 400.9-203(d) by a security agreement previously entered into by another person;
- 244 (57) "New value" means (i) money, (ii) money's worth in property, services, or new  
245 credit, or (iii) release by a transferee of an interest in property previously transferred to the  
246 transferee. The term does not include an obligation substituted for another obligation;
- 247 (58) "Noncash proceeds" means proceeds other than cash proceeds;
- 248 (59) "Obligor" means a person that, with respect to an obligation secured by a security  
249 interest in or an agricultural lien on the collateral, (i) owes payment or other performance of the  
250 obligation, (ii) has provided property other than the collateral to secure payment or other  
251 performance of the obligation, or (iii) is otherwise accountable in whole or in part for payment  
252 or other performance of the obligation. The term does not include issuers or nominated persons  
253 under a letter of credit;
- 254 (60) "Original debtor", except as used in section 400.9-310(c), means a person that, as  
255 debtor, entered into a security agreement to which a new debtor has become bound under section  
256 400.9-203(d);
- 257 (61) "Payment intangible" means a general intangible under which the account debtor's  
258 principal obligation is a monetary obligation;
- 259 (62) "Person related to", with respect to an individual, means:
- 260 (A) The spouse of the individual;
- 261 (B) A brother, brother-in-law, sister, or sister-in-law of the individual;
- 262 (C) An ancestor or lineal descendant of the individual or the individual's spouse; or
- 263 (D) Any other relative, by blood or ~~marriage~~ **a contract of domestic union**, of the  
264 individual or the individual's spouse who shares the same home with the individual;
- 265 (63) "Person related to", with respect to an organization, means:
- 266 (A) A person directly or indirectly controlling, controlled by, or under common control  
267 with the organization;
- 268 (B) An officer or director of, or a person performing similar functions with respect to,  
269 the organization;
- 270 (C) An officer or director of, or a person performing similar functions with respect to,  
271 a person described in subparagraph (A);
- 272 (D) The spouse of an individual described in subparagraph (A), (B), or (C); or
- 273 (E) An individual who is related by blood or ~~marriage~~ **a contract of domestic union**,  
274 to an individual described in subparagraph (A), (B), (C), or (D) and shares the same home with  
275 the individual;
- 276 (64) "Proceeds", except as used in section 400.9-609(b), means the following property:

277 (A) Whatever is acquired upon the sale, lease, license, exchange, or other disposition of  
278 collateral;

279 (B) Whatever is collected on, or distributed on account of, collateral;

280 (C) Rights arising out of collateral;

281 (D) To the extent of the value of collateral, claims arising out of the loss, nonconformity,  
282 or interference with the use of, defects or infringement of rights in, or damage to, the collateral;  
283 or

284 (E) To the extent of the value of collateral and to the extent payable to the debtor or the  
285 secured party, insurance payable by reason of the loss or nonconformity of, defects or  
286 infringement of rights in, or damage to, the collateral;

287 (65) "Promissory note" means an instrument that evidences a promise to pay a monetary  
288 obligation, does not evidence an order to pay, and does not contain an acknowledgment by a  
289 bank that the bank has received for deposit a sum of money or funds;

290 (66) "Proposal" means a record authenticated by a secured party which includes the  
291 terms on which the secured party is willing to accept collateral in full or partial satisfaction of  
292 the obligation it secures pursuant to sections 400.9-620, 400.9-621 and 400.9-622;

293 (67) "Public organic record" means a record that is available to the public for inspection  
294 and is:

295 (A) A record consisting of the record initially filed with or issued by a state or the United  
296 States to form or organize an organization and any record filed with or issued by the state or the  
297 United States which amends or restates the initial record;

298 (B) An organic record of a business trust consisting of the record initially filed with a  
299 state and any record filed with the state which amends or restates the initial record, if a statute  
300 of the state governing business trusts requires that the record be filed with the state; or

301 (C) A record consisting of legislation enacted by the legislature of a state or the Congress  
302 of the United States which forms or organizes an organization, any record amending the  
303 legislation, and any record filed with or issued by the state or the United States which amends  
304 or restates the name of the organization;

305 (68) "Pursuant to commitment", with respect to an advance made or other value given  
306 by a secured party, means pursuant to the secured party's obligation, whether or not a subsequent  
307 event of default or other event not within the secured party's control has relieved or may relieve  
308 the secured party from its obligation;

309 (69) "Record", except as used in "for record", "of record", "record or legal title", and  
310 "record owner", means information that is inscribed on a tangible medium or which is stored in  
311 an electronic or other medium and is retrievable in perceivable form;

312 (70) "Registered organization" means an organization formed or organized solely under  
313 the law of a single state or the United States by the filing of a public organic record with, the  
314 issuance of a public organic record by, or the enactment of legislation by the state or the United  
315 States. The term includes a business trust that is formed or organized under the law of a single  
316 state if a statute of the state governing business trusts requires that the business trust's organic  
317 record be filed with the state;

318 (71) "Secondary obligor" means an obligor to the extent that:

319 (A) The obligor's obligation is secondary; or

320 (B) The obligor has a right of recourse with respect to an obligation secured by collateral  
321 against the debtor, another obligor, or property of either;

322 (72) "Secured party" means:

323 (A) A person in whose favor a security interest is created or provided for under a security  
324 agreement, whether or not any obligation to be secured is outstanding;

325 (B) A person that holds an agricultural lien;

326 (C) A consignor;

327 (D) A person to which accounts, chattel paper, payment intangibles, or promissory notes  
328 have been sold;

329 (E) A trustee, indenture trustee, agent, collateral agent, or other representative in whose  
330 favor a security interest or agricultural lien is created or provided for; or

331 (F) A person that holds a security interest arising under sections 400.2-401, 400.2-505,  
332 400.2-711(3), 400.2A-508(5), 400.4-210 or 400.5-118;

333 (73) "Security agreement" means an agreement that creates or provides for a security  
334 interest;

335 (74) "Send", in connection with a record or notification, means:

336 (A) To deposit in the mail, deliver for transmission, or transmit by any other usual means  
337 of communication, with postage or cost of transmission provided for, addressed to any address  
338 reasonable under the circumstances; or

339 (B) To cause the record or notification to be received within the time that it would have  
340 been received if properly sent under subparagraph (A);

341 (75) "Software" means a computer program and any supporting information provided  
342 in connection with a transaction relating to the program. The term does not include a computer  
343 program that is included in the definition of goods;

344 (76) "State" means a state of the United States, the District of Columbia, Puerto Rico,  
345 the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction  
346 of the United States;

347 (77) "Supporting obligation" means a letter-of-credit right or secondary obligation that  
348 supports the payment or performance of an account, chattel paper, a document, a general  
349 intangible, an instrument, or investment property;

350 (78) "Tangible chattel paper" means chattel paper evidenced by a record or records  
351 consisting of information that is inscribed on a tangible medium;

352 (79) "Termination statement" means an amendment of a financing statement which:

353 (A) Identifies, by its file number, the initial financing statement to which it relates; and

354 (B) Indicates either that it is a termination statement or that the identified financing  
355 statement is no longer effective;

356 (80) "Transmitting utility" means a person primarily engaged in the business of:

357 (A) Operating a railroad, subway, street railway, or trolley bus;

358 (B) Transmitting communications electrically, electromagnetically, or by light;

359 (C) Transmitting goods by pipeline or sewer; or

360 (D) Transmitting or producing and transmitting electricity, steam, gas, or water.

361 (b) "Control" as provided in section 400.8-106 and the following definitions in other  
362 articles apply to this article:

363 "Applicant" Section 400.5-102.

364 "Beneficiary" Section 400.5-102.

365 "Broker" Section 400.8-102.

366 "Certificated security" Section 400.8-102.

367 "Check" Section 400.3-104.

368 "Clearing corporation" Section 400.8-102.

369 "Contract for sale" Section 400.2-106.

370 "Customer" Section 400.4-104.

371 "Entitlement holder" Section 400.8-102.

372 "Financial asset" Section 400.8-102.

373 "Holder in due course" Section 400.3-302.

374 "Issuer" (with respect to a letter of credit or  
375 letter-of-credit right) Section 400.5-102.

376 "Issuer" (with respect to a security) Section 400.8-201.

377 "Lease" Section 400.2A-103.

378 "Lease agreement" Section 400.2A-103.

379 "Lease contract" Section 400.2A-103.

380 "Leasehold interest" Section 400.2A-103.

381 "Lessee" Section 400.2A-103.

382 "Lessee in ordinary course of business" Section 400.2A-103.

- 383 "Lessor" Section 400.2A-103.  
384 "Lessor's residual interest" Section 400.2A-103.  
385 "Letter of credit" Section 400.5-102.  
386 "Merchant" Section 400.2-104.  
387 "Negotiable instrument" Section 400.3-104.  
388 "Nominated person" Section 400.5-102.  
389 "Note" Section 400.3-104.  
390 "Proceeds of a letter of credit" Section 400.5-114.  
391 "Prove" Section 400.3-103.  
392 "Sale" Section 400.2-106.  
393 "Securities account" Section 400.8-501.  
394 "Securities intermediary" Section 400.8-102.  
395 "Security" Section 400.8-102.  
396 "Security certificate" Section 400.8-102.  
397 "Security entitlement" Section 400.8-102.  
398 "Uncertificated security" Section 400.8-102.  
399 (c) This section contains general definitions and principles of construction and  
400 interpretation applicable throughout sections 400.9-103 to 400.9-809.
- 404.051. 1. The custodian shall collect, hold, maintain, manage, invest and reinvest the  
2 custodial property. The custodian may accept a transfer of additional property for the same  
3 minor into the custodianship and may consolidate into a single custodianship custodial property  
4 received for the same minor from multiple transfers or transferors.
- 5 2. The custodian may deliver, pay over to the minor for expenditure by the minor, or  
6 expend for the minor's benefit, so much of the custodial property as the custodian determines  
7 advisable for the use and benefit of the minor, without court order and without regard to the duty  
8 or ability of the custodian in the custodian's individual capacity or of any other person to support  
9 the minor, or any other income or property of the minor.
- 10 3. Upon the petition of a parent, guardian or conservator of a minor, an adult member  
11 of the minor's family, any person interested in the welfare of the minor, or of the minor if the  
12 minor has attained the age of fourteen years, the court may order the custodian to expend or to  
13 pay over to the minor or the minor's parent, guardian or conservator so much of the custodial  
14 property as the court determines advisable for the use and benefit of the minor.
- 15 4. Any delivery, payment or expenditure pursuant to subsections 2 and 3 of this section  
16 is in addition to, not in substitution for, and does not affect, the obligation of any person to  
17 support the minor.

18           5. (1) To the extent that the custodial property has not been expended, the custodian  
19 shall deliver the custodial property in an appropriate manner, free of the custodianship, as  
20 follows:

21           (a) To the minor on attaining the age of twenty-one years, or on attaining the age of  
22 eighteen years for custodial property created by a transfer of property from a person other than  
23 a donor and the minor requests the property; or

24           (b) On the minor's death, to the minor's estate.

25           (2) If the custodian does not deliver the custodial property to the minor or the minor's  
26 estate as prescribed in subdivision (1) of this subsection, the minor or the minor's personal  
27 representative may petition the court to declare the custodianship terminated and to order  
28 delivery of the custodial property to the minor or to the minor's estate free of the custodianship.

29           (3) To the extent the custodial property is real property, a conveyance and delivery of the  
30 real property by the minor after attaining the age at which the minor is entitled to the property  
31 free of the custodianship, or by the minor's heirs, or by the minor's personal representative, shall  
32 terminate the custodian's powers, duties and rights with respect to the real property.

33           (4) If the minor is an incapacitated person at the time the minor would otherwise be  
34 entitled to receive the custodial property free of the custodianship, the custodian shall deliver the  
35 custodial property to the incapacitated person's conservator. If the incapacitated person has no  
36 conservator, the custodian may transfer the custodial property to any adult person or financial  
37 institution, including the custodian, as personal custodian for the incapacitated person under any  
38 law providing for custodianship of property for incapacitated adult persons.

39           6. The custodian is under a duty to act in the interest of the minor and to avoid conflicts  
40 of interest that impair the custodian's ability to so act. In dealing with the custodial property, the  
41 custodian shall observe the degree of care that would be observed by a prudent person dealing  
42 with the property and conducting the affairs of another, except that all investments made on or  
43 after August 28, 1998, shall be in accordance with the provisions of the Missouri prudent  
44 investor act, sections 469.900 to 469.913. The custodian is not limited by any other statute  
45 restricting investments or expenditures by fiduciaries. If the custodian has special skills or is  
46 named custodian on the basis of representations of special skills or expertise, the custodian is  
47 under a duty to use those skills. The custodian, in the custodian's discretion and without liability  
48 to the minor or the minor's estate, may retain any custodial property received under sections  
49 404.005 to 404.094, and may hold money or securities in the financial institution or brokerage  
50 company to which the property was delivered by the transferor.

51           7. The custodian may invest in and pay premiums out of custodial property for life or  
52 endowment insurance policies on the life of the minor or the life of another person in whom the  
53 minor has an insurable interest, provided the insurance proceeds will be distributed on the death

54 of the insured life to the minor, the minor's estate or the custodian in the custodian's  
55 representative capacity.

56 8. Subject to the degree of care prescribed in subsection 6 of this section, the custodian,  
57 acting in the capacity of custodian for the benefit of the minor, has all rights, power and authority  
58 over the custodial property that ~~unmarried,~~ nonincapacitated adult owners **who are not parties**  
59 **to a contract of domestic union** have over their own property, except the power to make a gift  
60 of the minor's property unless the gift to be made is approved by a court.

61 9. The custodian at all times shall keep custodial property separate and distinct from all  
62 other property in a manner to identify it clearly as custodial property of the minor. Custodial  
63 property consisting of an undivided interest in property is sufficiently separate and distinct if the  
64 custodian's interest in the property is held as a tenant in common with the other owners of the  
65 property and the minor's proportional interest in the property is fixed. Custodial property is  
66 sufficiently so identified if it is held in the name of the custodian in the manner prescribed in  
67 section 404.707.

68 10. The custodian may establish checking, savings or other similar accounts with  
69 financial institutions and brokers whereby both the custodian and the minor may withdraw  
70 money from the account or draw checks against the account. Money withdrawn from an account  
71 or checks written against an account by the minor shall be treated as a delivery of custodial  
72 property from the custodian to the minor.

73 11. Subject to the degree of care prescribed in subsection 6 of this section, the custodian,  
74 acting in the capacity of custodian and for the benefit of the minor, may borrow money, lend  
75 money, acquire by lease the use of property for the minor, lease custodial property and enter into  
76 contracts under which the performance required by such agreements may extend beyond the date  
77 the custodianship terminates. The custodian shall hold property that is borrowed or leased for  
78 the minor as custodial property in the name of the custodian in the manner prescribed in section  
79 404.047.

80 12. The custodian shall keep records of all transactions with respect to the custodial  
81 property, including information necessary for preparation of the minor's tax returns, and make  
82 them available for inspection at reasonable intervals by a parent, the minor if the minor has  
83 attained the age of fourteen years, an adult member of the minor's family if the minor has no  
84 living parent, and a legal representative of the minor.

85 13. The minor's custodian may comply with an agreement with a transferor of property  
86 to the minor, including an agreement respecting investment objectives, expenses, compensation,  
87 resignation and naming of successor custodians, to the extent that such agreement does not  
88 conflict with the custodian's obligations to the minor under sections 404.005 to 404.094.

404.550. 1. The personal custodian shall collect, hold, maintain, manage, invest and  
2 reinvest the custodial property. The personal custodian may accept a transfer of additional  
3 property for the same beneficiary into the personal custodianship and may consolidate into a  
4 single custodianship custodial property received for the same beneficiary from multiple transfers  
5 or transferors.

6 2. The personal custodian shall deliver, pay over to the beneficiary for expenditure by  
7 the beneficiary or expend for the beneficiary's benefit so much of the custodial property as the  
8 beneficiary may from time to time direct. If the beneficiary is an incapacitated person, the  
9 personal custodian may deliver, pay over to the beneficiary for expenditure by the beneficiary  
10 or expend for the beneficiary's benefit so much of the custodial property as the personal  
11 custodian determines advisable for the use and benefit of the beneficiary and those members of  
12 the beneficiary's family who are legally entitled to support by the beneficiary or who were  
13 supported by the beneficiary at the time the beneficiary became incapacitated, without court  
14 order and without regard to the duty or ability of the personal custodian in the personal  
15 custodian's individual capacity or of any other person to support the beneficiary, or any other  
16 income or property of the beneficiary.

17 3. (1) Upon the petition of the beneficiary, guardian or conservator of an incapacitated  
18 beneficiary, an adult member of a beneficiary's family or any person interested in the welfare of  
19 the beneficiary, the court may order the personal custodian to expend or to pay over to the  
20 beneficiary or the beneficiary's guardian or conservator so much of the custodial property as the  
21 court determines advisable for the use and benefit of the beneficiary.

22 (2) Upon petition of a personal custodian, the beneficiary, an adult member of the  
23 beneficiary's family or any person interested in the welfare of the beneficiary, the probate  
24 division of the circuit court shall determine and declare whether the beneficiary is a disabled or  
25 incapacitated person.

26 4. Any delivery, payment or expenditure under subsections 2 and 3 of this section is in  
27 addition to, not in substitution for, and does not affect the obligation of any person to support the  
28 incapacitated beneficiary or the incapacitated beneficiary's dependents.

29 5. The personal custodian is under a duty to act in the interest of the beneficiary and to  
30 avoid conflicts of interest that impair the personal custodian's ability to so act. In dealing with  
31 the custodial property, the personal custodian shall follow the investment and other directions  
32 of a beneficiary who is not incapacitated and shall observe the degree of care that would be  
33 observed by a prudent person dealing with the property and conducting the affairs of another,  
34 except that all investments made on or after August 28, 1998, shall be in accordance with the  
35 provisions of the Missouri prudent investor act, sections 469.900 to 469.913. The personal  
36 custodian is not limited by any other statute restricting investments or expenditures by



37 fiduciaries. If the personal custodian has special skills or is named personal custodian on the  
38 basis of representation of special skills or expertise, the custodian is under a duty to use those  
39 skills. The personal custodian, in the custodian's discretion and without liability to the  
40 beneficiary or the beneficiary's estate, may retain any custodial property received under sections  
41 404.400 to 404.650, and may hold money or securities in the financial institution or brokerage  
42 company to which the property was delivered by the transferor.

43 6. The personal custodian may invest in and pay premiums out of custodial property for  
44 life or endowment insurance policies on the life of the beneficiary or the life of another person  
45 in whom the beneficiary has an insurable interest, provided the insurance proceeds will be  
46 distributed on the death of the insured life to the beneficiary, the persons designated by an adult  
47 nonincapacitated beneficiary, the beneficiary's estate or the personal custodian in the personal  
48 custodian's representative capacity.

49 7. Subject to the degree of care prescribed in subsection 5 of this section, the personal  
50 custodian, acting in the capacity of personal custodian for the benefit of the beneficiary, has all  
51 rights, power and authority over the custodial property that ~~unmarried,~~ nonincapacitated adult  
52 owners **who are not parties to a contract of domestic union** have over their own property,  
53 except the power to make a gift of the beneficiary's property (i) unless granted such power by a  
54 nonincapacitated beneficiary in a writing signed and dated, and acknowledged or proved and  
55 certified in the manner provided by law for conveyances of real estate, or (ii) unless the gift to  
56 be made is approved by a court under section 475.094.

57 8. The personal custodian at all times shall keep custodial property separate and distinct  
58 from all other property in a manner to identify it clearly as custodial property of the beneficiary.  
59 Custodial property consisting of an undivided interest in property is sufficiently separate and  
60 distinct if the personal custodian's interest in the property is held as a tenant in common with the  
61 other owners of the property and the beneficiary's proportional interest in the property is fixed.  
62 Custodial property is sufficiently so identified if it is held in the name of the personal custodian  
63 in the manner prescribed in section 404.540.

64 9. The personal custodian may establish checking, savings or other similar accounts with  
65 financial institutions and brokers whereby both the personal custodian and the beneficiary may  
66 withdraw money from the account or draw or issue checks or drafts against the account. Money  
67 withdrawn from an account or checks written against an account by the beneficiary shall be  
68 treated as a delivery of custodial property from the personal custodian to the beneficiary.

69 10. Subject to the degree of care prescribed in subsection 5 of this section, the personal  
70 custodian, acting in the capacity of personal custodian and for the benefit of the beneficiary, may  
71 borrow money, lend money, acquire by lease the use of property for the beneficiary, lease  
72 custodial property and enter into contracts under which the performance required by such

73 agreements may extend beyond the date the personal custodianship terminates. The personal  
74 custodian shall hold property that is borrowed or leased for the beneficiary as custodial property  
75 in the name of the personal custodian in the manner prescribed in section 404.540.

76 11. The personal custodian shall keep records of all transactions with respect to the  
77 custodial property, including information necessary for preparation of the beneficiary's tax  
78 returns, and make them available for inspection at reasonable intervals by the beneficiary, an  
79 adult member of the beneficiary's family if the beneficiary is incapacitated, and a legal  
80 representative of the beneficiary.

81 12. The power, authority, duties and responsibilities of a personal custodian, as provided  
82 in sections 404.400 to 404.650, may be modified by the provisions of a written agreement  
83 between the transferor or beneficiary and personal custodian.

404.570. 1. If a deceased beneficiary's probate estate is not sufficient to pay claims,  
2 taxes and expenses of administration, including statutory allowances to the surviving spouse and  
3 ~~[unmarried]~~ minor children **who are not parties to a contract of domestic union**, the persons  
4 that receive a nonprobate transfer of the beneficiary's custodial property under sections 404.560  
5 and 404.565 shall be liable to account to the deceased beneficiary's personal representative for  
6 a pro rata share of the value received from the personal custodianship that the decedent owned  
7 beneficially immediately before death to the extent necessary to discharge the claims and charges  
8 remaining unpaid after application of the funds and property in the decedent's estate. This  
9 subsection does not apply to a death benefit paid pursuant to a life or accidental death insurance  
10 policy held by the custodian; and it does not apply to survivorship rights in custodial property  
11 held as tenants by the entireties.

12 2. Only decedent's personal representative may enforce the obligation of the beneficiary's  
13 custodial distributees under this section by bringing an action for accounting, but no proceeding  
14 to assert this liability shall be commenced unless the personal representative has received a  
15 written demand therefor by a creditor, surviving spouse or one acting for ~~[an unmarried]~~ a minor  
16 child **who is not a party to a contract of domestic union** of the deceased beneficiary, and no  
17 proceeding shall be brought for accounting under this section more than two years following the  
18 beneficiary's death. Sums recovered by the personal representative shall be administered as part  
19 of the decedent's estate.

20 3. After an action for accounting has been commenced under this section, any party to  
21 the proceeding may join and bring into the action for accounting distributees of custodial  
22 property from other personal custodianships of the decedent, parties and beneficiaries of  
23 multiple-party accounts in which the decedent was an account party, beneficiaries of other types  
24 of nonprobate transfers who by law are liable to contribute to the satisfaction of creditor claims  
25 in a similar proceeding for accounting, and persons who succeed to property not subject to

26 probate administration that was subject to satisfaction of the decedent's debts during the  
27 decedent's lifetime, including the decedent's interest in property distributed at the decedent's  
28 death by a trustee of a revocable trust created by the decedent and property held as a joint tenant  
29 with rights of survivorship, but only to the extent of decedent's contribution to the value of the  
30 joint property.

31         4. This section shall not affect the right of the personal custodian to execute a direction  
32 of the beneficiary to make a payment or to make a nonprobate transfer on death of the  
33 beneficiary, or to make that person liable to the beneficiary's estate, unless before the payment  
34 or transfer, the personal custodian has been served with process in a proceeding brought by the  
35 deceased beneficiary's personal representative and the personal custodian has had a reasonable  
36 time to act on it.

37         5. This section does not create a lien on any property that is the subject of a nonprobate  
38 transfer, except as a lien may be perfected by way of attachment, garnishment or judgment in an  
39 accounting proceeding authorized by this section.

          404.717. 1. As between the principal and attorney in fact or successor attorney in fact,  
2 and any agents appointed by either of them, unless the power of attorney is coupled with an  
3 interest, the authority granted in a power of attorney shall be modified or terminated as follows:

4         (1) On the date shown in the power of attorney and in accordance with the express  
5 provisions of the power of attorney;

6         (2) When the principal, orally or in writing, or the principal's legal representative with  
7 approval of the court in writing informs the attorney in fact or successor that the power of  
8 attorney is modified or terminated, or when and under what circumstances it is modified or  
9 terminated;

10        (3) When a written notice of modification or termination of the power of attorney is filed  
11 by the principal or the principal's legal representative for record in the office of the recorder of  
12 deeds in the city or county of the principal's residence or, if the principal is a nonresident of the  
13 state, in the city or county of the residence of the attorney in fact last known to the principal, or  
14 in the city or county in which is located any property specifically referred to in the power of  
15 attorney;

16        (4) On the death of the principal, except that if the power of attorney grants authority  
17 under subdivision (7) or (8) of subsection 6 of section 404.710, the power of attorney and the  
18 authority of the attorney in fact shall continue for the limited purpose of carrying out the  
19 authority granted under either or both of said subdivisions for a reasonable length of time after  
20 the death of the principal;

21        (5) When the attorney in fact under a durable power of attorney is not qualified to act for  
22 the principal;

23           (6) On the filing of any action for divorce or dissolution of ~~[the marriage]~~ **a contract of**  
24 **domestic union** of the principal and the principal's attorney in fact who were ~~[married to]~~  
25 **parties to a contract of domestic union with** each other at or subsequent to the time the power  
26 of attorney was created, unless the power of attorney provides otherwise.

27           2. Whenever any of the events described in subsection 1 of this section operate merely  
28 to terminate the authority of the particular person designated as the attorney in fact, rather than  
29 terminating the power of attorney, if the power of attorney designates a successor or contingent  
30 attorney in fact or prescribes a procedure whereby a successor or contingent attorney in fact may  
31 be designated, then the authority provided in the power of attorney shall extend to and vest in the  
32 successor or contingent attorney in fact in lieu of the attorney in fact whose power and authority  
33 was terminated under any of the circumstances referred to in subsection 1 of this section.

34           3. As between the principal and attorney in fact or successor attorney in fact, acts and  
35 transactions of the attorney in fact or successor attorney in fact undertaken in good faith, in  
36 accordance with section 404.714, and without actual knowledge of the death of the principal or  
37 without actual knowledge, or constructive knowledge pursuant to subdivision (3) of subsection  
38 1 of this section, that the authority granted in the power of attorney has been suspended, modified  
39 or terminated, relieves the attorney in fact or successor attorney in fact from liability to the  
40 principal and the principal's successors in interest.

41           4. This section does not prohibit the principal, acting individually, and the person  
42 designated as the attorney in fact from entering into a written agreement that sets forth their  
43 duties and liabilities as between themselves and their successors, and which expands or limits  
44 the application of sections 404.700 to 404.735, with the exception of those acts enumerated in  
45 subsection 7 of section 404.710.

46           5. As between the principal and any attorney in fact or successor attorney in fact, if the  
47 attorney in fact or successor attorney in fact undertakes to act, and if in respect to such act, the  
48 attorney in fact or successor attorney in fact engages in willful misconduct or fraud or acts with  
49 willful disregard for the purposes, terms, or conditions of the power of attorney, or if the attorney  
50 in fact or successor attorney in fact intentionally acts after receiving actual notice that the power  
51 of attorney has been revoked or terminated, and thereby causes damage or loss to the principal  
52 or to the principal's successors in interest, such attorney in fact or successor attorney in fact shall  
53 be liable to the principal or to the principal's successors in interest, or both, for such damages,  
54 together with reasonable attorney's fees, and punitive damages as allowed by law.

55           6. For purposes of this section, the principal's "successors in interest" shall include those  
56 persons who can prove they have been damaged as a result of the actions of the attorney in fact  
57 or successor attorney in fact, such as a conservator of the principal or a personal representative

58 of a deceased principal. If more than one person claims a recovery under this section the court  
59 shall determine the priority of their respective claims.

404.719. 1. A third person, who is acting in good faith, without liability to the principal  
2 or the principal's successors in interest, may rely and act on any power of attorney executed by  
3 the principal; and, with respect to the subjects and purposes encompassed by or separately  
4 expressed in the power of attorney, may rely and act on the instructions of or otherwise contract  
5 and deal with the principal's attorney in fact or successor attorney in fact and, in the absence of  
6 actual knowledge, as defined in subsection 3 of this section, is not responsible for determining  
7 and has no duty to inquire as to any of the following:

8 (1) The authenticity of a certified true copy of a power of attorney furnished by the  
9 principal's attorney in fact or successor;

10 (2) The validity of the designation of the attorney in fact or successor;

11 (3) Whether the attorney in fact or successor is qualified to act as an attorney in fact for  
12 the principal;

13 (4) The propriety of any act of the attorney in fact or successor in the principal's behalf,  
14 including, but not limited to, whether or not an act taken or proposed to be taken by the attorney  
15 in fact, constitutes a breach of any duty or obligation owed to the principal, including, but not  
16 limited to, the obligation to the principal not to modify or alter the principal's estate plan or other  
17 provisions for distributions of assets at death, as provided in subsection 1 of section 404.714;

18 (5) Whether any future event, condition or contingency making effective or terminating  
19 the authority conferred in a power of attorney has occurred;

20 (6) Whether the principal is disabled or incapacitated or has been adjudicated disabled  
21 or incapacitated;

22 (7) Whether the principal, the principal's legal representative or a court has given the  
23 attorney in fact any instructions or the content of any instructions, or whether the attorney in fact  
24 is following any instructions received;

25 (8) Whether the authority granted in a power of attorney has been modified by the  
26 principal, a legal representative of the principal or a court;

27 (9) Whether the authority of the attorney in fact has been terminated, except by an  
28 express provision in the power of attorney showing the date on which the power of attorney  
29 terminates;

30 (10) Whether the power of attorney, or any modification or termination thereof, has been  
31 recorded, except as to transactions affecting real estate;

32 (11) Whether the principal had legal capacity to execute the power of attorney at the time  
33 the power of attorney was executed;

34           (12) Whether, at the time the principal executed the power of attorney, the principal was  
35 subjected to duress, undue influence or fraud, or the power of attorney was for any other reason  
36 void or voidable, if the power of attorney appears to be regular on its face;

37           (13) Whether the principal is alive;

38           (14) Whether the principal and attorney in fact were ~~married~~ **parties to a contract of**  
39 **domestic union** at or subsequent to the time the power of attorney was created and whether the  
40 ~~marriage~~ **contract of domestic union** has been dissolved; or

41           (15) The truth or validity of any facts or statements made in an affidavit of the attorney  
42 in fact or successor with regard to the ability or capacity of the principal, the authority of the  
43 attorney in fact or successor under the power of attorney, the happening of any event or events  
44 vesting authority in any successor or contingent attorney in fact, the identity or authority of a  
45 person designated in the power of attorney to appoint a substitute or successor attorney in fact  
46 or that the principal is alive.

47           2. A third person, in good faith and without liability to the principal or the principal's  
48 successors in interest, even with knowledge that the principal is disabled or incapacitated, may  
49 rely and act on the instructions of or otherwise contract and deal with the principal's attorney in  
50 fact or successor attorney in fact acting pursuant to authority granted in a durable power of  
51 attorney.

52           3. A third person that conducts activities through employees shall not be charged under  
53 sections 404.700 to 404.735 with actual knowledge of any fact relating to a power of attorney,  
54 nor of a change in the authority of an attorney in fact, unless the information is received at a  
55 home office or a place where there is an employee with responsibility to act on the information,  
56 and the employee has a reasonable time in which to act on the information using the procedures  
57 and facilities that are available to the third person in the regular course of its operations.

58           4. A third person, when being requested to engage in transactions with a principal  
59 through the principal's attorney in fact, may require the attorney in fact to provide specimens of  
60 his or her signature and any other information reasonably necessary or appropriate in order to  
61 facilitate the actions of the third person in transacting business through the attorney in fact, may  
62 require the attorney in fact to indemnify the third person against forgery of the power of attorney,  
63 by bond or otherwise; provided, however, that if the power of attorney is durable as defined in  
64 subsection 1 of section 404.705 and if either the principal or the attorney in fact seeking to act  
65 is and has been a resident of this state for at least two years, and if the attorney in fact has  
66 executed in the name of the principal and delivered to the third person an indemnity agreement  
67 reasonably satisfactory in form to such third person, no such bond shall be required; and may  
68 prescribe the place and manner in which the third person will be given any notice respecting the

69 principal's power of attorney and the time in which the third person has to comply with any  
70 notice.

408.550. 1. No person, upon proper application, shall be denied credit under the  
2 provisions of sections 408.015 to 408.562 on the basis of sex, ~~[marital]~~ **domestic union** status,  
3 age, race or religion. Any action which complies with the provisions of the Equal Credit  
4 Opportunity Act, Public Law 93-495 (15 U.S.C. 1691 et seq.), and rules and regulations  
5 promulgated thereto shall be deemed to be in compliance with this section. Any borrower  
6 discriminated against on any of these prohibited bases may recover five hundred dollars or actual  
7 damages, whichever is greater, court costs and attorney's fees.

8 2. No person shall be denied credit under the provisions of sections 408.015 to 408.562  
9 because of any exercise of his rights under law.

408.575. It shall be unlawful for any financial institution, or any subsidiary or agent  
2 thereof, to deny a residential real estate loan to a person because of any of the following factors  
3 or to discriminate against any applicant for a residential real estate loan with respect to any  
4 aspect of the loan transaction because of any of the following factors:

5 (1) The race, color, religion, national origin, handicap, age, ~~[marital]~~ **domestic union**  
6 status, or sex, of the applicant or the race, religion or national origin of persons living in the  
7 vicinity of the residential real estate;

8 (2) The specific geographic location of the residential real estate in such financial  
9 institution's local community as defined by it pursuant to the Community Reinvestment Act (12  
10 U.S.C. 2901 et seq.) and the rules and regulations promulgated thereunder. Any state financial  
11 institution not regulated by the Community Reinvestment Act shall, subject to the approval of  
12 the appropriate division director, delineate its local community for the purposes of this section  
13 and shall make such delineation available to the public upon request at each office where the  
14 financial institution accepts applications for residential real estate loans;

15 (3) The age of the residential real estate or the age of structures in the immediate vicinity  
16 of the residential real estate.

431.058. 1. As used in sections 431.058 to 431.062, the following terms shall mean:

2 (1) "Adult", a person who is eighteen years of age or older;

3 (2) "Child" or "minor", a person who is under eighteen years of age;

4 (3) "Educational services", enrollment of a child in a school to which the child has been  
5 or will be accepted for attendance and participation in any school activities, including  
6 extracurricular activities;

7 (4) "Health care provider", a person who is licensed, certified, registered, or otherwise  
8 authorized by law in this state to administer medical treatment in the practice of a health care  
9 profession or at a health care facility, and includes a health care facility;

- 10 (5) "Parent":  
11 (a) A child's parent by birth or adoption;  
12 (b) A child's legal guardian; or  
13 (c) Any person who under court order is authorized to give consent for a child;  
14 (6) "Relative caregiver", a competent adult who is related to a child by blood, ~~marriage~~  
15 **a contract of domestic union**, or adoption who is not the parent and who represents in the  
16 affidavit described under subsection 8 of this section that the child lives with the adult and that  
17 the adult is responsible for the care of the child.
- 18 2. A relative caregiver acting pursuant to an affidavit described under subsection 8 of  
19 this section may consent to the medical treatment provided for under section 431.061 and for  
20 educational services for a child that a child cannot otherwise legally consent to if:
- 21 (1) The parent has delegated in writing the parent's authority to consent to such medical  
22 treatment or educational services; or
- 23 (2) After reasonable efforts have been made to obtain the consent of the parent for the  
24 medical treatment or educational services, the consent of the parent cannot be obtained.
- 25 3. The consent of a relative caregiver under this section shall be superceded by any  
26 contravening decision of the parent, provided the decision does not threaten the life, health, or  
27 safety of the child.
- 28 4. If the child stops living with the relative caregiver, the relative caregiver shall  
29 immediately notify any health care provider or school that has been given the affidavit under this  
30 section. The affidavit is invalid immediately upon receipt by the health care provider or school  
31 of the notice under this subsection.
- 32 5. An affidavit under this section expires one year after the date it is given to the health  
33 care provider or school. If the date the affidavit is given to a health care provider or school is  
34 unknown, it shall expire one year after the date the relative caregiver signs the affidavit.
- 35 6. Nothing in this section relieves a parent of liability for payment for medical treatment  
36 or educational services provided to a child pursuant to the valid consent of a relative caregiver  
37 under this section.
- 38 7. Nothing in this section shall be construed to create a cause of action against a relative  
39 caregiver who has complied with the provisions of this section.
- 40 8. A relative caregiver affidavit given to a health care provider or school is invalid unless  
41 it is signed and contains, at a minimum, the following information:
- 42 (1) The name of the child;  
43 (2) The child's date of birth;  
44 (3) The relative caregiver's name and date of birth and the address at which the relative  
45 caregiver lives with the child;



- 46 (4) The relationship of the relative caregiver to the child;  
47 (5) The driver's license or identification card number of the relative caregiver;  
48 (6) The contact information of the parent;  
49 (7) A description of any attempts that the relative caregiver has made to advise the parent  
50 of the relative caregiver's intent to consent to medical treatment or educational services for the  
51 child, and of any response to the relative caregiver provided by the parent;  
52 (8) If applicable, a signed and dated delegation of authority to the relative caregiver by  
53 the parent to consent to educational services or medical treatment;  
54 (9) If applicable, the reason why the relative caregiver is unable to contact the parent to  
55 advise the parent of the relative caregiver's intent to consent to medical treatment or educational  
56 services for the child;  
57 (10) The date the relative caregiver signed the affidavit; and  
58 (11) A declaration under penalty of perjury that the named child lives with the relative  
59 caregiver, that the relative caregiver is a competent adult and eighteen years of age or older and  
60 that the information provided in the affidavit is true and correct.

