

SECOND REGULAR SESSION

HOUSE BILL NO. 1622

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SCHROER.

4146H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 478.387, 478.400, 478.422, 478.428, 478.434, 478.435, 478.437, and 488.633, RSMo, and to enact in lieu thereof nine new sections relating to judges in certain judicial circuits.

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

Section A. Sections 478.387, 478.400, 478.422, 478.428, 478.434, 478.435, 478.437, 2 and 488.633, RSMo, are repealed and nine new sections enacted in lieu thereof, to be known 3 as sections 478.387, 478.400, 478.422, 478.428, 478.434, 478.435, 478.437, 478.439, and 4 488.633, to read as follows:

478.387. **1.** There shall be twenty-four circuit judges in the twenty-second judicial 2 circuit consisting of the city of St. Louis.

2. The provisions of this section shall expire on June 30, 2023.

478.400. **1.** Said court may classify, arrange, distribute and assign the business 2 thereof, and the causes instituted therein, among the several judges thereof, in such manner 3 and at such time as the majority of such judges may from time to time prescribe by rules or 4 orders; and each of said judges shall, at special term, attend to such business as may, under 5 such rules or orders, be assigned to him. And said court in general term, may, by general 6 rules, further provide for the hearing of certain motions, demurrers and applications for relief, 7 or extraordinary remedies, by the presiding judge, or any other judge of said court, and for the 8 assignment for trial, the reassignment and transfer of causes from one division to another of 9 said court by the sole action of either the presiding judge, or other judge of said court, 10 designated for such purpose by said general term.

2. The provisions of this section shall expire on June 30, 2023.

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.

478.422. 1. The circuit judges of the circuit courts of the city of St. Louis and St. Louis County may appoint at least one "friend of the court" who shall be an attorney licensed to practice law in this state whose duty it shall be to prosecute any necessary civil action to enforce the payment of all delinquent payments duly ordered and decreed by the court for the support, maintenance, and education of a dependent minor child. The friend of the court shall be a resident of the circuit, and each circuit judge may, in his **or her** discretion, appoint more than one friend of the court if circumstances warrant such appointments.

2. The friend of the court shall, when appointed, upon his **or her** own information or upon the filing of a written complaint by some adult resident of the county wherein the dependent minor child is located, act as next friend to the child, without further appointment, for the purpose of collecting such delinquent payments, and may begin or continue any action to collect the delinquent payments. If the friend of the court finds that he **or she** is unable to collect the payments with a civil action, he **or she** shall notify the court, in writing, of his **or her** inability to satisfy the order or decree for payment, and shall send a copy of such notification to the prosecuting attorney of the county wherein the child is located.

3. As compensation for his **or her** services the friend of the court shall be allowed a fee in each case of not to exceed fifty dollars which shall be taxed as costs.

4. Such delinquent payments as may be collected hereunder shall be made payable to "friend of the court". The friend of the court, after first deducting his **or her** fee as hereinabove provided in subsection 3, shall disburse the collected delinquent payments to the person entitled to receive them in accordance with the terms of the decree for which enforcement of payment is sought and he **or she** shall report said collection and disbursement to the court.

5. Upon the appointment of a friend of the court as required by this section, each circuit judge shall notify all prosecuting attorneys and circuit clerks within his **or her** circuit of such appointment, and shall give them the name and address of each such friend of the court.

6. The provisions of this section shall expire on June 30, 2023.

478.428. 1. The presiding judge of each circuit court in a city not within a county, or the presiding judge's designee, shall, not later than the first day of February each year, meet with the mayor of such city, or the mayor's designee, and with the budget director of such city, or the budget director's designee, and confer and discuss with the mayor and budget director, or their respective designees, the circuit court's estimates of its requirements for expenditures and its estimates of its revenues for the next budget year.

2. The circuit clerk of each circuit court in a city not within a county, or the circuit clerk's designee, shall, not later than the first day of February each year, meet with the mayor of such city, or the mayor's designee, and with the budget director of such city, or the budget

10 director's designee, and confer and discuss with the mayor and budget director, or their
11 respective designees, the circuit clerk's estimates of the circuit clerk's requirements for
12 expenditures and its estimates of its revenues for the next budget year.

13 3. Not later than the first day of March of each year, and after the presiding judge and
14 circuit clerk have met, conferred and discussed the estimates with the mayor and budget
15 director, as provided in subsections 1 and 2 of this section, the estimates of the circuit court
16 and the circuit clerk shall be transmitted to the city not within a county in the same manner as
17 otherwise provided by law.

18 4. In all respects other than as provided in subsections 1 to 3 of this section, the
19 budgets of the circuit court and the circuit clerk in a city not within a county shall follow the
20 same course and be subject to the same rights, obligations and processes as otherwise
21 provided by law.

