IN THE SUPREME COURT OF MISSOURI

CASE NO. SC 85638

HOPE HOUSE, INC.,
Relator,

v.

COMMISSIONER MOLLY M. MERRIGAN
CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
FAMILY COURT DIVISION,

Respondent.

PETITION FOR WRIT OF PROHIBITION

BRIEF FOR RELATOR

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TABLE OF CONTENTS

TABLE OF CASES

Statutes:

OTHER AUTHORITY:

JURISDICTIONAL STATEMENT

Relator, a domestic violence shelter, filed a petition for writ of prohibition against Respondent with the Administrative Judge of the Family Court in the Circuit Court of Jackson County that was denied on August 27, 2003. Relator then filed a petition for writ of prohibition against Respondent in the Missouri Court of Appeals, Western District, which was denied on September 8, 2003. This action involves whether the Respondent should be prohibited from denying Relator's motion to quash subpoena as the juvenile officer is seeking information and records from Relator, a domestic violence shelter, which is absolutely prohibited from disclosing any identifying information or records of any individuals served without the written consent of that person, pursuant to RSMo 455.220 (amended 2000) and 42 U.S.C.A. 10604(d). Respondent relied on RSMo 210.140 in denying Relator's motion to quash subpoena. There is a conflict between the state statutes relied on by the parties as well as the federal statute. If Relator is forced to release information and/or records it may or may not have it will suffer irreparable harm including the loss of funding. The jurisdiction of this court is invoked pursuant to Article 5, section 4 of the Missouri Constitution, which provides that the Supreme Court has general superintending control over all courts as well as the authority to issue and determine original remedial writs.

STATEMENT OF FACTS

(As Relator is not a party to the juvenile proceedings, it has not had access to most of the pleadings and facts in this matter so it has relied on briefs and answers filed by the juvenile officer for the underlying facts in the juvenile matters). The Juvenile Officer states that a Maria Martinez abandoned her children on or about September 8, 2003 and that the children were taken into protective custody and a petition filed with the family court on behalf of these children. On November 25, 2002, Maria Martinez stipulated to the juvenile officer's petition and her children were placed in her custody under the supervision of the Division of Family Services (DFS). According to the juvenile officer, Ms. Martinez was residing at the Rose Brooks domestic violence shelter at the time of adjudication. The juvenile officer asserts that on or about November 27, 2002 Ms. Martinez was evicted from Rose Brooks and moved to the NewHouse shelter until she was evicted from there on or about December 9, 2002. The juvenile officer asserts that Ms. Martinez then moved into Hope House until she was discharged from there on January 2, 2003. On January 14, 2003 the Court held a hearing regarding Ms. Martinez' living situation and the Court permitted the children to remain in the custody of Ms. Martinez. On January 28, 2003 a dispositional hearing was held and the Court ordered that the

children would remain in the custody of their mother. On February 4, 2003 the juvenile officer filed a motion to modify disposition. On July 29, 2003 the juvenile officer filed its first amended motion to modify disposition alleging that Ms. Martinez had failed to maintain stable housing as she was evicted from three domestic violence shelters between October, 2002 and January 2, 2003. The juvenile officer further alleged that Ms. Martinez had placed her children at risk of harm by being involved in a domestic violence relationship. Specifically, the juvenile officer alleged that in June of 2003, Ms. Martinez ex-paramour came to her residence and held a knife to her throat and the children were present in the home during this incident. Additionally, on July 11, 2003, the ex-paramour again abused Ms. Martinez, pushed one of the children into a car door, and chased Ms. Martinez with a machete. According to the juvenile officer's amended motion to modify, Ms. Martinez went to live at the New House shelter until July 19, 2003 and her whereabouts were unknown until the Court hearing on July 28, 2003. On July 28, 2003, the Court left the children in the custody of Ms. Martinez and they remain in her custody.