61 9. The affidavit permitted by this section may be in form and content substantially as  
62 follows:

63 THE STATE OF .....

64 COUNTY OF .....

65 AFFIDAVIT

66 Before me, the undersigned authority, personally appeared ..... (relative caregiver),  
67 who, being by me duly sworn, deposed as follows:

68 My name is ....., and I am of sound mind and am over eighteen (18) years of age. My  
69 date of birth, address, contact information, and driver's license or identification card numbers are  
70 ..... I am competent to testify to the following facts and matters:

71 I am a relative caregiver to ..... (name of child), whose date of birth is ..... My  
72 relationship to the child is ..... The above-mentioned child is living with me at .....  
73 (address) because of the following ..... (description of reasons why child lives with relative  
74 caregiver and any attempts that the relative caregiver has made to advise the parent of the relative  
75 caregiver's intent to consent to medical treatment or educational services for the child, and any  
76 response to the relative caregiver provided by the parent). The contact information for the parent  
77 is ..... (if known).

78 (If applicable) Attached is a signed and dated delegation of authority to me by the parent  
79 to consent to educational services or medical treatment.

80 (If applicable) The reason why I am unable to contact the parent to advise the parent of  
81 my intent to consent to medical treatment or educational services for the child is  
82 .....

83 Affiant

84

85 In witness whereof I have hereunto subscribed my name and affixed my official seal this .....  
86 day of ....., 20....

87 .....

88 (Signed)

89 (Seal)

431.061. 1. In addition to such other persons as may be so authorized and empowered,  
2 any one of the following persons if otherwise competent to contract, is authorized and  
3 empowered to consent, either orally or otherwise, to any surgical, medical, or other treatment or  
4 procedures, including immunizations, not prohibited by law:

5 (1) Any adult eighteen years of age or older for himself **or herself**;

6 (2) Any parent for his **or her** minor child in his **or her** legal custody;

7 (3) Any minor who has been lawfully ~~married~~ **a party to a contract of domestic**  
8 **union** and any minor parent or legal custodian of a child for himself **or herself**, his **or her** child  
9 and any child in his **or her** legal custody;

10 (4) Any minor for himself **or herself** in case of:

11 (a) Pregnancy, but excluding abortions;

12 (b) Venereal disease;

13 (c) Drug or substance abuse including those referred to in chapter 195;

14 (5) Any adult standing in loco parentis, whether serving formally or not, for his **or her**  
15 minor charge in case of emergency as defined in section 431.063;

16 (6) Any guardian of the person for his **or her** ward;

17 (7) Any relative caregiver of a minor child as provided for under section 431.058.

18 2. The provisions of sections 431.061 and 431.063 shall be liberally construed, and all  
19 relationships set forth in subsection 1 of this section shall include the adoptive and  
20 step-relationship as well as the natural relationship and the relationship by the half blood as well  
21 as by the whole blood.

22 3. A consent by one person so authorized and empowered shall be sufficient  
23 notwithstanding that there are other persons so authorized and empowered or that such other  
24 persons shall refuse or decline to consent or shall protest against the proposed surgical, medical  
25 or other treatment or procedures.

26           4. Any person acting in good faith and not having been put on notice to the contrary shall  
27 be justified in relying on the representations of any person purporting to give such consent,  
28 including, but not limited to, his **or her** identity, his **or her** age, his ~~[marital]~~ **or her domestic**  
29 **union** status, and his **or her** relationship to any other person for whom the consent is purportedly  
30 given.

          431.064. 1. When an adult person, because of a medical condition, is treated by a  
2 teaching hospital for a medical school accredited by the American Osteopathic Association or  
3 the American Medical Association and such person is incapable of giving informed consent for  
4 an experimental treatment, test or drug, then such treatment, test or drug may proceed upon  
5 obtaining consent of a legal guardian, attorney-in-fact, or a family member in the following order  
6 of priority:

7           (1) Spouse unless the patient has no spouse, or is separated, or the spouse is physically  
8 or mentally incapable of giving consent, or the spouse's whereabouts is unknown or the spouse  
9 is overseas;

10          (2) Adult child;

11          (3) Parent;

12          (4) Brother or sister;

13          (5) Relative by blood or ~~[marriage]~~ **contract of domestic union**.

14          2. Nothing in this section shall authorize such legal guardian, attorney-in-fact, or family  
15 member to consent to treatment in contravention to such incapacitated person's expressed  
16 permission regarding such treatment.

17          3. In a life-threatening emergency, consent of such an incapacitated person to any  
18 research program or experimental procedure shall not be required when the institutional review  
19 board responsible for the review, approval, and continuing review of the research activity has  
20 approved both the research activity and a waiver of informed consent and has both found and  
21 documented that the requirements for an exception from informed consent requirements for  
22 emergency research, as provided under Part 50 of Title 21 or Part 46 of Title 45 of the Code of  
23 Federal Regulations, as amended, have been satisfied.

          431.065. Any minor who has been lawfully ~~[married]~~ **a party to a contract of domestic**  
2 **union** and any minor parent or legal custodian of a child, if otherwise competent to contract,  
3 shall be considered an adult for the purpose of entering into a contract for surgical, medical, or  
4 other treatment or procedures for himself **or herself**, his **or her** spouse, his **or her** child and any  
5 child in his **or her** legal custody.

          431.066. 1. When any minor eighteen years or older, being ~~[married]~~ **a party to a**  
2 **contract of domestic union**, and the beneficiary of a policy of insurance on the life of his **or her**  
3 spouse becomes entitled to any benefits under the policy of insurance due to the death of his **or**

4 **her** spouse, the insurer may pay the proceeds of the policy, not to exceed ten thousand dollars,  
5 to the minor beneficiary without the necessity of conservatorship or any other proceedings in any  
6 court.

7 2. The signed acknowledgment of the minor beneficiary shall constitute a legal receipt.

8 3. The acknowledgment of the minor beneficiary shall not be subject to disaffirmance  
9 upon the minor attaining twenty-one years of age.

432.010. No action shall be brought to charge any executor or administrator, upon any  
2 special promise to answer for any debt or damages out of his own estate, or to charge any person  
3 upon any special promise to answer for the debt, default or miscarriage of another person, or to  
4 charge any person upon any agreement made in consideration of ~~[marriage]~~ **a contract of**  
5 **domestic union**, or upon any contract made for the sale of lands, tenements, hereditaments, or  
6 an interest in or concerning them, or any lease thereof, for a longer time than one year, or upon  
7 any agreement that is not to be performed within one year from the making thereof, unless the  
8 agreement upon which the action shall be brought, or some memorandum or note thereof, shall  
9 be in writing and signed by the party to be charged therewith, or some other person by him  
10 thereto lawfully authorized, and no contract for the sale of lands made by an agent shall be  
11 binding upon the principal, unless such agent is authorized in writing to make said contract.

435.405. 1. Upon application of a party, the court shall vacate an award where:

2 (1) The award was procured by corruption, fraud or other undue means;

3 (2) There was evident partiality by an arbitrator appointed as a neutral or corruption in  
4 any of the arbitrators or misconduct prejudicing the rights of any party;

5 (3) The arbitrators exceeded their powers;

6 (4) The arbitrators refused to postpone the hearing upon sufficient cause being shown  
7 therefor or refused to hear evidence material to the controversy or otherwise so conducted the  
8 hearing, contrary to the provisions of section 435.370, as to prejudice substantially the rights of  
9 a party; or

10 (5) There was no arbitration agreement and the issue was not adversely determined in  
11 proceedings pursuant to section 435.355 and the party did not participate in the arbitration  
12 hearing without raising the objection; but the fact that the relief was such that it could not or  
13 would not be granted by a court of law or equity is not ground for vacating or refusing to confirm  
14 the award.

15 2. An application pursuant to this section shall be made within ninety days after delivery  
16 of a copy of the award to the applicant, except that, if predicated upon corruption, fraud or other  
17 undue means, it shall be made within ninety days after such grounds are known or should have  
18 been known.

19           3. In vacating the award on grounds other than stated in subdivision (5) of subsection  
20 1 of this section or subsection 5 of this section, the court may order a rehearing before new  
21 arbitrators chosen as provided in the agreement, or in the absence thereof, by the court in  
22 accordance with section 435.360, or if the award is vacated on grounds set forth in subdivisions  
23 (3) and (4) of subsection 1 of this section the court may order a rehearing before the arbitrators  
24 who made the award or their successors appointed in accordance with section 435.360. The time  
25 within which the agreement requires the award to be made is applicable to the rehearing and  
26 commences from the date of the order.

27           4. If the application to vacate is denied and no motion to modify or correct the award is  
28 pending, the court shall confirm the award.

29           5. Notwithstanding the provisions of this section, if an arbitration award in any legal  
30 proceeding pursuant to chapter 452 or chapter 454 determines an issue regarding a child of the  
31 ~~[marriage]~~ **contract of domestic union**, such determination shall be subject to de novo judicial  
32 review.

          442.025. 1. Any person or persons owning real estate, or any interest therein, which he  
2 or they have power to convey, may effectively convey such real estate by a conveyance naming  
3 himself or themselves and another person or persons, or one or more of themselves and another  
4 person or persons, as grantees, and the conveyance has the same effect as to whether it creates  
5 a joint tenancy, or tenancy by the entireties, or tenancy in common, or tenancy in partnership, as  
6 if it were a conveyance from a stranger who owned the real estate to the persons named as  
7 grantees in the conveyance.

8           2. Any two or more persons owning real estate, or any interest therein, which they have  
9 power to convey, may effectively convey such real estate by a conveyance naming one, or more  
10 than one, or all such persons as grantees, and the conveyance has the same effect, as to whether  
11 it creates a separate ownership, or a joint tenancy, or tenancy by the entireties, or tenancy in  
12 common, or tenancy in partnership, as if it were a conveyance from a stranger who owned the  
13 real estate, to the persons named as grantees in the conveyance.

14           3. Any "person" mentioned in this section may be a ~~[married person]~~ **party to a contract**  
15 **of domestic union**, and any "persons" so mentioned may be ~~[persons married to each other]~~  
16 **parties to a contract of domestic union**.

          442.040. When any person under eighteen years of age is ~~[married to]~~ **a party to a**  
2 **contract of domestic union with** an adult who has or claims any interest in real estate and  
3 wishes to convey, encumber, lease or otherwise dispose or affect the same, the minor shall be  
4 deemed of age for the purpose of joining with his adult spouse in the execution of any instrument  
5 affecting the spouse's real estate.

442.160. 1. Any commissioned officer, other than a commissioned warrant officer, of any of the Armed Forces of the United States, whether or not on active duty, may take proof or acknowledgment of any instrument in writing, of any member of any of the Armed Forces of the United States, whether or not on active duty, with like effect as if the same were taken within the state of Missouri by a notary public. If any instrument in writing so acknowledged by such member of the Armed Forces of the United States be of such a nature as to require a joint or separate acknowledgment of his or her spouse, such officers may take the acknowledgment of such spouse.

2. Such officer shall certify the act, stating the time and place thereof, over his signature, setting forth his grade, serial number, branch of service (Army, Navy, etc.), and permanent mailing address. If such officer shall omit from his certificate the place thereof, serial number, branch of service, and permanent mailing address, or any of them, it shall be deemed to have been done for reasons of security and shall not invalidate such certificate. The signature of any such officer, together with his grade, shall be prima facie evidence of his authority.

3. Any form of acknowledgment complying with the requirements of this section may be used, and the following form shall be taken to satisfy all requirements of this section:

With the Armed Forces )  
of the United States ) ss  
at ..... )

On this ..... day of ....., A.D. 20.., before me, a commissioned officer of the Armed Forces of the United States, on active duty therewith, personally appeared ....., a member of the Armed Forces of the United States, on active duty therewith, (and ....., (his wife, her husband),) to me known to be the person described in and who executed the foregoing instrument, and acknowledged that ..... executed the same as ..... free act and deed. (The said ..... declared ..... to be single and ~~unmarried~~ **not a party to a contract of domestic union.**)

IN TESTIMONY WHEREOF, I have hereunto set my hand and grade (serial number, branch of service, and permanent mailing address).

(Signature)	Serial Number
.....	.....
(Grade)	(Branch of Service: Army, Navy, etc.)
.....	.....
(Permanent mailing address)	
.....	.....

4. All such proof or acknowledgment of any instrument in writing heretofore made and which was not in conformity with the requirements of the laws at that time, but are in conformity

37 with the requirements of this section, are hereby validated and legalized for all purposes from  
38 and after June 12, 1991. It shall not be necessary to rerecord any such instrument.

39 443.863. It is unlawful discrimination to refuse loans or to vary the terms of loans or the  
40 application procedures for loans because of:

41 (1) The borrower's race, color, religion, national origin, age, gender or ~~[marital]~~  
42 **domestic union** status; or

43 (2) The location of the proposed security.

446.340. Certified copies of the records of the ancient archives deposited in the office  
2 of the recorder of the county or city of St. Louis, consisting of deeds, mortgages, ~~[marriage]~~  
3 contracts~~[-]~~ **of domestic union**, settlements, adjudications and other instruments of writing  
4 relating to or affecting titles to real estate, and which were received from the French or Spanish  
5 authorities of Louisiana, and which have been or may hereafter be recorded, as directed by law,  
6 shall be received in evidence in all courts of this state.

451.010. ~~[Marriage]~~ **A contract of domestic union** is considered in law as a civil  
2 contract, to which the consent of the parties capable in law of contracting is essential.

451.020. All ~~[marriages]~~ **contracts of domestic union** between parents and children,  
2 including grandparents and grandchildren of every degree, between brothers and sisters of the  
3 half as well as the whole blood, between uncles and nieces, aunts and nephews, first cousins, and  
4 between persons who lack capacity to enter into a ~~[marriage-contract]~~ **contract of domestic**  
5 **union**, are presumptively void; and it shall be unlawful for any city, county or state official  
6 having authority to ~~[issue marriage licenses to issue such marriage licenses to]~~ **record contracts**  
7 **of domestic union or to record such contract** of the persons heretofore designated, and any  
8 such official who shall ~~[issue such licenses to]~~ **record such contracts** of the persons aforesaid  
9 knowing such persons to be within the prohibition of this section shall be deemed guilty of a  
10 misdemeanor; and this prohibition shall apply to persons born out of lawful ~~[wedlock]~~ **contract**  
11 **of domestic union** as well as those in lawful ~~[wedlock]~~ **contract of domestic union**. It shall be  
12 presumed that ~~[marriages]~~ **contracts of domestic union** between persons who lack capacity to  
13 enter into a ~~[marriage]~~ **contract of domestic union** are prohibited unless the court having  
14 jurisdiction over such persons approves the ~~[marriage]~~ **contract of domestic union**.

451.030. ~~[All marriages, where either of the parties has a former wife or husband living,  
2 shall be void, unless the former marriage shall have been dissolved.]~~ **All contracts of domestic**  
3 **union, where either of the parties has a former spouse living, shall be void, unless the**  
4 **former contract of domestic union shall have been dissolved.**

451.125. 1. Two persons seeking to be married in this state and who are otherwise  
2 legally authorized to do so shall enter into a contract of domestic union. A contract of  
3 domestic union shall be the legal equivalent of marriage under the laws of this state. The

4 use of the word "marriage", or any derivation of such word, in the laws of this state shall  
5 also include "contract of domestic union".

6       2. Beginning August 28, 2017, all current and previous marriages shall be known  
7 and referred to as contracts of domestic union. Two consenting persons who are parties  
8 to a valid marriage entered into prior to August 28, 2017, pursuant to this chapter may  
9 apply to the recorder of deeds in the county in which their marriage is recorded to have  
10 their marriage legally designated and recorded as a domestic union, without any additional  
11 requirements of payment or fees, provided that such parties' marriage was not previously  
12 dissolved or annulled. The parties' valid marriage license shall satisfy the requirements  
13 of subsection 3 of this section.

14       3. A contract of domestic union shall be in writing and shall contain the following:

15       (1) The names of the parties;

16       (2) A statement that the parties are legally authorized to enter into a contract of  
17 domestic union;

18       (3) The signatures of the parties;

19       (4) The signatures of two adult witnesses; and

20       (5) If one of the parties to the contract of domestic union is under the age of  
21 eighteen years, a written affidavit of the custodial parent or guardian consenting to the  
22 contract of domestic union. The affidavit shall be signed by the custodial parent or  
23 guardian and sworn to before an officer authorized to administer oaths.

24       4. A contract of domestic union conforming to the requirements of this section shall  
25 be valid on the date the contract is executed by both parties, provided the contract is  
26 presented to and recorded by the recorder of deeds or their deputy within thirty days of  
27 the execution of the contract.

28       5. A civil and independent or religious ceremony of marriage, celebration of  
29 marriage, solemnization of marriage, or any other officiation, and administration of the  
30 vows of marriage may be conducted or engaged in by the parties to this contract of  
31 domestic union by an officiant or other presiding party to be selected by the parties to the  
32 contract. The state shall have no requirement for such ceremonial proceeding which, if  
33 performed or not performed, shall have no legal effect upon the validity of the contract of  
34 domestic union.

35       6. The contract of domestic union shall be recorded by the recorder of deeds and  
36 shall constitute a legal record of a domestic union of the two parties.

37       7. The recorder of deeds shall accept for recording any certificate of marriage for  
38 out-of-state marriages. Such recording shall be presumptive evidence of the validity of the



39 **out-of-state marriage. Out-of-state marriages and out-of-state domestic unions shall be**  
40 **recognized as contracts of domestic unions in this state.**

41 **8. Common-law marriages shall be null and void.**

42 **9. No recorder shall, in any event except as herein provided, record a contract of**  
43 **domestic union of any person under fifteen years of age; provided, however, that such**  
44 **contract may be recorded on order of a circuit or associate circuit judge of the county in**  
45 **which the contract is to be recorded, such contract being recorded only for good cause**  
46 **shown and by reason of such unusual conditions as to make such domestic union advisable.**

47 **10. Nothing in this section shall be deemed or taken to render invalid any marriage**  
48 **otherwise lawful before August 28, 2017.**

451.130. ~~[1. If any recorder willfully neglect or refuse to issue a license to any person~~  
2 ~~legally entitled thereto on application, on payment or tender of the fee provided for in section~~  
3 ~~451.150, or shall fail to refuse to record such license, with the return thereon, as herein provided,~~  
4 ~~he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not~~  
5 ~~less than five nor more than one hundred dollars.—~~

6 ~~———2. Every officer or person who shall fail to return a license within fifteen days after the~~  
7 ~~issuing of the same, or who shall make a false return thereon, or any recorder who shall willfully~~  
8 ~~make a false record of any marriage license or return thereon, shall be deemed guilty of a~~  
9 ~~misdemeanor, and, on conviction thereof, shall be punished as provided in the preceding part of~~  
10 ~~this section.] If any recorder willfully neglects or refuses to record a contract of domestic~~  
11 **union of any person legally entitled to have such recorded, on payment or tender of the fee**  
12 **provided for in section 451.150, he or she shall be deemed guilty of a misdemeanor, and**  
13 **upon conviction shall be fined in any sum not less than five nor more than one hundred**  
14 **dollars. Any person who shall present a false contract of domestic union for recording, or**  
15 **any recorder who shall willfully make a false record of a contract of domestic union, shall**  
16 **be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less**  
17 **than five nor more than one hundred dollars.**

451.150. The recorder shall record all ~~[marriage licenses]~~ **contracts of domestic union**  
2 issued in a well-bound book kept for that purpose, ~~[with the return thereon,]~~ for which he **or she**  
3 shall receive a fee of ten dollars to be paid for by the person ~~[obtaining the same]~~ **presenting the**  
4 **contract.**

451.151. ~~[1. In addition to any other fee for the issuance of a marriage license there is~~  
2 ~~hereby imposed a fee of twenty dollars to be paid by the person applying for such license. Such~~  
3 ~~fee shall be collected by the recorder of deeds at the time the marriage license is issued.—~~

4 ~~———2. In addition to any other fee for a certified copy of a marriage license there is hereby~~  
5 ~~imposed a fee of seven dollars to be paid by the person applying for such certified copy. Such~~

6 fee shall be collected by the recorder of deeds at the time the certified copy is issued. The  
7 recorder of deeds shall have the authority to differentiate, for fee imposition purposes, between  
8 a certified copy and a mere photocopy copy.

9 ——— 3. The recorder of deeds shall, at the end of each month, forward fifteen dollars for the  
10 issuance of a marriage license to the director of the department of revenue for deposit in the  
11 children's trust fund established in section 210.173, and five dollars for the issuance of a  
12 marriage license shall be paid to the county treasurer and deposited in a special trust fund to be  
13 expended only to provide financial assistance to shelters for victims of domestic violence,  
14 established pursuant to sections 455.200 to 455.230. The recorder of deeds shall at the end of  
15 each month forward seven dollars for each certified copy of a marriage license to the children's  
16 trust fund established in section 210.173.] **In addition to any other fee for the recording of a  
17 contract of domestic union there is hereby imposed a fee of twenty dollars to be paid by the  
18 person presenting such contract. Such fee shall be collected by the recorder of deeds at the  
19 time the contract of domestic union is recorded. The recorder of deeds shall, at the end of  
20 each month, forward fifteen dollars for the recording of a contract of domestic union to the  
21 director of the department of revenue for deposit in the children's trust fund established  
22 in section 210.173, and five dollars for the recording of a contract of domestic union shall  
23 be paid to the county treasurer and deposited in a special trust fund to be expended only  
24 to provide financial assistance to shelters for victims of domestic violence, established  
25 under sections 455.200 to 455.230.**

451.190. [If the minister or officer who solemnized any marriage, the record of which  
2 has been lost or destroyed, be dead, refuse to give a certificate as required by section 451.170,  
3 or his whereabouts be unknown, it shall be lawful for two credible persons who witnessed such  
4 marriage to make affidavit to the fact, giving the names of the persons, the name of the minister  
5 or officer officiating, and the date of such marriage, which shall be filed and recorded in the  
6 recorder's office of such county, which affidavit, or certified copy thereof, shall be prima facie  
7 evidence of such marriage in any court in this state.] **In any county in this state where the  
8 record of any contract of domestic union has been lost or destroyed, such record may be  
9 supplied by the original two adult witnesses who witnessed the contract of a domestic  
10 union, as required by section 451.125, in the form of an affidavit to the fact, giving the  
11 names of the persons and the date of such marriage, which shall be filed and recorded in  
12 the recorder's office of such county, which affidavit, or certified copy thereof, shall be  
13 prima facie evidence of such contract of domestic union in any court in this state.**

451.200. The recorders in such counties in this state wherein such records have been lost  
2 or destroyed shall file and record the certificates or affidavits provided for in [sections 451.170  
3 and 451.180] **section 451.190**, for which they shall be allowed the same fee as for recording

4 other ~~[certificates of marriage]~~ **contracts of domestic union**, and shall furnish copies of such  
5 certificates or affidavits when required.

451.210. In all counties of this state where the records of ~~[marriages]~~ **contracts of**  
2 **domestic union** have been burned or otherwise destroyed, the recorder of deeds or other officer  
3 whose duty it may be to record ~~[certificates of marriages]~~ **contracts of domestic union** shall  
4 purchase at the expense of his **or her** county a substantially bound book in which he **or she** shall  
5 record ~~[certificates of marriage]~~ **contracts of domestic union**, produced, and shown to him **or**  
6 **her** to be genuine, by any party or parties whose record of ~~[marriage]~~ **a contract of domestic**  
7 **union** has been burned or otherwise destroyed, and the heirs and descendants of such party or  
8 parties may produce the ~~[certificate of marriage]~~ **contract of domestic union** herein  
9 contemplated, and have the same recorded, and the recorder or officer recording shall receive  
10 therefor the sum of fifty cents for each ~~[certificate]~~ **contract** recorded.

451.220. All ~~[marriage]~~ **contracts of domestic union** whereby any estate, real or  
2 personal, in this state, is intended to be secured or conveyed to any person or persons, or whereby  
3 such estate may be affected in law or equity, shall be in writing, and acknowledged by each of  
4 the contracting parties, or proved by one or more subscribing witnesses.

451.230. Such ~~[marriage]~~ **contracts of domestic union** shall be acknowledged or proved  
2 before the same officer and certified in the same manner as deeds of conveyance for land are or  
3 shall be required by law to be acknowledged or proved and certified; and they shall be recorded,  
4 with the certificate of proof or acknowledgment, in the office of the recorder of each county  
5 where any estate is situated which is intended to be conveyed or affected thereby.

451.240. When any such ~~[marriage]~~ **contract of domestic union** is deposited in the  
2 recorder's office for record, it shall, as to all property affected by it in the county where the same  
3 is deposited, impart full notice to all persons of its contents; and no such contract shall be valid  
4 or affect any property except between the parties thereto and such as have actual notice thereof,  
5 until it shall be deposited for record, as herein prescribed.

451.250. 1. All real estate and any personal property, including rights in action,  
2 belonging to any man or woman at his or her ~~[marriage]~~ **contract of domestic union**, or which  
3 may have come to him or her during coverture, by gift, bequest or inheritance, or by purchase  
4 with his or her separate money or means, or be due as the wages of his or her separate labor, or  
5 has grown out of any violation of his or her personal rights, shall, together with all income,  
6 increase and profits thereof, be and remain his or her separate property and under his or her sole  
7 control, and shall not be liable to be taken by any process of law for the debts of ~~[his wife or her~~  
8 ~~husband]~~ **the other spouse**.

9 2. This section shall not affect the title of any husband or wife to any personal property  
10 reduced to his or her possession with the express assent of his or her spouse; provided, that said

11 personal property shall not be deemed to have been reduced to possession by the husband or wife  
12 by his or her use, occupancy, care or protection thereof, but the same shall remain his or her  
13 separate property, unless by the terms of said assent, in writing, full authority shall have been  
14 given by the husband or wife to the spouse to sell, encumber or otherwise dispose of the same  
15 for his or her own use and benefit, but such property shall be subject to execution for the  
16 payments of the debts of the spouse contracted before or during ~~[marriage]~~ **the contract of**  
17 **domestic union**, and for any debt or liability of his or her spouse created for necessities for the  
18 spouse or family; and any such ~~[married man or woman]~~ **party to a contract of domestic union**  
19 may, in his or her own name and without joining his or her spouse, as a party plaintiff institute  
20 and maintain any action, in any of the courts of this state having jurisdiction, for the recovery of  
21 any such personal property, including rights in action, as aforesaid, with the same force and  
22 effect as if such ~~[married man or woman was not married]~~ **party to a contract of domestic**  
23 **union was not a party to a contract of domestic union**; provided, any judgment for costs in  
24 any such proceeding rendered against any such ~~[married]~~ spouse, may be satisfied out of any  
25 separate property of such ~~[married]~~ spouse subject to execution; provided, that before any such  
26 execution shall be levied upon any separate estate of a ~~[married]~~ spouse, he or she shall have  
27 been made a party to the action, and all questions involved shall have been therein determined,  
28 and shall be recited in the judgment and the execution thereon.

451.260. The rents, issues and products of the real estate of any ~~[married person]~~ **party**  
2 **to a contract of domestic union**, and all moneys and obligations arising from the sale of such  
3 real estate, and the interest of such person's spouse in such person's right in any real estate which  
4 belonged to such person before ~~[marriage]~~ **the contract of domestic union**, or which he or she  
5 may have acquired by gift, grant, devise or inheritance during coverture, shall, during coverture,  
6 be exempt from attachment or levy of execution for the sole debts of his or her spouse; and no  
7 conveyance made during coverture by such spouse of such rents, issues and products, or of any  
8 interest in such real estate, shall be valid, unless the same be by deed executed by the spouse  
9 jointly with the other spouse, and acknowledged by him or her in the manner now provided by  
10 law; provided, such annual products may be attached or levied upon for any debt or liability of  
11 his or her spouse, created for necessities for the spouse and family, and for debts for labor or  
12 materials furnished upon or for the cultivation or improvement of such real estate.

451.270. A spouse's property, except such as may be acquired from the other spouse,  
2 shall be exempt from all debts and liabilities contracted or incurred by his or her spouse before  
3 their ~~[marriage]~~ **contract of domestic union**.

452.075. When a divorce has been granted, and the court has made an order or decree  
2 providing for the payment of alimony and maintenance, the ~~[remarriage]~~ **new contract of**  
3 **domestic union** of the former spouse shall relieve the spouse obligated to pay support from

4 further payment of alimony to the former spouse from the date of the ~~[remarriage]~~ **new contract**  
5 **of domestic union**, without the necessity of further court action, but the ~~[remarriage]~~ **new**  
6 **contract of domestic union** shall not relieve the former spouse from the provisions of any  
7 judgment or decree or order providing for the support of any minor children.

452.130. When a person, without good cause, shall abandon his or her spouse, and refuse  
2 or neglect to maintain and provide for him or her, the circuit court, on his or her petition for that  
3 purpose, shall order and adjudge such support and maintenance to be provided and paid by such  
4 person for the spouse and the spouse's children, or any of them, by that ~~[marriage]~~ **contract of**  
5 **domestic union**, out of his **or her** property, and for such time as the nature of the case and the  
6 circumstances of the parties shall require, and compel the person to give security for such  
7 maintenance, and from time to time make such further orders touching the same as shall be just,  
8 and enforce such judgment by execution, sequestration of property, or by such other lawful  
9 means as are in accordance with the practice of the court; and as long as said maintenance is  
10 continued, the person shall not be charged with the spouse's debts, contracted after the judgment  
11 for such maintenance.

452.150. The father and mother living apart are entitled to an adjudication by the circuit  
2 court as to their powers, rights and duties in respect to the custody and control and the services  
3 and earnings and management of the property of their ~~[unmarried]~~ minor children **who are not**  
4 **parties to a contract of domestic union** without any preference as between the said father and  
5 mother, and neither the father nor the mother has any right paramount to that of the other in  
6 respect to the custody and control or the services and earnings or of the management of the  
7 property of their said ~~[unmarried]~~ minor children **who are not parties to a contract of domestic**  
8 **union**; pending such adjudication the father or mother who actually has the custody and control  
9 of said ~~[unmarried]~~ minor children **who are not parties to a contract of domestic union** shall  
10 have the sole right to the custody and control and to the services and earnings and to the  
11 management of the property of said ~~[unmarried]~~ minor children **who are not parties to a**  
12 **contract of domestic union**.

452.160. The terms of section 452.150 shall apply to children born out of ~~[wedlock]~~ **a**  
2 **contract of domestic union** and to children born in ~~[wedlock]~~ **a contract of domestic union**,  
3 and the terms "father and mother", "parent", "child", shall apply without reference to whether a  
4 child was born in **a lawful ~~[wedlock]~~ contract of domestic union**.

452.170. If any ~~[married person]~~ **party to a contract of domestic union** shall hold real  
2 estate in his or her own right, and his or her spouse, by criminal conduct toward him or her, or  
3 by ill usage, shall give him or her cause to live separate and apart from him or her, such person  
4 may petition the circuit court, setting forth such facts, and therein pray that such estate may be  
5 enjoyed by him or her for his or her sole use and benefit.

452.180. The circuit court, on due proof of such facts, may, in its discretion, make such  
2 order and decree in the premises as shall give such ~~[married person]~~ **party to a contract of**  
3 **domestic union** the sole use and benefit of such real estate, or such part thereof as it may think  
4 reasonable.

452.190. When any ~~[married person]~~ **party to a contract of domestic union** shall  
2 abandon his or her spouse, or from worthlessness, drunkenness or other cause fail to make  
3 sufficient provision for his or her support, the circuit court of the county where he or she has his  
4 or her home and residence may, on his or her petition, authorize him or her to sell and convey  
5 his or her real estate, or any part thereof, and also any personal estate which shall, at the time,  
6 have come to such person by reason of the ~~[marriage]~~ **contract of domestic union**, and which  
7 may remain within the state undisposed of by him.

452.200. Any ~~[married person]~~ **party to a contract of domestic union** may file a  
2 petition in the circuit court, setting forth that his or her spouse, from habitual intemperance, or  
3 any other cause, is about to squander and waste the property, money, credits or choses in action  
4 to which he or she is entitled in his or her own right, or any part thereof, or is proceeding  
5 fraudulently to convert the same, or any part thereof, to the spouse's own use, for the purpose of  
6 placing the same beyond his or her reach, and depriving him or her of the benefit thereof; and  
7 the court, upon the hearing of the case, may enjoin the spouse from disposing of or otherwise  
8 interfering with such property, moneys, credits and choses in action, and may appoint a receiver  
9 to control and manage the same for the benefit of the petitioner, and may also make such other  
10 order in the premises as they may deem just and proper, and upon the filing of such petition an  
11 injunction may be allowed as in other cases, and such petition shall be filed in the county where  
12 said petitioner resides, and the spouse of said petitioner shall be made a party defendant to said  
13 petition.

452.220. Such ~~[married person]~~ **party to a contract of domestic union**, during the  
2 period his or her spouse shall fail to provide for his or her support, as stated in section 452.130,  
3 shall be entitled to the proceeds of the earnings of his or her minor children; and the same shall  
4 be under his or her sole control and shall not be liable in any manner for the spouse's debts.

452.240. The petition of a ~~[married person]~~ **party to a contract of domestic union** for  
2 any of the purposes before mentioned may be filed and the case heard and determined in the  
3 circuit court, and the like process and proceedings shall be had as in other civil suits triable  
4 before circuit judges.

452.300. 1. The rules of the supreme court and other applicable court rules shall govern  
2 all proceedings pursuant to sections 452.300 to 452.415.

3           2. A proceeding for dissolution of [~~marriage~~] **a contract of domestic union**, legal  
4 separation, or declaration of invalidity of [~~marriage~~] **a contract of domestic union** shall be  
5 entitled: "In re the [~~Marriage of ..... and .....~~] **Contract of Domestic Union of ..... and .....**".

6           3. The initial pleading in an original proceeding pursuant to sections 452.300 to 452.415  
7 shall be denominated a "petition" and the responsive pleading in an original proceeding shall be  
8 denominated an "answer". Other pleadings in an original proceeding and all pleadings in other  
9 proceedings pursuant to sections 452.300 to 452.415 shall be denominated as provided in the  
10 rules of the supreme court and other applicable court rules.

11           4. Any party who files the initial pleading in an original proceeding pursuant to sections  
12 452.300 to 452.415 shall be denominated the "petitioner" and any party who is required to file  
13 or who files a responsive pleading in an original proceeding shall be denominated the  
14 "respondent". Each party shall retain such denomination from the original proceeding in any  
15 other proceedings pursuant to sections 452.300 to 452.415.

16           5. An original proceeding pursuant to sections 452.300 to 452.415 shall be commenced  
17 in the county in which the petitioner resides or in the county in which the respondent resides.  
18 If an original proceeding is commenced in the county in which the petitioner resides, upon  
19 motion by the respondent filed prior to the filing of a responsive pleading, the court in which the  
20 proceeding is commenced may transfer the proceeding to the county in which the respondent  
21 resides if:

22           (1) The county in which the respondent resides had been the county in which the children  
23 resided during the ninety days immediately preceding the commencement of the proceeding; or

24           (2) The best interest of the children will be served if the proceeding is transferred to the  
25 county in which the respondent resides because:

26           (a) The children and at least one parent have a significant connection with the county;  
27 and

28           (b) There is substantial evidence concerning the present or future care, protection and  
29 personal relationships of the children in the county.

30           6. In proceedings pursuant to sections 452.300 to 452.415, "judgment" shall include a  
31 "decree".

          452.305. 1. The court shall enter a judgment of dissolution of [~~marriage~~] **a contract of**  
2 **domestic union** if:

3           (1) The court finds that one of the parties has been a resident of this state, or is a member  
4 of the armed services who has been stationed in this state, for ninety days immediately preceding  
5 the commencement of the proceeding and that thirty days have elapsed since the filing of the  
6 petition; and

7 (2) The court finds that there remains no reasonable likelihood that the [marriage]  
8 **contract of domestic union** can be preserved and that therefore the [marriage] **contract of**  
9 **domestic union** is irretrievably broken; and

10 (3) To the extent it has jurisdiction, the court has considered and made provision for  
11 child custody, the support of each child, the maintenance of either spouse and the disposition of  
12 property.

