

FIRST REGULAR SESSION

# HOUSE BILL NO. 962

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE DARROUGH.

Read 1<sup>st</sup> time April 1, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

2144L.011

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### AN ACT

To repeal sections 211.023, 211.031, 478.063, 487.010, 487.020, 487.030, 487.040, 487.050, 487.060, 487.070, 487.080, 487.090, 487.100, 487.110, 487.120, 487.130, 487.140, 487.150, 487.160, 487.180, 487.190 and 488.2300, RSMo, and to enact in lieu thereof three new sections relating to courts.

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

Section A. Sections 211.023, 211.031, 478.063, 487.010, 487.020, 487.030, 487.040, 2 487.050, 487.060, 487.070, 487.080, 487.090, 487.100, 487.110, 487.120, 487.130, 487.140, 3 487.150, 487.160, 487.180, 487.190, and 488.2300, RSMo, are repealed and three new sections 4 enacted in lieu thereof, to be known as sections 211.023, 211.031 and 478.063, to read as 5 follows:

211.023. In each county of the first class having a charter form of government[, except 2 those counties having a family court as provided in sections 487.010 to 487.190, RSMo,] a 3 majority of the circuit judges, en banc, may appoint one or two persons who shall have the same 4 qualifications as a circuit judge to act as commissioners. The commissioners shall be appointed 5 for a term of four years. The compensation of a commissioner shall be the same as set by law 6 for associate circuit judges of the county for which they are appointed, payable by the state, and 7 the commissioners shall devote full time to such duties.

211.031. 1. Except as otherwise provided in this chapter, the juvenile court [or the 2 family court in circuits that have a family court as provided in sections 487.010 to 487.190, 3 RSMo,] shall have exclusive original jurisdiction in proceedings:

4 (1) Involving any child or person seventeen years of age who may be a resident of or

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

5 found within the county and who is alleged to be in need of care and treatment because:

6 (a) The parents, or other persons legally responsible for the care and support of the child  
7 or person seventeen years of age, neglect or refuse to provide proper support, education which  
8 is required by law, medical, surgical or other care necessary for his or her well-being; except that  
9 reliance by a parent, guardian or custodian upon remedial treatment other than medical or  
10 surgical treatment for a child or person seventeen years of age shall not be construed as neglect  
11 when the treatment is recognized or permitted pursuant to the laws of this state;

12 (b) The child or person seventeen years of age is otherwise without proper care, custody  
13 or support; or

14 (c) The child or person seventeen years of age was living in a room, building or other  
15 structure at the time such dwelling was found by a court of competent jurisdiction to be a public  
16 nuisance pursuant to section 195.130, RSMo;

17 (d) The child or person seventeen years of age is a child in need of mental health services  
18 and the parent, guardian or custodian is unable to afford or access appropriate mental health  
19 treatment or care for the child;

20 (2) Involving any child who may be a resident of or found within the county and who is  
21 alleged to be in need of care and treatment because:

22 (a) The child while subject to compulsory school attendance is repeatedly and without  
23 justification absent from school; or

24 (b) The child disobeys the reasonable and lawful directions of his or her parents or other  
25 custodian and is beyond their control; or

26 (c) The child is habitually absent from his or her home without sufficient cause,  
27 permission, or justification; or

28 (d) The behavior or associations of the child are otherwise injurious to his or her welfare  
29 or to the welfare of others; or

30 (e) The child is charged with an offense not classified as criminal, or with an offense  
31 applicable only to children; except that, the juvenile court shall not have jurisdiction over any  
32 child fifteen and one-half years of age who is alleged to have violated a state or municipal traffic  
33 ordinance or regulation, the violation of which does not constitute a felony, or any child who is  
34 alleged to have violated a state or municipal ordinance or regulation prohibiting possession or  
35 use of any tobacco product;

36 (3) Involving any child who is alleged to have violated a state law or municipal  
37 ordinance, or any person who is alleged to have violated a state law or municipal ordinance prior  
38 to attaining the age of seventeen years, in which cases jurisdiction may be taken by the court of  
39 the circuit in which the child or person resides or may be found or in which the violation is  
40 alleged to have occurred; except that, the juvenile court shall not have jurisdiction over any child