As to the procedural facts relating to Relator, on or about January 15, 2003, Mary Anne Metheny, Chief Operating Officer of Hope House, Inc., was served a subpoena duces tecum wherein she was to appear in Division

44 of the Family Court of the Circuit Court of Jackson County on January 27, 2003 and produce any and all records relating to a Maria Martinez and her children, Juan and Cecilia Valdez, in case numbers JV02-01025 and JV02-01026. Hope House does not have a written release from a Maria Martinez for any records it may or may not have. On January 24, 2003, Relator filed a Motion to Quash Subpoena citing federal and state law as its reasons for its inability to release records and/or provide any identifying information regarding a Maria Martinez and her children. On March 25, 2003, the Juvenile Officer filed an Answer to Motion to Quash Subpoena. On May 15, 2003, the Juvenile Officer filed a Trial Brief relating to Relator's Motion to Quash Subpoena. On May 28, 2003, Relator filed its Response to Juvenile Officer's Trial Brief. On June 11, 2003, Respondent entered Findings and Recommendations in case numbers JV02-01025 and JV02-01026 wherein she denied Relator's Motion to Quash Subpoena. On July 16, 2003, Relator filed its Petition for Writ of Prohibition with the Honorable Stephen W. Nixon, administrative Judge of the Family Court in the Circuit Court of Jackson County, Missouri, 16th Circuit. On July 29th, 2003, the Juvenile Officer filed its First Amended Motion to Modify disposition. On August 6, 2003, the Juvenile Officer filed its Answer and Motion to Dismiss Petition for Writ of Prohibition. Judge Nixon denied

Relator's Petition for Writ of Prohibition. On September 8, 2003, Relator filed its Petition for Writ of Prohibition with the Missouri Court of Appeals, Western District. The Missouri Court of Appeals, Western District, denied Relator's Petition on September 8, 2003 without issuing any findings.

POINTS RELIED ON

Point I: Relator is entitled to an order prohibiting Respondent from denying its motion to quash subpoena because Relator meets the standard for the issuance of a writ of prohibition in that it will suffer irreparable harm, including a substantial loss in state and federal funding, if it complies with the Respondent's order and provides any identifying information or releases records without the written consent of the individual served by the shelter. Relator will also suffer irreparable harm if the writ is not issued in that battered women and their children will be less inclined to seek shelter services if their communications are not protected.

Cases:

1. State ex rel. Chassaing v. Mummert, 887 S.W.2d 573 (Mo. banc 1994).
2. State ex rel. Noranda Aluminum Inc. v. Raines, 706 S.W.2d 861 (Mo. banc 1986)).
3. State ex rel. McGuire v. Cundiff, 9 S.W.3d 28 (Mo. App. 1999).

4. State ex rel. Danbury v. Ely, 954 S.W.2d 650 (Mo. 1997).

Statutes:

1. 42 U.S.C.A. 10604(d)
2. RSMo 455.220 (2000)
3. RSMo 455.215

Point II: Relator is entitled to an order prohibiting Respondent from denying its motion to quash subpoena because RSMo 455.220 specifically renders all employees and volunteers of Hope House incompetent to testify concerning any identifying information and/or records it may have relating to services provided to individuals served by the shelter and therefore, without the written consent of a Maria Martinez Hope House cannot produce a custodian of records to testify and provide a foundation for any records it may or may not have relating to Maria Martinez and her children.

Cases:

1. State v. Ward, 745 SW2d 666 (Mo. App. 1988).

Statutes:

1. RSMo 455.220 (2000).
2. RSMo 210.140

Point III: Relator is entitled to an order prohibiting Respondent from denying its motion to quash subpoena because when the Court applies the

rules of statutory construction it is evident that the intent of the legislature in amending section 455.220 was to provide absolute protection for the communications of battered women seeking advocacy services from domestic violence shelters and any conflict between RSMo 455.220 and the state statute relied on by Respondent when she denied Relator's motion to quash subpoena, RSMo 210.140, would be resolved in favor of Relator.

Cases:

1. Landman v. Ice Cream Specialties and Old Republic Insurance Co. 107 SW3d 240 (Mo. 2003).
2. Dover v. Stanley, 1983 Mo. App. LEXIS 3802,[*14,15](1983).
3. Tevis v. Foley, 1930 Mo. LEXIS 498, Mo. Supreme Court, (1930).

Statutes:

1. RSMo 455.220
2. RSMo 455.215
3. RSMo 210.140
4. RSMo 211.011

Other Authority:

1. Missouri Legislative Service, Part 1, pgs. 274-279 (2000 Session).

Point IV: Relator is entitled to an order prohibiting Respondent from denying its motion to quash subpoena because the records sought from Hope

House would be irrelevant to the initial petition filed against Ms. Martinez as said petition alleges she abandoned the children on or about September 8, 2002 (the children were allegedly abandoned – not at Hope House). The records would also be irrelevant to the First Amended Motion to Modify filed by the Juvenile Officer on July 29, 2003.