13 2. The court shall enter a judgment of legal separation if:

14 (1) The court finds that one of the parties has been a resident of this state, or is a member  
15 of the armed services who has been stationed in this state, for ninety days immediately preceding  
16 the commencement of the proceeding and that thirty days have elapsed since the filing of the  
17 petition; and

18 (2) The court finds that there remains a reasonable likelihood that the [marriage]  
19 **contract of domestic union** can be preserved and that therefore the [marriage] **contract of**  
20 **domestic union** is not irretrievably broken; and

21 (3) To the extent it has jurisdiction, the court has considered and made provision for the  
22 custody and the support of each child, the maintenance of either spouse and the disposition of  
23 property.

24 3. Any judgment of dissolution of [marriage] **a contract of domestic union** or legal  
25 separation shall include the last four digits of the Social Security numbers of the parties. The full  
26 Social Security number of each party and each child shall be retained in the manner required  
27 under section 509.520.

452.310. 1. In any proceeding commenced pursuant to this chapter, the petition, a  
2 motion to modify, a motion for a family access order and a motion for contempt shall be verified.  
3 The petition in a proceeding for dissolution of [marriage] **a contract of domestic union** shall  
4 allege that the [marriage] **contract of domestic union** is irretrievably broken and that therefore  
5 there remains no reasonable likelihood that the [marriage] **contract of domestic union** can be  
6 preserved. The petition in a proceeding for legal separation shall allege that the [marriage]  
7 **contract of domestic union** is not irretrievably broken and that therefore there remains a  
8 reasonable likelihood that the [marriage] **contract of domestic union** can be preserved.

9 2. The petition in a proceeding for dissolution of [marriage] **a contract of domestic**  
10 **union** or legal separation shall set forth:

11 (1) The residence of each party, including the county, and the length of residence of each  
12 party in this state and in the county of residence;

13 (2) The date of the [marriage] **contract of domestic union** and the place at which it is  
14 registered;

15 (3) The date on which the parties separated;



16 (4) The name, age, and address of each child, and the parent with whom each child has  
17 primarily resided for the sixty days immediately preceding the filing of the petition for  
18 dissolution of ~~[marriage]~~ **the contract of domestic union** or legal separation;

19 (5) Whether the wife is pregnant;

20 (6) The last four digits of the Social Security number of the petitioner, respondent and  
21 each child;

22 (7) Any arrangements as to the custody and support of the children and the maintenance  
23 of each party; and

24 (8) The relief sought.

25 3. Upon the filing of the petition in a proceeding for dissolution of ~~[marriage]~~ **a contract**  
26 **of domestic union** or legal separation, each child shall immediately be subject to the jurisdiction  
27 of the court in which the proceeding is commenced, unless a proceeding involving allegations  
28 of abuse or neglect of the child is pending in juvenile court. Until permitted by order of the  
29 court, neither parent shall remove any child from the jurisdiction of the court or from any parent  
30 with whom the child has primarily resided for the sixty days immediately preceding the filing  
31 of a petition for dissolution of ~~[marriage]~~ **a contract of domestic union** or legal separation.

32 4. The mere fact that one parent has actual possession of the child at the time of filing  
33 shall not create a preference in favor of such parent in any judicial determination regarding  
34 custody of the child.

35 5. The respondent shall be served in the manner provided by the rules of the supreme  
36 court and applicable court rules and, to avoid an interlocutory judgment of default, shall file a  
37 verified answer within thirty days of the date of service which shall not only admit or deny the  
38 allegations of the petition, but shall also set forth:

39 (1) The last four digits of the Social Security number of the petitioner, respondent and  
40 each child;

41 (2) Any arrangements as to the custody and support of the child and the maintenance of  
42 each party; and

43 (3) The relief sought.

44 6. Previously existing defenses to divorce and legal separation, including but not limited  
45 to condonation, connivance, collusion, recrimination, insanity, and lapse of time, are abolished.

46 7. The full Social Security number of each party and each child and the date of birth of  
47 each child shall be provided in the manner required under section 509.520.

48 8. The petitioner and respondent shall submit a proposed parenting plan, either  
49 individually or jointly, within thirty days after service of process or the filing of the entry of  
50 appearance, whichever event first occurs of a motion to modify or a petition involving custody

51 or visitation issues. The proposed parenting plan shall set forth the arrangements that the party  
52 believes to be in the best interest of the minor children and shall include but not be limited to:

53 (1) A specific written schedule detailing the custody, visitation and residential time for  
54 each child with each party including:

55 (a) Major holidays stating which holidays a party has each year;

56 (b) School holidays for school-age children;

57 (c) The child's birthday, Mother's Day and Father's Day;

58 (d) Weekday and weekend schedules and for school-age children how the winter, spring,  
59 summer and other vacations from school will be spent;

60 (e) The times and places for transfer of the child between the parties in connection with  
61 the residential schedule;

62 (f) A plan for sharing transportation duties associated with the residential schedule;

63 (g) Appropriate times for telephone access;

64 (h) Suggested procedures for notifying the other party when a party requests a temporary  
65 variation from the residential schedule;

66 (i) Any suggested restrictions or limitations on access to a party and the reasons such  
67 restrictions are requested;

68 (2) A specific written plan regarding legal custody which details how the  
69 decision-making rights and responsibilities will be shared between the parties including the  
70 following:

71 (a) Educational decisions and methods of communicating information from the school  
72 to both parties;

73 (b) Medical, dental and health care decisions including how health care providers will  
74 be selected and a method of communicating medical conditions of the child and how emergency  
75 care will be handled;

76 (c) Extracurricular activities, including a method for determining which activities the  
77 child will participate in when those activities involve time during which each party is the  
78 custodian;

79 (d) Child care providers, including how such providers will be selected;

80 (e) Communication procedures including access to telephone numbers as appropriate;

81 (f) A dispute resolution procedure for those matters on which the parties disagree or in  
82 interpreting the parenting plan;

83 (g) If a party suggests no shared decision-making, a statement of the reasons for such a  
84 request;

85 (3) How the expenses of the child, including child care, educational and extraordinary  
86 expenses as defined in the child support guidelines established by the supreme court, will be paid  
87 including:

88 (a) The suggested amount of child support to be paid by each party;

89 (b) The party who will maintain or provide health insurance for the child and how the  
90 medical, dental, vision, psychological and other health care expenses of the child not paid by  
91 insurance will be paid by the parties;

92 (c) The payment of educational expenses, if any;

93 (d) The payment of extraordinary expenses of the child, if any;

94 (e) Child care expenses, if any;

95 (f) Transportation expenses, if any.

96 9. If the proposed parenting plans of the parties differ and the parties cannot resolve the  
97 differences or if any party fails to file a proposed parenting plan, upon motion of either party and  
98 an opportunity for the parties to be heard, the court shall enter a temporary order containing a  
99 parenting plan setting forth the arrangements specified in subsection 8 of this section which will  
100 remain in effect until further order of the court. The temporary order entered by the court shall  
101 not create a preference for the court in its adjudication of final custody, child support or  
102 visitation.

103 10. The Missouri supreme court shall have guidelines for a parenting plan which may  
104 be used by the parties pursuant to this section in any dissolution of ~~[marriage]~~ **a contract of**  
105 **domestic union**, legal separation or modification proceeding involving issues of custody and  
106 visitation relating to the child. Parenting plan guidelines shall be made available on the office  
107 of state courts administrator's website.

108 11. The filing of a parenting plan for any child over the age of eighteen for whom  
109 custody, visitation, or support is being established or modified by a court of competent  
110 jurisdiction is not required. Nothing in this section shall be construed as precluding the filing  
111 of a parenting plan upon agreement of the parties or if ordered to do so by the court for any child  
112 over the age of eighteen for whom custody, visitation, or support is being established or modified  
113 by a court of competent jurisdiction.

452.312. 1. Every petition for dissolution of ~~[marriage]~~ **a contract of domestic union**,  
2 or legal separation, every motion for modification of a decree respecting maintenance or support,  
3 and every petition or motion for support of a minor child shall contain the last four digits of the  
4 Social Security number of the petitioner or movant, if a person, and the last four digits of the  
5 Social Security number of the respondent. The name and address of the petitioner's and  
6 respondent's current employer shall be provided and retained in the same manner as required  
7 under section 509.520.

8           2. Every responsive pleading to a petition for dissolution of ~~[marriage]~~ **a contract of**  
9 **domestic union**, or legal separation, motion for modification of a decree respecting maintenance  
10 or support, and petition or motion for support of a minor child shall contain the name and address  
11 of the current employer and the last four digits of the Social Security number of the respondent,  
12 if the respondent is a person.

13           3. Every decree dissolving a ~~[marriage]~~ **contract of domestic union**, every order  
14 modifying a previous decree of dissolution or divorce, and every order for support of a minor  
15 child shall contain the last four digits of the Social Security numbers of the parties, if disclosed  
16 by the pleadings.

17           4. The full Social Security number of each party and each child shall be retained in the  
18 manner required by section 509.520.

          452.314. Notwithstanding any other provision of law to the contrary, a guardian for an  
2 incapacitated person may file a petition for dissolution of the ~~[marriage]~~ **contract of domestic**  
3 **union** of, or if the incapacitated person has a history of religious objection to divorce, the  
4 guardian may file for a legal separation for such incapacitated person and may give testimony  
5 in support of the allegations contained in the petition, if the guardian has reasonable cause to  
6 believe that the incapacitated person has been the victim of abuse by the spouse of such  
7 incapacitated person.

          452.315. 1. In a proceeding for dissolution of ~~[marriage]~~ **a contract of domestic union**,  
2 or legal separation, either party may move for temporary maintenance and for temporary support  
3 for each child entitled to support. The motion shall be accompanied by an affidavit setting forth  
4 the factual basis for the motion and the amounts requested. In a proceeding for disposition of  
5 property, maintenance or support following the dissolution of the ~~[marriage]~~ **contract of**  
6 **domestic union** by a court which lacked personal jurisdiction over the absent spouse, either party  
7 may move for maintenance and for support of each child entitled to support. This motion shall  
8 be accompanied by an affidavit setting forth the factual basis for the motion and the amounts  
9 requested. This motion and the affidavit shall be served as though an original pleading upon the  
10 opposite party.

11           2. As a part of a motion for temporary maintenance or support or by independent motion  
12 accompanied by affidavit, either party may request the court to issue an order after notice and  
13 hearing:

14           (1) Restraining any person from transferring, encumbering, concealing, or in any way  
15 disposing of any property except in the usual course of business or for the necessities of life and,  
16 if so restrained, requiring the person to notify the moving party of any proposed extraordinary  
17 expenditures and to account to the court for all extraordinary expenditures made after the order  
18 is issued;

19 (2) Enjoining a party from harassing, abusing, molesting or disturbing the peace of the  
20 other party or of any child;

21 (3) Excluding a party from the family home or from the home of the other party upon  
22 a showing that physical or emotional harm would otherwise result;

23 (4) Establishing and ordering compliance with a custody order and providing for the  
24 support of each child.

25 3. The court may issue a restraining order only if it finds on the evidence that irreparable  
26 injury would result to the moving party if an order is not issued until the time for answering has  
27 elapsed.

28 4. An answer may be filed within ten days after service of notice of motion or at the time  
29 specified in the restraining order.

30 5. On the basis of the showing made and in conformity with section 452.335 on  
31 maintenance and section 452.340 on support, the court may issue a temporary injunction and an  
32 order for temporary maintenance or support in such amounts and on such terms as are just and  
33 proper in the circumstances.

34 6. A restraining order or temporary injunction:

35 (1) Does not prejudice the rights of the parties or the child which are to be adjudicated  
36 at subsequent hearings in the proceedings;

37 (2) May be revoked or modified prior to final judgment on a showing by affidavit of the  
38 facts necessary to revocation or modification of a final judgment pursuant to section 452.370;  
39 and

40 (3) Terminates when the final judgment is entered or when the petition for dissolution  
41 or legal separation is voluntarily dismissed.

42 7. The court shall enter a temporary order requiring the provision of child support  
43 pending the final judicial determination if there is clear and convincing evidence establishing a  
44 presumption of paternity pursuant to section 210.822. In determining the amount of child  
45 support, the court shall consider the factors set forth in section 452.340.

46 8. Any order entered in modification or vacation of any temporary order entered pursuant  
47 to this section may be retroactive to the date of entry of the original temporary order.

452.317. From the date of filing of the petition for dissolution of ~~[marriage]~~ **a contract**  
2 **of domestic union**, or legal separation, no party shall terminate coverage during the pendency  
3 of the proceeding for any other party or any minor child of the ~~[marriage]~~ **contract of domestic**  
4 **union** under any existing policy of health, dental or vision insurance.

452.318. In any action for dissolution of ~~[marriage]~~ **a contract of domestic union**  
2 involving minor children, the court may order counseling for such children. The court may  
3 assess and apportion the costs of child counseling between the parties.

452.320. 1. If both of the parties by petition or otherwise have stated under oath or affirmation that the ~~[marriage]~~ **contract of domestic union** is irretrievably broken, or one of the parties has so stated and the other has not denied it, the court, after considering the aforesaid petition or statement, and after a hearing thereon shall make a finding whether or not the ~~[marriage]~~ **contract of domestic union** is irretrievably broken and shall enter an order of dissolution or dismissal accordingly.

2. If one of the parties has denied under oath or affirmation that the marriage is irretrievably broken, the court shall consider all relevant factors, including the circumstances that gave rise to the filing of the petition and the prospect of reconciliation, and after hearing the evidence shall

(1) Make a finding whether or not the ~~[marriage]~~ **contract of domestic union** is irretrievably broken, and in order for the court to find that the ~~[marriage]~~ **contract of domestic union** is irretrievably broken, the petitioner shall satisfy the court of one or more of the following facts:

(a) That the respondent has committed adultery and the petitioner finds it intolerable to live with the respondent;

(b) That the respondent has behaved in such a way that the petitioner cannot reasonably be expected to live with the respondent;

(c) That the respondent has abandoned the petitioner for a continuous period of at least six months preceding the presentation of the petition;

(d) That the parties to the ~~[marriage]~~ **contract of domestic union** have lived separate and apart by mutual consent for a continuous period of twelve months immediately preceding the filing of the petition;

(e) That the parties to the ~~[marriage]~~ **contract of domestic union** have lived separate and apart for a continuous period of at least twenty-four months preceding the filing of the petition; or

(2) Continue the matter for further hearing not less than thirty days or more than six months later, or as soon thereafter as the matter may be reached on the court's calendar, and may suggest to the parties that they seek counseling. No court shall require counseling as a condition precedent to a decree, nor shall any employee of any court, or of the state or any political subdivision of the state, be utilized as a marriage counselor. At the adjourned hearing, the court shall make a finding whether the ~~[marriage]~~ **contract of domestic union** is irretrievably broken as set forth in subdivision (1) above and shall enter an order of dissolution or dismissal accordingly.

452.325. 1. To promote the amicable settlement of disputes between the parties to a ~~[marriage]~~ **contract of domestic union** attendant upon their separation or the dissolution of their

3 ~~[marriage]~~ **contract of domestic union**, the parties may enter into a written separation agreement  
4 containing provisions for the maintenance of either of them, the disposition of any property  
5 owned by either of them, and the custody, support and visitation of their children.

6 2. In a proceeding for dissolution of ~~[marriage]~~ **a contract of domestic union**, or for  
7 legal separation, the terms of the separation agreement, except terms providing for the custody,  
8 support, and visitation of children, are binding upon the court unless it finds, after considering  
9 the economic circumstances of the parties and any other relevant evidence produced by the  
10 parties, on their own motion or on request of the court, that the separation agreement is  
11 unconscionable.

12 3. If the court finds the separation agreement unconscionable, the court may request the  
13 parties to submit a revised separation agreement or the court may make orders for the disposition  
14 of property, support, and maintenance in accordance with the provisions of sections 452.330,  
15 452.335 and 452.340.

16 4. If the court finds that the separation agreement is not unconscionable as to support,  
17 maintenance, and property:

18 (1) Unless the separation agreement provides to the contrary, its terms shall be set forth  
19 in the decree of dissolution or legal separation and the parties shall be ordered to perform them;  
20 or

21 (2) If the separation agreement provides that its terms shall not be set forth in the decree,  
22 only those terms concerning child support, custody and visitation shall be set forth in the decree,  
23 and the decree shall state that the court has found the remaining terms not unconscionable.

24 5. Terms of the agreement set forth in the decree are enforceable by all remedies  
25 available for the enforcement of a judgment, and the court may punish any party who willfully  
26 violates its decree to the same extent as is provided by law for contempt of the court in any other  
27 suit or proceeding cognizable by the court.

28 6. Except for terms concerning the support, custody or visitation of children, the decree  
29 may expressly preclude or limit modification of terms set forth in the decree if the separation  
30 agreement so provides.

452.330. 1. In a proceeding for dissolution of the ~~[marriage]~~ **contract of domestic**  
2 **union**, or legal separation, or in a proceeding for disposition of property following dissolution  
3 of the ~~[marriage]~~ **contract of domestic union**, by a court which lacked personal jurisdiction over  
4 the absent spouse or lacked jurisdiction to dispose of the property, the court shall set apart to  
5 each spouse such spouse's ~~[nonmarital]~~ **nondomestic union** property and shall divide the  
6 ~~[marital]~~ **domestic union** property and ~~[marital]~~ **domestic union** debts in such proportions as  
7 the court deems just after considering all relevant factors including:

8           (1) The economic circumstances of each spouse at the time the division of property is  
9 to become effective, including the desirability of awarding the family home or the right to live  
10 therein for reasonable periods to the spouse having custody of any children;

11           (2) The contribution of each spouse to the acquisition of the ~~[marital]~~ **domestic union**  
12 property, including the contribution of a spouse as homemaker;

13           (3) The value of the ~~[nonmarital]~~ **nondomestic union** property set apart to each spouse;

14           (4) The conduct of the parties during the ~~[marriage]~~ **contract of domestic union**; and

15           (5) Custodial arrangements for minor children.

16           2. For purposes of sections 452.300 to 452.415 only, ~~["marital property"]~~ **"domestic**  
17 **union property"** means all property acquired by either spouse subsequent to the ~~[marriage]~~  
18 **contract of domestic union** except:

19           (1) Property acquired by gift, bequest, devise, or descent;

20           (2) Property acquired in exchange for property acquired prior to the ~~[marriage]~~ **contract**  
21 **of domestic union** or in exchange for property acquired by gift, bequest, devise, or descent;

22           (3) Property acquired by a spouse after a decree of legal separation;

23           (4) Property excluded by valid written agreement of the parties; and

24           (5) The increase in value of property acquired prior to the ~~[marriage]~~ **contract of**  
25 **domestic union** or pursuant to subdivisions (1) to (4) of this subsection, unless ~~[marital]~~  
26 **domestic union** assets including labor, have contributed to such increases and then only to the  
27 extent of such contributions.

28           3. All property acquired by either spouse subsequent to the ~~[marriage]~~ **contract of**  
29 **domestic union** and prior to a decree of legal separation or dissolution of ~~[marriage]~~ **a contract**  
30 **of domestic union** is presumed to be ~~[marital]~~ **domestic union** property regardless of whether  
31 title is held individually or by the spouses in some form of co-ownership such as joint tenancy,  
32 tenancy in common, tenancy by the entirety, and community property. The presumption of  
33 ~~[marital]~~ **domestic union** property is overcome by a showing that the property was acquired by  
34 a method listed in subsection 2 of this section.

35           4. Property which would otherwise be ~~[nonmarital]~~ **nondomestic union** property shall  
36 not become ~~[marital]~~ **domestic union** property solely because it may have become commingled  
37 with ~~[marital]~~ **domestic union** property.

38           5. The court's order as it affects distribution of ~~[marital]~~ **domestic union** property shall  
39 be a final order not subject to modification; provided, however, that orders intended to be  
40 qualified domestic relations orders affecting pension, profit sharing and stock bonus plans  
41 pursuant to the U.S. Internal Revenue Code shall be modifiable only for the purpose of  
42 establishing or maintaining the order as a qualified domestic relations order or to revise or  
43 conform its terms so as to effectuate the expressed intent of the order.



44           6. A certified copy of any decree of court affecting title to real estate may be filed for  
45 record in the office of the recorder of deeds of the county and state in which the real estate is  
46 situated by the clerk of the court in which the decree was made.

          452.335. 1. In a proceeding for nonretroactive invalidity, dissolution of ~~[marriage]~~ a  
2 **contract of domestic union**, or legal separation, or a proceeding for maintenance following  
3 dissolution of the ~~[marriage]~~ **contract of domestic union** by a court which lacked personal  
4 jurisdiction over the absent spouse, the court may grant a maintenance order to either spouse, but  
5 only if it finds that the spouse seeking maintenance:

6           (1) Lacks sufficient property, including ~~[marital]~~ **domestic union** property apportioned  
7 to him **or her**, to provide for his **or her** reasonable needs; and

8           (2) Is unable to support himself **or herself** through appropriate employment or is the  
9 custodian of a child whose condition or circumstances make it appropriate that the custodian not  
10 be required to seek employment outside the home.

11           2. The maintenance order shall be in such amounts and for such periods of time as the  
12 court deems just, and after considering all relevant factors including:

13           (1) The financial resources of the party seeking maintenance, including ~~[marital]~~  
14 **domestic union** property apportioned to him **or her**, and his **or her** ability to meet his **or her**  
15 needs independently, including the extent to which a provision for support of a child living with  
16 the party includes a sum for that party as custodian;

17           (2) The time necessary to acquire sufficient education or training to enable the party  
18 seeking maintenance to find appropriate employment;

19           (3) The comparative earning capacity of each spouse;

20           (4) The standard of living established during the ~~[marriage]~~ **contract of a domestic**  
21 **union**;

22           (5) The obligations and assets, including the ~~[marital]~~ **domestic union** property  
23 apportioned to him **or her** and the separate property of each party;

24           (6) The duration of the ~~[marriage]~~ **contract of a domestic union**;

25           (7) The age, and the physical and emotional condition of the spouse seeking  
26 maintenance;

27           (8) The ability of the spouse from whom maintenance is sought to meet his **or her** needs  
28 while meeting those of the spouse seeking maintenance;

29           (9) The conduct of the parties during the ~~[marriage]~~ **contract of a domestic union**; and

30           (10) Any other relevant factors.

31           3. The maintenance order shall state if it is modifiable or nonmodifiable. The court may  
32 order maintenance which includes a termination date. Unless the maintenance order which  
33 includes a termination date is nonmodifiable, the court may order the maintenance decreased,

34 increased, terminated, extended, or otherwise modified based upon a substantial and continuing  
35 change of circumstances which occurred prior to the termination date of the original order.

452.340. 1. In a proceeding for dissolution of ~~[marriage]~~ **a contract of domestic union**,  
2 legal separation or child support, the court may order either or both parents owing a duty of  
3 support to a child of the ~~[marriage]~~ **contract of domestic union** to pay an amount reasonable or  
4 necessary for the support of the child, including an award retroactive to the date of filing the  
5 petition, without regard to ~~[marital]~~ **domestic union** misconduct, after considering all relevant  
6 factors including:

- 7 (1) The financial needs and resources of the child;
- 8 (2) The financial resources and needs of the parents;
- 9 (3) The standard of living the child would have enjoyed had the ~~[marriage]~~ **contract of**  
10 **domestic union** not been dissolved;
- 11 (4) The physical and emotional condition of the child, and the child's educational needs;
- 12 (5) The child's physical and legal custody arrangements, including the amount of time  
13 the child spends with each parent and the reasonable expenses associated with the custody or  
14 visitation arrangements; and
- 15 (6) The reasonable work-related child care expenses of each parent.

16 2. The obligation of the parent ordered to make support payments shall abate, in whole  
17 or in part, for such periods of time in excess of thirty consecutive days that the other parent has  
18 voluntarily relinquished physical custody of a child to the parent ordered to pay child support,  
19 notwithstanding any periods of visitation or temporary physical and legal or physical or legal  
20 custody pursuant to a judgment of dissolution or legal separation or any modification thereof.  
21 In a IV-D case, the family support division may determine the amount of the abatement pursuant  
22 to this subsection for any child support order and shall record the amount of abatement in the  
23 automated child support system record established pursuant to chapter 454. If the case is not a  
24 IV-D case and upon court order, the circuit clerk shall record the amount of abatement in the  
25 automated child support system record established in chapter 454.

26 3. Unless the circumstances of the child manifestly dictate otherwise and the court  
27 specifically so provides, the obligation of a parent to make child support payments shall  
28 terminate when the child:

- 29 (1) Dies;
- 30 (2) ~~[Marries]~~ **Becomes a party to a contract of domestic union**;
- 31 (3) Enters active duty in the military;
- 32 (4) Becomes self-supporting, provided that the custodial parent has relinquished the  
33 child from parental control by express or implied consent;

34 (5) Reaches age eighteen, unless the provisions of subsection 4 or 5 of this section apply;  
35 or

36 (6) Reaches age twenty-one, unless the provisions of the child support order specifically  
37 extend the parental support order past the child's twenty-first birthday for reasons provided by  
38 subsection 4 of this section.

39 4. If the child is physically or mentally incapacitated from supporting himself **or herself**  
40 and insolvent and ~~unmarried~~ **not a party to a contract of domestic union**, the court may  
41 extend the parental support obligation past the child's eighteenth birthday.

42 5. If when a child reaches age eighteen, the child is enrolled in and attending a secondary  
43 school program of instruction, the parental support obligation shall continue, if the child  
44 continues to attend and progresses toward completion of said program, until the child completes  
45 such program or reaches age twenty-one, whichever first occurs. If the child is enrolled in an  
46 institution of vocational or higher education not later than October first following graduation  
47 from a secondary school or completion of a graduation equivalence degree program and so long  
48 as the child enrolls for and completes at least twelve hours of credit each semester, not including  
49 the summer semester, at an institution of vocational or higher education and achieves grades  
50 sufficient to reenroll at such institution, the parental support obligation shall continue until the  
51 child completes his or her education, or until the child reaches the age of twenty-one, whichever  
52 first occurs. To remain eligible for such continued parental support, at the beginning of each  
53 semester the child shall submit to each parent a transcript or similar official document provided  
54 by the institution of vocational or higher education which includes the courses the child is  
55 enrolled in and has completed for each term, the grades and credits received for each such  
56 course, and an official document from the institution listing the courses which the child is  
57 enrolled in for the upcoming term and the number of credits for each such course. When  
58 enrolled in at least twelve credit hours, if the child receives failing grades in half or more of his  
59 or her courseload in any one semester, payment of child support may be terminated and shall not  
60 be eligible for reinstatement. Upon request for notification of the child's grades by the  
61 noncustodial parent, the child shall produce the required documents to the noncustodial parent  
62 within thirty days of receipt of grades from the education institution. If the child fails to produce  
63 the required documents, payment of child support may terminate without the accrual of any child  
64 support arrearage and shall not be eligible for reinstatement. If the circumstances of the child  
65 manifestly dictate, the court may waive the October first deadline for enrollment required by this  
66 subsection. If the child is enrolled in such an institution, the child or parent obligated to pay  
67 support may petition the court to amend the order to direct the obligated parent to make the  
68 payments directly to the child. As used in this section, an "institution of vocational education"  
69 means any postsecondary training or schooling for which the student is assessed a fee and attends

70 classes regularly. "Higher education" means any community college, college, or university at  
71 which the child attends classes regularly. A child who has been diagnosed with a developmental  
72 disability, as defined in section 630.005, or whose physical disability or diagnosed health  
73 problem limits the child's ability to carry the number of credit hours prescribed in this subsection,  
74 shall remain eligible for child support so long as such child is enrolled in and attending an  
75 institution of vocational or higher education, and the child continues to meet the other  
76 requirements of this subsection. A child who is employed at least fifteen hours per week during  
77 the semester may take as few as nine credit hours per semester and remain eligible for child  
78 support so long as all other requirements of this subsection are complied with.

79         6. The court shall consider ordering a parent to waive the right to claim the tax  
80 dependency exemption for a child enrolled in an institution of vocational or higher education in  
81 favor of the other parent if the application of state and federal tax laws and eligibility for  
82 financial aid will make an award of the exemption to the other parent appropriate.

83         7. The general assembly finds and declares that it is the public policy of this state that  
84 frequent, continuing and meaningful contact with both parents after the parents have separated  
85 or dissolved their ~~[marriage]~~ **contract of domestic union** is in the best interest of the child  
86 except for cases where the court specifically finds that such contact is not in the best interest of  
87 the child. In order to effectuate this public policy, a court with jurisdiction shall enforce  
88 visitation, custody and child support orders in the same manner. A court with jurisdiction may  
89 abate, in whole or in part, any past or future obligation of support and may transfer the physical  
90 and legal or physical or legal custody of one or more children if it finds that a parent has, without  
91 good cause, failed to provide visitation or physical and legal or physical or legal custody to the  
92 other parent pursuant to the terms of a judgment of dissolution, legal separation or modifications  
93 thereof. The court shall also award, if requested and for good cause shown, reasonable expenses,  
94 attorney's fees and court costs incurred by the prevailing party.

95         8. The Missouri supreme court shall have in effect a rule establishing guidelines by  
96 which any award of child support shall be made in any judicial or administrative proceeding.  
97 Said guidelines shall contain specific, descriptive and numeric criteria which will result in a  
98 computation of the support obligation. The guidelines shall address how the amount of child  
99 support shall be calculated when an award of joint physical custody results in the child or  
100 children spending equal or substantially equal time with both parents and the directions and  
101 comments and any tabular representations of the directions and comments for completion of the  
102 child support guidelines and a subsequent form developed to reflect the guidelines shall reflect  
103 the ability to obtain up to a fifty percent adjustment or credit below the basic child support  
104 amount for joint physical custody or visitation as described in subsection 11 of this section. The  
105 Missouri supreme court shall publish child support guidelines and specifically list and explain

106 the relevant factors and assumptions that were used to calculate the child support guidelines.  
107 Any rule made pursuant to this subsection shall be reviewed by the promulgating body not less  
108 than once every four years to ensure that its application results in the determination of  
109 appropriate child support award amounts.

110 9. There shall be a rebuttable presumption, in any judicial or administrative proceeding  
111 for the award of child support, that the amount of the award which would result from the  
112 application of the guidelines established pursuant to subsection 8 of this section is the correct  
113 amount of child support to be awarded. A written finding or specific finding on the record in a  
114 judicial or administrative proceeding that the application of the guidelines would be unjust or  
115 inappropriate in a particular case, after considering all relevant factors, including the factors set  
116 out in subsection 1 of this section, shall be required and shall be sufficient to rebut the  
117 presumption in the case. The written finding or specific finding on the record shall detail the  
118 specific relevant factors that required a deviation from the application of the guidelines.

119 10. Pursuant to this or any other chapter, when a court determines the amount owed by  
120 a parent for support provided to a child by another person, other than a parent, prior to the date  
121 of filing of a petition requesting support, or when the director of the family support division  
122 establishes the amount of state debt due pursuant to subdivision (2) of subsection 1 of section  
123 454.465, the court or director shall use the guidelines established pursuant to subsection 8 of this  
124 section. The amount of child support resulting from the application of the guidelines shall be  
125 applied retroactively for a period prior to the establishment of a support order and the length of  
126 the period of retroactivity shall be left to the discretion of the court or director. There shall be  
127 a rebuttable presumption that the amount resulting from application of the guidelines under  
128 subsection 8 of this section constitutes the amount owed by the parent for the period prior to the  
129 date of the filing of the petition for support or the period for which state debt is being  
130 established. In applying the guidelines to determine a retroactive support amount, when  
131 information as to average monthly income is available, the court or director may use the average  
132 monthly income of the noncustodial parent, as averaged over the period of retroactivity, in  
133 determining the amount of presumed child support owed for the period of retroactivity. The  
134 court or director may enter a different amount in a particular case upon finding, after  
135 consideration of all relevant factors, including the factors set out in subsection 1 of this section,  
136 that there is sufficient cause to rebut the presumed amount.

137 11. The court may award child support in an amount that provides up to a fifty percent  
138 adjustment below the basic child support amount authorized by the child support guidelines  
139 described under subsection 8 of this section for custody awards of joint physical custody where  
140 the child or children spend equal or substantially equal time with both parents.

141           12. The obligation of a parent to make child support payments may be terminated as  
142 follows:

143           (1) Provided that the state case registry or child support order contains the child's date  
144 of birth, the obligation shall be deemed terminated without further judicial or administrative  
145 process when the child reaches age twenty-one if the child support order does not specifically  
146 require payment of child support beyond age twenty-one for reasons provided by subsection 4  
147 of this section;

148           (2) The obligation shall be deemed terminated without further judicial or administrative  
149 process when the parent receiving child support furnishes a sworn statement or affidavit  
150 notifying the obligor parent of the child's emancipation in accordance with the requirements of  
151 subsection 4 of section 452.370, and a copy of such sworn statement or affidavit is filed with the  
152 court which entered the order establishing the child support obligation, or the family support  
153 division for an order entered under section 454.470;

154           (3) The obligation shall be deemed terminated without further judicial or administrative  
155 process when the parent paying child support files a sworn statement or affidavit with the court  
156 which entered the order establishing the child support obligation, or the family support division  
157 for an order entered under section 454.470, stating that the child is emancipated and reciting the  
158 factual basis for such statement; which statement or affidavit is served by the court or division,  
159 as applicable, on the child support obligee; and which is either acknowledged and affirmed by  
160 the child support obligee in writing, or which is not responded to in writing within thirty days  
161 of receipt by the child support obligee;

162           (4) The obligation shall be terminated as provided by this subdivision by the court which  
163 entered the order establishing the child support obligation, or the family support division for an  
164 order entered under section 454.470, when the parent paying child support files a sworn  
165 statement or affidavit with the court which entered the order establishing the child support  
166 obligation, or the family support division, as applicable, stating that the child is emancipated and  
167 reciting the factual basis for such statement; and which statement or affidavit is served by the  
168 court or division, as applicable, on the child support obligee. If the obligee denies the statement  
169 or affidavit, the court or division shall thereupon treat the sworn statement or affidavit as a  
170 request for hearing and shall proceed to hear and adjudicate such request for hearing as provided  
171 by law; provided that the court may require the payment of a deposit as security for court costs  
172 and any accrued court costs, as provided by law, in relation to such request for hearing. When  
173 the division receives a request for hearing, the hearing shall be held in the manner provided by  
174 section 454.475.

175           13. The court may enter a judgment terminating child support pursuant to subdivisions  
176 (1) to (3) of subsection 12 of this section without necessity of a court appearance by either party.

177 The clerk of the court shall mail a copy of a judgment terminating child support entered pursuant  
178 to subsection 12 of this section on both the obligor and obligee parents. The supreme court may  
179 promulgate uniform forms for sworn statements and affidavits to terminate orders of child  
180 support obligations for use pursuant to subsection 12 of this section and subsection 4 of section  
181 452.370.

452.360. 1. A judgment of dissolution of ~~[marriage]~~ **a contract of domestic union** or  
2 of legal separation is final when entered, subject to the right of appeal. An appeal from a  
3 judgment of dissolution that does not challenge the finding that the ~~[marriage]~~ **contract of**  
4 **domestic union** is irretrievably broken does not delay the finality of that provision of the  
5 judgment which dissolves the ~~[marriage]~~ **contract of domestic union** beyond the time for  
6 appealing from that provision, so that either of the parties may ~~[remarry]~~ **become parties to new**  
7 **contracts of domestic union** pending appeal.

8 2. The court's judgment of dissolution of ~~[marriage]~~ **a contract of domestic union** or  
9 legal separation as it affects distribution of ~~[marital]~~ **domestic union** property shall be a final  
10 judgment not subject to modification.

11 3. No earlier than ninety days after entry of a judgment of legal separation, on motion  
12 of either party, the court may convert the judgment of legal separation to a judgment of  
13 dissolution of ~~[marriage]~~ **a contract of domestic union**.

14 4. On motion of both parties, the court shall set aside a judgment of legal separation.

15 5. The circuit clerk shall give notice of the entry of a judgment of legal separation or  
16 dissolution to the department of social services.

452.370. 1. Except as otherwise provided in subsection 6 of section 452.325, the  
2 provisions of any judgment respecting maintenance or support may be modified only upon a  
3 showing of changed circumstances so substantial and continuing as to make the terms  
4 unreasonable. In a proceeding for modification of any child support or maintenance judgment,  
5 the court, in determining whether or not a substantial change in circumstances has occurred, shall  
6 consider all financial resources of both parties, including the extent to which the reasonable  
7 expenses of either party are, or should be, shared by a spouse or other person with whom he or  
8 she cohabits, and the earning capacity of a party who is not employed. If the application of the  
9 child support guidelines and criteria set forth in section 452.340 and applicable supreme court  
10 rules to the financial circumstances of the parties would result in a change of child support from  
11 the existing amount by twenty percent or more, a prima facie showing has been made of a change  
12 of circumstances so substantial and continuing as to make the present terms unreasonable, if the  
13 existing amount was based upon the presumed amount pursuant to the child support guidelines.