41 fifteen and one-half years of age who is alleged to have violated a state or municipal traffic  
42 ordinance or regulation, the violation of which does not constitute a felony, or any child who is  
43 alleged to have violated a state or municipal ordinance or regulation prohibiting possession or  
44 use of any tobacco product, and except that the juvenile court shall have concurrent jurisdiction  
45 with the municipal court over any child who is alleged to have violated a municipal curfew  
46 ordinance;

47 (4) For the adoption of a person;

48 (5) For the commitment of a child or person seventeen years of age to the guardianship  
49 of the department of social services as provided by law.

50 2. Transfer of a matter, proceeding, jurisdiction or supervision for a child or person  
51 seventeen years of age who resides in a county of this state shall be made as follows:

52 (1) Prior to the filing of a petition and upon request of any party or at the discretion of  
53 the juvenile officer, the matter in the interest of a child or person seventeen years of age may be  
54 transferred by the juvenile officer, with the prior consent of the juvenile officer of the receiving  
55 court, to the county of the child's residence or the residence of the person seventeen years of age  
56 for future action;

57 (2) Upon the motion of any party or on its own motion prior to final disposition on the  
58 pending matter, the court in which a proceeding is commenced may transfer the proceeding of  
59 a child or person seventeen years of age to the court located in the county of the child's residence  
60 or the residence of the person seventeen years of age, or the county in which the offense pursuant  
61 to subdivision (3) of subsection 1 of this section is alleged to have occurred for further action;

62 (3) Upon motion of any party or on its own motion, the court in which jurisdiction has  
63 been taken pursuant to subsection 1 of this section may at any time thereafter transfer jurisdiction  
64 of a child or person seventeen years of age to the court located in the county of the child's  
65 residence or the residence of the person seventeen years of age for further action with the prior  
66 consent of the receiving court;

67 (4) Upon motion of any party or upon its own motion at any time following a judgment  
68 of disposition or treatment pursuant to section 211.181, the court having jurisdiction of the cause  
69 may place the child or person seventeen years of age under the supervision of another juvenile  
70 court within or without the state pursuant to section 210.570, RSMo, with the consent of the  
71 receiving court;

72 (5) Upon motion of any child or person seventeen years of age or his or her parent, the  
73 court having jurisdiction shall grant one change of judge pursuant to Missouri Supreme Court  
74 Rules;

75 (6) Upon the transfer of any matter, proceeding, jurisdiction or supervision of a child or  
76 person seventeen years of age, certified copies of all legal and social documents and records

77 pertaining to the case on file with the clerk of the transferring juvenile court shall accompany the  
78 transfer.

79 3. In any proceeding involving any child or person seventeen years of age taken into  
80 custody in a county other than the county of the child's residence or the residence of a person  
81 seventeen years of age, the juvenile court of the county of the child's residence or the residence  
82 of a person seventeen years of age shall be notified of such taking into custody within  
83 seventy-two hours.

84 4. When an investigation by a juvenile officer pursuant to this section reveals that the  
85 only basis for action involves an alleged violation of section 167.031, RSMo, involving a child  
86 who alleges to be home schooled, the juvenile officer shall contact a parent or parents of such  
87 child to verify that the child is being home schooled and not in violation of section 167.031,  
88 RSMo, before making a report of such a violation. Any report of a violation of section 167.031,  
89 RSMo, made by a juvenile officer regarding a child who is being home schooled shall be made  
90 to the prosecuting attorney of the county where the child legally resides.

478.063. In all judicial circuits of this state[, except in jurisdictions that have a family  
2 court as provided in sections 487.010 to 487.190, RSMo,] the circuit judges shall be vested with  
3 power to designate by local circuit court rule and concurred in by a majority of such judges, the  
4 division or divisions which shall be juvenile division or divisions and the classes of cases that  
5 shall be assigned to each, and may amend such rule from time to time as, in the judgment of a  
6 majority of such judges, will best serve the public interest.