Point V: Relator is entitled to an order prohibiting Respondent from denying its motion to quash subpoena because the conflict between the federal statute relied on by Relator and the State statute relied on by the Juvenile Officer should be resolved by applying the doctrine of federal preemption.

Cases:

1. Bennett v. Mallinckrodt, Inc., 698 SW2d 854, Mo. App.(1985)

Statutes:

1. 42 U.S.C.A 1064(d)
2. 28 C.F.R.22.2(d).
3. RSMo 210.140
4. RSMo 211.011

ARGUMENT

I. Relator is entitled to an order prohibiting Respondent from denying its motion to quash subpoena because Relator meets the standard for the

issuance of a writ of prohibition in that it will suffer irreparable harm, including a substantial loss in state and federal funding, if it complies with the Respondent's order and provides any identifying information or releases records without the written consent of the individual served by the shelter. Relator will also suffer irreparable harm if the writ is not issued in that battered women and their children will be less inclined to seek shelter services if their communications are not protected.

A writ of prohibition is appropriate where "some absolute, irreparable harm may come to a litigant if some spirit of justifiable relief is not made available to respond to a trial court's order." State ex rel. Chassaing v. Mummert, 887 S.W.2d 573, 577 (Mo. banc 1994). In other words, "prohibition will lie when there is an important question of law decided erroneously that would otherwise escape review by this court, *and the aggrieved party may suffer considerable hardship* and expense as a consequence of the erroneous decision." See id. at 577 (quoting State ex rel. Noranda Aluminum Inc. v. Raines, 706 S.W.2d 861,861-63 (Mo. banc 1986)).

In this case, if the Court does not issue its writ, Hope House Inc. will be forced to comply with the subpoena duces tecum, per the order of Respondent denying Relator's motion to quash subpoena. If Hope House

complies with Respondent's order, it will suffer irreparable harm, as it will be violating federal and state confidentiality requirements for shelters for victims of domestic violence. 42 U.S.C.A. 10604(d), RSMo 455.215, 455.220 (2000). In order to receive funding through the state, Hope House must not release any identifying information or records without the consent of the individual being served. RSMo 455.220. Similarly, under 42 U.S.C.A. 10604(d), Hope House's funding under the Victim's of Crime Act (VOCA) is contingent on maintaining confidentiality between the shelter and its residents. In violating the federal and state requirements for shelters for victims of domestic violence to receive funding, Hope House will lose substantial amounts of state and federal funding, which will significantly impact its ability to provide safety and services for battered women and their children. Further, allowing the Juvenile Officer carte blanc authority to obtain records from domestic violence shelters anytime a child abuse or neglect case is pending undermines the purpose of the legislative allocation of funds to domestic violence shelters and will ultimately reduce the availability of shelter and services to battered women as well as discourage them from seeking safety and necessary assistance for themselves and their children.

Relator should not be placed in the position of suffering irreparable harm when less restrictive means of obtaining information relating to Ms. Martinez situation are available. The juvenile officer can utilize the rules of discovery such as requests for admissions and depositions of Ms. Martinez to obtain much of the same information it seeks from Relator.

Prohibition is a proper means of contesting the enforcement of discovery of privileged information. State ex rel. McGuire v. Cundiff, 9 S.W.3d 28, 30 (Mo. 1999). When a party claims material that it has been directed to produce is privileged, a writ of prohibition is appropriate to determine whether the privilege claimed in fact covers the materials demanded. State ex rel. Danbury v. Ely, 954 S.W.2d 650, 653 (Mo. 1997).

II. Relator is entitled to an order prohibiting Respondent from denying its motion to quash subpoena because RSMo 455.220 specifically renders all employees and volunteers of Hope House incompetent to testify concerning any identifying information and/or records it may have relating to services provided to individuals served by the shelter. Therefore, without the written consent of a Maria Martinez Hope House cannot produce a custodian of records to testify and provide a foundation for any records it may or may not have relating to Maria Martinez and her children.