14           2. When the party seeking modification has met the burden of proof set forth in  
15 subsection 1 of this section, the child support shall be determined in conformity with criteria set  
16 forth in section 452.340 and applicable supreme court rules.

17           3. Unless otherwise agreed in writing or expressly provided in the judgment, the  
18 obligation to pay future statutory maintenance is terminated upon the death of either party or ~~the~~  
19 ~~remarriage~~ **a new contract of domestic union** of the party receiving maintenance.

20           4. Unless otherwise agreed in writing or expressly provided in the judgment, provisions  
21 for the support of a child are terminated by emancipation of the child. The parent entitled to  
22 receive child support shall have the duty to notify the parent obligated to pay support of the  
23 child's emancipation and failing to do so, the parent entitled to receive child support shall be  
24 liable to the parent obligated to pay support for child support paid following emancipation of a  
25 minor child, plus interest.

26           5. If a parent has made an assignment of support rights to the family support division on  
27 behalf of the state as a condition of eligibility for benefits pursuant to the Temporary Assistance  
28 for Needy Families program and either party initiates a motion to modify the support obligation  
29 by reducing it, the state of Missouri shall be named as a party to the proceeding. The state shall  
30 be served with a copy of the motion by sending it by certified mail to the director of the family  
31 support division.

32           6. The court shall have continuing personal jurisdiction over both the obligee and the  
33 obligor of a court order for child support or maintenance for the purpose of modifying such  
34 order. Both obligee and obligor shall notify, in writing, the clerk of the court in which the  
35 support or maintenance order was entered of any change of mailing address. If personal service  
36 of the motion cannot be had in this state, the motion to modify and notice of hearing shall be  
37 served outside the state as provided by supreme court rule 54.14. The order may be modified  
38 only as to support or maintenance installments which accrued subsequent to the date of personal  
39 service. For the purpose of 42 U.S.C. Section 666(a)(9)(C), the circuit clerk shall be considered  
40 the appropriate agent to receive notice of the motion to modify for the obligee or the obligor, but  
41 only in those instances in which personal service could not be had in this state.

42           7. If a responsive pleading raising the issues of custody or visitation is filed in response  
43 to a motion to modify child support filed at the request of the family support division by a  
44 prosecuting attorney or circuit attorney or an attorney under contract with the division, such  
45 responsive pleading shall be severed upon request.

46           8. Notwithstanding any provision of this section which requires a showing of substantial  
47 and continuing change in circumstances, in a IV-D case filed pursuant to this section by the  
48 family support division as provided in section 454.400, the court shall modify a support order  
49 in accordance with the guidelines and criteria set forth in supreme court rule 88.01 and any



50 regulations thereunder if the amount in the current order differs from the amount which would  
51 be ordered in accordance with such guidelines or regulations.

452.372. 1. When a person files a petition for dissolution of ~~[marriage]~~ **a contract of**  
2 **domestic union**, or legal separation and the custody or visitation of a minor child is involved,  
3 the court shall order all parties to the action to attend educational sessions pursuant to section  
4 452.605. Parties to a modification proceeding who previously have attended educational  
5 sessions pursuant to section 452.605 may also be required to attend such educational sessions.

6 2. In cases involving custody or visitation issues, the court may, except for good cause  
7 shown or as provided in subsection 3 of this section, order the parties to the action to participate  
8 in an alternative dispute resolution program pursuant to supreme court rule to resolve any issues  
9 in dispute or may set a hearing on the matter. As used in this section, "good cause" includes, but  
10 is not limited to, uncontested custody or temporary physical custody cases, or a finding of  
11 domestic violence or abuse as determined by a court with jurisdiction after all parties have  
12 received notice and an opportunity to be heard, but does not mean the absence of qualified  
13 mediators.

14 3. Any alternative dispute resolution program ordered by the court pursuant to this  
15 section may be paid for by the parties in a proportion to be determined by the court, the cost of  
16 which shall be reasonable and customary for the circuit in which the program is ordered, and  
17 shall:

- 18 (1) Not be binding on the parties;  
19 (2) Not be ordered or used for contempt proceedings;  
20 (3) Not be ordered or utilized for child support issues; and  
21 (4) Not be used to modify a prior order of the court, except by agreement of the parties.

22 4. Within one hundred twenty days after August 28, 1998, the Missouri supreme court  
23 shall have a rule in effect allowing, but not requiring, each circuit to establish an alternative  
24 dispute resolution program for proceedings involving issues of custody and temporary physical  
25 custody relating to the child.

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

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

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

8 (3) "Joint physical custody" means an order awarding each of the parents significant, but  
9 not necessarily equal, periods of time during which a child resides with or is under the care and

10 supervision of each of the parents. Joint physical custody shall be shared by the parents in such  
11 a way as to assure the child of frequent, continuing and meaningful contact with both parents;

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

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

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

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

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

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

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

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

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

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

40 3. (1) In any court proceedings relating to custody of a child, the court shall not award  
41 custody or unsupervised visitation of a child to a parent if such parent or any person residing  
42 with such parent has been found guilty of, or pled guilty to, any of the following offenses when  
43 a child was the victim:

44 (a) A felony violation of section 566.030, 566.032, 566.031, 566.060, 566.062, 566.064,  
45 566.067, 566.068, 566.061, 566.083, 566.101, 566.100, 566.111, 566.151, 566.203, 566.206,  
46 566.209, 566.211, or 566.215;

47 (b) A violation of section 568.020;

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

49 (d) A violation of section 568.065;

50 (e) A violation of section 573.200;

51 (f) A violation of section 573.205; or

52 (g) A violation of section 568.175.

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

59 4. The general assembly finds and declares that it is the public policy of this state that  
60 frequent, continuing and meaningful contact with both parents after the parents have separated  
61 or dissolved their ~~marriage~~ **contract of domestic union** is in the best interest of the child,  
62 except for cases where the court specifically finds that such contact is not in the best interest of  
63 the child, and that it is the public policy of this state to encourage parents to participate in  
64 decisions affecting the health, education and welfare of their children, and to resolve disputes  
65 involving their children amicably through alternative dispute resolution. In order to effectuate  
66 these policies, the court shall determine the custody arrangement which will best assure both  
67 parents participate in such decisions and have frequent, continuing and meaningful contact with  
68 their children so long as it is in the best interests of the child.

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

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

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

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

79 (4) Sole custody to either parent; or

80 (5) Third-party custody or visitation:

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

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

89 6. If the parties have not agreed to a custodial arrangement, or the court determines such  
90 arrangement is not in the best interest of the child, the court shall include a written finding in the  
91 judgment or order based on the public policy in subsection 4 of this section and each of the  
92 factors listed in subdivisions (1) to (8) of subsection 2 of this section detailing the specific  
93 relevant factors that made a particular arrangement in the best interest of the child. If a proposed  
94 custodial arrangement is rejected by the court, the court shall include a written finding in the  
95 judgment or order detailing the specific relevant factors resulting in the rejection of such  
96 arrangement.

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

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

108 9. Any judgment providing for custody shall include a specific written parenting plan  
109 setting forth the terms of such parenting plan arrangements specified in subsection 8 of section  
110 452.310. Such plan may be a parenting plan submitted by the parties pursuant to section 452.310  
111 or, in the absence thereof, a plan determined by the court, but in all cases, the custody plan  
112 approved and ordered by the court shall be in the court's discretion and shall be in the best  
113 interest of the child.

114 10. After August 28, 2016, every court order establishing or modifying custody or  
115 visitation shall include the following language: "In the event of noncompliance with this order,

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

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

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

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

14. An award of joint custody does not preclude an award of child support pursuant to section 452.340 and applicable supreme court rules. The court shall consider the factors

151 contained in section 452.340 and applicable supreme court rules in determining an amount  
152 reasonable or necessary for the support of the child.

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

452.380. 1. A party to a custody proceeding may move for a temporary custody order.  
2 The motion must be supported by an affidavit. The court may award temporary custody after a  
3 hearing or, if there is no objection, solely on the basis of the affidavits.

4 2. If a proceeding for dissolution of ~~[marriage]~~ **a contract of domestic union** or legal  
5 separation is dismissed, any temporary custody order is vacated unless a parent or the child's  
6 custodian moves that the proceeding continue as a custody proceeding and the court finds, after  
7 a hearing, that the circumstances of the parents and the best interest of the child require that a  
8 custody decree be issued.

452.402. 1. The court may grant reasonable visitation rights to the grandparents of the  
2 child and issue any necessary orders to enforce the decree. The court may grant grandparent  
3 visitation when:

4 (1) The parents of the child have filed for a dissolution of their ~~[marriage]~~ **contract of**  
5 **domestic union**. A grandparent shall have the right to intervene in any dissolution action solely  
6 on the issue of visitation rights. Grandparents shall also have the right to file a motion to modify  
7 the original decree of dissolution to seek visitation rights when visitation has been denied to  
8 them; or

9 (2) One parent of the child is deceased and the surviving parent denies reasonable  
10 visitation to a parent of the deceased parent of the child; or

11 (3) The child has resided in the grandparent's home for at least six months within the  
12 twenty-four month period immediately preceding the filing of the petition; and

13 (4) A grandparent is unreasonably denied visitation with the child for a period exceeding  
14 ninety days. However, if the natural parents are legally ~~[married to]~~ **parties to a contract of**  
15 **domestic union with** each other and are living together with the child, a grandparent may not  
16 file for visitation pursuant to this subdivision.

17 2. The court shall determine if the visitation by the grandparent would be in the child's  
18 best interest or if it would endanger the child's physical health or impair the child's emotional  
19 development. Visitation may only be ordered when the court finds such visitation to be in the  
20 best interests of the child. However, when the parents of the child are legally ~~[married to]~~  
21 **parties to a contract of domestic union with** each other and are living together with the child,

22 it shall be a rebuttable presumption that such parents know what is in the best interest of the  
23 child. The court may order reasonable conditions or restrictions on grandparent visitation.

24 3. If the court finds it to be in the best interests of the child, the court may appoint a  
25 guardian ad litem for the child. The guardian ad litem shall be an attorney licensed to practice  
26 law in Missouri. The guardian ad litem may, for the purpose of determining the question of  
27 grandparent visitation rights, participate in the proceedings as if such guardian ad litem were a  
28 party. The court shall enter judgment allowing a reasonable fee to the guardian ad litem.

29 4. A home study, as described by section 452.390, may be ordered by the court to assist  
30 in determining the best interests of the child.

31 5. The court may, in its discretion, consult with the child regarding the child's wishes in  
32 determining the best interest of the child.

33 6. The right of a grandparent to maintain visitation rights pursuant to this section may  
34 terminate upon the adoption of the child.

35 7. The court may award reasonable attorneys fees and expenses to the prevailing party.

452.412. 1. A party's absence, relocation, or failure to comply with custody and  
2 visitation orders shall not, by itself, be sufficient to justify a modification of a custody or  
3 visitation order if the reason for the absence, relocation, or failure to comply is the party's  
4 activation to military service and deployment out-of-state.

5 2. For a party in active military service and deployed out-of-state, any court order:

6 (1) Issued or modified regarding child custody or visitation during the time of such  
7 out-of-state military deployment of the party, including as part of an entry of decree of  
8 dissolution of ~~marriage~~ **a contract of domestic union**, or legal separation, shall be temporary  
9 in nature and shall not exceed the length of time of such deployment;

10 (2) Issued regarding ex parte adult or child orders of protection under sections 455.010  
11 to 455.085 or sections 455.500 to 455.538, during the time of such out-of-state military  
12 deployment of the party, may be extended beyond the initial fifteen days required under sections  
13 455.040 and 455.516. Such orders issued under this subdivision shall be temporary in nature and  
14 shall not exceed the length of time of such deployment. Upon such party's return from  
15 out-of-state military deployment, the party shall be given an opportunity to be heard on the child  
16 custody and visitation order or ex parte order of protection prior to a permanent order being  
17 entered by the court as to such issues. If the party in active military service knowingly and  
18 voluntarily signs a written waiver to the right to have such a hearing upon the party's return from  
19 out-of-state military deployment, the court may issue a permanent order on the issues under this  
20 section.

452.423. 1. In all proceedings for child custody or for dissolution of ~~marriage~~ **a**  
2 **contract of domestic union**, or legal separation where custody, visitation, or support of a child

3 is a contested issue, the court may appoint a guardian ad litem. Disqualification of a guardian  
4 ad litem shall be ordered in any legal proceeding only pursuant to this chapter, upon the filing  
5 of a written application by any party within ten days of appointment, or within ten days of  
6 August 28, 1998, if the appointment occurs prior to August 28, 1998. Each party shall be  
7 entitled to one disqualification of a guardian ad litem appointed under this subsection in each  
8 proceeding, except a party may be entitled to additional disqualifications of a guardian ad litem  
9 for good cause shown.

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

12 3. The guardian ad litem shall:

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

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

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

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

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

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

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

452.430. All pleadings and filings in a dissolution of ~~[marriage]~~ **a contract of domestic**  
2 **union**, legal separation, or modification proceeding filed more than seventy-two years prior to  
3 the time a request for inspection is made may be made available to the public. Any pleadings,  
4 other than the interlocutory or final judgment or any modification thereof, in a dissolution of  
5 ~~[marriage]~~ **a contract of domestic union**, legal separation, or modification proceeding filed



6 prior to August 28, 2009, but less than seventy-two years prior to the time a request for  
7 inspection is made, shall be subject to inspection only by the parties, an attorney of record, the  
8 family support division within the department of social services when services are being  
9 provided under section 454.400, the attorney general or his or her designee, a person or designee  
10 of a person licensed and acting under chapter 381 who shall keep any information obtained  
11 confidential, except as necessary to the performance of functions required by chapter 381, or  
12 upon order of the court for good cause shown. Such persons may receive or make copies of  
13 documents without the clerk being required to redact the Social Security number, unless the court  
14 specifically orders the clerk to do otherwise. The clerk shall redact the Social Security number  
15 from any copy of a judgment or satisfaction of judgment before releasing the copy of the  
16 interlocutory or final judgment or satisfaction of judgment to the public.

452.600. The circuit courts, by local rule, shall establish a program of educational  
2 sessions for parties to actions for dissolution of ~~[marriage]~~ **a contract of domestic union** or in  
3 postjudgment proceedings involving custody or support, concerning the effects of dissolution  
4 of ~~[marriage]~~ **a contract of domestic union** on minor children of the ~~[marriage]~~ **contract of**  
5 **domestic union**, and the benefits of alternative dispute resolution, including mediation. In lieu  
6 of establishing such a program, the circuit court may, by local rule, designate a similar program  
7 of educational sessions offered by a private or public entity.

452.605. In an action for dissolution of ~~[marriage]~~ **a contract of domestic union**, or  
2 legal separation involving minor children, or in a postjudgment proceeding wherein custody of  
3 minor children is to be determined by the court, the court shall, except for good cause, unless  
4 otherwise provided by local rule, order the parties to attend educational sessions concerning the  
5 effects of custody and the dissolution of ~~[marriage]~~ **a contract of domestic union** on children.  
6 As used in this section "good cause" includes, but is not limited to, situations where the parties  
7 have stipulated to the custody and visitation of the child, or a finding by a court with jurisdiction  
8 after all parties have received notice and an opportunity to be heard that the safety of a party or  
9 child may be endangered by attending the educational sessions. The court may order the minor  
10 children to attend age-appropriate educational sessions.

453.090. 1. When a child is adopted in accordance with the provisions of this chapter,  
2 all legal relationships and all rights and duties between such child and his **or her** natural parents  
3 (other than a natural parent who joins in the petition for adoption as provided in section 453.010)  
4 shall cease and determine. Such child shall thereafter be deemed and held to be for every  
5 purpose the child of his **or her** parent or parents by adoption, as fully as though born to him **or**  
6 **her** or them in lawful ~~[wedlock]~~ **contract of domestic union**.

7 2. Such child shall be capable of inheriting from, and as the child of, his **or her** parent  
8 or parents by adoption as fully as though born to him **or her** or them in lawful ~~[wedlock]~~

9 **contract of domestic union** and, if a minor, shall be entitled to proper support, nurture and care  
10 from his parent or parents by adoption.

11 3. The parent or parents by adoption shall be capable of inheriting from and as the parent  
12 or parents of their adopted child as fully as though such child had been born to him **or her** or  
13 them in lawful ~~[wedlock]~~ **contract of domestic union**, and, if such child is a minor, shall be  
14 entitled to the services, wages, control and custody of such adopted child.

15 4. The adopted child shall be capable of inheriting from and taking through his **or her**  
16 parent or parents by adoption property limited expressly to heirs of the body of such parent or  
17 parents by adoption.

18 5. The word "child" as used in this section, shall, unless the context hereof otherwise  
19 requires, be construed to mean either a person under or over the age of eighteen years.

453.170. 1. When an adoption occurs pursuant to the laws of other states of the United  
2 States, Missouri shall, from the date of adoption hold the adopted person to be for every purpose  
3 the lawful child of its parent or parents by adoption as fully as though born to them in lawful  
4 ~~[wedlock]~~ **contract of domestic union**, and such adoption shall have the same force and effect  
5 as adoption pursuant to the provisions of this chapter, including all inheritance rights.

6 2. When an adoption occurs in a foreign country and the adopted child has migrated to  
7 the United States with the permission of the United States Department of Justice and the United  
8 States Department of Immigration and Naturalization Services, this state shall recognize the  
9 adoption. The department of health and senior services, upon receipt of proof of adoption as  
10 required in subsection 7 of section 193.125, shall issue a birth certificate for the adopted child  
11 upon request on forms prescribed and furnished by the state registrar pursuant to section 193.125.

12 3. The adoptive parent or parents may petition the court pursuant to this section to  
13 request a change of name. The petition shall include a certified copy of the decree of adoption  
14 issued by the foreign country and documentation from the United States Department of Justice  
15 and the United States Department of Immigration and Naturalization Services which shows the  
16 child lawfully entered the United States. The court shall recognize and give effect to the decree  
17 of the foreign country and grant a decree of recognition of the adoption and shall change the  
18 name of the adopted child to the name given by the adoptive parent, if such a request has been  
19 made.

454.440. 1. As used in this section, unless the context clearly indicates otherwise, the  
2 following terms mean:

3 (1) "Business" includes any corporation, partnership, association, individual, and labor  
4 or other organization including, but not limited to, a public utility or cable company;

5 (2) "Division", the Missouri family support division of the department of social services;

6 (3) "Financial entity" includes any bank, trust company, savings and loan association,  
7 credit union, insurance company, or any corporation, association, partnership, or individual  
8 receiving or accepting money or its equivalent on deposit as a business;

9 (4) "Government agency", any department, board, bureau or other agency of this state  
10 or any political subdivision of the state;

11 (5) "Information" includes, but is not necessarily limited to, the following items:

12 (a) Full name of the parent;

13 (b) Social Security number of the parent;

14 (c) Date of birth of the parent;

15 (d) Last known mailing and residential address of the parent;

16 (e) Amount of wages, salaries, earnings or commissions earned by or paid to the parent;

17 (f) Number of dependents declared by the parent on state and federal tax information and  
18 reporting forms;

19 (g) Name of company, policy numbers and dependent coverage for any medical  
20 insurance carried by or on behalf of the parent;

21 (h) Name of company, policy numbers and cash values, if any, for any life insurance  
22 policies or annuity contracts, carried by or on behalf of, or owned by, the parent;

23 (i) Any retirement benefits, pension plans or stock purchase plans maintained on behalf  
24 of, or owned by, the parent and the values thereof, employee contributions thereto, and the extent  
25 to which each benefit or plan is vested;

26 (j) Vital statistics, including records of ~~[marriage]~~ **contracts of domestic union**, birth,  
27 or divorce;

28 (k) Tax and revenue records, including information on residence address, employer,  
29 income or assets;

30 (l) Records concerning real or personal property;

31 (m) Records of occupational, professional or recreational licenses or permits;

32 (n) Records concerning the ownership and control of corporations, partnerships or other  
33 businesses;

34 (o) Employment security records;

35 (p) Records concerning motor vehicles;

36 (q) Records of assets or liabilities;

37 (r) Corrections records;

38 (s) Names and addresses of employers of parents;

39 (t) Motor vehicle records; and

40 (u) Law enforcement records;

41 (6) "Parent", a biological or adoptive parent, including a presumed or putative father.  
42 The word parent shall also include any person who has been found to be such by:

43 (a) A court of competent jurisdiction in an action for dissolution of ~~[marriage]~~ **a contract**  
44 **of domestic union**, legal separation, or establishment of the parent and child relationship;

45 (b) The division under section 454.485;

46 (c) Operation of law under section 210.823; or

47 (d) A court or administrative tribunal of another state.

48 2. For the purpose of locating and determining financial resources of the parents relating  
49 to establishment of paternity or to establish, modify or enforce support orders, the division or  
50 other state IV-D agency may request and receive information from the federal Parent Locator  
51 Service, from available records in other states, territories and the District of Columbia, from the  
52 records of all government agencies, and from businesses and financial entities. A request for  
53 information from a public utility or cable television company shall be made by subpoena  
54 authorized pursuant to this chapter. The government agencies, businesses, and financial entities  
55 shall provide information, if known or chronicled in their business records, notwithstanding any  
56 other provision of law making the information confidential. In addition, the division may use  
57 all sources of information and available records and, pursuant to agreement with the secretary  
58 of the United States Department of Health and Human Services, or the secretary's designee,  
59 request and receive from the federal Parent Locator Service information pursuant to 42 U.S.C.  
60 Sections 653 and 663, to determine the whereabouts of any parent or child when such  
61 information is to be used to locate the parent or child to enforce any state or federal law with  
62 respect to the unlawful taking or restraining of a child, or of making or enforcing a child custody  
63 or visitation order.

64 3. Notwithstanding the provisions of subsection 2 of this section, no financial entity shall  
65 be required to provide the information requested by the division or other state IV-D agency  
66 unless the division or other state IV-D agency alleges that the parent about whom the information  
67 is sought is an officer, agent, member, employee, depositor, customer or the insured of the  
68 financial institution, or unless the division or other state IV-D agency has complied with the  
69 provisions of section 660.330.

70 4. Any business or financial entity which has received a request from the division or  
71 other state IV-D agency as provided by subsections 2 and 3 of this section shall provide the  
72 requested information or a statement that any or all of the requested information is not known  
73 or available to the business or financial entity, within sixty days of receipt of the request and  
74 shall be liable to the state for civil penalties up to one hundred dollars for each day after such  
75 sixty-day period in which it fails to provide the information so requested. Upon request of the  
76 division or other state IV-D agency, the attorney general shall bring an action in a circuit court

77 of competent jurisdiction to recover the civil penalty. The court shall have the authority to  
78 determine the amount of the civil penalty to be assessed.

79         5. Any business or financial entity, or any officer, agent or employee of such entity,  
80 participating in good faith in providing information requested pursuant to subsections 2 and 3  
81 of this section shall be immune from liability, civil or criminal, that might otherwise result from  
82 the release of such information to the division.

83         6. Upon request of the division or other state IV-D agency, any parent shall complete a  
84 statement under oath, upon such form as the division or other state IV-D agency may specify,  
85 providing information, including, but not necessarily limited to, the parent's monthly income, the  
86 parent's total income for the previous year, the number and name of the parent's dependents and  
87 the amount of support the parent provides to each, the nature and extent of the parent's assets,  
88 and such other information pertinent to the support of the dependent as the division or other state  
89 IV-D agency may request. Upon request of the division or other state IV-D agency, such  
90 statements shall be completed annually. Failure to comply with this subsection is a class A  
91 misdemeanor.

92         7. The disclosure of any information provided to the business or financial entity by the  
93 division or other state IV-D agency, or the disclosure of any information regarding the identity  
94 of any applicant for or recipient of public assistance, by an officer or employee of any business  
95 or financial entity, or by any person receiving such information from such employee or officer  
96 is prohibited. Any person violating this subsection is guilty of a class A misdemeanor.

97         8. Any person who willfully requests, obtains or seeks to obtain information pursuant  
98 to this section under false pretenses, or who willfully communicates or seeks to communicate  
99 such information to any agency or person except pursuant to this chapter, is guilty of a class A  
100 misdemeanor.

101         9. For the protection of applicants and recipients of services pursuant to sections 454.400  
102 to 454.645, all officers and employees of, and persons and entities under contract to, the state of  
103 Missouri are prohibited, except as otherwise provided in this subsection, from disclosing any  
104 information obtained by them in the discharge of their official duties relative to the identity of  
105 applicants for or recipients of services or relating to proceedings or actions to establish paternity  
106 or to establish or enforce support, or relating to the contents of any records, files, papers and  
107 communications, except in the administration of the child support program or the administration  
108 of public assistance, including civil or criminal proceedings or investigations conducted in  
109 connection with the administration of the child support program or the administration of public  
110 assistance. Such officers, employees, persons or entities are specifically prohibited from  
111 disclosing any information relating to the location of one party to another party:

112         (1) If a protective order has been entered against the other party; or

(2) If there is reason to believe that such disclosure of information may result in physical or emotional harm to the other party.

In any judicial proceedings, except such proceedings as are directly concerned with the administration of these programs, such information obtained in the discharge of official duties relative to the identity of applicants for or recipients of child support services or public assistance, and records, files, papers, communications and their contents shall be confidential and not admissible in evidence. Nothing in this subsection shall be construed to prohibit the circuit clerk from releasing information, not otherwise privileged, from court records for reasons other than the administration of the child support program, if such information does not identify any individual as an applicant for or recipient of services pursuant to sections 454.400 to 454.645. Anyone who purposely or knowingly violates this subsection is guilty of a class A misdemeanor.

454.460. As used in sections 454.400 to 454.560, unless the context clearly indicates otherwise, the following terms mean:

(1) "Court", any circuit court of this state and any court or agency of any other state having jurisdiction to determine the liability of persons for the support of another person;

(2) "Court order", any judgment, decree, or order of any court which orders payment of a set or determinable amount of support money;

(3) "Department", the department of social services of the state of Missouri;

(4) "Dependent child", any person under the age of twenty-one who is not otherwise emancipated, self-supporting, ~~married~~ **a party to a contract of domestic union**, or a member of the Armed Forces of the United States;

(5) "Director", the director of the family support division, or the director's designee;

(6) "Division", the family support division of the department of social services of the state of Missouri;

(7) "IV-D agency", an agency designated by a state to administer programs under Title IV-D of the Social Security Act;

(8) "IV-D case", a case in which services are being provided pursuant to section 454.400;

(9) "Obligee", any person, state, or political subdivision to whom or to which a duty of support is owed as determined by a court or administrative agency of competent jurisdiction;

(10) "Obligor", any person who owes a duty of support as determined by a court or administrative agency of competent jurisdiction;

(11) "Parent", a biological or adoptive parent, including a presumed or putative father. The word parent shall also include any person who has been found to be such by:

(a) A court of competent jurisdiction in an action for dissolution of ~~marriage~~ **a contract of domestic union**, legal separation, or establishment of the parent and child relationship;

- 25 (b) The division under section 454.485;
- 26 (c) Operation of law under section 210.823; or
- 27 (d) A court or administrative tribunal of another state;
- 28 (12) "Public assistance", any cash or benefit pursuant to Part IV-A, Part IV-B, Part IV-E,
- 29 or Title XIX of the federal Social Security Act paid by the department to or for the benefit of any
- 30 dependent child or any public assistance assigned to the state;
- 31 (13) "State", any state or political subdivision, territory or possession of the United
- 32 States, District of Columbia, and the Commonwealth of Puerto Rico;
- 33 (14) "Support order", a judgment, decree or order, whether temporary, final or subject
- 34 to modification, issued by a court or administrative agency of competent jurisdiction for the
- 35 support and maintenance of a child, including a child who has attained the age of majority
- 36 pursuant to the law of the issuing state, or of the parent with whom the child is living and
- 37 providing monetary support, health care, child care, arrearages or reimbursement for such child,
- 38 and which may include related costs and fees, interest and penalties, income withholding,
- 39 attorneys' fees and other relief.

454.485. 1. The director may enter an order establishing paternity of a child in the

2 course of a support proceeding pursuant to sections 454.460 to 454.510 when the man is

3 presumed to be the child's father pursuant to section 210.822 or when both parents sign sworn

4 statements that the paternity of the dependent child for whom support is sought has not been

5 legally established and that the male parent is the father of the child. For purposes of paternity

6 establishment pursuant to this section, a sworn statement shall include a statement verified by

7 a person authorized to take oaths pursuant to section 207.020 or section 454.465.

8 2. The director may enter an order requiring genetic testing in the course of an action to

9 establish paternity pursuant to sections 454.460 to 454.510 or upon the request of a IV-D agency

10 of another state that is seeking to establish paternity. The order may require that the child, the

11 mother or an alleged father submit to tests performed by an expert designated by the division to

12 be qualified as an examiner of genetic markers present on blood cells and components, or other

13 tissue or fluid. Such an examiner shall be qualified to be an expert as defined in section 210.834,

14 and shall be considered an expert pursuant to subdivision (5) of subsection 1 of section 210.822.

15 In addition to any other provisions for enforcement of the order, the order may be filed pursuant

16 to section 454.490 and refusal to comply with the order shall constitute civil contempt.

17 3. The docketing, pursuant to section 454.490, of an order establishing paternity

18 pursuant to this section shall establish legal paternity for all purposes. The division shall provide

19 an additional copy of each administrative order to be docketed and the circuit clerk shall, upon

20 docketing, forward such copy to the bureau of vital records of the department of health and

21 senior services. The bureau of vital records shall enter the name of the father on the birth records

22 pursuant to sections 193.085 and 193.215 and shall record the Social Security account numbers  
23 of both parents, pursuant to section 193.075.

24 4. In no event shall a hearing official conducting a hearing pursuant to sections 454.460  
25 to 454.510 be authorized to enter a finding of nonpaternity in the case of a man presumed to be  
26 the biological father of any child pursuant to Missouri law, or of the father of any child born out  
27 of ~~[wedlock]~~ **a contract of domestic union** who has acknowledged paternity in writing under  
28 oath or has acknowledged that he is responsible for the support, maintenance and education of  
29 such child, unless such presumption has been overruled, or such acknowledgment has been ruled  
30 void by a court of competent jurisdiction.

31 5. In an action contesting paternity, the director shall require genetic testing at the  
32 request of a party to such action if such request is supported by a sworn statement of such party  
33 which:

34 (1) Alleges paternity and sets forth facts establishing a reasonable possibility of sexual  
35 contact between the parties; or

36 (2) Denies paternity and sets forth facts establishing a reasonable possibility that there  
37 was no sexual contact between the parties.

38 6. The division shall pay the cost of any genetic test ordered pursuant to this section. If  
39 the paternity of the alleged father is established, such father may be ordered to pay the cost of  
40 such tests. If a genetic test is contested, the director shall not order additional genetic testing  
41 when requested by the person contesting the test unless such person pays in advance for such  
42 tests.

454.618. 1. Upon receipt of the court or administrative order, or notice, for health  
2 benefit plan coverage, or upon application of the obligor pursuant to that order, the employer or  
3 union shall take necessary action to enroll the minor child as an eligible dependent in the health  
4 benefit plan and, upon enrollment, withhold any required employee contribution or premium  
5 from the obligor's income or wages necessary for the coverage of the child and send any amount  
6 withheld directly to the health benefit plan administrator. If more than one health benefit plan  
7 is offered by the employer or union, the minor child shall be enrolled in the plan in which the  
8 obligor is enrolled. When one or more plans are available and the obligor is not enrolled in a  
9 plan that covers dependents or is not enrolled in any plan, the minor child and the obligor if  
10 necessary shall be enrolled under the least costly plan that provides service to the area where the  
11 child resides if the order or notice for health benefit plan coverage is not a National Medical  
12 Support Notice issued by the division or IV-D agency of another state. If the notice for health  
13 benefit plan coverage is a National Medical Support Notice issued by the division or IV-D  
14 agency of another state, the health benefit plan administrator shall provide to the issuing agency  
15 copies of the applicable summary plan descriptions or other documents that describe available



16 coverage, including the additional participant contribution necessary to obtain coverage for the  
17 child under each option and whether there is a limited service area for any option. The issuing  
18 agency, in consultation with the custodial parent, must promptly select from the available plan  
19 options. If the issuing agency does not make such selection within twenty business days from  
20 the date the plan administrator provided the option, the plan administrator shall enroll the child  
21 in the plan's default option, if any. If the plan does not have a default option, the plan  
22 administrator shall enroll the child in the option selected by the issuing agency.

23         2. In those instances where the obligor fails or refuses to execute any document  
24 necessary to enroll the minor child in the health benefit plan ordered by the court, the required  
25 information and authorization may be provided by the division or the custodial parent or  
26 guardian of the minor child.

27         3. Information and authorization provided by the division or the custodial parent or  
28 guardian of the minor child shall be valid for the purpose of meeting enrollment requirements  
29 of the health benefit plan and shall not affect the obligation of the employer or union and the  
30 insurer to enroll the minor child in the health benefit plan for which other eligibility, enrollment,  
31 underwriting terms and other requirements are met. However, any health benefit plan provision  
32 which denies or restricts coverage to a minor child of the obligor due to birth out of ~~wedlock~~  
33 **a contract of domestic union** shall be void as against public policy.

34         4. A minor child that an obligor is required to cover as an eligible dependent pursuant  
35 to sections 454.600 to 454.645 shall be considered for health benefit plan coverage purposes as  
36 a dependent of the obligor until the child's right to parental support terminates or until further  
37 order of the court, but in no event past the limiting age set forth in the health benefit plan.

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

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

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

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

- 14 (d) "Harassment", engaging in a purposeful or knowing course of conduct involving  
15 more than one incident that alarms or causes distress to an adult or child and serves no legitimate  
16 purpose. The course of conduct must be such as would cause a reasonable adult or child to suffer  
17 substantial emotional distress and must actually cause substantial emotional distress to the  
18 petitioner or child. Such conduct might include, but is not limited to:
- 19 a. Following another about in a public place or places;  
20 b. Peering in the window or lingering outside the residence of another; but does not  
21 include constitutionally protected activity;
- 22 (e) "Sexual assault", causing or attempting to cause another to engage involuntarily in  
23 any sexual act by force, threat of force, duress, or without that person's consent;
- 24 (f) "Unlawful imprisonment", holding, confining, detaining or abducting another person  
25 against that person's will;
- 26 (2) "Adult", any person seventeen years of age or older or otherwise emancipated;  
27 (3) "Child", any person under seventeen years of age unless otherwise emancipated;  
28 (4) "Court", the circuit or associate circuit judge or a family court commissioner;  
29 (5) "Domestic violence", abuse or stalking committed by a family or household member,  
30 as such terms are defined in this section;
- 31 (6) "Ex parte order of protection", an order of protection issued by the court before the  
32 respondent has received notice of the petition or an opportunity to be heard on it;
- 33 (7) "Family" or "household member", spouses, former spouses, any person related by  
34 blood or ~~marriage~~ **a contract of domestic union**, persons who are presently residing together  
35 or have resided together in the past, any person who is or has been in a continuing social  
36 relationship of a romantic or intimate nature with the victim, and anyone who has a child in  
37 common regardless of whether they have been ~~married~~ **parties to a contract of domestic**  
38 **union** or have resided together at any time;
- 39 (8) "Full order of protection", an order of protection issued after a hearing on the record  
40 where the respondent has received notice of the proceedings and has had an opportunity to be  
41 heard;
- 42 (9) "Order of protection", either an ex parte order of protection or a full order of  
43 protection;
- 44 (10) "Pending", exists or for which a hearing date has been set;
- 45 (11) "Petitioner", a family or household member who has been a victim of domestic  
46 violence, or any person who has been the victim of stalking or sexual assault, or a person filing  
47 on behalf of a child pursuant to section 455.503 who has filed a verified petition pursuant to the  
48 provisions of section 455.020 or section 455.505;

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

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

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

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

59 (b) "Course of conduct" means a pattern of conduct composed of two or more acts over  
60 a period of time, however short, that serves no legitimate purpose. Such conduct may include,  
61 but is not limited to, following the other person or unwanted communication or unwanted  
62 contact.

455.050. 1. Any full or ex parte order of protection granted pursuant to sections 455.010  
2 to 455.085 shall be to protect the petitioner from domestic violence, stalking, or sexual assault  
3 and may include such terms as the court reasonably deems necessary to ensure the petitioner's  
4 safety, including but not limited to:

5 (1) Temporarily enjoining the respondent from committing or threatening to commit  
6 domestic violence, molesting, stalking, sexual assault, or disturbing the peace of the petitioner;

7 (2) Temporarily enjoining the respondent from entering the premises of the dwelling unit  
8 of the petitioner when the dwelling unit is:

9 (a) Jointly owned, leased or rented or jointly occupied by both parties; or

10 (b) Owned, leased, rented or occupied by petitioner individually; or

11 (c) Jointly owned, leased, rented or occupied by petitioner and a person other than  
12 respondent; provided, however, no spouse shall be denied relief pursuant to this section by  
13 reason of the absence of a property interest in the dwelling unit; or

14 (d) Jointly occupied by the petitioner and a person other than respondent; provided that  
15 the respondent has no property interest in the dwelling unit; or

16 (3) Temporarily enjoining the respondent from communicating with the petitioner in any  
17 manner or through any medium.

