

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1242

101ST GENERAL ASSEMBLY

1759S.03C

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal sections 211.181, 211.435, 211.438, 211.439, 431.202, 456.4-419, 485.060, and 507.184, RSMo, and to enact in lieu thereof ten new sections relating to court proceedings, with an emergency clause for certain sections.

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

Section A. Sections 211.181, 211.435, 211.438, 211.439,
2 431.202, 456.4-419, 485.060, and 507.184, RSMo, are repealed
3 and ten new sections enacted in lieu thereof, to be known as
4 sections 211.012, 211.181, 211.435, 431.201, 431.202, 436.700,
5 456.1-114, 456.4-419, 485.060, and 507.184, to read as follows:

**211.012. For purposes of this chapter, section
2 221.044, and the original jurisdiction of the juvenile
3 court, a person shall not be considered a child if, at the
4 time the alleged offense or violation was committed, the
5 person was considered an adult according to then-existing
6 law.**

211.181. 1. When a child is found by the court to
2 come within the applicable provisions of subdivision (1) of
3 subsection 1 of section 211.031, the court shall so decree
4 and make a finding of fact upon which it exercises its
5 jurisdiction over the child, and the court may, by order
6 duly entered, proceed as follows:

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

7 (1) Place the child under supervision in his or her
8 own home or in the custody of a relative or other suitable
9 person after the court or a public agency or institution
10 designated by the court conducts an investigation of the
11 home, relative or person and finds such home, relative or
12 person to be suitable and upon such conditions as the court
13 may require;

14 (2) Commit the child to the custody of:

15 (a) A public agency or institution authorized by law
16 to care for children or to place them in family homes;
17 except that, such child may not be committed to the
18 department of social services, division of youth services;

19 (b) Any other institution or agency which is
20 authorized or licensed by law to care for children or to
21 place them in family homes;

22 (c) An association, school or institution willing to
23 receive the child in another state if the approval of the
24 agency in that state which administers the laws relating to
25 importation of children into the state has been secured; or

26 (d) The juvenile officer;

27 (3) Place the child in a family home;

28 (4) Cause the child to be examined and treated by a
29 physician, psychiatrist or psychologist and when the health
30 or condition of the child requires it, cause the child to be
31 placed in a public or private hospital, clinic or
32 institution for treatment and care; except that, nothing
33 contained herein authorizes any form of compulsory medical,
34 surgical, or psychiatric treatment of a child whose parents
35 or guardian in good faith are providing other remedial
36 treatment recognized or permitted under the laws of this
37 state;

38 (5) The court may order, pursuant to subsection 2 of
39 section 211.081, that the child receive the necessary
40 services in the least restrictive appropriate environment
41 including home and community-based services, treatment and
42 support, based on a coordinated, individualized treatment
43 plan. The individualized treatment plan shall be approved
44 by the court and developed by the applicable state agencies
45 responsible for providing or paying for any and all
46 appropriate and necessary services, subject to
47 appropriation, and shall include which agencies are going to
48 pay for and provide such services. Such plan must be
49 submitted to the court within thirty days and the child's
50 family shall actively participate in designing the service
51 plan for the child;

52 (6) The department of social services, in conjunction
53 with the department of mental health, shall apply to the
54 United States Department of Health and Human Services for
55 such federal waivers as required to provide services for
56 such children, including the acquisition of community-based
57 services waivers.

58 2. When a child is found by the court to come within
59 the provisions of subdivision (2) of subsection 1 of section
60 211.031, the court shall so decree and upon making a finding
61 of fact upon which it exercises its jurisdiction over the
62 child, the court may, by order duly entered, proceed as
63 follows:

64 (1) Place the child under supervision in his or her
65 own home or in custody of a relative or other suitable
66 person after the court or a public agency or institution
67 designated by the court conducts an investigation of the
68 home, relative or person and finds such home, relative or

69 person to be suitable and upon such conditions as the court
70 may require;

71 (2) Commit the child to the custody of:

72 (a) A public agency or institution authorized by law
73 to care for children or place them in family homes; except
74 that, a child may be committed to the department of social
75 services, division of youth services, only if he or she is
76 presently under the court's supervision after an
77 adjudication under the provisions of subdivision (2) or (3)
78 of subsection 1 of section 211.031;

79 (b) Any other institution or agency which is
80 authorized or licensed by law to care for children or to
81 place them in family homes;

82 (c) An association, school or institution willing to
83 receive it in another state if the approval of the agency in
84 that state which administers the laws relating to
85 importation of children into the state has been secured; or

86 (d) The juvenile officer;

87 (3) Place the child in a family home;

88 (4) Cause the child to be examined and treated by a
89 physician, psychiatrist or psychologist and when the health
90 or condition of the child requires it, cause the child to be
91 placed in a public or private hospital, clinic or
92 institution for treatment and care; except that, nothing
93 contained herein authorizes any form of compulsory medical,
94 surgical, or psychiatric treatment of a child whose parents
95 or guardian in good faith are providing other remedial
96 treatment recognized or permitted under the laws of this
97 state;

98 (5) Assess an amount of up to ten dollars to be paid
99 by the child to the clerk of the court.

100 Execution of any order entered by the court pursuant to this
101 subsection, including a commitment to any state agency, may
102 be suspended and the child placed on probation subject to
103 such conditions as the court deems reasonable. After a
104 hearing, probation may be revoked and the suspended order
105 executed.

106 3. When a child is found by the court to come within
107 the provisions of subdivision (3) of subsection 1 of section
108 211.031, the court shall so decree and make a finding of
109 fact upon which it exercises its jurisdiction over the
110 child, and the court may, by order duly entered, proceed as
111 follows:

112 (1) Place the child under supervision in his or her
113 own home or in custody of a relative or other suitable
114 person after the court or a public agency or institution
115 designated by the court conducts an investigation of the
116 home, relative or person and finds such home, relative or
117 person to be suitable and upon such conditions as the court
118 may require; provided that, no child who has been
119 adjudicated a delinquent by a juvenile court for committing
120 or attempting to commit a sex-related offense which if
121 committed by an adult would be considered a felony offense
122 pursuant to chapter 566, including but not limited to rape,
123 forcible sodomy, child molestation, and sexual abuse, and in
124 which the victim was a child, shall be placed in any
125 residence within one thousand feet of the residence of the
126 abused child of that offense until the abused child reaches
127 the age of eighteen, and provided further that the
128 provisions of this subdivision regarding placement within
129 one thousand feet of the abused child shall not apply when
130 the abusing child and the abused child are siblings or
131 children living in the same home;