In 2000, the Missouri State Legislature amended section 455.220 to specifically provide that "any person employed by or volunteering services to a shelter for victims of domestic violence shall be incompetent to testify concerning any confidential information as described in subdivision (5) of subsection 1 of this section, unless the confidentiality requirement is waived in writing by the individual served by the shelter (RSMo 455.220.2)." Subdivision (5) of subsection 1 provides that in order for a shelter for victims of domestic violence to qualify for state funding it must "require persons employed by or volunteering services to the shelter to maintain the confidentiality of any information that would identify individuals served by the shelter and any information or records that are directly related to the advocacy services provided to such individuals."

As section 455.220 renders all employees and volunteers of Hope House incompetent to testify regarding any identifying information or records it may have relating to individuals it serves, Mary Anne Metheny, the chief operating officer subpoened by the Juvenile Officer to produce records relating to Maria Martinez, would be incompetent to testify and provide the necessary foundation as a custodian of a business record.

The Juvenile Officer argues that RSMo section 210.140 usurps section 455.220 because it provides that legally recognized privileged

communications don't apply to abuse and neglect cases. In his order denying Relator's Petition for a Writ of Prohibition, Judge Nixon relied on State v. Ward, 745 SW2d 666,670 (Mo. 1988) to support his assertion that Mo. Rev. Stat. section 210.140 abolishes the privileges and confidentiality requirements of Mo. Rev. Stat. Section 455.220 in cases of known or suspected child abuse. What Judge Nixon and the juvenile officer ignore is the fact that the legislature didn't just create a privileged communication when it amended section 455.220, rather it went much further in protecting communications of battered women seeking services from a shelter by actually rendering employees or volunteers of shelters incompetent to testify. Privilege and competency are not the same issue. If one is incompetent to testify, the issue of whether a privileged communication exists is irrelevant.

As all employees and volunteers of Hope House are incompetent to testify regarding the subpoened records it may or may not have, the motion to quash should have been sustained and a writ of prohibition should issue.

III. Relator is entitled to an order prohibiting Respondent from denying its motion to quash subpoena because when the Court applies the rules of statutory construction it is evident that the intent of the legislature in amending section 455.220 was to provide absolute protection for the

communications of battered women seeking advocacy services from domestic violence shelters and any conflict between RSMo 455.220 and the state statute relied on by Respondent when she denied Relator's motion to quash subpoena, RSMo 210.140, would be resolved in favor of Relator.

The Missouri Supreme Court has held that the "primary rule of statutory construction is to ascertain the intent of the legislature from the language used, to give effect to the intent if possible, and to consider the words in their plain and ordinary meaning. The construction of statutes is not to be hyper-technical, but instead is to be reasonable and logical and to give meaning to the statutes." Landman v. Ice Cream Specialties and Old Republic Insurance Co. 107 SW3d 240, 251 (Mo. 2003).

The language used by the legislature in amending section 455.220 is important when seeking to ascertain the intent of the legislature. The legislature did not create a new class of protected professional communications in amending section 455.220, rather, as stated above it rendered all employees as well as volunteers of domestic violence shelters incompetent to testify about communications between shelter residents and employees that are related to the advocacy services provided by the shelter. This language is in no way ambiguous. By rendering all employees and volunteers incompetent to testify without the written consent of the

individual being served by the shelter, the legislature is sending a clear message that the communications between battered women and shelter advocates are absolutely confidential. Thus by its own language section 455.220 fall outside the purview of section 210.140 as there is nothing in section 210.140 that makes an incompetent person suddenly competent to testify.

In ascertaining the intent of the legislature in amending RSMo 455.220 (2000) the Court should also consider that the amendments to section 455.220 came out of the Committee on Children, Youth and Families. Missouri Legislative Service, Part 1, pgs. 274-279, (2000 Session). A reasonable person would deem this a committee fully cognizant of issues and statutes relating to the best interests of children. Thus, even if the Court were to find that the amendments to section 455.220 created only another privileged communication, it must be argued that the legislature clearly and specifically excluded domestic violence shelters from the commands of section 210.140 when it did not provide for an exception to the new amendments in cases involving abuse and neglect in the juvenile courts.