18 2. Mutual orders of protection are prohibited unless both parties have properly filed  
19 written petitions and proper service has been made in accordance with sections 455.010 to  
20 455.085.

21 3. When the court has, after a hearing for any full order of protection, issued an order of  
22 protection, it may, in addition:

- 23 (1) Award custody of any minor child born to or adopted by the parties when the court  
24 has jurisdiction over such child and no prior order regarding custody is pending or has been  
25 made, and the best interests of the child require such order be issued;
- 26 (2) Establish a visitation schedule that is in the best interests of the child;
- 27 (3) Award child support in accordance with supreme court rule 88.01 and chapter 452;
- 28 (4) Award maintenance to petitioner when petitioner and respondent are lawfully  
29 ~~married~~ **parties to a contract of domestic union** in accordance with chapter 452;
- 30 (5) Order respondent to make or to continue to make rent or mortgage payments on a  
31 residence occupied by the petitioner if the respondent is found to have a duty to support the  
32 petitioner or other dependent household members;
- 33 (6) Order the respondent to pay the petitioner's rent at a residence other than the one  
34 previously shared by the parties if the respondent is found to have a duty to support the petitioner  
35 and the petitioner requests alternative housing;
- 36 (7) Order that the petitioner be given temporary possession of specified personal  
37 property, such as automobiles, checkbooks, keys, and other personal effects;
- 38 (8) Prohibit the respondent from transferring, encumbering, or otherwise disposing of  
39 specified property mutually owned or leased by the parties;
- 40 (9) Order the respondent to participate in a court-approved counseling program designed  
41 to help batterers stop violent behavior or to participate in a substance abuse treatment program;
- 42 (10) Order the respondent to pay a reasonable fee for housing and other services that  
43 have been provided or that are being provided to the petitioner by a shelter for victims of  
44 domestic violence;
- 45 (11) Order the respondent to pay court costs;
- 46 (12) Order the respondent to pay the cost of medical treatment and services that have  
47 been provided or that are being provided to the petitioner as a result of injuries sustained to the  
48 petitioner by an act of domestic violence committed by the respondent.
- 49 4. A verified petition seeking orders for maintenance, support, custody, visitation,  
50 payment of rent, payment of monetary compensation, possession of personal property,  
51 prohibiting the transfer, encumbrance, or disposal of property, or payment for services of a  
52 shelter for victims of domestic violence, shall contain allegations relating to those orders and  
53 shall pray for the orders desired.
- 54 5. In making an award of custody, the court shall consider all relevant factors including  
55 the presumption that the best interests of the child will be served by placing the child in the  
56 custody and care of the nonabusive parent, unless there is evidence that both parents have  
57 engaged in abusive behavior, in which case the court shall not consider this presumption but may

58 appoint a guardian ad litem or a court-appointed special advocate to represent the children in  
59 accordance with chapter 452 and shall consider all other factors in accordance with chapter 452.

60         6. The court shall grant to the noncustodial parent rights to visitation with any minor  
61 child born to or adopted by the parties, unless the court finds, after hearing, that visitation would  
62 endanger the child's physical health, impair the child's emotional development or would  
63 otherwise conflict with the best interests of the child, or that no visitation can be arranged which  
64 would sufficiently protect the custodial parent from further domestic violence. The court may  
65 appoint a guardian ad litem or court-appointed special advocate to represent the minor child in  
66 accordance with chapter 452 whenever the custodial parent alleges that visitation with the  
67 noncustodial parent will damage the minor child.

68         7. The court shall make an order requiring the noncustodial party to pay an amount  
69 reasonable and necessary for the support of any child to whom the party owes a duty of support  
70 when no prior order of support is outstanding and after all relevant factors have been considered,  
71 in accordance with Missouri supreme court rule 88.01 and chapter 452.

72         8. The court may grant a maintenance order to a party for a period of time, not to exceed  
73 one hundred eighty days. Any maintenance ordered by the court shall be in accordance with  
74 chapter 452.

75         9. (1) The court may, in order to ensure that a petitioner can maintain an existing  
76 wireless telephone number or numbers, issue an order, after notice and an opportunity to be  
77 heard, directing a wireless service provider to transfer the billing responsibility for and rights to  
78 the wireless telephone number or numbers to the petitioner, if the petitioner is not the wireless  
79 service accountholder.

80         (2) (a) The order transferring billing responsibility for and rights to the wireless  
81 telephone number or numbers to the petitioner shall list the name and billing telephone number  
82 of the accountholder, the name and contact information of the person to whom the telephone  
83 number or numbers will be transferred, and each telephone number to be transferred to that  
84 person. The court shall ensure that the contact information of the petitioner is not provided to  
85 the accountholder in proceedings held under this chapter.

86         (b) Upon issuance, a copy of the full order of protection shall be transmitted, either  
87 electronically or by certified mail, to the wireless service provider's registered agent listed with  
88 the secretary of state, or electronically to the email address provided by the wireless service  
89 provider. Such transmittal shall constitute adequate notice for the wireless service provider  
90 acting under this section and section 455.523.

91         (c) If the wireless service provider cannot operationally or technically effectuate the  
92 order due to certain circumstances, the wireless service provider shall notify the petitioner within  
93 three business days. Such circumstances shall include, but not be limited to, the following:

- 94           a. The accountholder has already terminated the account;
- 95           b. The differences in network technology prevent the functionality of a device on the
- 96 network; or
- 97           c. There are geographic or other limitations on network or service availability.
- 98           (3) (a) Upon transfer of billing responsibility for and rights to a wireless telephone
- 99 number or numbers to the petitioner under this subsection by a wireless service provider, the
- 100 petitioner shall assume all financial responsibility for the transferred wireless telephone number
- 101 or numbers, monthly service costs, and costs for any mobile device associated with the wireless
- 102 telephone number or numbers.
- 103           (b) This section shall not preclude a wireless service provider from applying any routine
- 104 and customary requirements for account establishment to the petitioner as part of this transfer
- 105 of billing responsibility for a wireless telephone number or numbers and any devices attached
- 106 to that number or numbers including, but not limited to, identification, financial information, and
- 107 customer preferences.
- 108           (4) This section shall not affect the ability of the court to apportion the assets and debts
- 109 of the parties as provided for in law, or the ability to determine the temporary use, possession,
- 110 and control of personal property.
- 111           (5) No cause of action shall lie against any wireless service provider, its officers,
- 112 employees, or agents, for actions taken in accordance with the terms of a court order issued under
- 113 this section.
- 114           (6) As used in this section and section 455.523, a "wireless service provider" means a
- 115 provider of commercial mobile service under Section 332(d) of the Federal Telecommunications
- 116 Act of 1996 (47 U.S.C. Section 151, et seq.).

455.060. 1. After notice and hearing, the court may modify an order of protection at any

2 time, upon subsequent motion filed by the guardian ad litem, the court-appointed special

3 advocate or by either party together with an affidavit showing a change in circumstances

4 sufficient to warrant the modification. All full orders of protection shall be final orders and

5 appealable and shall be for a fixed period of time as provided in section 455.040.

6           2. Any order for child support, custody, temporary custody, visitation or maintenance

7 entered under sections 455.010 to 455.085 shall terminate prior to the time fixed in the order

8 upon the issuance of a subsequent order pursuant to chapter 452 or any other Missouri statute.

9           3. No order entered pursuant to sections 455.010 to 455.085 shall be res judicata to any

10 subsequent proceeding, including, but not limited to, any action brought under chapter 452.

11           4. All provisions of an order of protection shall terminate upon entry of a decree of

12 dissolution of ~~marriage~~ **a contract of domestic union**, or legal separation except as to those

13 provisions which require the respondent to participate in a court-approved counseling program

14 or enjoin the respondent from committing an act of domestic violence against the petitioner and  
15 which enjoin the respondent from entering the premises of the dwelling unit of the petitioner as  
16 described in the order of protection when the petitioner continues to reside in that dwelling unit  
17 unless the respondent is awarded possession of the dwelling unit pursuant to a decree of  
18 dissolution of ~~[marriage]~~ **a contract of domestic union**, or legal separation.

19 5. Any order of protection or order for child support, custody, temporary custody,  
20 visitation or maintenance entered under sections 455.010 to 455.085 shall terminate upon the  
21 order of the court granting a motion to terminate the order of protection by the petitioner. Prior  
22 to terminating any order of protection, the court may inquire of the petitioner or others in order  
23 to determine whether the dismissal is voluntary.

24 6. The order of protection may not change the custody of children when an action for  
25 dissolution of ~~[marriage]~~ **a contract of domestic union** has been filed or the custody has  
26 previously been awarded by a court of competent jurisdiction.

455.070. All proceedings under sections 455.010 to 455.085 are independent of any  
2 proceedings for dissolution of ~~[marriage]~~ **a contract of domestic union**, legal separation,  
3 separate maintenance and other actions between the parties and are in addition to any other  
4 available civil or criminal remedies, unless otherwise specifically provided herein.

455.085. 1. When a law enforcement officer has probable cause to believe a party has  
2 committed a violation of law amounting to domestic violence, as defined in section 455.010,  
3 against a family or household member, the officer may arrest the offending party whether or not  
4 the violation occurred in the presence of the arresting officer. When the officer declines to make  
5 arrest pursuant to this subsection, the officer shall make a written report of the incident  
6 completely describing the offending party, giving the victim's name, time, address, reason why  
7 no arrest was made and any other pertinent information. Any law enforcement officer  
8 subsequently called to the same address within a twelve-hour period, who shall find probable  
9 cause to believe the same offender has again committed a violation as stated in this subsection  
10 against the same or any other family or household member, shall arrest the offending party for  
11 this subsequent offense. The primary report of nonarrest in the preceding twelve-hour period  
12 may be considered as evidence of the defendant's intent in the violation for which arrest  
13 occurred. The refusal of the victim to sign an official complaint against the violator shall not  
14 prevent an arrest under this subsection.

15 2. When a law enforcement officer has probable cause to believe that a party, against  
16 whom a protective order has been entered and who has notice of such order entered, has  
17 committed an act of abuse in violation of such order, the officer shall arrest the offending  
18 party-respondent whether or not the violation occurred in the presence of the arresting officer.

19 Refusal of the victim to sign an official complaint against the violator shall not prevent an arrest  
20 under this subsection.

21 3. When an officer makes an arrest, the officer is not required to arrest two parties  
22 involved in an assault when both parties claim to have been assaulted. The arresting officer shall  
23 attempt to identify and shall arrest the party the officer believes is the primary physical aggressor.  
24 The term "primary physical aggressor" is defined as the most significant, rather than the first,  
25 aggressor. The law enforcement officer shall consider any or all of the following in determining  
26 the primary physical aggressor:

27 (1) The intent of the law to protect victims from continuing domestic violence;

28 (2) The comparative extent of injuries inflicted or serious threats creating fear of physical  
29 injury;

30 (3) The history of domestic violence between the persons involved.

31

32 No law enforcement officer investigating an incident of domestic violence shall threaten the  
33 arrest of all parties for the purpose of discouraging requests or law enforcement intervention by  
34 any party. Where complaints are received from two or more opposing parties, the officer shall  
35 evaluate each complaint separately to determine whether the officer should seek a warrant for  
36 an arrest.

37 4. In an arrest in which a law enforcement officer acted in good faith reliance on this  
38 section, the arresting and assisting law enforcement officers and their employing entities and  
39 superiors shall be immune from liability in any civil action alleging false arrest, false  
40 imprisonment or malicious prosecution.

41 5. When a person against whom an order of protection has been entered fails to surrender  
42 custody of minor children to the person to whom custody was awarded in an order of protection,  
43 the law enforcement officer shall arrest the respondent, and shall turn the minor children over  
44 to the care and custody of the party to whom such care and custody was awarded.

45 6. The same procedures, including those designed to protect constitutional rights, shall  
46 be applied to the respondent as those applied to any individual detained in police custody.

47 7. A violation of the terms and conditions, with regard to domestic violence, stalking,  
48 sexual assault, child custody, communication initiated by the respondent or entrance upon the  
49 premises of the petitioner's dwelling unit or place of employment or school, or being within a  
50 certain distance of the petitioner or a child of the petitioner, of an ex parte order of protection of  
51 which the respondent has notice, shall be a class A misdemeanor unless the respondent has  
52 previously pleaded guilty to or has been found guilty in any division of the circuit court of  
53 violating an ex parte order of protection or a full order of protection within five years of the date  
54 of the subsequent violation, in which case the subsequent violation shall be a class E felony.



55 Evidence of prior pleas of guilty or findings of guilt shall be heard by the court out of the  
56 presence of the jury prior to submission of the case to the jury. If the court finds the existence  
57 of such prior pleas of guilty or finding of guilt beyond a reasonable doubt, the court shall decide  
58 the extent or duration of sentence or other disposition and shall not instruct the jury as to the  
59 range of punishment or allow the jury to assess and declare the punishment as a part of its  
60 verdict.

61 8. A violation of the terms and conditions, with regard to domestic violence, stalking,  
62 sexual assault, child custody, communication initiated by the respondent or entrance upon the  
63 premises of the petitioner's dwelling unit or place of employment or school, or being within a  
64 certain distance of the petitioner or a child of the petitioner, of a full order of protection shall be  
65 a class A misdemeanor, unless the respondent has previously pleaded guilty to or has been found  
66 guilty in any division of the circuit court of violating an ex parte order of protection or a full  
67 order of protection within five years of the date of the subsequent violation, in which case the  
68 subsequent violation shall be a class E felony. Evidence of prior pleas of guilty or findings of  
69 guilt shall be heard by the court out of the presence of the jury prior to submission of the case  
70 to the jury. If the court finds the existence of such prior plea of guilty or finding of guilt beyond  
71 a reasonable doubt, the court shall decide the extent or duration of the sentence or other  
72 disposition and shall not instruct the jury as to the range of punishment or allow the jury to assess  
73 and declare the punishment as a part of its verdict. For the purposes of this subsection, in  
74 addition to the notice provided by actual service of the order, a party is deemed to have notice  
75 of an order of protection if the law enforcement officer responding to a call of a reported incident  
76 of domestic violence, stalking, sexual assault, or violation of an order of protection presented a  
77 copy of the order of protection to the respondent.

78 9. Good faith attempts to effect a reconciliation of a ~~[marriage]~~ **a contract of domestic**  
79 **union** shall not be deemed tampering with a witness or victim tampering under section 575.270.

80 10. Nothing in this section shall be interpreted as creating a private cause of action for  
81 damages to enforce the provisions set forth herein.

455.220. 1. To qualify for funds allocated and distributed pursuant to section 455.215  
2 a shelter shall meet all of the following requirements:

3 (1) Be incorporated in the state as a nonprofit corporation;

4 (2) Have trustees who represent the racial, ethnic and socioeconomic diversity of the  
5 community to be served, at least one of whom must possess personal experience in confronting  
6 or mitigating the problems of domestic violence;

7 (3) Receive at least twenty-five percent of its funds from sources other than funds  
8 distributed pursuant to section 455.215. These other sources may be public or private and may

9 include contributions of goods or services, including materials, commodities, transportation,  
10 office space or other types of facilities or personal services;

11 (4) Provide residential service or facilities for children when accompanied by a parent,  
12 guardian, or custodian who is a victim of domestic violence and who is receiving temporary  
13 residential service at the shelter;

14 (5) Require persons employed by or volunteering services to the shelter to maintain the  
15 confidentiality of any information that would identify individuals served by the shelter and any  
16 information or records that are directly related to the advocacy services provided to such  
17 individuals;

18 (6) Prior to providing any advocacy services, inform individuals served by the shelter  
19 of the nature and scope of the confidentiality requirement in subdivision (5) of this subsection.

20 2. Any person employed by or volunteering services to a shelter for victims of domestic  
21 violence shall be incompetent to testify concerning any confidential information described in  
22 subdivision (5) of subsection 1 of this section, unless the confidentiality requirement is waived  
23 in writing by the individual served by the shelter.

24 3. A shelter does not qualify for funds if it discriminates in its admissions or provision  
25 of services on the basis of race, religion, color, age, ~~marital~~ **domestic union** status, national  
26 origin, or ancestry.

455.523. 1. Any full order of protection granted under sections 455.500 to 455.538 shall  
2 be to protect the victim from domestic violence, stalking, and sexual assault may include such  
3 terms as the court reasonably deems necessary to ensure the petitioner's safety, including but not  
4 limited to:

5 (1) Temporarily enjoining the respondent from committing domestic violence or sexual  
6 assault, threatening to commit domestic violence or sexual assault, stalking, molesting, or  
7 disturbing the peace of the victim;

8 (2) Temporarily enjoining the respondent from entering the family home of the victim,  
9 except as specifically authorized by the court;

10 (3) Temporarily enjoining the respondent from communicating with the victim in any  
11 manner or through any medium, except as specifically authorized by the court.

12 2. When the court has, after hearing for any full order of protection, issued an order of  
13 protection, it may, in addition:

14 (1) Award custody of any minor child born to or adopted by the parties when the court  
15 has jurisdiction over such child and no prior order regarding custody is pending or has been  
16 made, and the best interests of the child require such order be issued;

17 (2) Award visitation;

18 (3) Award child support in accordance with supreme court rule 88.01 and chapter 452;

19 (4) Award maintenance to petitioner when petitioner and respondent are lawfully  
20 ~~married~~ **parties to a contract of domestic union** in accordance with chapter 452;

21 (5) Order respondent to make or to continue to make rent or mortgage payments on a  
22 residence occupied by the victim if the respondent is found to have a duty to support the victim  
23 or other dependent household members;

24 (6) Order the respondent to participate in a court-approved counseling program designed  
25 to help stop violent behavior or to treat substance abuse;

26 (7) Order the respondent to pay, to the extent that he or she is able, the costs of his or her  
27 treatment, together with the treatment costs incurred by the victim;

28 (8) Order the respondent to pay a reasonable fee for housing and other services that have  
29 been provided or that are being provided to the victim by a shelter for victims of domestic  
30 violence;

31 (9) Order a wireless service provider, in accordance with the process, provisions, and  
32 requirements set out in subdivisions (1) to (6) of subsection 9 of section 455.050, to transfer the  
33 billing responsibility for and rights to the wireless telephone number or numbers of any minor  
34 children in the petitioner's care to the petitioner, if the petitioner is not the wireless service  
35 accountholder.

455.534. All proceedings under sections 455.500 to 455.538 are independent of any  
2 proceedings for dissolution of ~~marriage~~ **a contract of domestic union**, legal separation,  
3 separate maintenance and other actions between the parties and are in addition to any other  
4 available civil or criminal remedies, unless otherwise specifically provided in sections 455.500  
5 to 455.538.

456.014. A trust created as part of a stock bonus plan, nonpublic pension plan, disability  
2 or death benefit plan, profit-sharing plan, or retirement plan, for the exclusive benefit of  
3 employees to which contributions are made by an employer, or participant, or both, for the  
4 purpose of distributing to such participant the earnings or the principal, or both earnings and  
5 principal of the fund so held in trust, shall be deemed to be a spendthrift trust if the plan or trust  
6 includes a provision restraining the assignment, alienation, or other voluntary or involuntary  
7 transfer of the interest of a participant in the trust. Prior to payment or delivery thereof to such  
8 participant by the plan trustee, such an interest of the participant shall be exempt from attachment  
9 or execution under the laws of this state, and such provision restraining the assignment,  
10 alienation, or other voluntary or involuntary transfer of the interest of a participant in the trust  
11 shall preclude any creditor of the participant from satisfying a claim from the assets or property  
12 of such a plan or trust before payment or delivery of such interest to the participant by the plan  
13 trustee, provided that the interest of any such participant shall be subject to attachment or  
14 execution pursuant to a qualified domestic relations order, as defined by Section 414(p) of the

15 federal Internal Revenue Code, as amended, issued by a court in any proceeding for dissolution  
16 of ~~[marriage]~~ **a contract of domestic union**, or legal separation or a proceeding for disposition  
17 of property following dissolution of marriage by a court which lacked personal jurisdiction over  
18 the absent spouse or lacked jurisdiction to dispose of ~~[marital]~~ **domestic union** property at the  
19 time of the original judgment of dissolution.

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

2 (1) The settlors of which are ~~[married to]~~ **parties to a contract of domestic union with**  
3 each other at the time of the creation of the trust; and

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

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

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

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

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

20 3. All property at any time held in a qualified spousal trust, without regard to how such  
21 property was titled prior to it being so held, shall have the same immunity from the claims of a  
22 separate creditor of either settlor as if such property were held outside the trust by the settlors as  
23 tenants by the entirety, unless otherwise provided in writing by the settlor or settlors who  
24 transferred such property to the trust, and such property shall be treated for that purpose,  
25 including without limitation, federal and state bankruptcy laws, as tenants by entirety property.  
26 Property held in a qualified spousal trust shall cease to receive immunity from the claims of  
27 creditors upon the dissolution of ~~[marriage]~~ **the contract of domestic union** of the settlors by  
28 a court.

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

32           5. Upon the death of each settlor, all property held by the trustee of the qualified spousal  
33 trust shall be distributed as directed by the then current terms of the governing instrument of such  
34 trust. Upon the death of the first settlor to die, if immediately prior to death the predeceased  
35 settlor's interest in the qualified spousal trust was then held in such settlor's separate share, the  
36 property held in such settlor's separate share may pass into an irrevocable trust for the benefit of  
37 the surviving settlor upon such terms as the governing instrument shall direct, including without  
38 limitation a spendthrift provision as provided in section 456.5-502.

39           6. The respective rights of settlors who are ~~[married to]~~ **parties to a contract of**  
40 **domestic union with** each other in any property for purposes of a dissolution of the settlors'  
41 ~~[marriage]~~ **contract of domestic union** shall not be affected or changed by reason of the transfer  
42 of that property to, or its subsequent administration as an asset of, a qualified spousal trust during  
43 the ~~[marriage]~~ **contract of domestic union** of the settlors, unless both settlors expressly agree  
44 otherwise in writing.

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

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

456.1-112. 1. If a settlor's ~~[marriage]~~ **contract of domestic union** is dissolved or  
2 annulled, any beneficial terms of a trust in favor of the settlor's former spouse or any fiduciary  
3 appointment of the settlor's former spouse is revoked on the date the ~~[marriage]~~ **contract of**  
4 **domestic union** is dissolved or annulled, whether or not the terms of the trust refer to ~~[marital]~~  
5 **domestic union** status. The terms of the trust shall be given effect as if the former spouse had  
6 died immediately before the date the dissolution or annulment became final. This subsection  
7 shall also apply to any beneficial interest or fiduciary appointment in favor of a relative of the  
8 settlor's former spouse as if such relative were the former spouse.

9           2. Subsection 1 of this section does not apply to the terms of a trust that provide any  
10 beneficial interest or fiduciary appointment for a former spouse or a relative of a former spouse  
11 that was created after the ~~[marriage]~~ **contract of domestic union** was dissolved or annulled, or  
12 that expressly states that ~~[marriage]~~ **contract of domestic union** dissolution or annulment shall  
13 not affect the designation of a former spouse or relative of a former spouse as a beneficiary or  
14 a fiduciary of the trust.

15           3. A court may order or the settlor and the spouse may agree before, during, or after the  
16 ~~[marriage]~~ **contract of domestic union** in a binding contract or settlement agreement that  
17 subsection 1 of this section does not apply to a beneficial interest or fiduciary appointment.

18           4. Any terms of a trust revoked solely by this section are revived by the settlor's  
19 ~~[remarriage to]~~ **new contract of domestic union with** the former spouse or by a nullification  
20 of the ~~[marriage]~~ **contract of domestic union** dissolution or annulment.

21           5. In this section, "a relative of the settlor's former spouse" means an individual who is  
22 related to the settlor's former spouse by blood, adoption or affinity and who, after the divorce or  
23 annulment, is not related to the settlor by blood, adoption or affinity.

24           6. The provisions of this section shall not apply to any trust for which a gift tax marital  
25 deduction has been claimed or allowed under Section 2523 of the Internal Revenue Code. The  
26 provisions of this section shall not apply in a manner that would result in either:

27           (a) a transfer to a trust being treated as an incomplete gift for federal gift tax purposes;  
28 or

29           (b) inclusion of assets of a trust in the gross estate of a settlor for federal estate tax  
30 purposes.

          456.8-815. 1. A trustee, without authorization by the court, may exercise:

2           (1) powers conferred by the terms of the trust; and

3           (2) except as limited by the terms of the trust:

4           (a) all powers over the trust property which ~~[an unmarried]~~ **a competent owner who is**  
5 **not a party to a contract of domestic union** has over individually owned property;

6           (b) any other powers appropriate to achieve the proper investment, management, and  
7 distribution of the trust property; and

8           (c) any other powers conferred by sections 456.1-101 to 456.11-1106.

9           2. The exercise of a power is subject to the fiduciary duties prescribed by section  
10 456.8-801 to 456.8-814.

          456.10-1007. If the happening of an event, including ~~[marriage]~~ **a contract of domestic**  
2 **union**, divorce, performance of educational requirements, or death, affects the administration  
3 or distribution of a trust, a trustee who has exercised reasonable care to ascertain the happening  
4 of the event is not liable for a loss resulting from the trustee's lack of knowledge.

          461.045. 1. Whenever a person designated as beneficiary of a nonprobate transfer is a  
2 lineal descendant of the owner, and the beneficiary is deceased at the time the beneficiary  
3 designation is made or does not survive the owner, or is treated as not surviving the owner, the  
4 nonsurviving beneficiary's share shall belong to that beneficiary's lineal descendants per stirpes  
5 who survive the owner, to take in place of and in substitution for the nonsurviving beneficiary,  
6 the same as the beneficiary would have taken if the beneficiary had survived. This subsection  
7 shall not apply to a beneficiary designation with the notation "no LDPS" after a beneficiary's  
8 name or other words negating an intention to direct the transfer to the lineal descendant  
9 substitutes of a nonsurviving beneficiary.

10           2. A beneficiary designation may provide that the share of any beneficiary not related  
11 to the owner as provided in subsection 1 of this section, and who does not survive the owner,  
12 shall belong to that beneficiary's lineal descendants per stirpes who survive the owner, by  
13 including after the name of the beneficiary the words "and lineal descendants per stirpes" or the  
14 abbreviation "LDPS".

15           3. Lineal descendants, taking as substitutes for a beneficiary of a nonprobate transfer,  
16 if they are of the same degree of kinship to the nonsurviving beneficiary, share equally, but if  
17 they are of unequal degree, then those of more remote degree take the share of their parent by  
18 representation.

19           4. Whenever a nonprobate transfer is to be made to a beneficiary's lineal descendants per  
20 stirpes, the property shall belong to such lineal descendants of the beneficiary who survive the  
21 owner, and in such proportions, as would result if the survivors were inheriting personal property  
22 of the beneficiary under the laws of Missouri and the beneficiary had died at the time of the  
23 owner's death, intestate, ~~[unmarried]~~ **not a party to a contract of domestic union**, domiciled  
24 in Missouri and possessed of such property.

25           5. Whenever a beneficiary of a nonprobate transfer does not survive the owner and the  
26 beneficiary is a person for whom the beneficiary's surviving lineal descendants take as substitutes  
27 under subsection 1 or 2 of this section, if there are no lineal descendants of the beneficiary who  
28 survive the owner, the beneficiary's share shall belong to the surviving beneficiaries, or to the  
29 owner's estate, as would be the case if transfer to the beneficiary's lineal descendants were not  
30 required to be considered.

461.051. 1. If, after an owner makes a beneficiary designation, the owner's ~~[marriage]~~  
2 **contract of domestic union** is dissolved or annulled, any provision of the beneficiary  
3 designation in favor of the owner's former spouse or a relative of the owner's former spouse is  
4 revoked on the date the ~~[marriage]~~ **contract of domestic union** is dissolved or annulled, whether  
5 or not the beneficiary designation refers to ~~[marital]~~ **domestic union** status. The beneficiary  
6 designation shall be given effect as if the former spouse or relative of the former spouse had  
7 disclaimed the revoked provision.

8           2. Subsection 1 of this section does not apply to a provision of a beneficiary designation  
9 that has been made irrevocable, or revocable only with the spouse's consent, or that is made after  
10 the ~~[marriage]~~ **contract of domestic union** was dissolved, or that expressly states that ~~[marriage]~~  
11 **contract of domestic union** dissolution shall not affect the designation of a spouse or relative  
12 of a spouse as beneficiary.

13           3. Any provision of a beneficiary designation revoked solely by this section is revived  
14 by the owner's ~~[remarriage to]~~ **new contract of domestic union with** the former spouse or by  
15 a nullification of the ~~[marriage]~~ **contract of domestic union** dissolution or annulment.

16           4. In this section, "a relative of the owner's former spouse" means an individual who is  
17 related to the owner's former spouse by blood, adoption or affinity and who, after the divorce or  
18 annulment, is not related to the owner by blood, adoption or affinity.

          461.065. 1. The owner in making provision for a nonprobate transfer under sections  
2 461.003 to 461.081 gives to the transferring entity the protections provided in this section for  
3 executing the owner's beneficiary designation.

4           2. The transferring entity may execute a nonprobate transfer with or without a written  
5 request.

6           3. The transferring entity may rely and act on:

7           (1) A certified or authenticated copy of a death certificate issued by an official or agency  
8 of the place where the death occurred as showing the fact, place, date, time of death and the  
9 identity of the decedent; or

10          (2) A certified or authenticated copy of any report or record of a governmental agency,  
11 domestic or foreign, that a person is missing, detained, dead or alive and the dates, circumstances  
12 and places disclosed by the record or report.

13          4. The transferring entity may rely and act on, and shall have no duty to verify,  
14 information in a written request made by a person specified in subdivision (14) of subsection 3  
15 of section 461.062, under oath or affirmation, subscribed before a notary public or other person  
16 authorized to administer oaths, for execution of the beneficiary designation.

17          5. The transferring entity shall have no duty:

18          (1) To give notice to any person of the date, manner and persons to whom transfer will  
19 be made under the beneficiary designation, except as provided in subsection 6 of this section;

20          (2) To attempt to locate any beneficiary or lineal descendant substitute, or determine  
21 whether a nonsurviving beneficiary or descendant had lineal descendants who survived the  
22 owner;

23          (3) To locate a trustee or custodian, obtain appointment of a successor trustee or  
24 custodian, or discover the existence of a trust instrument or will that creates an express trust; or

25          (4) To determine any fact or law that would cause the beneficiary designation to be  
26 revoked in whole or in part as to any person because of change in ~~marital~~ **domestic union**  
27 status or other reason, or that would qualify or disqualify any person to receive a share under the  
28 nonprobate transfer, or that would vary the distribution provided in the beneficiary designation.

29          6. (1) The transferring entity shall have no duty to withhold making a transfer based on  
30 knowledge of any fact or claim adverse to the transfer to be made unless, prior to the transfer,  
31 the transferring entity has received written notice at a place and time and in a manner which  
32 affords a reasonable opportunity to act on it before the transfer is made, that:

33          (a) Asserts a claim of beneficial interest in the transfer adverse to the transfer to be made;



34 (b) Gives the name of the claimant and an address for communications directed to the  
35 claimant;

36 (c) Identifies the deceased owner and the property to which the claim applies; and

37 (d) States the amount and nature of the claim as it affects the transfer.

38 (2) If a notice as provided in subdivision (1) of this subsection is received by the  
39 transferring entity, the transferring entity may discharge any duty to the claimant by delivering  
40 a notice or sending a notice by certified mail to the claimant at the address given in the notice  
41 of claim advising that a transfer adverse to the claimant's asserted claim may be made in thirty  
42 days from the date of delivery or mailing unless the transfer is restrained by a court order. If the  
43 transferring entity so delivers or mails such a notice it shall withhold making the transfer for  
44 thirty days after the date of delivery or mailing and may then make the transfer unless restrained  
45 by a court order.

46 (3) No other notice or other information shown to have been available to the transferring  
47 entity, its transfer agent and their employees, shall affect the right to the protections provided in  
48 sections 461.003 to 461.081.

49 7. The transferring entity shall have no responsibility for the application or use of  
50 property transferred to a fiduciary which the fiduciary as such is entitled to receive.

51 8. Notwithstanding the protections provided the transferring entity in sections 461.003  
52 to 461.081, in the event the transferring entity is uncertain as to the beneficiary entitled to receive  
53 a transfer or the beneficiary's proper share, or in the event of a dispute as to the proper transfer,  
54 the transferring entity may require the parties to adjudicate their respective rights or to furnish  
55 an indemnity bond protecting the transferring entity.

56 9. A transfer by the transferring entity in accordance with sections 461.003 to 461.081  
57 and pursuant to the beneficiary designation in good faith and in reliance on information the  
58 transferring entity reasonably believes to be accurate, discharges the transferring entity from all  
59 claims for the amounts paid and the property transferred.

60 10. The protections provided a transferring entity in sections 461.003 to 461.081 are in  
61 addition to protections provided by chapters 400, 403, 404 and 456.

461.071. A deceased owner's creditors, surviving spouse and ~~unmarried~~ minor children  
2 **who are not parties to a contract of domestic union** shall have the rights set forth in section  
3 461.300 with respect to the value of property passing by nonprobate transfer.

472.010. When used in this code, unless otherwise apparent from the context:

2 (1) "Administrator" includes any administrator de bonis non, administrator cum  
3 testamento annexo, administrator ad litem and administrator during absence or minority;

4 (2) "Child" includes an adopted child and a child born out of ~~wedlock~~ **a contract of**  
5 **domestic union**, but does not include a grandchild or other more remote descendants;

6 (3) "Claims" include liabilities of the decedent which survive whether arising in contract,  
7 tort or otherwise, funeral expenses, the expense of a tombstone, and costs and expenses of  
8 administration;

9 (4) "Clerk" means clerk of the probate division of the circuit court;

10 (5) "Code" or "probate code" means chapters 472, 473, 474 and 475;

11 (6) "Court" or "probate court" means the probate division of the circuit court;

12 (7) "Devise", when used as a noun, means a testamentary disposition of real or personal  
13 property or both; when used as a verb it means to dispose of real or personal property or both by  
14 will;

15 (8) "Devisee" includes legatee;

16 (9) "Distributee" denotes those persons who are entitled to the real and personal property  
17 of a decedent under his will, under the statutes of intestate succession or who take as surviving  
18 spouse under section 474.160, upon election to take against the will;

19 (10) "Domicile" means the place in which a person has voluntarily fixed his abode, not  
20 for a mere special or temporary purpose, but with a present intention of remaining there  
21 permanently or for an indefinite time;

22 (11) "Estate" means the real and personal property of the decedent or ward, as from time  
23 to time changed in form by sale, reinvestment or otherwise, and augmented by any accretions and  
24 additions thereto and substitutions therefor, and diminished by any decreases and distributions  
25 therefrom;

26 (12) "Exempt property" means that property of a decedent's estate which is not subject  
27 to be applied to the payment of claims, charges, legacies or bequests as described in section  
28 474.250;

29 (13) "Fiduciary" includes executor, administrator, guardian, conservator, and trustee;

30 (14) "Heirs" means those persons, including the surviving spouse, who are entitled under  
31 the statutes of intestate succession to the real and personal property of a decedent on his death  
32 intestate;

33 (15) "Interested persons" mean heirs, devisees, spouses, creditors or any others having  
34 a property right or claim against the estate of a decedent being administered and includes  
35 children of a protectee who may have a property right or claim against or an interest in the estate  
36 of a protectee. This meaning may vary at different stages and different parts of a proceeding and  
37 must be determined according to the particular purpose and matter involved;

38 (16) "Issue" of a person, when used to refer to persons who take by intestate succession,  
39 includes adopted children and all lawful lineal descendants, except those who are the lineal  
40 descendants of living lineal descendants of the intestate;

- 41 (17) "Lease" includes an oil and gas lease or other mineral lease, but does not include  
42 month-to-month or year-to-year tenancies under oral contracts;
- 43 (18) "Legacy" means a testamentary disposition of personal property;
- 44 (19) "Legatee" means a person entitled to personal property under a will;
- 45 (20) "Letters" include letters testamentary, letters of administration and letters of  
46 guardianship;
- 47 (21) "Lien" includes all liens except general judgment, execution and attachment liens;
- 48 (22) "Lineal descendants" include adopted children and their descendants;
- 49 (23) "Mortgage" includes deed of trust, vendor's lien and chattel mortgage;
- 50 (24) "Person" includes natural persons and corporations;
- 51 (25) "Personal property" includes interests in goods, money, choses in action, evidences  
52 of debt, shares of corporate stock, and chattels real;
- 53 (26) "Personal representative" means executor or administrator. It includes an  
54 administrator with the will annexed, an administrator de bonis non, an administrator pending  
55 contest, an administrator during minority or absence, and any other type of administrator of the  
56 estate of a decedent whose appointment is permitted. It does not include an executor de son tort;
- 57 (27) "Property" includes both real and personal property;
- 58 (28) "Real property" includes estates and interests in land, corporeal or incorporeal, legal  
59 or equitable, other than chattels real;
- 60 (29) "Registered mail" includes "certified mail" as defined and certified under  
61 regulations of the United States Postal Service;
- 62 (30) "Will" includes codicil; it also includes a testamentary instrument which merely  
63 appoints an executor and a testamentary instrument which merely revokes or revives another  
64 will.