2 [487.010. 1. There is hereby created in the circuit court of the following  
3 judicial circuits of the state, a division or divisions to be designated as provided  
4 in sections 487.010 to 487.190, which shall be the family court:

- 4 (1) Circuit number seven, consisting of the county of Clay;
- 5 (2) Circuit number thirteen, consisting of Callaway and Boone;
- 6 (3) Circuit number sixteen, consisting of the county of Jackson;
- 7 (4) Circuit number twenty-one, consisting of the county of St. Louis;
- 8 (5) Circuit number twenty-two, consisting of the city of St. Louis;
- 9 (6) Circuit number thirty-one, consisting of the county of Greene; and
- 10 (7) Any other circuit which chooses, by local court rule, to have a family  
11 court as provided in sections 487.010 to 487.190.

12 2. The majority of the circuit judges and associate circuit judges en banc,  
13 in the circuit, may designate, by local court rule, a family court in a county in the  
14 circuit as provided in sections 487.010 to 487.190.

15 3. The presiding judge of each circuit where the circuit or a county in the  
16 circuit has a family court shall designate the division or divisions of the circuit  
17 court that shall be the family court. In those circuits with split venue, a division  
18 shall be designated in each venue.

19                   4. In each circuit having more than one division designated as the family  
20 court, the presiding judge shall designate from the divisions so designated an  
21 administrative judge of the family court.

22                   5. In any circuit with a county with split venue, there shall be at least one  
23 circuit judge assigned to the family court for each block of one hundred sixty  
24 thousand persons, or portion of such block, based upon the latest decennial  
25 national census.

26                   6. Notwithstanding any other provision of this chapter to the contrary, the  
27 judges of the court en banc may remove a judge from his duties as a family court  
28 judge and may assign a new judge to sit as the family court judge.]

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

22                   2. The circuit court in the eleventh judicial circuit may, in substitution of  
23 a family court commissioner currently appointed pursuant to this section whose  
24 salary is reimbursable, appoint one family court commissioner whose  
25 compensation shall be payable by the state without necessity of reimbursement.  
26 The provisions of this subsection shall not be construed to allow appointment of  
27 a family court commissioner in addition to the number of such family court  
28 commissioners holding office in the eleventh judicial circuit as of January 1,  
29 1999, and the appointment of the state-paid commissioner shall be subject to  
30 appropriations for such purpose.

31                   3. Each commissioner of the family court shall possess the same  
32 qualifications as a circuit judge. The compensation and retirement benefits of  
each commissioner shall be the same as that of an associate circuit judge, payable

33 in the same manner and from the same source as that of an associate circuit  
34 judge.]

2 [487.030. 1. The findings and recommendations of the commissioner  
3 shall become the judgment of the court when adopted and confirmed by an order  
4 of a circuit or an associate circuit judge. Notice of the findings and  
5 recommendations of the commissioner, together with a statement relative to the  
6 right to file a motion for rehearing, shall be given to the parties whose case has  
7 been heard by the commissioner, and to any other person that the court may  
8 direct. This notice may be given at the hearing, or by mail or other service  
9 directed by the court.

10 2. The parties to a cause of action heard by a commissioner are entitled  
11 to file with the court a motion for a hearing by a judge of the family court either  
12 within fifteen days after receiving notice of the findings of the commissioner at  
13 the hearing, or within fifteen days after the mailing, or within fifteen days after  
14 other service directed by the court. In cases in which the family court has  
15 jurisdiction pursuant to subdivision (1) of subsection 1 of section 211.031,  
16 RSMo, the juvenile officer, in addition to the parties listed above, is also entitled  
17 to file with the court a motion for a hearing by a judge of the family court within  
18 fifteen days after receiving notice of the findings of the commissioner. The judge  
19 shall promptly rule on such motion and, in his discretion, may either sustain or  
20 deny the motion, and if the motion is sustained, the judge shall set a date for a  
21 hearing. If the motion for rehearing is not ruled on within forty-five days after  
22 the motion is filed, it is denied for all purposes. In computing the forty-five days,  
23 no day shall be counted during which the court lacks power to act because of an  
order of a superior court.]