22 **5. The provisions of this section shall expire on June 30, 2023.**

478.434. 1. The circuit court of the city of St. Louis shall have power and is hereby
2 required to see that all officers in the city of St. Louis, charged with the collection of fines,
3 penalties and forfeitures, for misdemeanors under any law of this state, pay the same into the
4 city treasury as required by law, and for that purpose said court shall have power to cite and
5 compel every such officer, at least once in every three months, and oftener if need be, to make
6 a written report, under oath, of all such fines, penalties and forfeitures collected by him; and if
7 any such officer shall fail to make such report when cited, or to pay over the amount collected
8 by him as required by law, then said court may compel him thereto, by attachment of his
9 body.

10 **2. The provisions of this section shall expire on June 30, 2023.**

478.435. 1. The register of St. Louis City shall, from time to time, as changes may
2 occur, furnish to said court the names of all the officers contemplated by section 478.434.

3 **2. The provisions of this section shall expire on June 30, 2023.**

478.437. 1. Beginning in fiscal year 2015, there shall be twenty circuit judges in the
2 twenty-first judicial circuit. These judges shall sit in twenty divisions, and each of the judges
3 shall separately try causes, exercise the powers and perform all the duties imposed upon
4 circuit judges **until June 30, 2023.**

5 2. Beginning in fiscal year 2015, there shall be one additional associate circuit judge
6 position in the twenty-first judicial circuit. This associate circuit judgeship shall not be
7 included in the statutory formula for authorizing additional judgeships per county under
8 section 478.320.

9 **3. Beginning in fiscal year 2024, there shall be forty-four circuit judges in the**
10 **twenty-first judicial circuit consisting of the city of St. Louis and the county of St. Louis.**

11 Each of the judges shall separately try causes, exercise the powers, and perform all the
12 duties imposed upon circuit judges.

478.439. 1. The circuit judges of the circuit courts of the twenty-first judicial
2 circuit, as restructured under subsection 3 of section 478.437, may appoint at least one
3 "friend of the court" who shall be an attorney licensed to practice law in this state
4 whose duty it shall be to prosecute any necessary civil action to enforce the payment of
5 all delinquent payments duly ordered and decreed by the court for the support,
6 maintenance, and education of a dependent minor child. The friend of the court shall be
7 a resident of the circuit, and each circuit judge may, in his or her discretion, appoint
8 more than one friend of the court if circumstances warrant such appointments.

9 2. The friend of the court shall, when appointed, upon his or her own
10 information or upon the filing of a written complaint by some adult resident of the
11 county wherein the dependent minor child is located, act as next friend to the child,
12 without further appointment, for the purpose of collecting such delinquent payments,
13 and may begin or continue any action to collect the delinquent payments. If the friend
14 of the court finds that he or she is unable to collect the payments with a civil action, he
15 or she shall notify the court, in writing, of his or her inability to satisfy the order or
16 decree for payment and shall send a copy of such notification to the prosecuting
17 attorney of the county wherein the child is located.

18 3. As compensation for his or her services, the friend of the court shall be
19 allowed a fee not to exceed fifty dollars in each case, which shall be taxed as costs.

20 4. Such delinquent payments as may be collected hereunder shall be made
21 payable to "friend of the court". The friend of the court, after first deducting his or her
22 fee as provided under subsection 3 of this section, shall disburse the collected delinquent
23 payments to the person entitled to receive the payments in accordance with the terms of
24 the decree for which enforcement of payment is sought, and he or she shall report such
25 collection and disbursement to the court.

26 5. Upon the appointment of a friend of the court as required by this section, each
27 circuit judge shall notify all prosecuting attorneys and circuit clerks within his or her
28 circuit of such appointment and shall give attorneys and clerks the name and address of
29 each such friend of the court.

488.633. 1. The circuit judges of the circuit courts of the City of St. Louis and St.
2 Louis County may appoint at least one "friend of the court" in child support matters, pursuant
3 to section 478.422. As compensation for his or her services the friend of the court shall,
4 pursuant to section 478.422, be allowed a fee in each case of not to exceed fifty dollars which
5 shall be taxed as costs. **The provisions of this subsection shall expire on June 30, 2023.**

6 **2. Beginning July 1, 2023, the circuit judges of the circuit courts of the twenty-**
7 **first judicial circuit may appoint at least one "friend of the court" in child support**
8 **matters, under section 478.439. As compensation for his or her services, the friend of**
9 **the court shall, under section 478.439, be allowed a fee not to exceed fifty dollars in each**
10 **case, which shall be taxed as costs.**

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