- 472.160. 1. Any interested person aggrieved thereby may appeal to the appropriate  
2 appellate court from the order, judgment or decree of the probate division of the circuit court in  
3 any of the following cases:
- 4 (1) On the allowance of any claim against an estate exceeding one hundred dollars;
- 5 (2) On all settlements of the personal representative;
- 6 (3) On all apportionments among creditors, legatees or distributees;
- 7 (4) On all orders directing the payment of legacies, making distribution or making  
8 allowances to the surviving spouse or ~~unmarried~~ minor children **who are not parties to a**  
9 **contract of domestic union**;
- 10 (5) On all orders for the sale of assets of the probate estate;
- 11 (6) On all orders for the sale of real estate;
- 12 (7) On judgments for waste;

- 13 (8) On proceedings to recover balances escheated to the state;  
14 (9) On all orders revoking letters testamentary or of administration;  
15 (10) On orders making allowances for the expenses of administration;  
16 (11) On orders for the specific execution of contracts;  
17 (12) On orders compelling legatees and distributees to refund;  
18 (13) On all orders denying any of the foregoing requested actions;  
19 (14) In all other cases where there is a final order or judgment of the probate division of  
20 the circuit court under this code except orders admitting to or rejecting wills from probate.

21 2. No appeal shall be allowed from any order or denial of an order made by the clerk  
22 under section 472.070 unless a motion to modify or vacate such order has been denied by the  
23 court, but no such motion is necessary to an appeal from any order made, denied or refused by  
24 the judge.

473.090. 1. Notwithstanding the limitation periods provided in section 473.050, the  
2 probate division of the circuit court, in its discretion, may at any time refuse to grant letters in  
3 the following cases:

4 (1) When the estate of the decedent is not greater in amount than is allowed by law as  
5 exempt property and the allowance to the surviving spouse or ~~unmarried~~ minor children **who**  
6 **are not parties to a contract of domestic union** under section 474.260;

7 (2) When the personal estate of the decedent does not exceed fifteen thousand dollars  
8 and there is no widower, widow or ~~unmarried~~ minor children **who are not parties to a**  
9 **contract of domestic union**, any creditor of the decedent whose claim has not been barred by  
10 section 473.444 or any creditor of the estate may apply for refusal of letters by giving bond in  
11 the sum of not less than the value of the estate, the bond to be approved by the court, conditioned  
12 upon the creditor's obligating himself or herself to pay, so far as the assets of the estate will  
13 permit, the debts of the decedent in the order of their preference, and to distribute the balance,  
14 if any, to the persons entitled to such balance under the law. Liability of the sureties on the bond  
15 shall terminate unless proceedings against them are instituted within two years after the bond is  
16 filed. The court may dispense with the filing of a bond if the court finds the bond is not  
17 necessary.

18 2. Proof may be allowed by or on behalf of the widower, widow, ~~unmarried~~ minor  
19 children **who are not parties to a contract of domestic union**, or creditor before the court of  
20 the value and nature of the estate, and if the court is satisfied that no estate will be left after  
21 allowing to the surviving spouse or ~~unmarried~~ minor children **who are not parties to a**  
22 **contract of domestic union** their exempt property and statutory allowances or that the personal  
23 estate does not exceed fifteen thousand dollars when application is made by a creditor, the court  
24 may order that no letters of administration shall be issued on the estate, unless, upon the

25 application of other creditors or parties interested, the existence of other or further property is  
26 shown.

27         3. After the making of the order, and until such time as it may be revoked, the surviving  
28 spouse, ~~[unmarried]~~ minor children **who are not parties to a contract of domestic union**, or  
29 creditor may collect and sue for all the personal property belonging to the estate, if a surviving  
30 spouse or creditor, in the same manner and with the same effect as if the person had been  
31 appointed and qualified as executor or administrator of the estate, and if minor children, in the  
32 same manner and with the same effect as now provided by law for proceedings in court by  
33 infants in bringing suit.

34         4. When the estate of the decedent includes real estate and its value, less liens and  
35 encumbrances, together with the personal property, is not greater in value than the exempt  
36 property and allowances to the surviving spouse or ~~[unmarried]~~ minor children **who are not**  
37 **parties to a contract of domestic union**, the surviving spouse or ~~[unmarried]~~ minor children  
38 **who are not parties to a contract of domestic union** are entitled to such real property and may  
39 make record evidence of title to such real property without appointment of an executor or  
40 administrator by filing in the office of the recorder of deeds of each county where the real  
41 property is situated a certified copy of the order of refusal of letters, describing the real property,  
42 naming the persons entitled to such real property and showing their right to succeed to the  
43 property.

44         5. The surviving spouse or ~~[unmarried]~~ minor children **who are not parties to a**  
45 **contract of domestic union** who receive property of the estate under this section may retain such  
46 property, but a creditor receiving property under this section shall apply the proceeds of such  
47 property to debts of the estate in the order in which claims against the estate of deceased persons  
48 are now classified and preferred by law, and shall distribute the balance, if any, to the persons  
49 entitled thereto under the law. Upon compliance with this procedure, the real estate involved  
50 shall not thereafter be taken in execution for any debts or claims against the decedent, but the  
51 compliance has the effect of establishing the right of the surviving spouse or ~~[unmarried]~~ minor  
52 children **who are not parties to a contract of domestic union** to succeed to the real property;  
53 however, nothing in this section shall affect the right of secured creditors with respect to the real  
54 property.

55         6. Any person who has paid funeral expenses or debts of decedent is deemed a creditor  
56 for the purpose of making application for the refusal of letters of administration under this  
57 section and is subrogated to the rights of the original creditor.

473.095. In cases arising under sections 473.090 and 473.093, the court, if it finds that  
2 it would be just and equitable to make an apportionment of property between a surviving spouse

3 and ~~unmarried~~ minor children **who are not parties to a contract of domestic union**, shall in  
4 its order thereunder make such division of the property as will effectuate the apportionment.

473.120. Letters testamentary issued to executors may be in the following form:

2 County of ..... ss.

3 The state of Missouri to all persons to whom these presents shall come, greeting: Know  
4 ye, that the last will of ....., deceased, has, in due form of law, been exhibited, proved and  
5 recorded, and inasmuch as it appears that ..... has been appointed executor in and by the said last  
6 will to execute the same and to the end that the property of the testator may be preserved for  
7 those who appear to have a legal right or interest therein, and that the said last will may be  
8 executed according to the request of the testator, we do hereby authorize ....., as such executor,  
9 to take possession and control of all personal property, owned by the said ..... at the time of  
10 his death, except the exempt property of the surviving spouse or ~~unmarried~~ minor children **who**  
11 **are not parties to a contract of domestic union**, in whosoever possession the same is found  
12 and to perform and fulfill all duties enjoined upon him by the will, so far as there shall be  
13 property and the law charges him, and in general to do and perform all other things which are  
14 required of him by law.

15 In testimony whereof, I, ....., clerk of the probate division of the circuit court in and for  
16 said county of ....., have hereunto signed my name and affixed the seal of said probate division,  
17 at office, this ..... day of ....., A.D. ....

18 .....  
19 Clerk of the Probate Division

473.123. Letters of administration issued in this state may be in the following form:

2 County of ..... ss.

3 The state of Missouri to all persons to whom these presents shall come, greeting: Know  
4 ye, that whereas ....., late of the county of ....., died intestate, as it is said, having at the  
5 time of his death, property in this state, which may be lost, destroyed or diminished in value if  
6 speedy care be not taken of the same. To the end, therefore, that said property may be collected,  
7 preserved and disposed of according to law, we do hereby appoint ..... administrator of all  
8 personal property owned by ..... at the time of his death, except the exempt property of the  
9 surviving spouse or ~~unmarried~~ minor children **who are not parties to a contract of domestic**  
10 **union**, with full power and authority to secure and dispose of said property according to law, and  
11 collect all moneys due said decedent, and in general to do and perform all other acts and things  
12 which are required of him by law.

13 In testimony whereof, I, ....., clerk of the probate division of the circuit court in and for  
14 the county of ..... aforesaid, have hereunto signed my name and affixed the seal of said  
15 probate division, at office, this ..... day of ....., A.D. 20...

16

17

.....  
Clerk of the Probate Division

473.263. 1. Every executor or administrator has a right to and shall take possession of all the personal property of the decedent except exempt property of the surviving spouse and ~~unmarried~~ minor children **who are not parties to a contract of domestic union**, and administer it in accordance with this law.

2. The court, on its own motion or on the motion of any interested person, may order the executor or administrator to take possession of the real estate of the decedent when necessary for the payment of claims or for the preservation thereof. When ordered to take possession of real estate, the executor or administrator shall pay the taxes and collect the rents and earnings thereon until the estate is settled or until delivered by order of the court to the distributees. He may rent the real property of the estate for a period not exceeding one year. He shall keep in tenantable repair the buildings and fixtures under his control and may protect the same by insurance. He may maintain an action for the possession of the real property or to determine the title to the same.

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

(1) "Assistance", funds expended by a state agency to or on behalf of a person in the form of aid, care, or services, except that for the purposes of this section, aid to families with dependent children shall not be considered assistance;

(2) "Obligor estate", the estate against which an obligation under this section arises;

(3) "Recipient", a person to whom or on whose behalf assistance is provided;

(4) "State agency", the department of social services, department of health and senior services and department of mental health of the state of Missouri.

2. For the purposes of this section, the providing of assistance shall create an obligation which may be recovered by filing a claim in the probate division of the circuit court against the decedent estate of the spouse of the deceased recipient upon such spouse's death as provided by the probate code of Missouri, chapters 472, 473, 474 and 475. The amount of the state debt shall be the full amount of assistance without interest provided to the recipient during the ~~marriage~~ **contract of domestic union** of such recipient and spouse; provided that the liability of the obligor estate shall not exceed the value of the combined resources of the recipient and the spouse of the recipient on the date of death of the recipient.

3. The state agency providing the assistance may initiate a claim on the debt against the obligor estate.

4. The obligor estate may assert as a defense to the state agency's claim that more than two years prior to the providing of assistance, the recipient voluntarily abandoned the spouse.

21           5. An obligor estate shall have the right of setoff against the state debt for any amounts  
22 recovered by the state agency from the estate of the deceased recipient pursuant to section  
23 473.398.

24           6. Claims shall not be filed under this section when collection of the state debt would  
25 be contrary to federal statutes for assistance programs in which federal funds are received.

          473.490. 1. If, upon any settlement of the executor or administrator, it appears that the  
2 personal property of an estate is not sufficient for the payment of claims, legacies or allowances  
3 to the surviving spouse or ~~unmarried~~ minor children **who are not parties to a contract of**  
4 **domestic union**, the court may require a hearing to determine if real property of the estate should  
5 be sold, mortgaged or leased for that purpose.

6           2. Notice of the hearing, stating the time and nature thereof, shall be given by the clerk  
7 in the manner and to the persons as provided in subsection 2 of section 473.493.

8           3. Upon hearing the matter, and upon the adduction of satisfactory proof, the court may  
9 order the sale, mortgage or lease of such real property of the estate as the circumstances may  
10 require, and the same proceedings under this law shall thereafter be had in relation to the sale,  
11 mortgage or lease as if the same had been instituted on petition of the executor or administrator,  
12 or a creditor or other interested person.

          473.675. The law of this state respecting proceedings, procedures and substantive rights  
2 relating in any way to the property in this state of a nonresident decedent and its disposition,  
3 including by way of illustration, but not limited to, all matters relating to (i) the commencement  
4 and conduct of an administration, (ii) distributions during or at the conclusion of an  
5 administration, (iii) any trust created under the will of a nonresident decedent, shall apply as if  
6 the decedent had been a resident of this state, subject to the following:

7           (1) Nothing in sections 473.668 to 473.694 shall be deemed to affect:

8           (a) Methods of proving foreign wills or the admissibility of such wills to probate or to  
9 record;

10          (b) The rights of a surviving spouse electing to accept or take against the will of a  
11 nonresident decedent, or the method of such election;

12          (c) The right of a person to take as a pretermitted heir or otherwise against the will of  
13 a nonresident decedent;

14          (d) The effect of divorce or the birth of a child as working or not working a revocation  
15 or partial revocation of the will of a nonresident;

16          (e) The effect of the contest in another jurisdiction of the will of a nonresident decedent  
17 upon its validity in Missouri;

18          (f) The applicability of any law in determining the validity of the execution of the will  
19 of a nonresident decedent;



20 (g) The determination of the ultimate burden of estate taxes imposed by reason of the  
21 death of a nonresident decedent;

22 (2) Real property of an intestate nonresident decedent descends according to the laws of  
23 this state, and his personal property devolves to his heirs or next of kin determined in accordance  
24 with the laws of the state or country of his domicile;

25 (3) Support and family allowances to surviving spouses and ~~unmarried~~ minor children  
26 **who are not parties to a contract of domestic union** are governed by the more liberal (to them)  
27 of the laws of the decedent's domicile and the laws of this state; but the court of this state in  
28 making such allowance and in ruling on applications for orders of refusal of letters of  
29 administration shall take into account any allowance which may be made in other jurisdictions  
30 and satisfied from property therein.

31 (4) Notwithstanding the requirements of this section that distributions during or at the  
32 conclusion of an administration shall be made as if the decedent were a resident, if the court  
33 finds that hardship to a foreign creditor would result therefrom or that the best interests of all  
34 persons having an interest in the estate would be forwarded by making a distribution to a foreign  
35 personal representative, the court may, in its discretion, order such distribution to the extent it  
36 finds necessary to avoid such hardship or to forward such interests.

37 (5) If the aggregate of liabilities of the estate in all jurisdictions exceeds its aggregate  
38 assets, the court shall order distribution, as far as practicable, so that all the creditors of  
39 decedent's estate, here and elsewhere, may receive a share in proportion to their respective  
40 obligations, with regard being given to any preferential rights determined by the court. To this  
41 end, distribution to a foreign personal representative may be ordered if all creditors whose claims  
42 have been allowed in the administration in this state shall have received their just proportions  
43 that would be due to them if the whole of the estate of the decedent, wherever found, were  
44 divided among all creditors in proportion to their respective obligations, after applying Missouri  
45 law respecting preferences to different species of obligations, and if and to the extent that the  
46 court finds such preference to be equitable under all the circumstances of the particular case.

474.010. All property as to which any decedent dies intestate shall descend and be  
2 distributed, subject to the payment of claims, as follows:

3 (1) The surviving spouse shall receive:

4 (a) The entire intestate estate if there is no surviving issue of the decedent;

5 (b) The first twenty thousand dollars in value of the intestate estate, plus one-half of the  
6 balance of the intestate estate, if there are surviving issue, all of whom are also issue of the  
7 surviving spouse;

8 (c) One-half of the intestate estate if there are surviving issue, one or more of whom are  
9 not issue of the surviving spouse;

10 (2) The part not distributable to the surviving spouse, or the entire intestate property, if  
11 there is no surviving spouse, shall descend and be distributed as follows:

12 (a) To the decedent's children, or their descendants, in equal parts;

13 (b) If there are no children, or their descendants, then to the decedent's father, mother,  
14 brothers and sisters or their descendants in equal parts;

15 (c) If there are no children, or their descendants, father, mother, brother or sister, or their  
16 descendants, then to the grandfathers, grandmothers, uncles and aunts or their descendants in  
17 equal parts;

18 (d) If there are no children or their descendants, father, mother, brother, sister, or their  
19 descendants, grandfather, grandmother, uncles, aunts, nor their descendants, then to the  
20 great-grandfathers, great-grandmothers, or their descendants, in equal parts; and so on, in other  
21 cases without end, passing to the nearest lineal ancestors and their children, or their descendants,  
22 in equal parts; provided, however, that collateral relatives, that is, relatives who are neither  
23 ancestors nor descendants of the decedent, may not inherit unless they are related to the decedent  
24 at least as closely as the ninth degree, the degree of kinship being computed according to the  
25 rules of the civil law; that is, by counting upward from the decedent to the nearest common  
26 ancestor, and then downward to the relative, the degree of kinship being the sum of these two  
27 counts, so that brothers are related in the second degree;

28 (3) If there is no surviving spouse or kindred of the decedent entitled to inherit, the  
29 whole shall go to the kindred of the predeceased spouse who, at the time of the spouse's death,  
30 was ~~married to~~ **a party to a contract of domestic union with** the decedent, in like course as  
31 if such predeceased spouse had survived the decedent and then died entitled to the property, and  
32 if there is more than one such predeceased spouse, then to go in equal shares to the kindred of  
33 each predeceased spouse;

34 (4) If no person is entitled to inherit as provided in this section the property shall escheat  
35 as provided by law.

474.060. 1. If, for purposes of intestate succession, a relationship of parent and child  
2 must be established to determine succession by, through, or from a person, an adopted person  
3 is the child of an adopting parent and not of the natural parents, except that adoption of a child  
4 by the spouse of a natural parent has no effect on the relationship between the child and such  
5 natural parent.

6 2. In cases not covered by subsection 1 ~~herein~~ **of this section**, a person born out of  
7 ~~wedlock~~ **a contract of domestic union** is a child of the mother. That person is also a child of  
8 the father, if either of the following occur:

9 (1) The natural parents ~~[participated in a marriage ceremony]~~ **became parties to a**  
10 **contract of domestic union** before or after the birth of the child, even though the attempted  
11 ~~[marriage]~~ **contract of domestic union** is void;

12 (2) The paternity is established by an adjudication before the death of the father, or is  
13 established thereafter by clear and convincing proof, except that the paternity established under  
14 this subdivision (2) is ineffective to qualify the father or his kindred to inherit from or through  
15 the child, unless the father has openly treated the child as his, and has not refused to support the  
16 child.

474.120. The rights of inheritance or any other statutory rights of a surviving spouse of  
2 a decedent who dies intestate shall be deemed to have been waived if prior to, or after, the  
3 ~~[marriage]~~ **contract of domestic union** such intended spouse or spouse by a written contract did  
4 agree to waive such rights, after full disclosure of the nature and extent thereof, including the  
5 nature and extent of all property interests of the parties, and if the thing or promise given to the  
6 waiving party is a fair consideration under all the circumstances.

474.140. If any ~~[married person]~~ **party to a contract of domestic union** voluntarily  
2 leaves his or her spouse and goes away and continues with an adulterer or abandons his or her  
3 spouse without reasonable cause and continues to live separate and apart from his or her spouse  
4 for one whole year next preceding his or her death, or dwells with another in a state of adultery  
5 continuously, such spouse is forever barred from his or her inheritance rights, homestead  
6 allowance, exempt property or any statutory allowances from the estate of his or her spouse  
7 unless such spouse is voluntarily reconciled to him or her and resumes cohabitation with him or  
8 her.

474.150. 1. Any gift made by a person, whether dying testate or intestate, in fraud of the  
2 ~~[marital]~~ **domestic union** rights of his surviving spouse to share in his estate, shall, at the  
3 election of the surviving spouse, be treated as a testamentary disposition and may be recovered  
4 from the donee and persons taking from him without adequate consideration and applied to the  
5 payment of the spouse's share, as in case of his election to take against the will.

6 2. Any conveyance of real estate made by a ~~[married person]~~ **party to a contract of**  
7 **domestic union** at any time without the joinder or other written express assent of his spouse,  
8 made at any time, duly acknowledged, is deemed to be in fraud of the ~~[marital]~~ **domestic union**  
9 rights of his **or her** spouse, if the spouse becomes a surviving spouse, unless the contrary is  
10 shown.

11 3. Any conveyance of the property of the spouse of a disabled person is deemed not to  
12 be in fraud of the ~~[marital]~~ **domestic union** rights of the disabled person if the probate division  
13 of the circuit court authorizes the conservator of the disabled person to join in or assent to the  
14 conveyance after finding that it is not made in fraud of the ~~[marital]~~ **domestic union** rights. Any

15 conveyance of the property of a minor or disabled person made by a conservator pursuant to an  
16 order of court is deemed not to be in fraud of the ~~[marital]~~ **domestic union** rights of the spouse  
17 of the protectee.

474.160. 1. When a ~~[married person]~~ **party to a contract of domestic union** dies testate  
2 as to any part of his **or her** estate, a right of election is given to the surviving spouse solely under  
3 the limitations and conditions herein stated:

4 (1) The surviving spouse, upon election to take against the will, shall receive in addition  
5 to exempt property and the allowance under section 474.260 one-half of the estate, subject to the  
6 payment of claims, if there are no lineal descendants of the testator; or, if there are lineal  
7 descendants of the testator, the surviving spouse shall receive one-third of the estate subject to  
8 the payment of claims;

9 (2) When a surviving spouse elects to take against the will he shall be deemed to take  
10 by descent, as a modified share, such part of the estate as comes to him under the provisions of  
11 this section, and shall take nothing under the will;

12 (3) Whenever there is an effective election to take against a will which provides for  
13 benefits to accrue upon the death of the surviving spouse, the election has the same effect as to  
14 the benefits as if the surviving spouse had predeceased the testator, unless the will otherwise  
15 provides.

16 2. The rights of the surviving spouse under this section are not given in lieu of the  
17 homestead allowance under section 474.290, but any homestead allowance made to the surviving  
18 spouse shall be offset against the share taken under this section.

474.170. The clerk of the court, after the will of a ~~[married person]~~ **party to a contract**  
2 **of domestic union** is admitted to probate, shall, within one month thereafter, mail by ordinary  
3 mail a written notice, directed to the testator's surviving spouse at his last known residence  
4 address, informing him that a written election must be filed by or on behalf of the surviving  
5 spouse in order to take against the will, within ten days after the expiration of the time limited  
6 for contesting the will of the decedent, unless the time is extended pursuant to law. Failure of  
7 the clerk to mail or of any surviving spouse to receive the notice herein required does not affect  
8 the time for making an election as prescribed by section 474.180. If the court is informed that  
9 a surviving spouse has been adjudicated a disabled or incapacitated person but has no guardian  
10 or conservator the notice need not be given but the court may appoint a guardian ad litem to  
11 make the election.

474.220. The right of election of a surviving spouse hereinbefore given may be waived  
2 before or after ~~[marriage]~~ **a contract of domestic union** by a written contract, agreement or  
3 waiver signed by the party waiving the right of election, after full disclosure of the nature and  
4 extent of the right, if the thing or the promise given to the waiving party is a fair consideration

5 under all the circumstances. This written contract, agreement or waiver may be filed in the same  
6 manner as hereinbefore provided for the filing of an election.

474.235. 1. If a testator fails to provide by will for his **or her** surviving spouse who  
2 ~~[married]~~ **became a party to a contract of domestic union with** the testator after the execution  
3 of the will, the omitted spouse shall receive the same share of the estate he **or she** would have  
4 received if the decedent left no will, unless it appears from the will that the omission was  
5 intentional or that the testator provided for the spouse by transfer outside the will, and the intent  
6 that the transfer be in lieu of a testamentary provision is shown by statements of the testator, the  
7 amount of the transfer or other evidence.

8 2. In satisfying a share provided by this section, the devises made by the will abate as  
9 provided in section 473.620.

474.250. The surviving spouse, or ~~[unmarried]~~ minor children **who are not parties to**  
2 **a contract of domestic union** of a decedent are entitled absolutely to the following property of  
3 the estate without regard to its value: The family bible and other books, one automobile or other  
4 passenger motor vehicle, including a pickup truck, with its means of propulsion, all wearing  
5 apparel of the family, all household electrical appliances, all household musical and other  
6 amusement instruments and all household and kitchen furniture, appliances, utensils and  
7 implements. Such property shall belong to the surviving spouse, if any, otherwise to the  
8 ~~[unmarried]~~ minor children **who are not parties to a contract of domestic union** in equal  
9 shares.

474.270. The surviving spouse or other custodian of ~~[unmarried]~~ minor children **who**  
2 **are not parties to a contract of domestic union** shall apply for the property named in section  
3 474.250 before the same is distributed or sold, but the property so delivered shall in no case be  
4 liable for the payment of the claims against the estate.

474.280. If the surviving spouse or ~~[unmarried]~~ minor children **who are not parties to**  
2 **a contract of domestic union** do not receive the property allowed him **or her** or them under  
3 section 474.250 and the same is sold by the executor or administrator, the court shall order the  
4 money to be paid to the surviving spouse or ~~[unmarried]~~ minor children **who are not parties to**  
5 **a contract of domestic union** at any time before the same is paid out for claims or distributed.

474.290. 1. At any time after the return of the inventory, the court, on application of the  
2 surviving spouse or of the guardian, conservator, or person having custody of the persons of the  
3 ~~[unmarried]~~ minor children **who are not parties to a contract of domestic union** of a decedent,  
4 shall make an allowance to the surviving spouse or ~~[unmarried]~~ minor children **who are not**  
5 **parties to a contract of domestic union** of an amount not exceeding fifty percent of the value  
6 of the estate, exclusive of exempt property, and the allowance made under section 474.260, but  
7 in no case shall the allowance exceed fifteen thousand dollars. Such allowance shall be known

8 as a homestead allowance and is in addition to the exempt property and the allowance to the  
9 surviving spouse and ~~[unmarried]~~ minor children **who are not parties to a contract of domestic**  
10 **union** under section 474.260. The homestead allowance is exempt from all claims against the  
11 estate. The homestead allowance shall be offset against the share to which the surviving spouse  
12 or any minor child who receives it is entitled as a distributee of the estate, but the allowance shall  
13 not be diminished if it is greater than the distributive share. The allowance may consist, in whole  
14 or in part, of money or property, real or personal, and subject to the provisions of section  
15 473.620, property may be selected as provided in this section. The homestead allowance is the  
16 property of the surviving spouse, if any; but if there is no surviving spouse or if the surviving  
17 spouse dies before receiving the homestead allowance, then it is the property of the ~~[unmarried]~~  
18 minor children **who are not parties to a contract of domestic union** in equal shares. When a  
19 decedent is survived by ~~[married]~~ minor children **who are parties to a contract of domestic**  
20 **union** or children of full age, or both, and also by ~~[unmarried]~~ minor children **who are not**  
21 **parties to a contract of domestic union** but no spouse, the homestead allowance as determined  
22 under the foregoing provisions of this section shall be divided by the total number of all of the  
23 children of the decedent and the shares of the ~~[unmarried]~~ minor children **who are not parties**  
24 **to a contract of domestic union** as so determined shall, notwithstanding the foregoing  
25 provisions, constitute the homestead allowance. The selection of property shall be made by the  
26 surviving spouse, if any, otherwise by the guardian or conservator of each ~~[unmarried]~~ minor  
27 child **who is not a party to a contract of domestic union** for such child, or by a person  
28 designated by the court, but no real estate may be selected or included in any homestead  
29 allowance unless selection of the specific real estate is requested in the application filed within  
30 the time provided by subsection 7 of this section.

31         2. If real estate is included in the homestead allowance, the personal representative shall  
32 convey the same as determined by this section by deed to the person entitled thereto.

33         3. If a surviving spouse selects, as a homestead allowance, an interest in property having  
34 a value in excess of the homestead allowance, the court shall order the personal representative  
35 to convey the property to the surviving spouse upon the payment to the estate by such spouse of  
36 an amount of money equal to the difference between the value of the property and the homestead  
37 allowance or it shall order the personal representative to convey an undivided interest in the  
38 property to the surviving spouse which is equivalent to the ratio which the homestead allowance  
39 bears to the value of the property, at the option of the spouse.

40         4. If the court finds that real estate selected by the surviving spouse is a part of a larger  
41 tract and that the real estate selected may be separated from the residue of the larger tract without  
42 great prejudice to the owners, the court may proceed to set off to the surviving spouse the real  
43 estate constituting the homestead allowance in the same manner as provided by sections 528.200

44 to 528.240 for the partition of real estate, and this portion so set off shall be conveyed by the  
45 personal representative, by deed, to the surviving spouse.

46 5. In all proceedings under this section the court may order such appraisals of the  
47 property selected as it deems necessary and it shall determine the value of the property after due  
48 notice to all interested parties in the manner as ordered by the court pursuant to section 472.100  
49 and hearing pursuant thereto.

50 6. If within five days after the court's determination of the value of the property any  
51 interested party files written exception to the court's determination and avers in the exception that  
52 the amount so determined is excessive or inadequate and if the court finds that a sale of the  
53 property would be in the best interests of the estate, then the court, in lieu of the procedures  
54 provided in subsections 1 and 2, may order a public sale of such property in the manner provided  
55 by sections 473.507 and 473.510. Upon such sale, if the surviving spouse is the high bidder, the  
56 amount of the homestead allowance shall be credited against the purchase price. Within ten days  
57 after such sale a report of the sale shall be filed and upon approval of the report by the court, the  
58 personal representative shall execute, acknowledge and deliver a conveyance to the purchaser  
59 according to the order of approval which in form and substance shall be the same as that  
60 provided for in subsection 2 of section 473.520, omitting any reference to certificate of  
61 appraisement.

62 7. If no application for the setting apart and allowance authorized in this section is filed  
63 within ten days after expiration of the time allowed for filing of claims, the homestead allowance  
64 is deemed waived by the surviving spouse or the ~~[unmarried]~~ minor children **who are not**  
65 **parties to a contract of domestic union** and the spouse or the ~~[unmarried]~~ minor children **who**  
66 **are not parties to a contract of domestic union** have no right to homestead or homestead  
67 allowance under any law of this state.

68 8. The allowance made under this section is in lieu of all dower and homestead rights  
69 in the property of a decedent. After January 1, 1956, no right of homestead under sections  
70 513.495 and 513.500 vests in the surviving spouse or minor children of any decedent, but neither  
71 this section nor the repeal of sections 513.495 and 513.500 affects homestead rights heretofore  
72 vested in any surviving spouse or minor children.

474.300. Death of a surviving spouse within the one year period for which the allowance  
2 is provided under section 474.260, for his **or her** maintenance, shall not affect the right of the  
3 surviving spouse to the allowance or the ordering thereof by the court. If ~~[an unmarried]~~ a minor  
4 child **who is not a party to a contract of domestic union** dies, ~~[marries]~~ **becomes a party to**  
5 **a contract of domestic union**, or comes of age, no allowance shall be made under section  
6 474.260 for his maintenance for any period after such death, ~~[marriage]~~ **contract of domestic**  
7 **union**, or coming of age. When a surviving spouse dies without having received the homestead

8 allowance, it may be paid or may be allowed to the ~~[unmarried]~~ minor children **who are not**  
9 **parties to a contract of domestic union.** If ~~[an unmarried]~~ a minor child **who is not a party**  
10 **to a contract of domestic union** entitled to homestead allowance dies, ~~[marries]~~ **becomes a**  
11 **party to a contract of domestic union,** or comes of age before his homestead allowance has  
12 been made, and within the time for applying for it, he shall not be entitled to the allowance, but  
13 if he dies, ~~[marries]~~ **becomes a party to a contract of domestic union,** or comes of age after  
14 it has been allowed but before it was paid, he shall be entitled to it.

474.310. Any person of sound mind, eighteen years of age or older or any minor  
2 emancipated by adjudication, ~~[marriage]~~ **a contract of domestic union,** or entry into active  
3 military duty ~~[into the military]~~ may by last will devise his or her real or personal property and  
4 may also devise the whole or any part of his or her body to any college, university, licensed  
5 hospital or to the state anatomical board for use in the manner expressly provided by his or her  
6 will or otherwise.

474.435. Halfbloods, adopted persons and persons born out of ~~[wedlock]~~ **a contract of**  
2 **domestic union** are included in class gift terminology and terms of relationship in accordance  
3 with rules for determining relationships for purposes of intestate succession.

475.024. A parent of a minor, by a properly executed power of attorney, may delegate  
2 to another individual, for a period not exceeding one year, any of his or her powers regarding  
3 care or custody of the minor child, except his or her power to consent to ~~[marriage]~~ **a contract**  
4 **of domestic union** or adoption of the minor child.

475.091. The court has the following powers which may be exercised directly or through  
2 a conservator in respect to the estate and affairs of minors and disabled persons:

3 (1) While a petition for appointment of a conservator of the estate is pending, on motion  
4 and with notice to the attorney appointed to represent the minor or alleged disabled person and  
5 after preliminary hearing and finding of probable cause that the allegations of the petition and  
6 motion are true, the court may appoint a conservator ad litem to collect, protect and preserve the  
7 assets of the minor or alleged disabled person and, on order of court, disburse funds for the  
8 necessary support and maintenance of the minor or alleged disabled person and those members  
9 of his family who are dependent upon him;

10 (2) Upon finding that the transaction was or is beneficial to the protectee, the court may  
11 approve, ratify, confirm and validate any transaction entered into by a conservator of the estate,  
12 without court authorization which it has power under this section to authorize the conservator  
13 to conduct. The power of the court to approve, ratify, confirm and validate transactions entered  
14 into by a conservator of the estate without court authorization includes, without limitation,  
15 retention of real or personal property, compromises of claims by and against the estate,  
16 investments, purchases, sales, mortgages, exchanges, abandonment, leases of any duration,



17 improvements, contracts to improve, contracts to sell, contracts to purchase, contracts to  
18 exchange and grants of options, easements, profits or other rights with respect to land or other  
19 property. It also includes, without limitation, payment of a mortgage indebtedness on the real  
20 estate of the protectee out of his personal estate and purchase of real estate at a sale made under  
21 a mortgage, deed of trust, vendor's lien or other lien held by the protectee. It also includes the  
22 power to make, ratify and undertake proceedings for, and agreements incident to, dissolution of  
23 the ~~[marriage]~~ **contract of domestic union** of the protectee, and transactions involving conflicts  
24 of interest between conservator and protectee.

475.094. If the court determines and enters a finding that a permanently totally mentally  
2 disabled protectee's estate would be substantially depleted upon his death by the payment of  
3 federal estate taxes, the court is hereby empowered: to exercise or release powers of  
4 appointment, to change the beneficiaries and elect options under insurance and annuity policies,  
5 to make gifts to the natural objects of the protectee's bounty, to convey or release his contingent  
6 and expectant interests in property including ~~[marital]~~ **domestic union** property rights and any  
7 right of survivorship incident to joint tenancy or tenancy by the entirety, to surrender insurance  
8 or annuity policies for their cash values, to exercise his right to an elective share in the estate of  
9 his deceased spouse, and to renounce any interest by testate or intestate succession or by inter  
10 vivos transfer, if such act or acts will not deplete the protectee's estate so as to impair the ability  
11 to provide for the protectee's foreseeable lifetime needs, and if such act will cause financial  
12 benefits to inure solely to the natural objects of the protectee's bounty. Such act shall be  
13 undertaken by the court only to the extent that it will result in a substantial saving of federal  
14 estate tax for the estate of the disabled protectee upon his death.

475.110. 1. When a minor ward has attained the age of fourteen years, the guardian of  
2 his or her person may be removed on petition of the ward to have another person appointed  
3 guardian if it is for the best interests of the ward that such other person be appointed. When the  
4 spouse of an incapacitated or disabled person is appointed his or her guardian or conservator,  
5 such spouse shall be removed as guardian or conservator upon dissolution of his or her  
6 ~~[marriage]~~ **contract of domestic union** with the incapacitated or disabled person. A guardian  
7 or conservator may also be removed on the same grounds as is provided in section 473.140 for  
8 the removal of personal representatives.

9 2. Notwithstanding subsection 1 of this section, a spouse whose ~~[marriage-to]~~ **contract**  
10 **of domestic union with** the ward was dissolved may petition the court to remain as or be  
11 reappointed guardian or conservator of the incapacitated or disabled person in accordance with  
12 section 475.115.

475.265. A guardian or conservator shall be allowed such compensation for his services  
2 as guardian or conservator, as the court shall deem just and reasonable. Additional compensation

3 may be allowed for his necessary services as attorney and for other necessary services not  
4 required of a guardian or conservator. Compensation may also be allowed for necessary  
5 expenses in the administration of his trust, including reasonable attorney fees if the employment  
6 of an attorney for the particular purpose is necessary. In all cases, compensation of the guardian  
7 or conservator and his expenses including attorney fees shall be fixed by the court and may be  
8 allowed at any annual or final accounting; but at any time before final settlement the guardian  
9 or conservator or his attorney may apply to the court for an allowance upon the compensation  
10 or necessary expenses of the guardian or conservator and for attorney fees for services already  
11 performed. If the court finds that the guardian or conservator has failed to discharge his **or her**  
12 duties as such in any respect, it may deny him **or her** any compensation whatsoever or may  
13 reduce the compensation which would otherwise be allowed. The court may consider ties of  
14 blood, ~~[marriage]~~ **a contract of domestic union**, or adoption, in making allowances of  
15 compensation to guardians and conservators.

476.515. 1. As used in sections 476.515 to 476.565, unless the context clearly indicates  
2 otherwise, the following terms mean:

3 (1) "Beneficiary", a surviving spouse ~~[married to]~~ **who was a party to a contract of**  
4 **domestic union with** the deceased judge continuously for a period of at least two years  
5 immediately preceding the judge's death or if there is no surviving spouse eligible to receive  
6 benefits pursuant to sections 476.515 to 476.565, the term "beneficiary" shall mean any child  
7 under age twenty-one of the deceased judge, who shall share in the benefits on an equal basis  
8 with all other beneficiaries;

9 (2) "Benefit", a series of equal monthly payments payable during the life of a judge  
10 retiring pursuant to the provisions of sections 476.515 to 476.565 or payable to a beneficiary as  
11 provided in sections 476.515 to 476.565; all benefits paid pursuant to sections 476.515 to  
12 476.565 in excess of any contributions made to the system by a judge shall be considered to be  
13 a part of the compensation provided a judge for the judge's services;

14 (3) "Commissioner of administration", the commissioner of administration of the state  
15 of Missouri;

16 (4) "Judge", any person who has served or is serving as a judge or commissioner of the  
17 supreme court or of the court of appeals; or as a judge of any circuit court, probate court,  
18 magistrate court, court of common pleas or court of criminal corrections of this state; as a justice  
19 of the peace; or as commissioner or deputy commissioner of the circuit court appointed after  
20 February 29, 1972;

21 (5) "Salary", the total compensation paid for personal services as a judge by the state or  
22 any of its political subdivisions.

23           2. A surviving spouse whose benefits were terminated because of ~~[remarriage]~~ **a new**  
24 **contract of domestic union** prior to October 1, 1984, shall, upon written application to the board  
25 within six months after October 1, 1984, have the surviving spouse's rights as a beneficiary  
26 restored. Benefits shall resume as of October 1, 1984.

          476.521. 1. Notwithstanding any provision of chapter 476 to the contrary, each person  
2 who first becomes a judge on or after January 1, 2011, and continues to be a judge may receive  
3 benefits as provided in sections 476.445 to 476.688 subject to the provisions of this section.

4           2. Any person who is at least sixty-seven years of age, has served in this state an  
5 aggregate of at least twelve years, continuously or otherwise, as a judge, and ceases to hold office  
6 by reason of the expiration of the judge's term, voluntary resignation, or retirement pursuant to  
7 the provisions of subsection 2 of section 24 of article V of the Constitution of Missouri may  
8 receive benefits as provided in sections 476.515 to 476.565. The twelve-year requirement of this  
9 subsection may be fulfilled by service as judge in any of the courts covered, or by service in any  
10 combination as judge of such courts, totaling an aggregate of twelve years. Any judge who is  
11 at least sixty-seven years of age and who has served less than twelve years and is otherwise  
12 qualified under sections 476.515 to 476.565 may retire after reaching age sixty-seven, or  
13 thereafter, at a reduced retirement compensation in a sum equal to the proportion of the  
14 retirement compensation provided in section 476.530 that his or her period of judicial service  
15 bears to twelve years.

16           3. Any person who is at least sixty-two years of age or older, has served in this state an  
17 aggregate of at least twenty years, continuously or otherwise, as a judge, and ceases to hold office  
18 by reason of the expiration of the judge's term, voluntary resignation, or retirement pursuant to  
19 the provisions of subsection 2 of section 24 of article V of the Constitution of Missouri may  
20 receive benefits as provided in sections 476.515 to 476.565. The twenty-year requirement of this  
21 subsection may be fulfilled by service as a judge in any of the courts covered, or by service in  
22 any combination as judge of such courts, totaling an aggregate of twenty years. Any judge who  
23 is at least sixty-two years of age and who has served less than twenty years and is otherwise  
24 qualified under sections 476.515 to 476.565 may retire after reaching age sixty-two, at a reduced  
25 retirement compensation in a sum equal to the proportion of the retirement compensation  
26 provided in section 476.530 that his or her period of judicial service bears to twenty years.

27           4. All judges under this section required by the provisions of section 26 of article V of  
28 the Constitution of Missouri to retire at the age of seventy years shall retire upon reaching that  
29 age.

30           5. The provisions of sections 104.344, 476.524, and 476.690 shall not apply to judges  
31 covered by this section.

32           6. A judge shall be required to contribute four percent of the judge's compensation to the  
33 retirement system, which shall stand to the judge's credit in his or her individual account with  
34 the system, together with investment credits thereon, for purposes of funding retirement benefits  
35 payable as provided in sections 476.515 to 476.565, subject to the following provisions:

36           (1) The state of Missouri employer, pursuant to the provisions of 26 U.S.C. Section  
37 414(h)(2), shall pick up and pay the contributions that would otherwise be payable by the judge  
38 under this section. The contributions so picked up shall be treated as employer contributions for  
39 purposes of determining the judge's compensation that is includable in the judge's gross income  
40 for federal income tax purposes;

41           (2) Judge contributions picked up by the employer shall be paid from the same source  
42 of funds used for the payment of compensation to a judge. A deduction shall be made from each  
43 judge's compensation equal to the amount of the judge's contributions picked up by the employer.  
44 This deduction, however, shall not reduce the judge's compensation for purposes of computing  
45 benefits under the retirement system pursuant to this chapter;

46           (3) Judge contributions so picked up shall be credited to a separate account within the  
47 judge's individual account so that the amounts contributed pursuant to this section may be  
48 distinguished from the amounts contributed on an after-tax basis;

49           (4) The contributions, although designated as employee contributions, are being paid by  
50 the employer in lieu of the contributions by the judge. The judge shall not have the option of  
51 choosing to receive the contributed amounts directly instead of having them paid by the  
52 employer to the retirement system;

53           (5) Interest shall be credited annually on June thirtieth based on the value in the account  
54 as of July first of the immediately preceding year at a rate of four percent. Interest credits shall  
55 cease upon retirement of the judge;

56           (6) A judge whose employment is terminated may request a refund of his or her  
57 contributions and interest credited thereon. If such judge is ~~married~~ **a party to a contract of**  
58 **domestic union** at the time of such request, such request shall not be processed without consent  
59 from the spouse. A judge is not eligible to request a refund if the judge's retirement benefit is  
60 subject to a division of benefit order pursuant to section 104.312. Such refund shall be paid by  
61 the system after ninety days from the date of termination of employment or the request,  
62 whichever is later and shall include all contributions made to any retirement plan administered  
63 by the system and interest credited thereon. A judge may not request a refund after such judge  
64 becomes eligible for retirement benefits under sections 476.515 to 476.565. A judge who  
65 receives a refund shall forfeit all the judge's service and future rights to receive benefits from the  
66 system and shall not be eligible to receive any long-term disability benefits; provided that any  
67 judge or former judge receiving long-term disability benefits shall not be eligible for a refund.

68 If such judge subsequently becomes a judge and works continuously for at least one year, the  
69 service previously forfeited shall be restored if the judge returns to the system the amount  
70 previously refunded plus interest at a rate established by the board;

71 (7) The beneficiary of any judge who made contributions shall receive a refund upon the  
72 judge's death equal to the amount, if any, of such contributions less any retirement benefits  
73 received by the judge unless an annuity is payable to a survivor or beneficiary as a result of the  
74 judge's death. In that event, the beneficiary of the survivor or beneficiary who received the  
75 annuity shall receive a refund upon the survivor's or beneficiary's death equal to the amount, if  
76 any, of the judge's contributions less any annuity amounts received by the judge and the survivor  
77 or beneficiary.

78 7. The employee contribution rate, the benefits provided under sections 476.515 to  
79 476.565 to judges covered under this section, and any other provision of sections 476.515 to  
80 476.565 with regard to judges covered under this section may be altered, amended, increased,  
81 decreased, or repealed, but only with respect to services rendered by the judge after the effective  
82 date of such alteration, amendment, increase, decrease, or repeal, or, with respect to interest  
83 credits, for periods of time after the effective date of such alteration, amendment, increase,  
84 decrease, or repeal.

85 8. Any judge who is receiving retirement compensation under section 476.529 or  
86 476.530 who becomes employed as an employee eligible to participate in the closed plan or in  
87 the year 2000 plan under chapter 104, shall not receive such retirement compensation for any  
88 calendar month in which the retired judge is so employed. Any judge who is receiving  
89 retirement compensation under section 476.529 or section 476.530 who subsequently serves as  
90 a judge as defined pursuant to subdivision (4) of subsection 1 of section 476.515 shall not  
91 receive such retirement compensation for any calendar month in which the retired judge is  
92 serving as a judge; except that upon retirement such judge's annuity shall be recalculated to  
93 include any additional service or salary accrued based on the judge's subsequent service. A judge  
94 who is receiving compensation under section 476.529 or 476.530 may continue to receive such  
95 retirement compensation while serving as a senior judge or senior commissioner and shall  
96 receive additional credit and salary for such service pursuant to section 476.682.

476.529. 1. In lieu of the retirement compensation provided in section 476.530, a judge  
2 employed for the first time on or after January 1, 2011, may elect in the judge's application for  
3 retirement whether or not to have such judge's annuity reduced, and designate a beneficiary, as  
4 provided by the options set forth in this subsection prior to the judge's annuity starting date:

5 Option 1. A judge's annuity shall be reduced to a certain percent of the annuity otherwise  
6 payable. Such percent shall be eighty-eight and one-half percent adjusted as follows: if the  
7 judge's age on the annuity starting date is younger than sixty-seven years, an increase of

8 three-tenths of one percent for each year the judge's age is younger than age sixty-seven years;  
9 and if the beneficiary's age is younger than the judge's age on the annuity starting date, a decrease  
10 of three-tenths of one percent for each year of age difference; and if the judge's age is younger  
11 than the beneficiary's age on the annuity starting date, an increase of three-tenths of one percent  
12 for each year of age difference; provided, after all adjustments the option 1 percent cannot exceed  
13 ninety-four and one-quarter percent. Upon the judge's death, fifty percent of the judge's reduced  
14 annuity shall be paid to such beneficiary who was the judge's spouse on the annuity starting date  
15 or as otherwise provided by subsection 5 of this section.

16       Option 2. A judge's life annuity shall be reduced to a certain percent of the annuity  
17 otherwise payable. Such percent shall be eighty-one percent adjusted as follows: if the judge's  
18 age on the annuity starting date is younger than sixty-seven years, an increase of four-tenths of  
19 one percent for each year the judge's age is younger than sixty-seven years; and if the  
20 beneficiary's age is younger than the judge's age on the annuity starting date, a decrease of  
21 five-tenths of one percent for each year of age difference; and if the judge's age is younger than  
22 the beneficiary's age on the annuity starting date, an increase of five-tenths of one percent for  
23 each year of age difference; provided, after all adjustments the option 2 percent cannot exceed  
24 eighty-seven and three-quarter percent. Upon the judge's death one hundred percent of the  
25 judge's reduced annuity shall be paid to such beneficiary who was the judge's spouse on the  
26 annuity starting date or as otherwise provided by subsection 5 of this section.

27       Option 3. A judge's life annuity shall be reduced to ninety-three percent of the annuity  
28 otherwise payable. If the judge dies before having received one hundred twenty monthly  
29 payments, the reduced annuity shall be continued for the remainder of the one hundred  
30 twenty-month period to the judge's designated beneficiary provided that if there is no beneficiary  
31 surviving the judge, the present value of the remaining annuity payments shall be paid as  
32 provided under subsection 4 of section 104.1054 as if the judge was a deceased member under  
33 that section. If the beneficiary survives the judge but dies before receiving the remainder of such  
34 one hundred twenty monthly payments, the present value of the remaining annuity payments  
35 shall be paid as provided under subsection 4 of section 104.1054 for a deceased beneficiary  
36 under that section.

37       Option 4. A judge's life annuity shall be reduced to eighty-six percent of the annuity  
38 otherwise payable. If the judge dies before having received one hundred eighty monthly  
39 payments, the reduced annuity shall be continued for the remainder of the one hundred  
40 eighty-month period to the judge's designated beneficiary provided that if there is no beneficiary  
41 surviving the judge, the present value of the remaining annuity payments shall be paid as  
42 provided under subsection 4 of section 104.1054 as if the judge was a deceased member under  
43 that section. If the beneficiary survives the judge but dies before receiving the remainder of such

44 one hundred eighty monthly payments, the present value of the remaining annuity payments shall  
45 be paid as provided under subsection 4 of section 104.1054 for a deceased beneficiary under that  
46 section.

47 2. If a judge is ~~married~~ **a party to a contract of domestic union** as of the annuity  
48 starting date, the judge's annuity shall be paid under the provisions of either option 1 or option  
49 2 as set forth in subsection 1 of this section, at the judge's choice, with the spouse as the judge's  
50 designated beneficiary unless the spouse consents in writing to the judge electing another  
51 available form of payment.

52 3. If a judge has elected at the annuity starting date option 1 or 2 pursuant to this section  
53 and if the judge's spouse or eligible former spouse dies after the annuity starting date but before  
54 the judge dies, then the judge may cancel the judge's election and return to the unreduced annuity  
55 form of payment and annuity amount, effective the first of the month following the date of such  
56 spouse's or eligible former spouse's death. If a judge dies prior to notifying the system of the  
57 spouse's death, the benefit shall not revert to an unreduced annuity and no retroactive payments  
58 shall be made.

59 4. If a judge designates a spouse as a beneficiary pursuant to this section and  
60 subsequently that ~~marriage~~ **contract of domestic union** ends as a result of a dissolution of  
61 ~~marriage~~ **a contract of domestic union**, such dissolution shall not affect the option election  
62 pursuant to this section and the former spouse shall continue to be eligible to receive survivor  
63 benefits upon the death of the judge.

64 5. A judge may make an election under option 1 or 2 after the annuity starting date as  
65 described in this section if the judge makes such election within one year from the date of  
66 ~~marriage~~ **a contract of domestic union** pursuant to any of the following circumstances:

67 (1) The judge elected to receive a life annuity and was not eligible to elect option 1 or  
68 2 on the annuity starting date; or

69 (2) The judge's annuity reverted to a normal or early retirement annuity pursuant to  
70 subsection 3 of this section, and the judge ~~remarried~~ **became a party to a new contract of**  
71 **domestic union.**

72 6. A judge may change a judge's election made under this section at any time prior to the  
73 system mailing or electronically transferring the first annuity payment to such member.

476.539. 1. Upon application to the board of trustees of the Missouri state employees'  
2 retirement system, a surviving spouse of a judge who died while serving as a judge and who had  
3 served at least twenty-five years as a judge shall be made, constituted, appointed, and employed  
4 by the board as a special consultant on the problems of surviving spouses and other state matters  
5 for the remainder of the surviving spouse's life if the surviving spouse was ~~married to~~ **a party**  
6 **to a contract of domestic union with** the deceased judge continuously for twenty-five years

7 immediately preceding the judge's death and also on the day of the judge's death and if the  
8 surviving spouse is not eligible to receive benefits under section 476.452 or 476.535. Upon  
9 request of the board the consultant shall give opinions or be available to give opinions in writing  
10 or orally in response to such requests. As compensation the consultant shall receive an annual  
11 amount equal to one-half of the compensation of a special commissioner or referee as provided  
12 in section 476.450.

13         2. Upon application to the board of trustees of the Missouri state employees' retirement  
14 system, a surviving spouse of a judge, as defined in section 476.515, who dies on or after January  
15 1, 1989, and who has at least eleven years of creditable service as a judge shall be made,  
16 constituted, appointed, and employed by the board as a special consultant on the problems of  
17 surviving spouses and other state matters for the remainder of the surviving spouse's life if the  
18 surviving spouse was ~~married to~~ **a party to a contract of domestic union with** the deceased  
19 judge continuously for at least ten years immediately preceding the judge's death and also on the  
20 day of the judge's death and if the surviving spouse is not eligible to receive benefits under  
21 section 476.452 or 476.535. Upon request of the board the consultant shall give opinions or be  
22 available to give opinions in writing or orally in response to such requests. As compensation the  
23 consultant shall receive, beginning on the date the deceased judge would have been eligible to  
24 receive an annuity, an annual amount equal to one-half of the compensation the judge would  
25 receive as if the judge was eligible to retire with a full annuity on the date of the judge's death.

26         3. Upon application to the board of trustees of the Missouri state employees' retirement  
27 system, a surviving spouse, under subsection 1 of section 476.515, of a judge who was approved  
28 for long-term disability benefits and dies on or after January 1, 1994, shall be made, constituted,  
29 appointed and employed by the board as a special consultant on the problems of surviving  
30 spouses and other state matters for the remainder of the surviving spouse's life. Upon request  
31 of the board the consultant shall give opinions or be available to give opinions in writing or  
32 orally in response to such request. As compensation the consultant's benefit effective on the date  
33 the judge died shall be increased to an annual amount equal to fifty percent of the amount of  
34 retirement compensation provided in section 476.530 regardless of the period of the person's  
35 judicial service.

36         4. The compensation provided for in this section shall not be subject to execution,  
37 garnishment, attachment, writ of sequestration, or any other process or claim whatsoever, and  
38 shall be unassignable, anything to the contrary notwithstanding.

486.340. 1. As used in this section, the words "executing witness" means an individual  
2 who acts in the place of a notary.

3         2. An executing witness may not be related by blood or ~~marriage~~ **a contract of**  
4 **domestic union**, or have a disqualifying interest as defined in section 486.255.



5           3. The affidavit of executing witness for acknowledgment by an individual who does not  
6 appear before a notary shall be in type not smaller than eight-point and in substantially the  
7 following form:

8           I, ..... (name of executing witness), do solemnly affirm under the penalty of perjury,  
9 that ..... (name of person who does not appear before a notary), personally known to me, has  
10 executed the within ..... (type of document) in my presence, and has acknowledged to me  
11 that ..... (he/she) executed the same for the purposes therein stated and requested that I sign  
12 my name on the within document as an executing witness.

13 ..... (signature of executing witness)

14           Subscribed and affirmed before me this ..... day of ....., 20.....

15 ..... (official signature and official seal of notary)

          487.080. Except as provided in section 487.130 and, notwithstanding any other provision  
2 of law to the contrary, the family court shall have exclusive original jurisdiction to hear and  
3 determine the following matters:

4           (1) All actions or proceedings governed by chapter 452 including but not limited to  
5 dissolution of ~~[marriage]~~ **a contract of domestic union**, legal separation, separate maintenance,  
6 child custody and modification actions;

7           (2) Actions for annulment of ~~[marriage]~~ **a contract of domestic union**;

8           (3) Adoption actions and all actions and proceedings conducted pursuant to the  
9 provisions of chapter 453;

10          (4) Juvenile proceedings and all actions as provided for in chapter 211;

11          (5) Actions to establish the parent and child relationship, except actions to establish a  
12 person as an heir, devisee or trust beneficiary, and all actions provided for in chapter 210;

13          (6) Actions for determination of support duties and for enforcement of support, including  
14 actions under the uniform reciprocal enforcement of support act and actions provided for in  
15 chapter 454. Family court personnel shall not duplicate any functions performed by the family  
16 support division or local prosecuting attorney but shall cooperate with the family support  
17 division or the local prosecuting attorney;

18          (7) Adult abuse and child protection actions and all actions provided for in chapter 455;

19          (8) Change of name actions;

20          (9) Marriage license waiting period waivers under chapter 451.

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

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

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

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

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

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

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

17           (5) Seven dollars for the statewide court automation fund, pursuant to section 488.027;

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

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

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

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

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

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

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

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

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

36           (15) One dollar and fifty cents for a certificate of naturalization, pursuant to section  
37 483.535;

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

40           (a) Less than \$10,000   \$ 75.00

- 41 (b) From \$10,000 to \$25,000 115.00  
42 (c) From \$25,000 to \$50,000 155.00  
43 (d) From \$50,000 to \$100,000 245.00  
44 (e) From \$100,000 to \$500,000 305.00  
45 (f) More than \$500,000 365.00;
- 46 (17) Thirty dollars for each additional twelve months a decedent's estate remains open,  
47 pursuant to section 483.580;
- 48 (18) In proceedings regarding guardianships and conservatorships, pursuant to section  
49 483.580:
- 50 (a) Twenty-five dollars for each grant of letters for guardianship of a minor;  
51 (b) Fifty dollars for each grant of letters for guardianship of an incapacitated person;  
52 (c) Sixty dollars for each grant of letters for guardianship of the person and  
53 conservatorship of the estate of a minor;  
54 (d) Twenty-five dollars for each additional twelve months a conservatorship of a minor's  
55 estate case remains open;  
56 (e) Seventy-five dollars for each grant of letters in guardianship and conservatorship of  
57 incapacitated persons and their estates;  
58 (f) Thirty dollars for each additional twelve months an incapacitated person's case  
59 remains open;
- 60 (19) Fifteen dollars for issuing orders refusing to grant letters to a spouse or ~~an~~  
61 ~~unmarried~~ a minor child **who is not a party to a contract of domestic union** and thirty dollars  
62 for a certified copy of such orders, pursuant to section 483.580;
- 63 (20) In probate proceedings, pursuant to section 483.580:
- 64 (a) Thirty-five dollars for the collection of small estates;  
65 (b) Thirty-five dollars for involuntary hospitalization proceedings;  
66 (c) Thirty dollars for proceedings to determine heirship;  
67 (d) Fifteen dollars for assessment of estate taxes where no letters are granted;  
68 (e) Fifty dollars for proceedings for the sale of real estate by a nonresident conservator;  
69 (f) Forty dollars for proceedings to dispense with administration;  
70 (g) Twenty dollars for proceedings to dispense with conservatorship;  
71 (h) Twenty-five dollars for admitting a will to probate;  
72 (i) One dollar per copied page and one dollar and fifty cents per certificate;
- 73 (21) One dollar and fifty cents per page for testimony transcription, pursuant to section  
74 488.2250;
- 75 (22) Fifteen dollars for court reporters, pursuant to section 488.2253;

76 (23) Three dollars for witness fees per day, and four dollars when the witness must travel  
77 to another county, pursuant to section 491.280.

488.445. 1. The governing body of any county, or of any city not within a county, by  
2 order or ordinance may impose a fee upon the ~~[issuance of a marriage license]~~ **recording of a**  
3 **contract of domestic union** and may impose a surcharge upon any civil case filed in the circuit  
4 court. The surcharge shall not be charged when costs are waived or are to be paid by the state,  
5 county or municipality.

6 2. The fee imposed upon the ~~[issuance of a marriage license]~~ **recording of a contract**  
7 **of domestic union** shall be five dollars, shall be paid by the person ~~[applying for the license]~~  
8 **presenting the contract**, and shall be collected by the recorder of deeds at the time the ~~[license~~  
9 ~~is issued]~~ **contract is recorded**. The surcharge imposed upon the filing of a civil action shall  
10 be two dollars, shall be paid by the party who filed the petition and shall be collected and  
11 disbursed by the clerk of the court in the manner provided by sections 488.010 to 488.020. Such  
12 amounts shall be payable to the treasuries of the counties from which such surcharges were paid.

13 3. At the end of each month, the recorder of deeds shall file a verified report with the  
14 county commission of the fees collected pursuant to the provisions of subsection 2 of this  
15 section. The report may be consolidated with the monthly report of other fees collected by such  
16 officers. Upon the filing of the reports the recorder of deeds shall forthwith pay over to the  
17 county treasurer all fees collected pursuant to subsection 2 of this section. The county treasurer  
18 shall deposit all such fees upon receipt in a special fund to be expended only to provide financial  
19 assistance to shelters for victims of domestic violence as provided in sections 455.200 to  
20 455.230.

490.590. ~~[Marriage]~~ **Contracts of domestic union**, duly proved or acknowledged and  
2 certified and recorded, shall be received in evidence in any court in this state, without further  
3 proof of their execution.

490.600. When it shall appear to the court that such ~~[marriage]~~ **contract of domestic**  
2 **union**, duly acknowledged or proved and recorded, is lost or is not in the power of the party  
3 wishing to use it, a copy thereof, duly certified under the hand and seal of the recorder, may be  
4 received in evidence.

506.500. 1. Any person or firm, whether or not a citizen or resident of this state, or any  
2 corporation, who in person or through an agent does any of the acts enumerated in this section,  
3 thereby submits such person, firm, or corporation, and, if an individual, his personal  
4 representative, to the jurisdiction of the courts of this state as to any cause of action arising from  
5 the doing of any of such acts:

6 (1) The transaction of any business within this state;

7 (2) The making of any contract within this state;

8 (3) The commission of a tortious act within this state;

9 (4) The ownership, use, or possession of any real estate situated in this state;

10 (5) The contracting to insure any person, property or risk located within this state at the  
11 time of contracting;

12 (6) Engaging in an act of sexual intercourse within this state with the mother of a child  
13 on or near the probable period of conception of that child.

14 2. Any person, whether or not a citizen or resident of this state, who has lived in lawful  
15 ~~[marriage]~~ **contract of domestic union** within this state, submits himself **or herself** to the  
16 jurisdiction of the courts of this state as to all civil actions for dissolution of ~~[marriage]~~ **a**  
17 **contract of domestic union**, or for legal separation and all obligations arising for maintenance  
18 of a spouse, support of any child of ~~[the marriage]~~ **a contract of domestic union**, attorney's fees,  
19 suit money, or disposition of ~~[marital]~~ **domestic union** property, if the other party to the lawful  
20 ~~[marriage]~~ **contract of domestic union** lives in this state or if a third party has provided support  
21 to the spouse or to the children of ~~[the marriage]~~ **a contract of domestic union** and is a resident  
22 of this state.

23 3. Only causes of action arising from acts enumerated in this section may be asserted  
24 against a defendant in an action in which jurisdiction over him is based upon this section.

509.520. 1. Notwithstanding any provision of law to the contrary, beginning August 28,  
2 2009, pleadings, attachments, or exhibits filed with the court in any case, as well as any  
3 judgments issued by the court, shall not include:

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

6 (2) The full credit card number or other financial account number of any party.

7 2. Contemporaneously with the filing of every petition for dissolution of ~~[marriage]~~ **a**  
8 **contract of domestic union**, legal separation, motion for modification, action to establish  
9 paternity, and petition or motion for support or custody of a minor child, the filing party shall file  
10 a confidential case filing sheet with the court which shall not be subject to public inspection and  
11 which provides:

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

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

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

18 3. Contemporaneously with the filing of every responsive pleading petition for  
19 dissolution of ~~[marriage]~~ **a contract of domestic union**, legal separation, motion for

20 modification, action to establish paternity, and petition or motion for support or custody of a  
21 minor child, the responding party shall file a confidential case filing sheet with the court which  
22 shall not be subject to public inspection and which provides:

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

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

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

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

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

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

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

513.430. 1. The following property shall be exempt from attachment and execution to  
2 the extent of any person's interest therein:

3 (1) Household furnishings, household goods, wearing apparel, appliances, books,  
4 animals, crops or musical instruments that are held primarily for personal, family or household  
5 use of such person or a dependent of such person, not to exceed three thousand dollars in value  
6 in the aggregate;

7 (2) A wedding ring not to exceed one thousand five hundred dollars in value and other  
8 jewelry held primarily for the personal, family or household use of such person or a dependent  
9 of such person, not to exceed five hundred dollars in value in the aggregate;

10 (3) Any other property of any kind, not to exceed in value six hundred dollars in the  
11 aggregate;

- 12           (4) Any implements or professional books or tools of the trade of such person or the  
13 trade of a dependent of such person not to exceed three thousand dollars in value in the  
14 aggregate;
- 15           (5) Any motor vehicles, not to exceed three thousand dollars in value in the aggregate;
- 16           (6) Any mobile home used as the principal residence but not attached to real property  
17 in which the debtor has a fee interest, not to exceed five thousand dollars in value;
- 18           (7) Any one or more unmaturred life insurance contracts owned by such person, other  
19 than a credit life insurance contract, and up to fifteen thousand dollars of any matured life  
20 insurance proceeds for actual funeral, cremation, or burial expenses where the deceased is the  
21 spouse, child, or parent of the beneficiary;
- 22           (8) The amount of any accrued dividend or interest under, or loan value of, any one or  
23 more unmaturred life insurance contracts owned by such person under which the insured is such  
24 person or an individual of whom such person is a dependent; provided, however, that if  
25 proceedings under Title 11 of the United States Code are commenced by or against such person,  
26 the amount exempt in such proceedings shall not exceed in value one hundred fifty thousand  
27 dollars in the aggregate less any amount of property of such person transferred by the life  
28 insurance company or fraternal benefit society to itself in good faith if such transfer is to pay a  
29 premium or to carry out a nonforfeiture insurance option and is required to be so transferred  
30 automatically under a life insurance contract with such company or society that was entered into  
31 before commencement of such proceedings. No amount of any accrued dividend or interest  
32 under, or loan value of, any such life insurance contracts shall be exempt from any claim for  
33 child support. Notwithstanding anything to the contrary, no such amount shall be exempt in such  
34 proceedings under any such insurance contract which was purchased by such person within one  
35 year prior to the commencement of such proceedings;
- 36           (9) Professionally prescribed health aids for such person or a dependent of such person;
- 37           (10) Such person's right to receive:
- 38           (a) A Social Security benefit, unemployment compensation or a public assistance  
39 benefit;
- 40           (b) A veteran's benefit;
- 41           (c) A disability, illness or unemployment benefit;
- 42           (d) Alimony, support or separate maintenance, not to exceed seven hundred fifty dollars  
43 a month;
- 44           (e) Any payment under a stock bonus plan, pension plan, disability or death benefit plan,  
45 profit-sharing plan, nonpublic retirement plan or any plan described, defined, or established  
46 pursuant to section 456.014, the person's right to a participant account in any deferred  
47 compensation program offered by the state of Missouri or any of its political subdivisions, or

48 annuity or similar plan or contract on account of illness, disability, death, age or length of  
49 service, to the extent reasonably necessary for the support of such person and any dependent of  
50 such person unless:

51       a. Such plan or contract was established by or under the auspices of an insider that  
52 employed such person at the time such person's rights under such plan or contract arose;

53       b. Such payment is on account of age or length of service; and

54       c. Such plan or contract does not qualify under Section 401(a), 403(a), 403(b), 408, 408A  
55 or 409 of the Internal Revenue Code of 1986, as amended, (26 U.S.C. Section 401(a), 403(a),  
56 403(b), 408, 408A or 409);

57

58 except that any such payment to any person shall be subject to attachment or execution pursuant  
59 to a qualified domestic relations order, as defined by Section 414(p) of the Internal Revenue  
60 Code of 1986, as amended, issued by a court in any proceeding for dissolution of ~~[marriage]~~ **a**  
61 **contract of domestic union** or legal separation or a proceeding for disposition of property  
62 following dissolution of ~~[marriage]~~ **a contract of domestic union** by a court which lacked  
63 personal jurisdiction over the absent spouse or lacked jurisdiction to dispose of ~~[marital]~~  
64 **domestic union** property at the time of the original judgment of dissolution;

65       (f) Any money or assets, payable to a participant or beneficiary from, or any interest of  
66 any participant or beneficiary in, a retirement plan, profit-sharing plan, health savings plan, or  
67 similar plan, including an inherited account or plan, that is qualified under Section 401(a),  
68 403(a), 403(b), 408, 408A or 409 of the Internal Revenue Code of 1986, as amended, whether  
69 such participant's or beneficiary's interest arises by inheritance, designation, appointment, or  
70 otherwise, except as provided in this paragraph. Any plan or arrangement described in this  
71 paragraph shall not be exempt from the claim of an alternate payee under a qualified domestic  
72 relations order; however, the interest of any and all alternate payees under a qualified domestic  
73 relations order shall be exempt from any and all claims of any creditor, other than the state of  
74 Missouri through its department of social services. As used in this paragraph, the terms  
75 "alternate payee" and "qualified domestic relations order" have the meaning given to them in  
76 Section 414(p) of the Internal Revenue Code of 1986, as amended. If proceedings under Title  
77 11 of the United States Code are commenced by or against such person, no amount of funds shall  
78 be exempt in such proceedings under any such plan, contract, or trust which is fraudulent as  
79 defined in subsection 2 of section 428.024 and for the period such person participated within  
80 three years prior to the commencement of such proceedings. For the purposes of this section,  
81 when the fraudulently conveyed funds are recovered and after, such funds shall be deducted and  
82 then treated as though the funds had never been contributed to the plan, contract, or trust;



83 (11) The debtor's right to receive, or property that is traceable to, a payment on account  
84 of the wrongful death of an individual of whom the debtor was a dependent, to the extent  
85 reasonably necessary for the support of the debtor and any dependent of the debtor;

86 (12) Firearms, firearm accessories, and ammunition, not to exceed one thousand five  
87 hundred dollars in value in the aggregate.

88 2. Nothing in this section shall be interpreted to exempt from attachment or execution  
89 for a valid judicial or administrative order for the payment of child support or maintenance any  
90 money or assets, payable to a participant or beneficiary from, or any interest of any participant  
91 or beneficiary in, a retirement plan which is qualified pursuant to Section 408A of the Internal  
92 Revenue Code of 1986, as amended.

513.440. Each head of a family may select and hold, exempt from execution, any other  
2 property, real, personal or mixed, or debts and wages, not exceeding in value the amount of one  
3 thousand two hundred fifty dollars plus three hundred fifty dollars for each of such person's  
4 ~~unmarried~~ dependent children **who are not parties to a contract of domestic union** under the  
5 age of twenty-one years or dependent as defined by the Internal Revenue Code of 1986, as  
6 amended, determined to be disabled by the Social Security Administration, except ten percent  
7 of any debt, income, salary or wages due such head of a family.

516.350. 1. Every judgment, order or decree of any court of record of the United States,  
2 or of this or any other state, territory or country, except for any judgment, order, or decree  
3 awarding child support or maintenance or dividing pension, retirement, life insurance, or other  
4 employee benefits in connection with a dissolution of ~~marriage~~ **a contract of domestic union**,  
5 legal separation or annulment which mandates the making of payments over a period of time or  
6 payments in the future, shall be presumed to be paid and satisfied after the expiration of ten years  
7 from the date of the original rendition thereof, or if the same has been revived upon personal  
8 service duly had upon the defendant or defendants therein, then after ten years from and after  
9 such revival, or in case a payment has been made on such judgment, order or decree, and duly  
10 entered upon the record thereof, after the expiration of ten years from the last payment so made,  
11 and after the expiration of ten years from the date of the original rendition or revival upon  
12 personal service, or from the date of the last payment, such judgment shall be conclusively  
13 presumed to be paid, and no execution, order or process shall issue thereon, nor shall any suit  
14 be brought, had or maintained thereon for any purpose whatever. An action to emancipate a  
15 child, and any personal service or order rendered thereon, shall not act to revive the support  
16 order.

17 2. In any judgment, order, or decree awarding child support or maintenance, each  
18 periodic payment shall be presumed paid and satisfied after the expiration of ten years from the  
19 date that periodic payment is due, unless the judgment has been otherwise revived as set out in

20 subsection 1 of this section. This subsection shall take effect as to all such judgments, orders,  
21 or decrees which have not been presumed paid pursuant to subsection 1 of this section as of  
22 August 31, 1982.

23 3. In any judgment, order, or decree dividing pension, retirement, life insurance, or other  
24 employee benefits in connection with a dissolution of ~~[marriage]~~ **a contract of domestic union**,  
25 legal separation or annulment, each periodic payment shall be presumed paid and satisfied after  
26 the expiration of ten years from the date that periodic payment is due, unless the judgment has  
27 been otherwise revived as set out in subsection 1 of this section. This subsection shall take effect  
28 as to all such judgments, orders, or decrees which have not been presumed paid pursuant to  
29 subsection 1 of this section as of August 28, 2001.

30 4. In any judgment, order or decree awarding child support or maintenance, payment  
31 duly entered on the record as provided in subsection 1 of this section shall include recording of  
32 payments or credits in the automated child support system created pursuant to chapter 454 by the  
33 family support division or payment center pursuant to chapter 454.

34 5. Any judgment, order, or decree awarding unpaid rent may be revived upon publication  
35 consistent with the publication requirements of section 506.160 and need not be personally  
36 served on the defendant.

523.039. In all condemnation proceedings filed after December 31, 2006, just  
2 compensation for condemned property shall be determined under one of the three following  
3 subdivisions, whichever yields the highest compensation, as applicable to the particular type of  
4 property and taking:

5 (1) An amount equivalent to the fair market value of such property;

6 (2) For condemnations that result in a homestead taking, an amount equivalent to the fair  
7 market value of such property multiplied by one hundred twenty-five percent; or

8 (3) For condemnations of property that result in any taking that prevents the owner from  
9 utilizing property in substantially the same manner as it was currently being utilized on the day  
10 of the taking and involving property owned within the same family for fifty or more years, an  
11 amount equivalent to the sum of the fair market value and heritage value. For the purposes of  
12 this subdivision, family ownership of property may be established through evidence of ownership  
13 by children, grandchildren, siblings, or nephews or nieces of the family member owning the  
14 property fifty years prior to the taking; and in addition, may be established through ~~[marriage]~~  
15 **a contract of domestic union** or adoption by such family members. If any entity owns the real  
16 property, members of the family shall have an ownership interest in more than fifty percent of  
17 the entity in order to be within the family line of ownership for the purposes of this subdivision.  
18 The property owner shall have the burden of proving to the commissioners or jury that the  
19 property has been owned within the same family for fifty or more years.

544.290. An associate circuit judge shall be disqualified to conduct an examination of  
2 any person accused of felony as provided in this chapter if an affidavit is filed in his office by  
3 the accused, the prosecuting attorney, or the complainant, before the commencement of such  
4 examination, stating that the associate circuit judge is near of kin to the accused by blood or  
5 ~~[marriage]~~ **a contract of domestic union**; or that the offense charged is alleged to have been  
6 committed against the person or property of such associate circuit judge; or against some person  
7 near of kin to him by blood or ~~[marriage]~~ **a contract of domestic union**; or that the associate  
8 circuit judge is in anywise interested or prejudiced, or shall have been counsel in the matter, as  
9 the affiant verily believes.

545.660. When any indictment or criminal prosecution shall be pending in any circuit  
2 court or criminal court, the judge of said court shall be deemed incompetent to hear and try said  
3 cause in either of the following cases:

4 (1) When the judge of the court in which said case is pending is near of kin to the  
5 defendant by blood or ~~[marriage]~~ **a contract of domestic union**; or

6 (2) When the offense charged is alleged to have been committed against the person or  
7 property of such judge, or some person near of kin to him **or her** by blood or ~~[marriage]~~ **a**  
8 **contract of domestic union**; or

9 (3) When the judge is in any wise interested or prejudiced, or shall have been counsel  
10 in the cause; or

11 (4) When the defendant shall make and file an affidavit, supported by the affidavit of at  
12 least two reputable persons, not of kin to or counsel for the defendant, that the judge of the court  
13 in which said cause is pending will not afford him a fair trial.

565.140. 1. A person does not commit the offense of kidnapping in the third degree  
2 under section 565.130 if the person restrained is a child less than seventeen years of age and:

3 (1) A parent, guardian or other person responsible for the general supervision of the  
4 child's welfare has consented to the restraint; or

5 (2) The person is a relative of the child; and

6 (a) The person's sole purpose is to assume control of the child; and

7 (b) The child is not taken out of the state of Missouri.

8 2. For the purpose of this section, "relative" means a parent or stepparent, ancestor,  
9 sibling, uncle or aunt, including an adoptive relative of the same degree through ~~[marriage]~~ **a**  
10 **contract of domestic union** or adoption.

11 3. The defendant shall have the burden of injecting the issue of a defense under this  
12 section.

565.156. 1. A person commits the offense of child abduction if he or she:

2 (1) Intentionally takes, detains, entices, conceals or removes a child from a parent after  
3 being served with process in an action affecting ~~marriage~~ **a contract of domestic union** or  
4 paternity but prior to the issuance of a temporary or final order determining custody; or

5 (2) At the expiration of visitation rights outside the state, intentionally fails or refuses  
6 to return or impedes the return of the child to the legal custodian in Missouri; or

7 (3) Conceals, detains, or removes the child for payment or promise of payment at the  
8 instruction of a person who has no legal right to custody; or

9 (4) Retains in this state for thirty days a child removed from another state without the  
10 consent of the legal custodian or in violation of a valid court order of custody; or

11 (5) Having legal custody of the child pursuant to a valid court order, removes, takes,  
12 detains, conceals or entices away that child within or without the state, without good cause, and  
13 with the intent to deprive the custody or visitation rights of another person, without obtaining  
14 written consent as is provided under section 452.377.

15 2. The offense of child abduction is a class E felony.

16 3. Upon a finding of guilt for an offense under this section, the court may, in addition  
17 to or in lieu of any sentence or fine imposed, assess as restitution against the defendant and in  
18 favor of the legal custodian or parent, any reasonable expenses incurred by the legal custodian  
19 or parent in searching for or returning the child.

566.010. As used in this chapter and chapter 568, the following terms mean:

2 (1) "Aggravated sexual offense", any sexual offense, in the course of which, the actor:

3 (a) Inflicts serious physical injury on the victim; or

4 (b) Displays a deadly weapon or dangerous instrument in a threatening manner; or

5 (c) Subjects the victim to sexual intercourse or deviate sexual intercourse with more than  
6 one person; or

7 (d) Had previously been found guilty of an offense under this chapter or under section  
8 573.200, child used in sexual performance; section 573.205, promoting sexual performance by  
9 a child; section 573.023, sexual exploitation of a minor; section 573.025, promoting child  
10 pornography in the first degree; section 573.035, promoting child pornography in the second  
11 degree; section 573.037, possession of child pornography; or section 573.040, furnishing  
12 pornographic materials to minors; or has previously been found guilty of an offense in another  
13 jurisdiction which would constitute an offense under this chapter or said sections;

14 (e) Commits the offense as part of an act or series of acts performed by two or more  
15 persons as part of an established or prescribed pattern of activity; or

16 (f) Engages in the act that constitutes the offense with a person the actor knows to be,  
17 without regard to legitimacy, the actor's:

18 a. Ancestor or descendant by blood or adoption;

- 19           b. Stepchild while the ~~[marriage]~~ **contract of domestic union** creating that relationship  
20 exists;
- 21           c. Brother or sister of the whole or half blood; or
- 22           d. Uncle, aunt, nephew, or niece of the whole blood;
- 23           (2) "Commercial sex act", any sex act on account of which anything of value is given  
24 to or received by any person;
- 25           (3) "Deviate sexual intercourse", any act involving the genitals of one person and the  
26 hand, mouth, tongue, or anus of another person or a sexual act involving the penetration,  
27 however slight, of the penis, female genitalia, or the anus by a finger, instrument or object done  
28 for the purpose of arousing or gratifying the sexual desire of any person or for the purpose of  
29 terrorizing the victim;
- 30           (4) "Forced labor", a condition of servitude induced by means of:
- 31           (a) Any scheme, plan, or pattern of behavior intended to cause a person to believe that,  
32 if the person does not enter into or continue the servitude, such person or another person will  
33 suffer substantial bodily harm or physical restraint; or
- 34           (b) The abuse or threatened abuse of the legal process;
- 35           (5) "Sexual conduct", sexual intercourse, deviate sexual intercourse or sexual contact;
- 36           (6) "Sexual contact", any touching of another person with the genitals or any touching  
37 of the genitals or anus of another person, or the breast of a female person, or such touching  
38 through the clothing, for the purpose of arousing or gratifying the sexual desire of any person or  
39 for the purpose of terrorizing the victim;
- 40           (7) "Sexual intercourse", any penetration, however slight, of the female genitalia by the  
41 penis.

          566.023. It shall be an affirmative defense to prosecutions under sections 566.032,  
2 566.034, 566.062, 566.064, and 566.071, that the defendant was ~~[married to]~~ **a party to a**  
3 **contract of domestic union with** the victim at the time of the offense.

          566.115. 1. A person commits the offense of sexual conduct with a nursing facility  
2 resident or vulnerable person in the first degree if he or she:

3           (1) Being an owner or employee of a skilled nursing facility, as defined in section  
4 198.006, or an Alzheimer's special care unit or program, as defined in section 198.505, has  
5 sexual intercourse or deviate sexual intercourse with a resident; or

6           (2) Being a vender, provider, agent, or employee of a certified program operated, funded,  
7 licensed, or certified by the department of mental health, has sexual intercourse or deviate sexual  
8 intercourse with a vulnerable person.

9           2. The offense of sexual conduct with a nursing facility resident or vulnerable person in  
10 the first degree is a class A misdemeanor. Any second or subsequent violation of this section  
11 is a class E felony.

12           3. The provisions of this section shall not apply to any person who is ~~[married to]~~ a  
13 **party to a contract of domestic union with** the resident or vulnerable person.

14           4. Consent of the victim is not a defense to a prosecution under this section.

566.116. 1. A person commits the offense of sexual conduct with a nursing facility  
2 resident or vulnerable person in the second degree if he or she:

3           (1) Being an owner or employee of a skilled nursing facility as defined in section  
4 198.006, or an Alzheimer's special care unit program as defined in section 198.505, has sexual  
5 contact with a resident; or

6           (2) Being a vender, provider, agent, or employee of a certified program operated, funded,  
7 licensed, or certified by the department of mental health, has sexual contact with a vulnerable  
8 person.

9           2. The offense of sexual conduct with a nursing facility resident or vulnerable person in  
10 the second degree is a class B misdemeanor. Any second or subsequent violation of this section  
11 is a class A misdemeanor.

12           3. The provisions of this section shall not apply to any person who is ~~[married to]~~ a  
13 **party to a contract of domestic union with** the resident or vulnerable person.

14           4. Consent of the victim is not a defense to a prosecution pursuant to this section.

566.200. As used in sections 566.200 to 566.218 and section 578.475, the following  
2 terms shall mean:

3           (1) "Basic rights information", information applicable to a noncitizen, including but not  
4 limited to information about human rights, immigration, emergency assistance and resources,  
5 and the legal rights and resources for victims of domestic violence;

6           (2) "Blackmail", any threat to reveal damaging or embarrassing information about a  
7 person to that person's spouse, family, associates, or the public at large, including a threat to  
8 expose any secret tending to subject any person to hatred, contempt, or ridicule;

9           (3) "Client", a person who is a resident of the United States and the state of Missouri and  
10 who contracts with an international marriage broker to meet recruits;

11           (4) "Coercion":

12           (a) Threats of serious harm to or physical restraint against any person;

13           (b) Any scheme, plan, or pattern intended to cause a person to believe that failure to  
14 perform an act would result in serious harm to or physical restraint against any person; or

15           (c) The abuse or threatened abuse of the legal process;

16 (5) "Commercial sex act", any sex act on account of which anything of value is given  
17 to, promised, or received by any person;

18 (6) "Criminal history record information", criminal history record information, including  
19 information provided in a criminal background check, obtained from the Missouri state highway  
20 patrol and the Federal Bureau of Investigation;

21 (7) **"Domestic union history information", a declaration of the person's current**  
22 **domestic union status, the number of times the person has previously been a party to a**  
23 **contract of domestic union, and whether any previous contracts of domestic union**  
24 **occurred as a result of service from an international marriage broker;**

25 (8) "Financial harm", detriment, injury, or loss of a financial nature, including credit  
26 extortion, criminal violation of the usury laws under chapter 408, or employment contracts that  
27 violate the statute of frauds provisions under chapter 432;

28 ~~[(8)]~~ (9) "International marriage broker":

29 (a) A corporation, partnership, business, individual, or other legal entity, whether or not  
30 organized under any law of the United States or any other state, that charges fees to residents of  
31 Missouri for providing dating, matrimonial, or social referrals or matching services between  
32 United States citizens or residents and nonresident aliens by providing information or a forum  
33 that would permit individuals to contact each other. Such contact shall include, but is not limited  
34 to:

35 a. Providing the name, telephone number, postal address, electronic mail address, or  
36 voice message mailbox of an individual, or otherwise facilitating communication between  
37 individuals; or

38 b. Providing an opportunity for an in-person meeting;

39 (b) Such term shall not include:

40 a. A traditional matchmaking organization of a religious nature that operates on a  
41 nonprofit basis and otherwise operates in compliance with the laws of the countries in which it  
42 operates, including the laws of the United States;

43 b. An entity that provides dating services between United States citizens or residents and  
44 other individuals who may be aliens, but does not do so as its principal business, and charges  
45 comparable rates to all individuals it serves regardless of the gender or country of citizenship or  
46 residence of the individual; or

47 c. An organization that does not charge a fee to any party for the services provided;

48 ~~[(9)]~~ (10) "Involuntary servitude or forced labor", a condition of servitude induced by  
49 means of:

50 (a) Any scheme, plan, or pattern of behavior intended to cause a person to believe that,  
51 if the person does not enter into or continue the servitude, such person or another person will  
52 suffer serious physical injury or physical restraint; or

53 (b) The abuse or threatened abuse of the legal process;

54 ~~[(10) "Marital history information", a declaration of the person's current marital status,~~  
55 ~~the number of times the person has previously been married, and whether any previous marriages~~  
56 ~~occurred as a result of service from an international marriage broker;]~~

57 (11) "Nudity", the showing of the human male or female genitals, pubic area, vulva,  
58 anus, or any part of the nipple or areola of the female breast;

59 (12) "Peonage", illegal and involuntary servitude in satisfaction of debt;

60 (13) "Recruit", a noncitizen, nonresident recruited by an international marriage broker  
61 for the purpose of providing dating, matrimonial, or social referral services;

62 (14) "Sexual conduct", sexual intercourse as defined in section 566.010; deviate sexual  
63 intercourse as defined in section 566.010; actual or simulated acts of human masturbation;  
64 physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast  
65 of a female in an act of apparent sexual stimulation or gratification; or any sadomasochistic  
66 abuse or acts including animals or any latent objects in an act of apparent sexual stimulation or  
67 gratification;

68 (15) "Sexual performance", any play, motion picture, still picture, film, videotape, video  
69 recording, dance, or exhibition which includes sexual conduct or nudity, performed before an  
70 audience of one or more, whether in person or online or through other forms of  
71 telecommunication;

72 (16) "Victim of trafficking", a person who is a victim of offenses under section 566.203,  
73 566.206, 566.209, 566.210, or 566.211.

568.010. 1. A ~~[married person]~~ **party to a contract of domestic union** commits the  
2 offense of bigamy if he or she:

3 (1) Purports to ~~[marry]~~ **become a party to a contract of domestic union with** another;  
4 or

5 (2) Cohabits with one whom he or she entered into a bigamous ~~[marriage]~~ **contract of**  
6 **domestic union** in another jurisdiction.

7 2. A ~~[married person]~~ **party to a contract of domestic union** does not commit bigamy  
8 if, at the time of the subsequent ~~[marriage ceremony]~~ **contract of domestic union**, he or she  
9 reasonably believes that he or she is legally eligible to ~~[remarry]~~ **become a party to a new**  
10 **contract of domestic union**.

11 3. The defendant shall have the burden of injecting the issue of reasonable belief of  
12 eligibility to ~~[remarry]~~ **become a party to a new contract of domestic union**.



13           4. ~~[An unmarried]~~ A person **who is not a party to a contract of domestic union**  
14 commits the offense of bigamy if he or she:

15           (1) Purports to ~~[marry]~~ **become a party to contract a domestic union with** another  
16 knowing that the other person is ~~[married]~~ **a party to a contract of domestic union;** or

17           (2) Cohabits with one whom he or she entered into a bigamous ~~[marriage]~~ **contract of**  
18 **domestic union** in another jurisdiction.

19           5. The offense of bigamy is a class A misdemeanor.

          568.020. 1. A person commits the offense of incest if he or she ~~[marries or purports to~~  
2 ~~marry]~~ **enters into a contract of domestic union or purports to enter into a contract of**  
3 **domestic union,** or engages in sexual intercourse or deviate sexual intercourse with a person he  
4 or she knows to be, without regard to legitimacy, his or her:

5           (1) Ancestor or descendant by blood or adoption; or

6           (2) Stepchild, while the ~~[marriage]~~ **contract of domestic union** creating that relationship  
7 exists; or

8           (3) Brother or sister of the whole or half-blood; or

9           (4) Uncle, aunt, nephew or niece of the whole blood.

10          2. The offense of incest is a class E felony.

11          3. The court shall not grant probation to a person who has previously been found guilty  
12 of an offense under this section.

          575.095. 1. A person commits the offense of tampering with a judicial officer if, with  
2 the purpose to harass, intimidate or influence a judicial officer in the performance of such  
3 officer's official duties, such person:

4           (1) Threatens or causes harm to such judicial officer or members of such judicial officer's  
5 family;

6           (2) Uses force, threats, or deception against or toward such judicial officer or members  
7 of such judicial officer's family;

8           (3) Offers, conveys or agrees to convey any benefit direct or indirect upon such judicial  
9 officer or such judicial officer's family;

10          (4) Engages in conduct reasonably calculated to harass or alarm such judicial officer or  
11 such judicial officer's family, including stalking pursuant to section 565.225 or 565.227.

12          2. A judicial officer for purposes of this section shall be a judge, arbitrator, special  
13 master, juvenile officer, deputy juvenile officer, state prosecuting or circuit attorney, state  
14 assistant prosecuting or circuit attorney, juvenile court commissioner, state probation or parole  
15 officer, or referee.

16          3. A judicial officer's family for purposes of this section shall be:

17           (1) Such officer's spouse; or

18           (2) Such officer or such officer's spouse's ancestor or descendant by blood or adoption;  
19 or

20           (3) Such officer's stepchild, while the ~~[marriage]~~ **contract of domestic union** creating  
21 that relationship exists.

22           4. The offense of tampering with a judicial officer is a class D felony.

578.475. 1. An international marriage broker shall provide notice to each recruit that the  
2 criminal history record information and ~~[marital]~~ **domestic union** history information of clients  
3 and basic rights information are available from the organization. The notice of the availability  
4 of such information must be in a conspicuous location, in the recruit's native language, in  
5 lettering that is at least one-quarter of an inch in height, and presented in a manner that separates  
6 the different types of information available.

7           2. An international marriage broker shall disseminate to a recruit the criminal history  
8 record information and ~~[marital]~~ **domestic union** history information of a client and basic rights  
9 information no later than thirty days after the date the international marriage broker receives the  
10 criminal history record information and the marital history information on the client. Such  
11 information must be provided in the recruit's native language and the organization shall pay the  
12 costs incurred to translate the information.

13           3. A client of an international marriage broker shall:

14           (1) Obtain a copy of his or her own criminal history record information;

15           (2) Provide the criminal history record information to the international marriage broker;  
16 and

17           (3) Provide to the international marriage broker his or her own ~~[marital]~~ **domestic union**  
18 history information.

19           4. An international marriage broker shall require the client to affirm that the ~~[marital]~~  
20 **domestic union** history information is complete and accurate and includes information regarding  
21 ~~[marriages]~~ **contracts of domestic union**, annulments, and dissolutions that occurred in another  
22 state or foreign country.

23           5. An international marriage broker shall not provide any further services to the client  
24 or the recruit until the organization has obtained the required criminal history record information  
25 and ~~[marital]~~ **domestic union** history information and provided the information to the recruit.

26           6. An international marriage broker shall be deemed to be doing business in Missouri  
27 if it contracts for matchmaking services with a Missouri resident or is considered to be doing  
28 business pursuant to other laws of the state.

29           7. A person who is found guilty of violating the provisions of this section shall not be  
30 required to register as a sexual offender pursuant to the provisions of section 589.400, unless  
31 such person is otherwise required to register pursuant to the provisions of such section.

32           8. It shall be a class E felony to willfully provide incomplete or false information  
33 pursuant to this section.

34           9. Failure to provide the information and notice required pursuant to this section shall  
35 be a class E felony.

36           10. No provision of this section shall preempt any other right or remedy available under  
37 law to any party utilizing the services of an international marriage broker or other international  
38 marriage organization.

          595.010. 1. As used in sections 595.010 to 595.075, unless the context requires  
2 otherwise, the following terms shall mean:

3           (1) "Child", a dependent~~[-unmarried]~~ person **who is not a party to a contract of**  
4 **domestic union** who is under eighteen years of age and includes a posthumous child, stepchild,  
5 or an adopted child;

6           (2) "Claimant", a victim or a dependent, relative, survivor, or member of the family, of  
7 a victim eligible for compensation pursuant to sections 595.010 to 595.075;

8           (3) "Conservator", a person or corporation appointed by a court to have the care and  
9 custody of the estate of a minor or a disabled person, including a limited conservator;

10          (4) "Counseling", problem-solving and support concerning emotional issues that result  
11 from criminal victimization licensed pursuant to section 595.030. Counseling is a confidential  
12 service provided either on an individual basis or in a group. Counseling has as a primary  
13 purpose to enhance, protect and restore a person's sense of well-being and social functioning  
14 after victimization. Counseling does not include victim advocacy services such as crisis  
15 telephone counseling, attendance at medical procedures, law enforcement interviews or criminal  
16 justice proceedings;

17          (5) "Crime", an act committed in this state which, if committed by a mentally competent,  
18 criminally responsible person who had no legal exemption or defense, would constitute a crime;  
19 provided that, such act involves the application of force or violence or the threat of force or  
20 violence by the offender upon the victim but shall include the crime of driving while intoxicated,  
21 vehicular manslaughter and hit and run; and provided, further, that no act involving the operation  
22 of a motor vehicle except driving while intoxicated, vehicular manslaughter and hit and run  
23 which results in injury to another shall constitute a crime for the purpose of sections 595.010 to  
24 595.075, unless such injury was intentionally inflicted through the use of a motor vehicle. A  
25 crime shall also include an act of terrorism, as defined in 18 U.S.C. Section 2331, which has  
26 been committed outside of the United States against a resident of Missouri;

27          (6) "Crisis intervention counseling", helping to reduce psychological trauma where  
28 victimization occurs;

29          (7) "Department", the department of public safety;

30 (8) "Dependent", mother, father, spouse, spouse's mother, spouse's father, child,  
31 grandchild, adopted child, illegitimate child, niece or nephew, who is wholly or partially  
32 dependent for support upon, and living with, but shall include children entitled to child support  
33 but not living with, the victim at the time of his injury or death due to a crime alleged in a claim  
34 pursuant to sections 595.010 to 595.075;

35 (9) "Direct service", providing physical services to a victim of crime including, but not  
36 limited to, transportation, funeral arrangements, child care, emergency food, clothing, shelter,  
37 notification and information;

38 (10) "Director", the director of public safety of this state or a person designated by him  
39 for the purposes of sections 595.010 to 595.075;

40 (11) "Disabled person", one who is unable by reason of any physical or mental condition  
41 to receive and evaluate information or to communicate decisions to such an extent that the person  
42 lacks ability to manage his financial resources, including a partially disabled person who lacks  
43 the ability, in part, to manage his financial resources;

44 (12) "Emergency service", those services provided within thirty days to alleviate the  
45 immediate effects of the criminal act or offense, and may include cash grants of not more than  
46 one hundred dollars;

47 (13) "Earnings", net income or net wages;

48 (14) "Family", the spouse, parent, grandparent, stepmother, stepfather, child, grandchild,  
49 brother, sister, half brother, half sister, adopted children of parent, or spouse's parents;

50 (15) "Funeral expenses", the expenses of the funeral, burial, cremation or other chosen  
51 method of interment, including plot or tomb and other necessary incidents to the disposition of  
52 the remains;

53 (16) "Gainful employment", engaging on a regular and continuous basis, up to the date  
54 of the incident upon which the claim is based, in a lawful activity from which a person derives  
55 a livelihood;

56 (17) "Guardian", one appointed by a court to have the care and custody of the person of  
57 a minor or of an incapacitated person, including a limited guardian;

58 (18) "Hit and run", the crime of leaving the scene of a motor vehicle accident as defined  
59 in section 577.060;

60 (19) "Incapacitated person", one who is unable by reason of any physical or mental  
61 condition to receive and evaluate information or to communicate decisions to such an extent that  
62 he lacks capacity to meet essential requirements for food, clothing, shelter, safety or other care  
63 such that serious physical injury, illness, or disease is likely to occur, including a partially  
64 incapacitated person who lacks the capacity to meet, in part, such essential requirements;

65 (20) "Injured victim", a person:

66 (a) Killed or receiving a personal physical injury in this state as a result of another  
67 person's commission of or attempt to commit any crime;

68 (b) Killed or receiving a personal physical injury in this state while in a good faith  
69 attempt to assist a person against whom a crime is being perpetrated or attempted;

70 (c) Killed or receiving a personal physical injury in this state while assisting a law  
71 enforcement officer in the apprehension of a person who the officer has reason to believe has  
72 perpetrated or attempted a crime;

73 (21) "Law enforcement official", a sheriff and his regular deputies, municipal police  
74 officer or member of the Missouri state highway patrol and such other persons as may be  
75 designated by law as peace officers;

76 (22) "Offender", a person who commits a crime;

77 (23) "Personal physical injury", actual bodily harm only with respect to the victim.  
78 Personal physical injury may include mental or nervous shock resulting from the specific  
79 incident upon which the claim is based;

80 (24) "Private agency", a not-for-profit corporation, in good standing in this state, which  
81 provides services to victims of crime and their dependents;

82 (25) "Public agency", a part of any local or state government organization which  
83 provides services to victims of crime;

84 (26) "Relative", the spouse of the victim or a person related to the victim within the third  
85 degree of consanguinity or affinity as calculated according to civil law;

86 (27) "Survivor", the spouse, parent, legal guardian, grandparent, sibling or child of the  
87 deceased victim of the victim's household at the time of the crime;

88 (28) "Victim", a person who suffers personal physical injury or death as a direct result  
89 of a crime, as defined in subdivision (5) of this subsection;

90 (29) "Victim advocacy", assisting the victim of a crime and his dependents to acquire  
91 services from existing community resources.

92 2. As used in sections 565.024 and 565.060 and sections 595.010 to 595.075, the term  
93 "alcohol-related traffic offense" means those offenses defined by sections 577.001, 577.010, and  
94 577.012, and any county or municipal  
95 ordinance which prohibits operation of a motor vehicle while under the influence of alcohol.

630.200. In accordance with state and federal law, no mental health facility or mental  
2 health program in which people may be civilly detained pursuant to chapter 632 and no  
3 residential facility, day program or specialized service operated, funded or licensed by the  
4 department shall deny admission or other services to any person because of his race, sex, creed,  
5 ~~marital~~ **domestic union** status, national origin, disability or age.

650.454. 1. The governor is hereby authorized to award and present, in the name of the state of Missouri, a medal to a public safety officer, upon the recommendation of the board, for extraordinary valor above and beyond the call of duty. The medal shall be Missouri's highest award for valor by a public safety officer.

2. In the event of the death of any person who would be entitled to a medal pursuant to the provisions of sections 650.450 to 650.460, the same may be presented to a surviving relative on behalf of the deceased in the following order: widow, if not ~~[remarried]~~ **a party to a new contract of domestic union**; eldest living son; eldest living daughter; father; mother; eldest living brother; eldest living sister; and eldest living grandchild.

~~[451.022. 1. It is the public policy of this state to recognize marriage only between a man and a woman.]~~

~~2. Any purported marriage not between a man and a woman is invalid.~~

~~3. No recorder shall issue a marriage license, except to a man and a woman.~~

~~4. A marriage between persons of the same sex will not be recognized for any purpose in this state even when valid where contracted.]~~

~~[451.040. 1. Previous to any marriage in this state, a license for that purpose shall be obtained from the officer authorized to issue the same, and no marriage contracted shall be recognized as valid unless the license has been previously obtained, and unless the marriage is solemnized by a person authorized by law to solemnize marriages.]~~

~~2. Before applicants for a marriage license shall receive a license, and before the recorder of deeds shall be authorized to issue a license, the parties to the marriage shall present an application for the license, duly executed and signed in the presence of the recorder of deeds or their deputy. If an applicant is unable to sign the application in the presence of the recorder of deeds as a result of the applicant's incarceration or because the applicant has been called or ordered to active military duty out of the state or country, the recorder of deeds may issue a license if:~~

~~(1) An affidavit or sworn statement is submitted by the incarcerated or military applicant on a form furnished by the recorder of deeds which includes the necessary information for the recorder of deeds to issue a marriage license under this section. The form shall include, but not be limited to, the following:~~

~~(a) The names of both applicants for the marriage license;~~

~~(b) The date of birth of the incarcerated or military applicant;~~

~~(c) An attestation by the incarcerated or military applicant that both applicants are not related;~~

~~(d) The date the marriage ended if the incarcerated or military applicant was previously married;~~

24 ~~————— (c) An attestation signed by the incarcerated or military applicant stating~~  
25 ~~in substantial part that the applicant is unable to appear in the presence of the~~  
26 ~~recorder of deeds as a result of the applicant's incarceration or because the~~  
27 ~~applicant has been called or ordered to active military duty out of the state or~~  
28 ~~country, which will be verified by the professional or official who directs the~~  
29 ~~operation of the jail or prison or the military applicant's military officer, or such~~  
30 ~~professional's or official's designee, and acknowledged by a notary public~~  
31 ~~commissioned by the state of Missouri at the time of verification. However, in~~  
32 ~~the case of an applicant who is called or ordered to active military duty outside~~  
33 ~~Missouri, acknowledgement may be obtained by a notary public who is duly~~  
34 ~~commissioned by a state other than Missouri or by notarial services of a military~~  
35 ~~officer in accordance with the Uniform Code of Military Justice at the time of~~  
36 ~~verification;~~

37 ~~————— (2) The completed marriage license application of the incarcerated or~~  
38 ~~military applicant is submitted which includes the applicant's Social Security~~  
39 ~~number; except that, in the event the applicant does not have a Social Security~~  
40 ~~number, a sworn statement by the applicant to that effect; and~~

41 ~~————— (3) A copy of a government-issued identification for the incarcerated or~~  
42 ~~military applicant which contains the applicant's photograph. However, in such~~  
43 ~~case the incarcerated applicant does not have such an identification because the~~  
44 ~~jail or prison to which he or she is confined does not issue an identification with~~  
45 ~~a photo his or her notarized application shall satisfy this requirement.~~

46 ~~————— 3. Each application for a license shall contain the Social Security number~~  
47 ~~of the applicant, provided that the applicant in fact has a Social Security number;~~  
48 ~~or the applicant shall sign a statement provided by the recorder that the applicant~~  
49 ~~does not have a Social Security number. The Social Security number contained~~  
50 ~~in an application for a marriage license shall be exempt from examination and~~  
51 ~~copying pursuant to section 610.024. After the receipt of the application the~~  
52 ~~recorder of deeds shall issue the license, unless one of the parties withdraws the~~  
53 ~~application. The license shall be void after thirty days from the date of issuance.~~

54 ~~————— 4. Any person violating the provisions of this section shall be deemed~~  
55 ~~guilty of a misdemeanor.~~

56 ~~————— 5. Common-law marriages shall be null and void.~~

57 ~~————— 6. Provided, however, that no marriage shall be deemed or adjudged~~  
58 ~~invalid, nor shall the validity be in any way affected for want of authority in any~~  
59 ~~person so solemnizing the marriage pursuant to section 451.100, if consummated~~  
60 ~~with the full belief on the part of the persons, so married, or either of them, that~~  
61 ~~they were lawfully joined in marriage.]~~

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2 ~~[451.080. 1. The recorders of the several counties of this state, and the~~  
3 ~~recorder of the city of St. Louis, shall, when applied to by any person legally~~  
4 ~~entitled to a marriage license, issue the same which may be in the following form:~~  
State of Missouri —————)

5 \_\_\_\_\_)  
6 \_\_\_\_\_ss.  
7 \_\_\_\_\_) County of \_\_\_\_\_)  
8 \_\_\_\_\_ This license authorizes any judge, associate circuit judge, licensed or  
9 ordained preacher of the gospel, or other person authorized under the laws of this  
10 state, to solemnize marriage between A B of \_\_\_\_\_, county of \_\_\_\_\_ and state of  
11 \_\_\_\_\_, who is \_\_\_\_\_ the age of eighteen years, and C D of \_\_\_\_\_, in the county of \_\_\_\_\_,  
12 state of \_\_\_\_\_, who is \_\_\_\_\_ the age of eighteen years.

13 \_\_\_\_\_ 2. If the man is under eighteen or the woman under eighteen, add the  
14 following:

15 \_\_\_\_\_ The custodial parent or guardian, as the case may be, of the said A B or  
16 C D (A B or C D, as the case may require), has given his or her assent to the said  
17 marriage.

18 \_\_\_\_\_ Witness my hand as recorder, with the seal of office hereto affixed, at my  
19 office, in \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 20., recorder.

20 \_\_\_\_\_ 3. On which such license the person solemnizing the marriage shall,  
21 within fifteen days after the issuing thereof, make as near as may be the following  
22 return, and return such license to the officer issuing the same: State of Missouri

23 \_\_\_\_\_)

24 \_\_\_\_\_)

25 \_\_\_\_\_ss.

26 \_\_\_\_\_) County of \_\_\_\_\_)

27 \_\_\_\_\_ This is to certify that the undersigned \_\_\_\_\_ did at \_\_\_\_\_, in said county, on  
28 the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 20., unite in marriage the above-named persons.]

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[451.090. 1. No recorder shall, in any event except as herein provided;  
2 issue a license authorizing the marriage of any person under fifteen years of age;  
3 provided, however, that such license may be issued on order of a circuit or  
4 associate circuit judge of the county in which the license is applied for, such  
5 license being issued only for good cause shown and by reason of such unusual  
6 conditions as to make such marriage advisable.

7 \_\_\_\_\_ 2. No recorder shall issue a license authorizing the marriage of any male  
8 under the age of eighteen years or of any female under the age of eighteen years;  
9 except with the consent of his or her custodial parent or guardian, which consent  
10 shall be given at the time, in writing, stating the residence of the person giving  
11 such consent, signed and sworn to before an officer authorized to administer  
12 oaths.

13 \_\_\_\_\_ 3. The recorder shall state in every license whether the parties applying  
14 for same, one or either or both of them, are of age, or whether the male is under  
15 the age of eighteen years or the female under the age of eighteen years, and if the  
16 male is under the age of eighteen years or the female is under the age of eighteen  
17 years, the name of the custodial parent or guardian consenting to such marriage.]

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2       ~~[451.100. Marriages may be solemnized by any clergyman, either active~~  
3       ~~or retired, who is in good standing with any church or synagogue in this state.~~  
4       ~~Marriages may also be solemnized, without compensation, by any judge,~~  
5       ~~including a municipal judge. Marriages may also be solemnized by a religious~~  
6       ~~society, religious institution, or religious organization of this state, according to~~  
7       ~~the regulations and customs of the society, institution or organization, when~~  
8       ~~either party to the marriage to be solemnized is a member of such society,~~  
9       ~~institution or organization.]~~

2       ~~[451.110. Every person solemnizing marriages under this chapter shall~~  
3       ~~issue and deliver to the parties to such marriage a certificate thereof, which shall~~  
4       ~~be furnished in blank by the officer who issues such license, setting forth the~~  
5       ~~names and residence of the parties and the date of such marriage, and the county~~  
6       ~~from which the license was issued and the date of same; and such certificates~~  
7       ~~shall be prima facie evidence of the facts therein stated in all courts of this state.]~~

2       ~~[451.115. Every person who shall solemnize any marriage, having~~  
3       ~~knowledge of any fact which renders such marriage unlawful or criminal in either~~  
4       ~~of the parties under any law of this state, or, having knowledge or reasonable~~  
5       ~~cause to believe that either of the parties shall be under the age of legal consent,~~  
6       ~~or is prohibited by section 451.020 from entering into such marriage, or where~~  
7       ~~to his knowledge, any other legal impediment exists to such marriage, and every~~  
8       ~~person not authorized by law to solemnize marriages who shall falsely represent~~  
9       ~~that he is so authorized, and who, by any pretended marriage ceremony which he~~  
10      ~~may perform, shall deceive any innocent person or persons into the belief that~~  
11      ~~they have been legally married, shall, on conviction, be adjudged guilty of a class~~  
12      ~~C misdemeanor.]~~

2       ~~[451.120. Any person who shall solemnize any marriage wherein the~~  
3       ~~parties have not obtained a license, as provided by this chapter, or shall fail to~~  
4       ~~keep a record of the solemnization of any marriage, shall be deemed guilty of a~~  
5       ~~misdemeanor, and upon conviction shall be fined not exceeding five hundred~~  
6       ~~dollars, and in addition shall be subject to a civil action by the parent, conservator~~  
7       ~~or other person having care or custody of the person so married, to whom~~  
8       ~~services are due wherein the recovery shall not exceed the sum of five hundred~~  
9       ~~dollars; and any recorder who shall issue a license contrary to the provisions of~~  
10      ~~this chapter shall be subject to a like punishment.]~~

2       ~~[451.160. The reputed father and mother of children who were born~~  
3       ~~before the ceremony of marriage is performed, as provided by this chapter, may,~~  
4       ~~at the time of solemnization of said marriage, give to the officer the names of~~  
5       ~~their children then living, or the descendants of such as may be dead; and it shall~~  
6       ~~be the duty of such officer to record such names with his certificate of marriage.]~~

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~~[451.170. In any county in this state where the record of any marriage has been lost or destroyed, such record may be supplied by the minister or officer who solemnized any such marriage, by filing in the recorder's office of such county a certificate showing the names of the persons by him married, the date of such marriage, and the county in which the same was solemnized.]~~

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~~[451.180. In all counties in this state where records of marriages have been destroyed by fire or otherwise, any person whose record of marriage has been destroyed, or the heirs or descendants of such person, may obtain from the officer or minister who solemnized such marriage a certificate, showing dates, names of parties married, and witnesses present at said solemnization of marriage, so far as said officer or minister may be able to certify the same; and the record of said certificate shall be prima facie evidence of said marriage in all the courts of this state.]~~

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~~[451.290. A married woman shall be deemed a femme sole so far as to enable her to carry on and transact business on her own account, to contract and be contracted with, to sue and be sued, and to enforce and have enforced against her property such judgments as may be rendered for or against her, and may sue and be sued at law or in equity, with or without her husband being joined as a party; provided, a married woman may invoke all exemption and homestead laws now or hereafter in force for the protection of personal and real property owned by the head of a family, except in cases where the husband has claimed such exemption and homestead rights for the protection of his own property.]~~

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