2 [487.040. 1. The administrative judge of the family court, or in circuits  
3 or counties which have a family court pursuant to subsection 2 of section 487.010  
4 having one judge sitting as family court judge, the judge of the family court may  
5 direct that any case or class of cases may be heard by the commissioner in the  
6 manner provided for hearing of cases by law.

7 2. The circuit and associate circuit judges en banc may designate by order  
8 the location within the geographical jurisdiction of the court where the  
9 commissioners shall conduct hearings, provided, in circuits with split venue, one  
10 or more commissioners shall be assigned and shall conduct hearings in each  
11 venue with the exception of proceedings brought pursuant to the provisions of  
12 chapter 210, RSMo, or chapter 211, RSMo.]

2 [487.050. 1. To the extent feasible, judges designated as family court  
3 judges and the commissioners appointed under sections 487.020 to 487.040 shall  
4 be those who:

- 4 (1) Desire to be so assigned;

5           (2) Have the temperament necessary to deal properly with cases that  
6 come before the family court;

7           (3) Have completed, or within six months after designation or  
8 appointment complete, a course of training in family law;

9           (4) Attend annual continuing education courses to further training in  
10 family issues and law.

11           2. The qualifications contained in this section of any person designated  
12 as family court judge or appointed commissioner shall be reviewable within the  
13 superintending control vested in the supreme court and the districts of the court  
14 of appeals by article V, section 4 of the Constitution of Missouri.

15           3. The commissioners shall act at all times in a manner befitting a  
16 member of the bench. The commissioner shall devote full time to the duties of  
17 commissioner and shall not engage in the private practice of law.

18           4. A commissioner may be removed from office during a term by a  
19 majority of the circuit and associate circuit judges en banc upon proof at a  
20 hearing before such judges of crime, misconduct, habitual drunkenness, willful  
21 neglect of duty, corruption in office, incompetency or any offense involving  
22 moral turpitude or oppression in office or unsatisfactory performance of duties.

23           5. Judges designated as family court judges shall serve in such capacity  
24 for a term of four years unless such judge's term is either extended at such family  
25 court judge's option or shortened with the agreement of the family court judge  
26 and the presiding judge.]

2           [487.060. 1. In each circuit having a family court, on approval of the  
3 majority of the circuit judges and associate circuit judges en banc, the court may  
4 employ a person to perform the functions of a family court administrator.

5           2. The family court administrator shall serve the function of  
6 administering the support services of the family court, provided the  
7 responsibilities and duties of the circuit clerks and the court administrators shall  
8 continue to be performed by the circuit clerk or court administrator currently  
9 vested with those responsibilities and duties. The duties of the family court  
10 administrator may include the following:

11           (1) To contract for or employ other personnel, including clinical  
12 psychologists, social workers, mediators, support enforcement staff and a legal  
13 staff;

14           (2) To oversee, supervise and administer the services of the family court,  
15 such as the ordering and preparation of home studies, mediation services,  
16 psychological services and counseling;

17           (3) To enter into cooperative agreements with other circuits for various  
18 court services and facilities, with the prior approval of the circuit and associate  
19 circuit judges en banc in the respective circuits. This section shall allow family  
20 court administrators, where it is efficient, to join together with other circuits that  
have a family court to contract for common facilities, such as detention facilities

21 or other services for the efficient operation of the family court.

22 3. The salaries and benefits of personnel transferred into the family court  
23 pursuant to the provisions of sections 487.180 and 487.190 shall be funded  
24 according to the provisions of sections 487.180 and 487.190.]

2 [487.070. Proceedings in the family court may be in camera as directed  
3 by a judge of the family court. However, proceedings in the family court for  
4 cases brought under sections 210.817 to 210.852, RSMo, shall continue to be  
5 conducted pursuant to the provisions of sections 210.817 to 210.852, RSMo, and  
6 proceedings under chapter 211, RSMo, shall continue to be confidential as  
provided in chapter 211, RSMo.]