Furthermore, in ascertaining the intent of the legislature in amending section 455.220 the Court should look to the public policy and governmental interest in protecting battered women and their children. The amendments

to section 455.220 were driven by a public policy that recognizes that confidentiality is "essential to the safety of and service of battered women." Arguments of supporters, Missouri Legislative Service, Part 1, pgs. 274-279, (2000 Session). Ending the cycle of domestic violence by providing services to battered women and their children is consistent with the governmental interest behind RSMo 210.140 of protecting children from abuse. Imagine the chilling effect to battered women seeking safety and services if they are told that their disclosures of abuse at the hands of their batterer may in turn be used against them by the Juvenile Officer to allege failure to protect their own children. Those often heard threats from the batterer that "the state will take the kids away if you tell anyone" (of the battering) will ring loud and clear and women will remain with their children in abusive relationships. Furthermore, if the Juvenile Officer is to receive the records, then the batterer, who may be the parent of the children at issue, will also be entitled to said records in the discovery process. Such a situation will diminish the willingness of battered women to disclose the abuse to counselors who can provide the necessary treatment one needs to escape the grips of the batterer. As such, the release of domestic violence shelter records can only create additional dangers for the battered woman and her children, which would be inconsistent with the public policy of

providing for the best interests of children. Clearly, in amending section 455.220 to provide such absolute protection for the communications of battered women, the state legislature recognized that protecting battered women is in the best interest of children.

Judge Nixon writes that Hope House did not show that section 455.220 was materially different from other statutorily-created privilege that is abrogated by section 210.140. This ignores the fact that in order for the domestic violence shelter to qualify for state funding it **shall** comply with all the requirements of section 455.220, including protecting communications between residents and workers absent a written waiver by the individual receiving services. Where else, is it legislated that doctors, psychiatrists, or psychologists will lose state funding if they are ordered to testify or produce records in an abuse or neglect proceeding pursuant to section 210.140? Conversely, if the domestic violence shelters lose necessary funding, the avenues for battered women and their children to escape abusive relationships will be greatly diminished and the best interests of children will not be served.

If the court deems sections 455.220 and 210.140 to be in conflict, other rules of statutory construction for the Court to consider are "where one statute deals generally with a subject and another statute deals with the same

subject in a more minute and definite fashion, the repugnancy between them will be resolved in favor of the special (specific) statute. Where the special statute is passed later, it is considered an exception or qualification of the prior general statute." Dover v. Stanley, 1983 Mo. App. LEXIS 3802,[*14,15] Western District, (1983). Further, "where the special statute is later, it will be regarded as an exception to or qualification of, the prior general one; and where the general act is later, the special will be construed as remaining an exception to its terms, unless it is repealed in express words or by necessary implication. Tevis v. Foley, 1930 Mo. LEXIS 498, [***9,10], Mo. Supreme Court, (1930).

Applying these rules of statutory construction, Relator argues that 455.215 and 455.220 RSMo (2000) are special (specific) statutes whereas 211.011 and 210.140 RSMo (1998) are general statutes. Section 455.220 should be considered the special statute because it specifically renders employees and volunteers incompetent to testify regarding communications with individuals served by the shelter and it requires domestic violence shelter's (only) to maintain the confidentiality of any individual served by the shelter and said records related to that individual unless the confidentiality requirement is waived in writing.

When section 455.220 is considered the special statute and section 220.140 is deemed the general statute, the rules of statutory construction provide that the repugnancy between the two will be resolved in favor of the special statute. *Dover at 14,15.* As such, without a waiver from the individual being served, Hope House cannot release any records.

As the special statute (455.220) was passed later than the general one (210.140), the repugnancy between the statutes must be resolved in favor of the special statute. *Tevis at 9,10.* As such, the conflict between 211.011 and 210.140 and 455.220 must be resolved in favor of maintaining the confidentiality of the Hope House records.

Further, as the statutes Relator relies upon in its motion to quash were passed later than those relied upon by the Juvenile Officer and Respondent, the later specific statutes are an exception to the earlier general statues. *Tevis at 9,10.* As such, section 455.220 is an exception to 210.140 and Hope House must maintain the confidentiality of its records.

Even if the Court were to consider the later passed statutes (455.220 and 455.215) to be general and the earlier statutes (210.140 and 211.011) specific, the rules of statutory construction provide that the general statute would trump the earlier special statute if done so by express words or necessary implication. "Where the general act is later, the special will be

construed as remaining an exception to its terms, unless it is repealed in express words or by necessary implication." *In re Tevis, 1930 Mo. LEXIS 498, [***9,10], Supreme Court, (1930).* It is clear that the State legislature in amending section 455.220 either excluded the application of section 210.140 by employing the language of incompetency or exempted the application of 210.140 to domestic violence shelters if not in express words then by necessary implication. As such, without a written waiver from the individual served by Relator, any records Hope House may or may not have relating to a Maria Martinez and her children must remain outside the exception section 210.140. Therefore, the writ of prohibition should be granted.