- 132 (2) Commit the child to the custody of:
- 133 (a) A public agency or institution authorized by law
134 to care for children or to place them in family homes;
- 135 (b) Any other institution or agency which is
136 authorized or licensed by law to care for children or to
137 place them in family homes;
- 138 (c) An association, school or institution willing to
139 receive it in another state if the approval of the agency in
140 that state which administers the laws relating to
141 importation of children into the state has been secured; or
- 142 (d) The juvenile officer;
- 143 (3) Beginning January 1, 1996, the court may make
144 further directions as to placement with the division of
145 youth services concerning the child's length of stay. The
146 length of stay order may set forth a minimum review date;
- 147 (4) Place the child in a family home;
- 148 (5) Cause the child to be examined and treated by a
149 physician, psychiatrist or psychologist and when the health
150 or condition of the child requires it, cause the child to be
151 placed in a public or private hospital, clinic or
152 institution for treatment and care; except that, nothing
153 contained herein authorizes any form of compulsory medical,
154 surgical, or psychiatric treatment of a child whose parents
155 or guardian in good faith are providing other remedial
156 treatment recognized or permitted under the laws of this
157 state;
- 158 (6) Suspend or revoke a state or local license or
159 authority of a child to operate a motor vehicle;
- 160 (7) Order the child to make restitution or reparation
161 for the damage or loss caused by his or her offense. In
162 determining the amount or extent of the damage, the court
163 may order the juvenile officer to prepare a report and may

164 receive other evidence necessary for such determination.
165 The child and his or her attorney shall have access to any
166 reports which may be prepared, and shall have the right to
167 present evidence at any hearing held to ascertain the amount
168 of damages. Any restitution or reparation ordered shall be
169 reasonable in view of the child's ability to make payment or
170 to perform the reparation. The court may require the clerk
171 of the circuit court to act as receiving and disbursing
172 agent for any payment ordered;

173 (8) Order the child to a term of community service
174 under the supervision of the court or of an organization
175 selected by the court. Every person, organization, and
176 agency, and each employee thereof, charged with the
177 supervision of a child under this subdivision, or who
178 benefits from any services performed as a result of an order
179 issued under this subdivision, shall be immune from any suit
180 by the child ordered to perform services under this
181 subdivision, or any person deriving a cause of action from
182 such child, if such cause of action arises from the
183 supervision of the child's performance of services under
184 this subdivision and if such cause of action does not arise
185 from an intentional tort. A child ordered to perform
186 services under this subdivision shall not be deemed an
187 employee within the meaning of the provisions of chapter
188 287, nor shall the services of such child be deemed
189 employment within the meaning of the provisions of chapter
190 288. Execution of any order entered by the court, including
191 a commitment to any state agency, may be suspended and the
192 child placed on probation subject to such conditions as the
193 court deems reasonable. After a hearing, probation may be
194 revoked and the suspended order executed;

195 (9) When a child has been adjudicated to have violated
196 a municipal ordinance or to have committed an act that would
197 be a misdemeanor if committed by an adult, assess an amount
198 of up to twenty-five dollars to be paid by the child to the
199 clerk of the court; when a child has been adjudicated to
200 have committed an act that would be a felony if committed by
201 an adult, assess an amount of up to fifty dollars to be paid
202 by the child to the clerk of the court.

203 4. Beginning January 1, 1996, the court may set forth
204 in the order of commitment the minimum period during which
205 the child shall remain in the custody of the division of
206 youth services. No court order shall require a child to
207 remain in the custody of the division of youth services for
208 a period which exceeds the child's [eighteenth] **nineteenth**
209 birth date except upon petition filed by the division of
210 youth services pursuant to subsection 1 of section 219.021.
211 In any order of commitment of a child to the custody of the
212 division of youth services, the division shall determine the
213 appropriate program or placement pursuant to subsection 3 of
214 section 219.021. Beginning January 1, 1996, the department
215 shall not discharge a child from the custody of the division
216 of youth services before the child completes the length of
217 stay determined by the court in the commitment order unless
218 the committing court orders otherwise. The director of the
219 division of youth services may at any time petition the
220 court for a review of a child's length of stay commitment
221 order, and the court may, upon a showing of good cause,
222 order the early discharge of the child from the custody of
223 the division of youth services. The division may discharge
224 the child from the division of youth services without a
225 further court order after the child completes the length of
226 stay determined by the court or may retain the child for any

227 period after the completion of the length of stay in
228 accordance with the law.

229 5. When an assessment has been imposed under the
230 provisions of subsection 2 or 3 of this section, the
231 assessment shall be paid to the clerk of the court in the
232 circuit where the assessment is imposed by court order, to
233 be deposited in a fund established for the sole purpose of
234 payment of judgments entered against children in accordance
235 with section 211.185.

211.435. 1. [There is hereby created in the state
2 treasury the] **A "Juvenile Justice Preservation Fund"** [,
3 which] **is hereby established in each county's circuit court**
4 **for the purpose of implementing and maintaining the**
5 **expansion of juvenile court jurisdiction to eighteen years**
6 **of age. The fund** shall consist of moneys collected under
7 subsection 2 of this section and sections 488.315 and
8 558.003, any gifts, bequests, and donations, and any other
9 moneys appropriated by the general assembly. [The state
10 treasurer shall be custodian of the fund. In accordance
11 with sections 30.170 and 30.180, the state treasurer may
12 approve disbursements. The fund shall be a dedicated fund
13 and, upon appropriation, moneys in the fund shall be
14 distributed to the judicial circuits of the state based upon
15 the increased workload created by sections 211.021 to
16 211.425 solely for the administration of the juvenile
17 justice system. Notwithstanding the provisions of section
18 33.080 to the contrary, any moneys remaining in the fund at
19 the end of the biennium shall not revert to the credit of
20 the general revenue fund. The state treasurer shall invest
21 moneys in the fund in the same manner as other funds are
22 invested. Any interest and moneys earned on such

23 investments shall be credited to the fund. The provisions
24 of this subsection shall expire on August 28, 2024.]

25 2. For all traffic violations of any county ordinance
26 or any violation of traffic laws of this state, including an
27 infraction, in which a person has pled guilty, there shall
28 be assessed as costs a surcharge in the amount of two
29 dollars. No such surcharge shall be collected in any
30 proceeding involving a violation of an ordinance or state
31 law when the proceeding or defendant has been dismissed by
32 the court or when costs are to be paid by the state, county,
33 or municipality. Such surcharge shall be collected and
34 disbursed by the clerk of the court as provided by sections
35 488.010 to 488.020. The surcharge collected under this
36 section shall be [paid into the state treasury to the credit
37 of the] **payable to the county circuit court** juvenile justice
38 preservation fund created in this section. [The provisions
39 of this subsection shall expire if the provisions of
40 subsection 1 of this section expire.] **Funds held by the**
41 **state treasurer in the state juvenile justice preservation**
42 **fund shall be payable and revert to the circuit court's**
43 **juvenile justice preservation fund in the county of**
44 **origination.**

45 3. **Expenditures from the county circuit court juvenile**
46 **justice preservation fund shall be made at the discretion of**
47 **the juvenile office for the circuit court and shall be used**
48 **for the sole purpose of implementing and maintaining the**
49 **expansion of juvenile court jurisdiction.**

50 4. **No moneys deposited in the juvenile justice**
51 **preservation fund shall be expended for capital improvements.**

52 5. **To further promote the best interests of the**
53 **children of the state of Missouri, moneys in the juvenile**
54 **justice preservation fund shall not be used to replace or**

55 reduce the responsibilities of either the counties or the
56 state to provide funding for existing and new juvenile
57 treatment services as provided in this chapter and chapter
58 210 or funding as otherwise required by law.

431.201. As used in section 431.202, unless the
2 context otherwise requires, the following terms mean:

3 (1) "Business entity", any natural person, business,
4 corporation, limited liability company, series limited
5 liability company, partnership, sole or other
6 proprietorship, professional practice, or any other business
7 organization or commercial enterprise, whether for profit or
8 not for profit, including, without limitation, any successor
9 in interest to an entity, who conducts business, or who,
10 directly or indirectly, owns any equity interest, ownership,
11 or profit participation in the entity;

12 (2) "Customers with whom the employee dealt", each
13 customer or prospective customer:

14 (a) Who was serviced, directly or indirectly, by an
15 employee of a business entity;

16 (b) Whose business or other dealings with a business
17 entity were supervised, coordinated, or otherwise worked on,
18 directly or indirectly, by an employee;

19 (c) Who was solicited, produced, induced, persuaded,
20 encouraged, or otherwise dealt with, directly or indirectly,
21 by an employee;

22 (d) About whom an employee, directly or indirectly,
23 obtained, had knowledge of, had access to, or is in
24 possession of confidential business or proprietary
25 information or trade secrets in the course of or as a result
26 of the employee's relationship with the business entity;

27 (e) Who has purchased or otherwise obtained products
28 or services from a business entity and the sale or provision

29 of which resulted in compensation, commissions, earnings, or
30 profits to or for the employee within two years prior to the
31 end of the employee's employment or business relationship
32 with the business entity; or

33 (f) With whom an employee had contact, directly or
34 indirectly, of sufficient quality, frequency, and duration
35 during the employee's employment or other business
36 relationship with the business entity such that the employee
37 had influence over the customer;

38 (3) "Employee":

39 (a) A natural person currently or formerly employed or
40 retained by a business entity in any capacity, or has
41 performed work for a business entity, including, but not
42 limited to, a member of a board of directors, an officer, a
43 supervisor, an independent contractor, or a vendor;

44 (b) A natural person who, by reason of having been
45 employed by or having a business relationship with a
46 business entity:

47 a. Obtained specialized skills, training, learning, or
48 abilities; or

49 b. Obtained, had knowledge of, had access to, or is in
50 possession of confidential or proprietary business
51 information or trade secrets of the business entity,
52 including, but not limited to, customer contact information
53 or information of or belonging to customers of the business
54 entity;

55 (c) A current or former owner or seller of all or any
56 part of the assets of a business entity or of any interest
57 in a business entity, including, but not limited to, all or
58 any part of the shares of a corporation, a partnership
59 interest, a membership or membership interest in a limited
60 liability company or a series limited liability company, or

61 an equity interest, ownership, profit participation, or
62 other interest of any type in any business entity;

63 (d) The definition of employee set forth in this
64 subdivision shall be applicable only with respect to section
65 431.202 and shall have no application in any other context.
66 The definition of employee is not intended, and shall not be
67 relied upon, to create, change, or affect the employment
68 status of any natural person or the meaning of the terms
69 employee, employment or employer that may be applicable in
70 any other context or pursuant to any other provision of law.

431.202. 1. A reasonable covenant in writing
2 promising not to solicit, recruit, hire, **induce, persuade,**
3 **encourage,** or otherwise interfere with, **directly or**
4 **indirectly,** the employment **or other business relationship** of
5 one or more employees **of a business entity** shall be
6 enforceable and not a restraint of trade pursuant to
7 subsection 1 of section 416.031 if:

8 (1) Between two or more [corporations or other]
9 business entities seeking to preserve workforce stability
10 (which shall be deemed to be among the protectable interests
11 of each [corporation or] **such** business entity) during, and
12 for a reasonable period following, negotiations between such
13 [corporations or] **business** entities for the acquisition of
14 all or a part of one or more of such [corporations or]
15 **business** entities;

16 (2) Between two or more [corporations or] business
17 entities engaged in a joint venture or other legally
18 permissible business arrangement where such covenant seeks
19 to protect against possible misuse of confidential **business**
20 **or proprietary information** or trade [secret business
21 information] **secrets** shared or to be shared between or among
22 such [corporations or] entities;

23 (3) Between [an employer] **a business entity** and one or
24 more employees **of such business entity** seeking on the part
25 of the [employer] **business entity** to protect:

26 (a) Confidential **business or proprietary information**
27 or trade [secret business information] **secrets**; or

28 (b) Customer or supplier relationships, goodwill or
29 loyalty, which shall be deemed to be among the protectable
30 interests of the [employer] **business entity**; or

31 (4) Between [an employer] **a business entity** and one or
32 more employees **of such business entity**, notwithstanding the
33 absence of the protectable interests described in
34 subdivision (3) of this subsection, so long as such covenant
35 does not continue for more than [one year] **two years**
36 following the employee's employment **or business relationship**
37 **with the business entity**; provided, however, that this
38 subdivision shall not apply to covenants signed by employees
39 who provide only secretarial or clerical services **and who**
40 **own no shares, partnership interest, membership or**
41 **membership interest in a limited liability company or series**
42 **limited liability company, or equity interest, ownership,**
43 **profit participation, or other interest of any type in the**
44 **business entity.**

45 2. Whether a covenant covered by **subsection 1 of** this
46 section is reasonable shall be determined based upon the
47 facts and circumstances pertaining to such covenant, but a
48 covenant covered exclusively by subdivision (3) or (4) of
49 subsection 1 of this section shall be conclusively presumed
50 to be reasonable if its postemployment **or postbusiness**
51 duration is no more than [one year] **two years.**

52 3. **A reasonable covenant in writing promising not to**
53 **solicit, induce, persuade, encourage, service, accept**
54 **business from, or otherwise interfere with, directly or**

55 indirectly, a business entity's customers, including,
56 without limitation, any reduction, termination, or transfer
57 of any customer's business, in whole or in part, for
58 purposes of providing any product or any service that is
59 competitive with those provided by the business entity,
60 shall be enforceable, and not a restraint of trade pursuant
61 to subsection 1 of section 416.031, if the covenant is
62 limited to customers with whom the employee dealt during the
63 employee's employment or other business relationship with
64 the business entity, and if:

65 (1) The covenant is between a business entity and one
66 or more current or former employees of the business entity
67 and is not associated with the sale or ownership of all or
68 any part of:

69 (a) The assets of a business entity; or

70 (b) Any interest in a business entity, including, but
71 not limited to, all or any part of the shares of a
72 corporation, a partnership interest, a membership or
73 membership interest in a limited liability company or series
74 limited liability company, or an equity interest, ownership,
75 profit participation, or other interest of any type in any
76 business entity;

77 so long as the covenant does not continue for more than two
78 years following the end of the employee's employment or
79 business relationship with the business entity.

80 Notwithstanding the foregoing, this subdivision shall not
81 apply to covenants with current or former distributors,
82 dealers, franchisees, lessees of real or personal property,
83 or licensees of a trademark, trade dress, or service mark;

84 (2) The covenant is between a business entity and a
85 current or former distributor, dealer, franchisee, lessee of

86 real or personal property, or licensee of a trademark, trade
87 dress, or service mark, and is not associated with the sale
88 or ownership of all or any part of any of the items provided
89 in paragraphs (a) or (b) of subdivision (1) of subsection 3
90 of this section, so long as such covenant does not continue
91 for more than three years following the end of the business
92 relationship; or

93 (3) The covenant is between a business entity and the
94 owner or seller of all or any part of any of the items
95 provided in paragraphs (a) or (b) of subdivision (1) of
96 subsection 3 of this section, so long as the covenant does
97 not continue for more than the longer of five years in
98 duration or the period of time during which payments are
99 being made to the owner or seller as a result of any sale
100 measured from the date of termination, closing, or
101 disposition of such items.

102 (a) A breach or threatened breach of a covenant
103 described in this subdivision shall create a conclusive
104 presumption of irreparable harm in the absence of an
105 issuance of injunctive relief in connection with the
106 enforcement of the covenant, without the necessity of
107 establishing by prima facie evidence any actual or
108 threatened damages or harm. Nothing in this paragraph shall
109 be construed to change any other applicable evidentiary
110 standard or other standards necessary for obtaining
111 temporary, preliminary, or permanent injunctive relief
112 relating to the enforcement of covenants.

113 (b) A provision in writing by which an employee
114 promises to provide prior notice to a business entity of the
115 employee's intent to terminate, sell, or otherwise dispose
116 of all or any part of any of the items covered by this
117 subdivision shall be conclusively presumed to be

118 enforceable, and not a restraint of trade pursuant to
119 subsection 1 of section 416.031, if the specified notice
120 period is no longer than thirty days in duration and the
121 business entity agrees in writing to pay the employee at the
122 employee's regular rate of pay and to provide the employee
123 with the employee's regular benefits during the applicable
124 notice period even if the business entity does not require
125 the employee to provide services during the notice period.

126 4. Whether a covenant covered by subsection 3 of this
127 section is reasonable shall be determined based upon the
128 facts and circumstances pertaining to the covenant, but a
129 covenant covered by subdivision (1) to (3) of subsection 3
130 of this section shall be conclusively presumed to be
131 reasonable if its postemployment, posttermination,
132 postbusiness relationship, postsale, or postdisposition
133 duration is consistent with the applicable duration set
134 forth in subdivision (1) to (3) of subsection 3 of this
135 section.

136 5. No express reference to geographic area shall be
137 required for a covenant described in this section to be
138 enforceable.

139 6. If a covenant is overbroad, overlong, or otherwise
140 not reasonably necessary to protect the legitimate business
141 interests of the person seeking enforcement of the covenant,
142 a court shall modify the covenant, enforce the covenant as
143 modified, and grant only the relief reasonably necessary to
144 protect such interests.

145 7. Nothing in subdivision (3) or (4) of subsection 1
146 or subdivisions (1) to (3) of subsection 3 of this section
147 is intended to create, or to affect the validity or
148 enforceability of, [employer-employee] covenants not to
149 compete, other types of covenants, or nondisclosure or

150 **confidentiality agreements, except as expressly provided in**
151 **this section.**

152 [4.] **8.** Nothing in this section shall preclude a
153 covenant described in subsection 1 of this section from
154 being enforceable in circumstances other than those
155 described in subdivisions (1) to (4) of subsection 1 of this
156 section, **or a covenant described in subsection 3 of this**
157 **section from being enforceable in circumstances other than**
158 **those described in subdivisions (1) to (3) of subsection 3**
159 **of this section,** where such covenant is reasonably necessary
160 to protect a party's legally permissible business interests.

161 [5.] **9.** **Except as otherwise expressly provided in this**
162 **section,** nothing [is] **in** this section shall be construed to
163 limit an employee's ability to seek or accept employment
164 with another employer immediately upon, or at any time
165 subsequent to, termination of employment, whether said
166 termination was voluntary or nonvoluntary.

167 [6.] **10.** This section shall have retrospective as well
168 as prospective effect.

436.700. 1. The provisions of this section shall be
2 **known and cited as the "Missouri Statutory Thresholds for**
3 **Settlements Involving Minors Act".**

4 **2. A person having legal custody of a minor may enter**
5 **into a settlement agreement with any person or entity**
6 **against whom the minor has a claim if:**

7 (1) **A conservator or guardian ad litem has not been**
8 **appointed for the minor;**

9 (2) **The total amount of the claim, including**
10 **reimbursement of medical expenses, liens, reasonable**
11 **attorney's fees, and costs, is thirty-five thousand dollars**
12 **or less if paid in cash, by draft, or if paid by the**
13 **purchase of a premium for an annuity;**

14 (3) The moneys paid pursuant to the settlement
15 agreement will be paid as set forth in subsections 5 and 6
16 of this section; and

17 (4) The person entering into the settlement agreement
18 on behalf of the minor completes an affidavit or verified
19 statement that attests that the person has made a reasonable
20 inquiry and that:

21 (a) To the best of the person's knowledge, the minor
22 will be fully compensated by the settlement; or

23 (b) There is no practical way to obtain additional
24 amounts from the person or entity entering into the
25 settlement agreement with the minor.

26 3. The attorney representing the person entering into
27 the settlement agreement on behalf of the minor, if any,
28 shall maintain the affidavit or verified statement completed
29 pursuant to subdivision (4) of subsection 2 of this section
30 in the attorney's file for at least six years in accordance
31 with the Missouri supreme court rules of professional
32 conduct.

33 4. The amount of the settlement described in
34 subdivision (2) of subsection 2 of this section shall be
35 increased every five years beginning January 1, 2027, based
36 on the Consumer Price Index for All Urban Consumers for the
37 United States (CPI-U), or its successor index, as such index
38 is defined and officially reported by the United States
39 Department of Labor, or its successor agency. For purposes
40 of this section, any increase in the consumer price index
41 shall be determined based upon the percentage increase of
42 the consumer price index for the preceding calendar year
43 over the consumer price index for the calendar year five
44 years prior thereto.

45 5. The moneys payable in the settlement agreement
46 shall be paid as follows:

47 (1) If the minor or person entering into the
48 settlement agreement on behalf of the minor is represented
49 by an attorney and the settlement is paid in cash, by draft,
50 or by direct deposit into the attorney's trust account
51 maintained pursuant to supreme court rules to be held for
52 the benefit of the minor, the attorney shall deposit the
53 moneys received on behalf of the minor directly into a
54 uniform transfer to minors account for the sole benefit of
55 the minor. The attorney shall provide notice of the deposit
56 to the minor and the person entering into the settlement
57 agreement on behalf of the minor. Notice shall be delivered
58 by personal service or first class mail;

59 (2) If the minor or person entering into the
60 settlement agreement on behalf of the minor is not
61 represented by an attorney and the settlement is paid:

62 (a) In cash or by draft, the person entering into the
63 settlement agreement on behalf of the minor shall deposit
64 the moneys directly into a uniform transfer to minors
65 account for the sole benefit of the minor; or

66 (b) By direct deposit, the person entering into the
67 settlement agreement on behalf of the minor shall provide
68 the person or entity with whom the minor has settled the
69 claim with information sufficient to complete an electronic
70 transfer of settlement funds within ten business days of the
71 settlement into a uniform transfer to minors account for the
72 sole benefit of the minor and the person or entity with whom
73 the minor has settled shall provide notice of the electronic
74 transfer by personal service or first-class mail to the
75 minor and the person entering the settlement agreement on
76 behalf of the minor;

77 (3) If paid by purchase of an annuity, the moneys
78 shall be paid by direct payment to the provider of the
79 annuity with the minor designated as the sole beneficiary of
80 the annuity; or

81 (4) If the minor is in the custody of the state and
82 the settlement is paid in cash, the moneys shall be
83 deposited directly into a trust account or subaccount of a
84 trust account established by the children's division of the
85 department of social services for the purpose of receiving
86 moneys payable to the minor in the custody of the state
87 under the settlement agreement and that earns interest for
88 the benefit of the minor in the custody of the state.

89 6. The moneys in the minor's savings account, trust
90 account, or trust subaccount established in subsection 5 of
91 this section may not be withdrawn, removed, paid out, or
92 transferred to any person, including the minor, except as
93 follows:

94 (1) Pursuant to a court order;

95 (2) Upon the minor's attainment of eighteen years of
96 age;

97 (3) At the direction of a duly appointed conservator;

98 (4) At the direction of the custodian for the uniform
99 transfer to minors account for the sole benefit of the
100 minor; or

101 (5) Upon the minor's death.

102 7. If a settlement agreement is entered into in
103 compliance with subsection 2 of this section, the signature
104 of the person entering into the settlement agreement on
105 behalf of the minor is binding on the minor without the need
106 for further court approval or review and has the same force
107 and effect as if the minor were a competent adult entering
108 into the settlement agreement.

109 8. A person acting in good faith in entering into a
110 settlement agreement on behalf of a minor pursuant to this
111 section shall not be liable to the minor for the moneys paid
112 in the settlement or for any other claims arising out of the
113 settlement of the claim.

114 9. Any person or entity against whom a minor has a
115 claim, including any insurer of a person or entity against
116 whom a minor has a claim, that settles the claim with the
117 minor in good faith pursuant to this section shall not be
118 liable to the minor for any claims arising from the
119 settlement of the claim.

 456.1-114. 1. For purposes of interpreting a term of
2 familial relationship in a trust, "descendants", "issue",
3 "children", and similar terms of relationship shall be
4 construed as follows:

5 (1) A child conceived or born of a marriage is
6 presumed to be a child of the persons so married unless a
7 judicial proceeding is commenced before the death of the
8 presumed parent and it is finally determined in such
9 proceeding that the presumed parent is not the parent of the
10 child;

11 (2) A child who is not conceived or born of a marriage
12 is presumed to not be a child of a person who did not give
13 birth to the child unless:

14 (a) A judicial proceeding commenced before the death
15 of such person determined that such person is a parent of
16 the child; or

17 (b) Such person openly recognized the child as his or
18 her child and such person has not refused to voluntarily
19 support the child. A trustee may rely on its discretion
20 regarding the sufficiency of recognition or support, and the
21 trustee shall not be liable to any person for its exercise

22 of this discretion unless the trustee acts in bad faith or
23 with reckless indifference to the purposes of the trust or
24 the interest of the beneficiaries.

25 If a parent-child relationship is established pursuant to
26 paragraph (a) or (b) of this subdivision, the rights
27 afforded to the child shall not be retroactive, but instead
28 shall apply from the time the relationship is established;
29 and

30 (3) A child adopted prior to the age of eighteen is
31 the child of an adopting parent and not of the natural
32 parents, except that adoption of a child by the spouse of a
33 natural parent has no effect on the relationship between the
34 child and such natural parent.

35 2. The terms of a trust shall prevail over any
36 provision of this section.

456.4-419. 1. Unless the terms of the trust
2 instrument expressly provide otherwise, a trustee, **other**
3 **than a settlor**, who has discretionary power under the terms
4 of a trust to make a distribution of income or principal,
5 whether or not limited by an ascertainable standard, to or
6 for the benefit of one or more beneficiaries of a trust, the
7 first trust, may instead exercise such discretionary power
8 by [appointing] **distributing** all or part of the income or
9 principal subject to such discretionary power in favor of a
10 trustee of a second trust, the second trust, created under
11 either the same or different trust instrument in the event
12 that the trustee of the first trust decides that the
13 [appointment] **distribution** is necessary or desirable after
14 taking into account the terms and purposes of the first
15 trust, the terms and purposes of the second trust, and the
16 consequences of the distribution. **A trustee may exercise**

17 the power described in this subsection by distributing
18 property from the first trust to one or more second trusts
19 or by modifying the trust instrument for the first trust
20 which, as modified, becomes one or more second trusts.

21 2. With respect to a second trust to which a
22 distribution is made pursuant to subsection 1 of this
23 section:

24 (1) At least one permissible distributee of the first
25 trust shall be a permissible distributee of the second trust
26 immediately after the distribution;

27 (2) If, at the time of the distribution, the settlor
28 of the first trust is living and the first trust is not a
29 grantor trust under Subpart E of Part I of Subchapter J of
30 Chapter 1 of the Internal Revenue Code of 1986, as amended,
31 there may not be any permissible distributee of the second
32 trust immediately after the distribution who is not a
33 permissible distributee of the first trust;

34 (3) If, at the time of the distribution, the settlor
35 of the first trust is deceased or if, at the time of the
36 distribution, the first trust is a grantor trust under
37 Subpart E of Part I of Subchapter J of Chapter 1 of the
38 Internal Revenue Code of 1986, as amended, for reasons other
39 than the trustee having the power granted by this section,
40 any beneficiary of the first trust may be included as a
41 permissible distributee of the second trust immediately
42 after the distribution;

43 (4) The second trust may not include any beneficiary
44 who is not a beneficiary of the first trust; and

45 (5) The trust instrument for the second trust may
46 retain, modify, or omit a power of appointment granted in
47 the first trust, and the trust instrument for the second
48 trust may create a power of appointment if the powerholder

49 is a beneficiary of the second trust. Except to the extent
50 provided otherwise in subsection 4 of this section, a power
51 of appointment in the trust instrument for the second trust
52 may be a general or nongeneral power of appointment and the
53 permissible appointees of the power need not be limited to
54 the beneficiaries of the first trust.

55 3. The following provisions apply to a trust that has
56 a beneficiary with a disability:

57 (1) As used in this subsection, the following terms
58 mean:

59 (a) "Beneficiary with a disability", a beneficiary of
60 a first trust who the special-needs fiduciary believes may
61 qualify for governmental benefits based on disability,
62 whether or not the beneficiary currently receives those
63 benefits or is an individual who has been adjudicated
64 disabled or adjudicated incapacitated;

65 (b) "Governmental benefits", financial aid or services
66 from a state, federal, or other public agency;

67 (c) "Special-needs fiduciary", with respect to a trust
68 that has a beneficiary with a disability:

69 a. A trustee or other fiduciary, other than a settlor,
70 who has discretionary power under the terms of a trust to
71 make a distribution of income or principal, whether or not
72 limited by an ascertainable standard, to or for the benefit
73 of one or more beneficiaries; or

74 b. If no trustee or fiduciary has discretion under
75 subparagraph a. of this paragraph, a trustee or other
76 fiduciary, other than a settlor, who is required to
77 distribute part or all of the income or principal of the
78 first trust to or for the benefit of one or more
79 beneficiaries;

80 (d) "Special-needs trust", a trust the trustee
81 believes would not be considered a resource for purposes of
82 determining whether a beneficiary with a disability is
83 eligible for governmental benefits;

84 (2) A special-needs fiduciary may exercise the
85 authority granted by subsection 1 of this section if:

86 (a) A second trust is a special-needs trust that
87 benefits the beneficiary with a disability; and

88 (b) The special-needs fiduciary determines that
89 exercise of the authority pursuant to subsection 1 of this
90 section will further the purposes of the first trust; and

91 (3) The following provisions apply to any exercise of
92 the authority granted by this subsection:

93 (a) Notwithstanding the provisions of subdivision (4)
94 of subsection 2 of this section to the contrary, the terms
95 of the second trust may:

96 a. Provide that an interest is held by a pooled trust
97 as defined by Medicaid law for the benefit of the
98 beneficiary with a disability under 42 U.S.C. Section
99 1396p(d) (4) (C); or

100 b. Contain payback provisions complying with
101 reimbursement requirements of Medicaid law under 42 U.S.C.
102 Section 1396p(d) (4) (A);

103 (b) The provisions of subdivision (3) of subsection 4
104 of this section shall not apply to the interests of the
105 beneficiary with a disability; and

106 (c) Except as affected by any change to the interests
107 of the beneficiary with a disability, the second trust, or
108 if there are two or more second trusts, the second trusts in
109 the aggregate, shall grant each other beneficiary of the
110 first trust beneficial interests in the second trusts which
111 are substantially similar to the beneficiary's beneficial

112 **interests in the first trust, unless such other**
113 **beneficiary's interest is modified in accordance with the**
114 **provisions of this section other than this subsection.**

115 4. The following provisions apply to any exercise of
116 the authority granted by subsection 1 of this section:

117 (1) [The second trust may have as beneficiaries only
118 one or more of those beneficiaries of the first trust to or
119 for whom any discretionary distribution may be made from the
120 first trust and who are proper objects of the exercise of
121 the power, or one or more of those other beneficiaries of
122 the first trust to or for whom a distribution of income or
123 principal may have been made in the future from the first
124 trust at a time or upon the happening of an event specified
125 under the first trust;

126 (2) Unless the exercise of such power is limited by an
127 ascertainable standard, no trustee of the first trust may
128 exercise such authority to make a distribution from the
129 first trust if:

130 (a) Such trustee is a beneficiary of the first trust;
131 or

132 (b) Any beneficiary may remove and replace the trustee
133 of the first trust with a related or subordinate party to
134 such beneficiary within the meaning of Section 672(c) of the
135 Internal Revenue Code;

136 (3) Except if participating in a change that is needed
137 for a distribution to any such beneficiary under an
138 ascertainable standard, no trustee shall exercise such
139 authority to the extent that doing so would have the effect
140 either of:

141 (a) Increasing the distributions that can be made in
142 the future from the second trust to the trustee of the first
143 trust or to a beneficiary who can remove and replace the

144 trustee of the first trust with a related or subordinate
145 party to such beneficiary within the meaning of Section
146 672(c) of the Internal Revenue Code; or

147 (b) Removing restrictions on discretionary
148 distributions imposed by the instrument under which the
149 first trust was created;

150 (4) In the case of any trust contributions which have
151 been treated as gifts qualifying for the exclusion from gift
152 tax described in Section 2503(b) of the Internal Revenue
153 Code, by reason of the application of Section 2503(c), the
154 governing instrument for the second trust shall provide that
155 the beneficiary's remainder interest shall vest no later
156 than the date upon which such interest would have vested
157 under the terms of the governing instrument for the first
158 trust;

159 (5) The exercise of such authority may not reduce any
160 income interest of any income beneficiary of any of the
161 following trusts:

162 (a) A trust for which a marital deduction has been
163 taken for federal tax purposes under Section 2056 or 2523 of
164 the Internal Revenue Code or for state tax purposes under
165 any comparable provision of applicable state law;

166 (b) A charitable remainder trust under Section 664 of
167 the Internal Revenue Code;

168 (c) A grantor retained annuity trust under Section
169 2702 of the Internal Revenue Code; or

170 (d) A trust which has been qualified as a Subchapter S
171 trust under Section 1361(d) of the Internal Revenue Code or
172 an electing small business trust under Section 1361(e) of
173 the Internal Revenue Code] **If the exercise of the authority**
174 **granted by subsection 1 of this section is limited by an**
175 **ascertainable standard and the trustee exercising such**

176 authority is a permissible distributee of the first trust
177 under such standard, then:

178 (a) The discretionary power under the trust instrument
179 for the second trust to distribute income or principal to
180 such trustee as a permissible distributee shall be subject
181 to the same ascertainable standard as, or a more restrictive
182 ascertainable standard than, such standard in the trust
183 instrument for the first trust; and

184 (b) The trust instrument for the second trust shall
185 not:

186 a. Modify a power of appointment granted to such
187 trustee in the first trust; or

188 b. Grant a power of appointment to such trustee that
189 did not exist in the first trust;

190 (2) An exercise of the authority granted by subsection
191 1 of this section is subject to the following limitations:

192 (a) If the first trust contains property that
193 qualified, or would have qualified but for provisions of
194 this section other than this subdivision, for a marital
195 deduction for purposes of the gift or estate tax under the
196 Internal Revenue Code of 1986, as amended, the trust
197 instrument for the second trust shall not include or omit
198 any term that, if included in or omitted from the trust
199 instrument for the second trust, would have prevented the
200 transfer from qualifying for the deduction, or would have
201 reduced the amount of the deduction, under the same
202 provisions of the Internal Revenue Code under which the
203 transfer qualified;

204 (b) If the first trust contains property that
205 qualified, or would have qualified but for provisions of
206 this section other than this subdivision, for a charitable
207 deduction for purposes of the income, gift, or estate tax

208 under the Internal Revenue Code of 1986, as amended, the
209 trust instrument for the second trust shall not include or
210 omit any term that, if included in or omitted from the trust
211 instrument for the second trust, would have prevented the
212 transfer from qualifying for the deduction, or would have
213 reduced the amount of the deduction, under the same
214 provisions of the Internal Revenue Code under which the
215 transfer qualified;

216 (c) If the first trust contains property that
217 qualified, or would have qualified but for provisions of
218 this section other than this subdivision, for the exclusion
219 from the gift tax described in Section 2503(b) of the
220 Internal Revenue Code of 1986, as amended, the trust
221 instrument for the second trust shall not include or omit a
222 term that, if included in or omitted from the trust
223 instrument for the second trust, would have prevented the
224 transfer from qualifying under Section 2503(b) of the
225 Internal Revenue Code. If the first trust contains property
226 that qualified, or would have qualified but for provisions
227 of this section other than this subdivision, for the
228 exclusion from the gift tax described in Section 2503(b) of
229 the Internal Revenue Code, by application of Section 2503(c)
230 of the Internal Revenue Code, the trust instrument for the
231 second trust shall not include or omit a term that, if
232 included or omitted from the trust instrument for the second
233 trust, would have prevented the transfer from meeting the
234 requirements of Section 2503(c) of the Internal Revenue Code;

235 (d) If the property of the first trust includes shares
236 of stock in an S corporation, as defined in Section 1361 of
237 the Internal Revenue Code of 1986, as amended, and the first
238 trust is, or but for provisions of this section other than
239 this subdivision would be, a permitted shareholder under any

240 provision of Section 1361 of the Internal Revenue Code, the
241 trustee of the first trust may exercise such authority with
242 respect to part or all of the S corporation stock only if
243 the second trust receiving the stock is a permitted
244 shareholder under Section 1361(c)(2) of the Internal Revenue
245 Code. If the property of the first trust includes shares of
246 stock in an S corporation and the first trust is, or but for
247 provisions of this section other than this subdivision would
248 be, a qualified subchapter-S trust within the meaning of
249 Section 1361(d) of the Internal Revenue Code, the trust
250 instrument for the second trust shall not include or omit a
251 term that prevents the second trust from qualifying as a
252 qualified subchapter-S trust; and

253 (e) If the first trust contains property that
254 qualified, or would have qualified but for provisions of
255 this section other than this subdivision, for a zero
256 inclusion ratio for purpose of the generation-skipping
257 transfer tax under Section 2642(c) of the Internal Revenue
258 Code of 1986, as amended, the trust instrument for the
259 second trust shall not include or omit a term that, if
260 included in or omitted from the first trust, would have
261 prevented the transfer to the first trust from qualifying
262 for a zero inclusion ratio under Section 2642(c) of the
263 Internal Revenue Code;

264 [(6)] (3) The exercise of such authority does not
265 apply to trust property subject to a presently exercisable
266 power of withdrawal held by a trust beneficiary to whom, or
267 for the benefit of whom, the trustee has authority to make
268 distributions, unless after the exercise of such authority,
269 such beneficiary's power of withdrawal is unchanged with
270 respect to the trust property; and

271 ~~[(7)]~~ **(4)** A spendthrift clause or a provision in the
272 trust instrument that prohibits amendment or revocation of
273 the trust shall not preclude the trustee from exercising the
274 authority granted by subsection 1 of this section.

275 **[3.] 5.** At least sixty days prior to making a
276 discretionary distribution under subsection 1 of this
277 section, the trustee of the first trust shall notify **the**
278 **permissible distributees of the first trust and** the
279 permissible distributees of the second trust[, or the
280 qualified beneficiaries of the second trust if there are no
281 permissible distributees of the second trust,] of the
282 distribution. A beneficiary may waive the right to the
283 notice required by this subsection and, with respect to
284 future distributions, may withdraw a waiver previously given.

285 **[4.] 6.** In exercising the authority granted by
286 subsection 1 of this section, the trustee shall remain
287 subject to all fiduciary duties otherwise imposed under the
288 trust instrument and Missouri law.

289 **[5.] 7.** This section does not impose on a trustee a
290 duty to exercise the authority granted by subsection 1 of
291 this section in favor of another trust or to consider
292 exercising such authority in favor of another trust.

293 **8. A second trust may have a duration that is the same**
294 **as or different from the duration of the first trust.**
295 **However, to the extent that property of the second trust is**
296 **attributable to property of the first trust, the property of**
297 **the second trust is subject to any rules governing maximum**
298 **perpetuity, accumulation, or suspension of the power of**
299 **alienation which apply to property of the first trust. The**
300 **provisions of this subsection shall not preclude the**
301 **creation of a general power of appointment in the trust**

302 instrument for a second trust as authorized by subdivision
303 (5) of subsection 2 of this section.

304 9. In the event the trust instrument for the second
305 trust in part does not comply with this section but would
306 otherwise be effective under this section, the exercise of
307 the power is effective and the following rules apply with
308 respect to the principal of the second trust attributable to
309 the exercise of the power:

310 (1) A provision in the trust instrument for the second
311 trust which is not permitted under this section is void to
312 the extent necessary to comply with this section; and

313 (2) A provision required by this section to be in the
314 trust instrument for the second trust which is not contained
315 in the trust instrument is deemed to be included in the
316 trust instrument to the extent necessary to comply with this
317 section.

318 [6.] 10. This section is intended to codify and, from
319 and after enactment, to provide certain limitations to the
320 common law of this state, and this section applies to any
321 trust governed by the laws of this state, including a trust
322 whose principal place of administration is transferred to
323 this state before or after the enactment of this section.

485.060. 1. Each court reporter for a circuit judge
2 shall receive an annual salary of twenty-six thousand nine
3 hundred dollars beginning January 1, 1985, until December
4 31, 1985, and beginning January 1, 1986, an annual salary of
5 thirty thousand dollars.

6 2. Such annual salary shall be modified by any salary
7 adjustment provided by section 476.405[,].

8 3. Beginning January 1, 2022, the annual salary, as
9 modified under section 476.405, shall be adjusted upon
10 meeting the minimum number of cumulative years of service as

11 a court reporter with a circuit court of this state by the
12 following schedule:

13 (1) For each court reporter with zero to five years of
14 service: the annual salary shall be increased only by any
15 salary adjustment provided by section 476.405;

16 (2) For each court reporter with six to ten years of
17 service: the annual salary shall be increased by five and
18 one-quarter percent;

19 (3) For each court reporter with eleven to fifteen
20 years of service: the annual salary shall be increased by
21 eight and one-quarter percent;

22 (4) For each court reporter with sixteen to twenty
23 years of service: the annual salary shall be increased by
24 eight and one-half percent; or

25 (5) For each court reporter with twenty-one or more
26 years of service: the annual salary shall be increased by
27 eight and three-quarters percent.

28 A court reporter may receive multiple adjustments under this
29 subsection as his or her cumulative years of service
30 increase, but only one percentage listed in subdivisions (1)
31 to (5) of this subsection shall apply to the annual salary
32 at a time.

33 **4. Salaries shall be** payable in equal monthly
34 installments on the certification of the judge of the court
35 or division in whose court the reporter is employed. [When]
36 **If** paid by the state, the salaries of such court reporters
37 shall be paid in semimonthly or monthly installments, as
38 designated by the commissioner of administration.

507.184. 1. The next friend, guardian ad litem or
2 guardian or conservator shall have the power and authority,
3 subject to the approval of the court, to waive a jury and

4 submit all issues in such action or proposed settlement to
5 the court for determination.

6 2. The next friend, guardian ad litem or guardian or
7 conservator shall have the power and authority to contract
8 on behalf of the minor for a settlement of the minor's
9 claim, action or judgment, provided that such contract and
10 settlement shall not be effective until approved by the
11 court. The next friend, guardian ad litem and guardian or
12 conservator shall also have the power and authority to
13 execute and sign a release or satisfaction and discharge of
14 a judgment which shall be binding upon the minor, provided
15 the court orders the execution of such release or
16 satisfaction and discharge of judgment.

17 3. The court shall have the power and authority to
18 hear evidence on and either approve or disapprove a proposed
19 contract to settle an action or claim of a minor, to
20 authorize and order the next friend, guardian ad litem or
21 guardian or conservator to execute and sign a release or
22 satisfaction and discharge of judgment, and shall also have
23 the power and authority to approve a fee contract between
24 the next friend, guardian ad litem or guardian or
25 conservator and an attorney and to order him to pay an
26 attorney fee and to pay the expenses which have been
27 reasonably incurred in connection with the preparation and
28 prosecution of the action or claim and including the cost of
29 any bonds required herein.

30 **4. Notwithstanding the provisions of this section to**
31 **the contrary, nothing in this section shall be construed as**
32 **prohibiting the settlement of claims pursuant to section**
33 **436.700 or as requiring court approval of settlements**
34 **pursuant to section 436.700.**

2 [211.438. Expanding services from
3 seventeen years of age to eighteen years of age
4 is a new service and shall not be effective
5 until an appropriation sufficient to fund the
6 expanded service is provided therefor.]

2 [211.439. The repeal and reenactment of
3 sections 211.021, 211.031, 211.032, 211.033,
4 211.041, 211.061, 211.071, 211.073, 211.081,
5 211.091, 211.101, 211.161, 211.181, 211.321,
6 211.421, 211.425, 211.431, and 221.044 shall
 become effective on January 1, 2021.]

 Section B. Because immediate action is necessary to
2 expand services from seventeen years of age to eighteen
3 years of age, the enactment of section 211.012, the repeal
4 and reenactment of sections 211.181 and 211.435, and the
5 repeal of sections 211.438 and 211.439 of section A of this
6 act are deemed necessary for the immediate preservation of
7 the public health, welfare, peace, and safety, and are
8 hereby declared to be an emergency act within the meaning of
9 the constitution, and the enactment of section 211.012, the
10 repeal and reenactment of sections 211.181 and 211.435, and
11 the repeal of sections 211.438 and 211.439 of section A of
12 this act shall be in full force and effect upon its passage
13 and approval.

✓