2 [487.080. Except as provided in section 487.130 and, notwithstanding  
3 any other provision of law to the contrary, the family court shall have exclusive  
4 original jurisdiction to hear and determine the following matters:

5 (1) All actions or proceedings governed by chapter 452, RSMo, including  
6 but not limited to dissolution of marriage, legal separation, separate maintenance,  
7 child custody and modification actions;

8 (2) Actions for annulment of marriage;

9 (3) Adoption actions and all actions and proceedings conducted pursuant  
10 to the provisions of chapter 453, RSMo;

11 (4) Juvenile proceedings and all actions as provided for in chapter 211,  
12 RSMo;

13 (5) Actions to establish the parent and child relationship, except actions  
14 to establish a person as an heir, devisee or trust beneficiary, and all actions  
15 provided for in chapter 210, RSMo;

16 (6) Actions for determination of support duties and for enforcement of  
17 support, including actions under the uniform reciprocal enforcement of support  
18 act and actions provided for in chapter 454, RSMo. Family court personnel shall  
19 not duplicate any functions performed by the division of child support  
20 enforcement or local prosecuting attorney but shall cooperate with the division  
of child support enforcement or the local prosecuting attorney;

21 (7) Adult abuse and child protection actions and all actions provided for  
22 in chapter 455, RSMo;

23 (8) Change of name actions;

24 (9) Marriage license waiting period waivers under chapter 451, RSMo.]

2 [487.090. 1. In criminal actions where the defendant and the victim are  
3 part of the same family unit, the judge of the division in which the criminal case  
4 is pending may only transfer such case to the family court if it is in the interests  
5 of justice to all parties, the rights of the defendant, and the interests of the family.  
6 Such transfer shall only be made when the judge of the division in which the  
criminal case is pending and the administrative judge of the family court approve



7 such transfer.

8 2. No provision of subsection 1 of this section shall abridge any of the  
9 rights of a criminal defendant.

10 3. If a tort action is properly joined with any of the actions enumerated  
11 in section 487.080, the entire action shall not be within the jurisdiction of the  
12 family court but shall be assigned to and heard on a civil docket unless the parties  
13 stipulate and agree in writing that the matter may be retained in the family court.

14 4. The judge of the probate division may transfer a guardianship  
15 proceeding wherein a guardian of a minor is requested under chapter 475, RSMo,  
16 to the family court. If transferred, the family court shall have jurisdiction over  
17 such proceeding including the appointment of a guardian or conservator, if  
18 requested. Provided, however, upon final judgment, the proceeding shall be  
19 transferred to the probate division for administration. After final judgment, the  
20 judge of the probate division shall have ongoing authority to transfer the  
21 proceeding to the family court for additional action as may be needed to further  
22 the interests of justice.]

2 [487.100. In any family court case the judge or commissioner may, on the  
3 judge's or commissioner's own motion or, at the request of a party, order or  
4 recommend mediation, counseling or a home study. The costs of such mediation,  
5 counseling or home study may be assessed against any party at any time and may  
6 be taxed as court costs paid by the party against whom costs are taxed or may be  
7 paid from the family services and justice fund established pursuant to section  
8 487.170. The amount assessed for such mediation, counseling, or home study  
9 shall be such amount as the court determines to be reasonable under the  
10 circumstances. The party's ability to pay shall be a consideration when such costs  
are assessed.]

2 [487.110. The uniform child custody jurisdiction act, as enacted in  
3 sections 452.440 to 452.550, RSMo, shall apply to all custody proceedings in the  
4 family court.]

2 [487.120. In the event that there is an immediate need to hear a case  
3 falling outside the exclusive original jurisdiction of the family court, and no other  
4 judge of the circuit is available to hear the matter, the presiding judge may assign  
5 a judge of the family court division of the proper venue to hear such matter,  
subject to split venue and other provisions of law.]

2 [487.130. In the event that there is an immediate need to hear a case  
3 falling within the exclusive original jurisdiction of the family court and no family  
4 court judge or commissioner is available to hear the matter, then the presiding  
5 judge may assign any judge of the proper venue in each circuit to hear such  
matter, subject to split venue and other provisions of law.]

2 [487.140. For the purpose of obtaining the maximum allowable federal  
3 financial participation funds, the family court of each circuit or a county therein  
4 with the approval of the circuit and associate circuit judges en banc may enter  
into a cooperative agreement with the department of social services.]

2 [487.150. The administrative judge of the family court, or if none, the  
3 presiding judge of each circuit having a family court division or each circuit  
4 having a family court division in a county in the circuit may appoint a family  
5 court coordinating committee, which shall meet at least quarterly and shall serve  
6 as a liaison for the professions, agencies and organizations which utilize or  
7 provide services connected with the family court. The committee may be  
comprised of the following:

- 8 (1) A family court judge, commissioner and administrator;
- 9 (2) Two members of the Missouri Bar who are actively engaged in the  
10 practice of family law;
- 11 (3) A representative from the division of family services;
- 12 (4) A representative from the division of youth services;
- 13 (5) Two professional counselors, psychologists or psychiatrists;
- 14 (6) A representative from a local educational institution;
- 15 (7) A representative from the general public;
- 16 (8) A representative from an organized grandparents' association; and
- 17 (9) A representative from a domestic violence coalition.]

2 [487.160. Any reference in the statutory laws of this state to the juvenile  
3 division of the circuit court shall be deemed to include the family court when  
4 involving matters previously within the exclusive original jurisdiction of the  
5 juvenile division if such inclusion is not in conflict with the provisions of  
sections 487.010 to 487.190.]

2 [487.180. In any jurisdiction that has a family court, all equipment,  
3 property, facilities and funds of the juvenile court division as it exists on the day  
prior to August 28, 1993, shall be transferred to the family court.]

2 [487.190. Any salary or benefits paid to an employee in a position of  
3 employment authorized by law outside the provisions of sections 487.010 to  
4 487.190 shall continue to be paid in the same manner and from the same source  
5 as such personnel would have been paid if there had been no such transfer to the  
family court.]

2 [488.2300. 1. A "Family Services and Justice Fund" is hereby  
3 established in each county or circuit with a family court, for the purpose of aiding  
with the operation of the family court divisions and services provided by those

4 divisions. In circuits or counties having a family court, the circuit clerk shall  
5 charge and collect a surcharge of thirty dollars in all proceedings falling within  
6 the jurisdiction of the family court. The surcharge shall not be charged when no  
7 court costs are otherwise required, shall not be charged against the petitioner for  
8 actions filed pursuant to the provisions of chapter 455, RSMo, but may be  
9 charged to the respondent in such actions, shall not be charged to a government  
10 agency and shall not be charged in any proceeding when costs are waived or are  
11 to be paid by the state, county or municipality.

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

19 3. All sums collected pursuant to this section and section 487.140,  
20 RSMo, shall be payable to the various county family services and justice funds.

21 4. Any moneys in the family services and justice fund not expended for  
22 salaries of commissioners, family court administrators and family court staff shall  
23 be used toward funding the enhanced services provided as a result of the  
24 establishment of a family court; however, it shall not replace or reduce the current  
25 and ongoing responsibilities of the counties to provide funding for the courts as  
26 required by law. Moneys collected for the family services and justice fund shall  
27 be expended for the benefit of litigants and recipients of services in the family  
28 court, with priority given to services such as mediation, counseling, home studies,  
29 psychological evaluation and other forms of alternative dispute-resolution  
30 services. Expenditures shall be made at the discretion of the presiding judge or  
31 family court administrative judge, as designated by the circuit and associate  
32 circuit judges en banc, for the implementation of the family court system as set  
33 forth in this section. No moneys from the family services and justice fund may  
34 be used to pay for mediation in any cause of action in which domestic violence  
35 is alleged.

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

43 6. No moneys deposited in the family services and justice fund may be  
44 expended for capital improvements.]