IV. Relator is entitled to an order prohibiting Respondent from denying its motion to quash subpoena because the records sought from Hope House would be irrelevant to the initial petition filed against Ms. Martinez as said petition alleges she abandoned the children on or about September 8, 2002 (the children were allegedly left at the Salvation Army). The records would also be irrelevant to the First Amended Motion to Modify filed by the Juvenile Officer on July 29, 2003.

In her Answer to Motion to Quash Subpoena the Juvenile Officer states that the minor children were residing at Newhouse when the children

were brought into care on or about September 10, 2002 and that at sometime subsequent to November 26, 2002 the mother and children resided at Hope House. If the mother and children resided at Hope House sometime after November 26, 2002, any records Hope House may have would be post filing of the Juvenile Officer's initial petition and therefore irrelevant to the allegations contained in that initial petition. As the records being sought by the Juvenile Officer would be irrelevant, the records should remain confidential without a release from the mother.

While the Juvenile Officer has, as of July 29, 2003, filed a motion to modify disposition, the allegations in Count 1 allege that the abuse to Ms. Martinez occurred in June and July, 2003 at **her residence**. There is nothing to suggest that Ms. Martinez has had any contact with Hope House since at least January 2, 2003. As such, the records Hope House may or may not have would be irrelevant to count 1 in the Juvenile Officers First Amended Motion to Modify. Therefore, the records should not be released without the written consent of the mother.

V. Relator is entitled to an order prohibiting Respondent from denying its motion to quash subpoena because the conflict between the federal statute relied on by Relator and the State statute relied on by the Juvenile Officer should be resolved by applying the doctrine of federal preemption.

In Relator's motion to quash subpoena, Hope House asserts that "information gleaned during the mother's interaction with any employee of Hope House is utilized in an ongoing statistical analysis conducted by Hope House, Inc., and therefore confidential pursuant to 42 U.S.C.A 1064(d) and 28 C.F.R.22.2(d). Requiring Hope House to release said records without the consent of the person furnishing the information, as required by the federal legislation, would result in Hope House being disqualified for continuing funding under the victims of crime act (VOCA) and/or facing sanctions or fines.

There is a conflict between the federal legislation relied on by Hope House to protect the confidentiality of its records and the state statutes relied on by the Juvenile Officer (RSMo 210.140, 211.011) as she seeks to obtain those records. The doctrine of federal preemption provides that "even if Congress has not entirely displaced state regulation in a given area, state law may still be preempted to the extent it actually conflicts with federal law, that is, when it is impossible to comply with both state and federal law, or where the state law stands as an obstacle to the accomplishment of the full purposes and objectives of Congress." *Bennett v. Mallinckrodt, Inc., 698 SW2d 854,857, Mo. App.(1985).* It is impossible for Hope House as a recipient of funds under the Victims of Crime Act to comply with both the

federal and state legislation (RSMo 210.140). The federal legislation makes it clear that information pertaining to the individuals served by the shelter, as well as records relating to that individual, "shall be immune from process and shall not, without the consent of the person furnishing the information, be admitted as evidence or used for any purpose in any action, suit, or other judicial, legislative, or administrative proceeding." 42 U.S.C.A. 1064(d). As Hope House has not received consent to release any records it may or may not have on Maria Martinez, these records are immune from process and must remain confidential.

CONCLUSION

For all of the foregoing reasons, the Court should issue an order prohibiting Respondent from denying Relator's motion to quash subpoena.

Respectfully submitted,

_____
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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the above and foregoing was mailed, postage pre-paid, or hand-delivered this 8th day of December, 2003 to:

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CERTIFICATION

I, Mary F. Weir, attorney for Relator certify that this brief includes the information required by Rule 55.03; complies with the limitations contained in Rule 84.06(b); and contains 5,239 words.

I further certify that the disk provided is virus-free and comports with the requirements of Rule 84.06(g).

Respectfully submitted,

_____

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TABLE OF CONTENTS - APPENDIX

Cases:

Statutes:

OTHER AUTHORITY:

EXHIBITS: