

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NOS. 504, 505 & 874

96TH GENERAL ASSEMBLY

1479L.04P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 43.545, 211.031, 452.375, 455.010, 455.020, 455.027, 455.035, 455.038, 455.040, 455.050, 455.060, 455.085, 455.200, 455.501, 455.505, 455.513, 455.516, 455.520, 455.523, 455.538, 455.540, 455.543, 527.290, 565.074, 589.683, 595.100, and 595.220, RSMo, and to enact in lieu thereof twenty-seven new sections relating to domestic violence, with penalty provisions.

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

Section A. Sections 43.545, 211.031, 452.375, 455.010, 455.020, 455.027, 455.035, 2 455.038, 455.040, 455.050, 455.060, 455.085, 455.200, 455.501, 455.505, 455.513, 455.516, 3 455.520, 455.523, 455.538, 455.540, 455.543, 527.290, 565.074, 589.683, 595.100, and 595.220, 4 RSMo, are repealed and twenty-seven new sections enacted in lieu thereof, to be known as 5 sections 43.545, 211.031, 452.375, 455.010, 455.020, 455.027, 455.035, 455.038, 455.040, 6 455.050, 455.060, 455.085, 455.200, 455.505, 455.513, 455.516, 455.520, 455.523, 455.538, 7 455.543, 455.549, 455.800, 527.290, 565.074, 589.683, 595.100, and 595.220, to read as 8 follows:

43.545. The state highway patrol shall include in its voluntary system of reporting for 2 compilation in the "[Missouri Crime Index] **Crime in Missouri**" all reported incidents of 3 domestic violence **as defined in section 455.010**, whether or not an arrest is made. All incidents 4 shall be reported on forms provided by the highway patrol and in a manner prescribed by the 5 patrol. [For purposes of this section only, "domestic violence" shall be defined as any dispute 6 arising between spouses, former spouses, persons related by blood or marriage, individuals who 7 are presently residing together or have resided together in the past and persons who have a child 8 in common regardless of whether they have been married or have resided together at any time.]

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.

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

(1) Involving any child or person seventeen years of age who may be a resident of or found within the county and who is alleged to be in need of care and treatment because:

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

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

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

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

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

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

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

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

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

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

(3) Involving any child who is alleged to have violated a state law or municipal ordinance, or any person who is alleged to have violated a state law or municipal ordinance prior to attaining the age of seventeen years, in which cases jurisdiction may be taken by the court of

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

47 (4) For the adoption of a person;

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

50 **(6) Involving an order of protection pursuant to chapter 455 when the respondent**
51 **is less than seventeen years of age.**

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

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

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

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

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

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

77 (6) Upon the transfer of any matter, proceeding, jurisdiction or supervision of a child or
78 person seventeen years of age, certified copies of all legal and social documents and records
79 pertaining to the case on file with the clerk of the transferring juvenile court shall accompany the
80 transfer.

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

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

452.375. 1. As used in this chapter, unless the context clearly indicates otherwise:

2 (1) "Custody" means joint legal custody, sole legal custody, joint physical custody or sole
3 physical custody or any combination thereof;

4 (2) "Joint legal custody" means that the parents share the decision-making rights,
5 responsibilities, and authority relating to the health, education and welfare of the child, and,
6 unless allocated, apportioned, or decreed, the parents shall confer with one another in the
7 exercise of decision-making rights, responsibilities, and authority;

8 (3) "Joint physical custody" means an order awarding each of the parents significant, but
9 not necessarily equal, periods of time during which a child resides with or is under the care and
10 supervision of each of the parents. Joint physical custody shall be shared by the parents in such
11 a way as to assure the child of frequent, continuing and meaningful contact with both parents;

12 (4) "Third-party custody" means a third party designated as a legal and physical
13 custodian pursuant to subdivision (5) of subsection 5 of this section.

14 2. The court shall determine custody in accordance with the best interests of the child.
15 The court shall consider all relevant factors including:

16 (1) The wishes of the child's parents as to custody and the proposed parenting plan
17 submitted by both parties;

18 (2) The needs of the child for a frequent, continuing and meaningful relationship with
19 both parents and the ability and willingness of parents to actively perform their functions as
20 mother and father for the needs of the child;

21 (3) The interaction and interrelationship of the child with parents, siblings, and any other
22 person who may significantly affect the child's best interests;

23 (4) Which parent is more likely to allow the child frequent, continuing and meaningful
24 contact with the other parent;

25 (5) The child's adjustment to the child's home, school, and community;

26 (6) The mental and physical health of all individuals involved, including any history of
27 abuse of any individuals involved. If the court finds that a pattern of domestic violence **as**
28 **defined in section 455.010** has occurred, and, if the court also finds that awarding custody to
29 the abusive parent is in the best interest of the child, then the court shall enter written findings
30 of fact and conclusions of law. Custody and visitation rights shall be ordered in a manner that
31 best protects the child and any other child or children for whom the parent has custodial or
32 visitation rights, and the parent or other family or household member who is the victim of
33 domestic violence from any further harm;

34 (7) The intention of either parent to relocate the principal residence of the child; and

35 (8) The wishes of a child as to the child's custodian. The fact that a parent sends his or
36 her child or children to a home school, as defined in section 167.031, shall not be the sole factor
37 that a court considers in determining custody of such child or children.

38 3. (1) In any court proceedings relating to custody of a child, the court shall not award
39 custody or unsupervised visitation of a child to a parent if such parent or any person residing with
40 such parent has been found guilty of, or pled guilty to, any of the following offenses when a child
41 was the victim:

42 (a) A felony violation of section 566.030, 566.032, 566.040, 566.060, 566.062, 566.064,
43 566.067, 566.068, 566.070, 566.083, 566.090, 566.100, 566.111, 566.151, 566.203, 566.206,
44 566.209, 566.212, or 566.215;

45 (b) A violation of section 568.020;

46 (c) A violation of subdivision (2) of subsection 1 of section 568.060;

47 (d) A violation of section 568.065;

48 (e) A violation of section 568.080;

49 (f) A violation of section 568.090; or

50 (g) A violation of section 568.175.

51 (2) For all other violations of offenses in chapters 566 and 568 not specifically listed in
52 subdivision (1) of this subsection or for a violation of an offense committed in another state
53 when a child is the victim that would be a violation of chapter 566 or 568 if committed in
54 Missouri, the court may exercise its discretion in awarding custody or visitation of a child to a
55 parent if such parent or any person residing with such parent has been found guilty of, or pled
56 guilty to, any such offense.

57 4. The general assembly finds and declares that it is the public policy of this state that
58 frequent, continuing and meaningful contact with both parents after the parents have separated
59 or dissolved their marriage is in the best interest of the child, except for cases where the court
60 specifically finds that such contact is not in the best interest of the child, and that it is the public

61 policy of this state to encourage parents to participate in decisions affecting the health, education
62 and welfare of their children, and to resolve disputes involving their children amicably through
63 alternative dispute resolution. In order to effectuate these policies, the court shall determine the
64 custody arrangement which will best assure both parents participate in such decisions and have
65 frequent, continuing and meaningful contact with their children so long as it is in the best
66 interests of the child.

67 5. Prior to awarding the appropriate custody arrangement in the best interest of the child,
68 the court shall consider each of the following as follows:

69 (1) Joint physical and joint legal custody to both parents, which shall not be denied
70 solely for the reason that one parent opposes a joint physical and joint legal custody award. The
71 residence of one of the parents shall be designated as the address of the child for mailing and
72 educational purposes;

73 (2) Joint physical custody with one party granted sole legal custody. The residence of one
74 of the parents shall be designated as the address of the child for mailing and educational
75 purposes;

76 (3) Joint legal custody with one party granted sole physical custody;

77 (4) Sole custody to either parent; or

78 (5) Third-party custody or visitation:

79 (a) When the court finds that each parent is unfit, unsuitable, or unable to be a custodian,
80 or the welfare of the child requires, and it is in the best interests of the child, then custody,
81 temporary custody or visitation may be awarded to any other person or persons deemed by the
82 court to be suitable and able to provide an adequate and stable environment for the child. Before
83 the court awards custody, temporary custody or visitation to a third person under this
84 subdivision, the court shall make that person a party to the action;

85 (b) Under the provisions of this subsection, any person may petition the court to
86 intervene as a party in interest at any time as provided by supreme court rule.

87 6. If the parties have not agreed to a custodial arrangement, or the court determines such
88 arrangement is not in the best interest of the child, the court shall include a written finding in the
89 judgment or order based on the public policy in subsection 4 of this section and each of the
90 factors listed in subdivisions (1) to (8) of subsection 2 of this section detailing the specific
91 relevant factors that made a particular arrangement in the best interest of the child. If a proposed
92 custodial arrangement is rejected by the court, the court shall include a written finding in the
93 judgment or order detailing the specific relevant factors resulting in the rejection of such
94 arrangement.

95 7. Upon a finding by the court that either parent has refused to exchange information
96 with the other parent, which shall include but not be limited to information concerning the
97 health, education and welfare of the child, the court shall order the parent to comply immediately
98 and to pay the prevailing party a sum equal to the prevailing party's cost associated with

99 obtaining the requested information, which shall include but not be limited to reasonable
100 attorney's fees and court costs.

101 8. As between the parents of a child, no preference may be given to either parent in the
102 awarding of custody because of that parent's age, sex, or financial status, nor because of the age
103 or sex of the child.

104 9. Any judgment providing for custody shall include a specific written parenting plan
105 setting forth the terms of such parenting plan arrangements specified in subsection 7 of section
106 452.310. Such plan may be a parenting plan submitted by the parties pursuant to section 452.310
107 or, in the absence thereof, a plan determined by the court, but in all cases, the custody plan
108 approved and ordered by the court shall be in the court's discretion and shall be in the best
109 interest of the child.

110 10. Unless a parent has been denied custody rights pursuant to this section or visitation
111 rights under section 452.400, both parents shall have access to records and information
112 pertaining to a minor child, including, but not limited to, medical, dental, and school records.
113 If the parent without custody has been granted restricted or supervised visitation because the
114 court has found that the parent with custody or any child has been the victim of domestic
115 violence, as defined in section [455.200] **455.010**, by the parent without custody, the court may
116 order that the reports and records made available pursuant to this subsection not include the
117 address of the parent with custody or the child. Unless a parent has been denied custody rights
118 pursuant to this section or visitation rights under section 452.400, any judgment of dissolution
119 or other applicable court order shall specifically allow both parents access to such records and
120 reports.

121 11. Except as otherwise precluded by state or federal law, if any individual, professional,
122 public or private institution or organization denies access or fails to provide or disclose any and
123 all records and information, including, but not limited to, past and present dental, medical and
124 school records pertaining to a minor child, to either parent upon the written request of such
125 parent, the court shall, upon its finding that the individual, professional, public or private
126 institution or organization denied such request without good cause, order that party to comply
127 immediately with such request and to pay to the prevailing party all costs incurred, including, but
128 not limited to, attorney's fees and court costs associated with obtaining the requested information.

129 12. An award of joint custody does not preclude an award of child support pursuant to
130 section 452.340 and applicable supreme court rules. The court shall consider the factors
131 contained in section 452.340 and applicable supreme court rules in determining an amount
132 reasonable or necessary for the support of the child.

133 13. If the court finds that domestic violence or abuse, as defined in [sections] **section**
134 **455.010** [and 455.501,] has occurred, the court shall make specific findings of fact to show that
135 the custody or visitation arrangement ordered by the court best protects the child and the parent
136 or other family or household member who is the victim of domestic violence [or abuse], as

137 defined in [sections] **section** 455.010 [and 455.501], and any other children for whom such
138 parent has custodial or visitation rights from any further harm.

455.010. As used in [sections 455.010 to 455.085] **this chapter**, unless the context
2 clearly indicates otherwise, the following terms shall mean:

3 (1) "Abuse" includes but is not limited to the occurrence of any of the following acts,
4 attempts or threats against a person who may be protected pursuant to [sections 455.010 to
5 455.085] **this chapter, except abuse shall not include abuse inflicted on a child by accidental**
6 **means by an adult household member or discipline of a child, including spanking, in a**
7 **reasonable manner:**

8 (a) "Assault", purposely or knowingly placing or attempting to place another in fear of
9 physical harm;

10 (b) "Battery", purposely or knowingly causing physical harm to another with or without
11 a deadly weapon;

12 (c) "Coercion", compelling another by force or threat of force to engage in conduct from
13 which the latter has a right to abstain or to abstain from conduct in which the person has a right
14 to engage;

15 (d) "Harassment", engaging in a purposeful or knowing course of conduct involving
16 more than one incident that alarms or causes distress to [another] **an adult or child** and serves
17 no legitimate purpose. The course of conduct must be such as would cause a reasonable adult
18 **or child** to suffer substantial emotional distress and must actually cause substantial emotional
19 distress to the petitioner **or child**. Such conduct might include, but is not limited to:

20 a. Following another about in a public place or places;

21 b. Peering in the window or lingering outside the residence of another; but does not
22 include constitutionally protected activity;

23 (e) "Sexual assault", causing or attempting to cause another to engage involuntarily in
24 any sexual act by force, threat of force, or duress;

25 (f) "Unlawful imprisonment", holding, confining, detaining or abducting another person
26 against that person's will;

27 (2) "Adult", any person seventeen years of age or older or otherwise emancipated;

28 (3) **"Child", any person under seventeen years of age unless otherwise**
29 **emancipated;**

30 (4) "Court", the circuit or associate circuit judge or a family court commissioner;

31 (5) **"Domestic violence", abuse or stalking, as both terms are defined in this section;**

32 [(4)] (6) "Ex parte order of protection", an order of protection issued by the court before
33 the respondent has received notice of the petition or an opportunity to be heard on it;

34 [(5)] (7) "Family" or "household member", spouses, former spouses, [adults] **any person**
35 related by blood or marriage, [adults] **persons** who are presently residing together or have
36 resided together in the past, [an adult] **any person** who is or has been in a continuing social

37 relationship of a romantic or intimate nature with the victim, and [adults who have] **anyone who**
38 **has** a child in common regardless of whether they have been married or have resided together
39 at any time;

40 [(6)] (8) "Full order of protection", an order of protection issued after a hearing on the
41 record where the respondent has received notice of the proceedings and has had an opportunity
42 to be heard;

43 [(7)] (9) "Order of protection", either an ex parte order of protection or a full order of
44 protection;

45 [(8)] (10) "**Pending**", exists or for which a hearing date has been set;

46 (11) "Petitioner", a family or household member [or an adult] **who has been a victim**
47 **of domestic violence, or any person** who has been the victim of stalking, **or a person filing on**
48 **behalf of a child pursuant to section 455.503** who has filed a verified petition pursuant to the
49 provisions of section 455.020 **or section 455.505**;

50 [(9)] (12) "Respondent", the family or household member **alleged to have committed**
51 **an act of domestic violence**, or [adult] **person** alleged to have committed an act of stalking,
52 against whom a verified petition has been filed **or a person served on behalf of a child**
53 **pursuant to section 455.503**;

54 [(10)] (13) "Stalking" is when [an adult] **any person** purposely and repeatedly engages
55 in an unwanted course of conduct that causes alarm to another person when it is reasonable in
56 that person's situation to have been alarmed by the conduct. As used in this subdivision:

57 (a) "Alarm" means to cause fear of danger of physical harm;

58 (b) "Course of conduct" means a pattern of conduct composed of repeated acts over a
59 period of time, however short, that serves no legitimate purpose.

60 Such conduct may include, but is not limited to, following the other person or unwanted
61 communication or unwanted contact; and

62 (c) "Repeated" means two or more incidents evidencing a continuity of purpose.

455.020. 1. Any adult who has been subject to [abuse] **domestic violence** by a present
2 or former [adult] family or household member, or who has been the victim of stalking, may seek
3 relief under sections 455.010 to 455.085 by filing a verified petition alleging such [abuse]
4 **domestic violence** or stalking by the respondent.

5 2. An adult's right to relief under sections 455.010 to 455.085 shall not be affected by
6 his leaving the residence or household to avoid [abuse] **domestic violence**.

7 3. Any protection order issued pursuant to sections 455.010 to 455.085 shall be effective
8 throughout the state in all cities and counties.

455.027. No filing fees, court costs, or bond shall be assessed to the petitioner in an
2 action commenced pursuant to sections 455.010 to [455.085] **455.090**.

455.035. 1. Upon the filing of a verified petition pursuant to sections 455.010 to
2 455.085 and for good cause shown in the petition, the court may immediately issue an ex parte

3 order of protection. An immediate and present danger of abuse to the petitioner shall constitute
4 good cause for purposes of this section. An ex parte order of protection entered by the court
5 shall take effect when entered and shall remain in effect until there is valid service of process and
6 a hearing is held on the motion.

7 2. Failure to serve an ex parte order of protection on the respondent shall not affect the
8 validity or enforceability of such order. **If the respondent is less than seventeen years of age,**
9 **unless otherwise emancipated, service of process shall be made upon a parent or guardian**
10 **of the respondent, or upon a guardian ad litem appointed by the court.**

11 3. **If an ex parte order is entered and the allegations in the petition would give rise**
12 **to jurisdiction under section 211.031 because the respondent is less than seventeen years**
13 **of age, the court shall transfer the case to juvenile court for a hearing on a full order of**
14 **protection. The court shall appoint a guardian ad litem for any such respondent in the**
15 **absence of a parent or guardian.**

455.038. Every circuit clerk shall be responsible for providing information to individuals
2 petitioning for ex parte orders of protection regarding notification of service of these orders of
3 protection. Such notification to the petitioner is required if the petitioner has registered a
4 telephone number with the victim notification system, established under subsection 3 of section
5 650.310. The petitioner shall be informed of his or her option to receive notification of service
6 of an ex parte order of protection on the respondent by the circuit clerk and shall be provided
7 information on how to receive notification of service of ex parte orders of protection. The local
8 law enforcement agency or any other government agency responsible for serving ex parte orders
9 of protection shall **enter service information into the Missouri uniform law enforcement**
10 **system or future secure electronic databases that are intended for law enforcement use**
11 **within twenty-four hours after the ex parte order is served on the respondent or shall** notify
12 the circuit clerk when no more service attempts are planned by that agency. The provisions of
13 this section shall only apply to those circuit clerks able to access a statewide victim notification
14 system designed to provide notification of service of orders of protection.

455.040. 1. **This section shall be known as "Sam and Lindsey's Law".**

2 2. Not later than fifteen days after the filing of a petition pursuant to sections 455.010
3 to 455.085 a hearing shall be held unless the court deems, for good cause shown, that a
4 continuance should be granted. At the hearing, if the petitioner has proved the allegation of
5 abuse or stalking by a preponderance of the evidence, the court shall issue a full order of
6 protection for a period of time the court deems appropriate, except that the protective order shall
7 be valid for at least one hundred eighty days and not more than one year. Upon motion by the
8 petitioner, and after a hearing by the court, the full order of protection may be renewed for a
9 period of time the court deems appropriate, except that the protective order shall be valid for at
10 least one hundred eighty days and not more than one year from the expiration date of the
11 originally issued full order of protection. **The court may, upon finding that it is in the best**

12 **interest of the parties, include a provision that any full order of protection for one year**
13 **shall automatically renew unless the respondent requests a hearing within thirty days prior**
14 **to the expiration of the order.** If for good cause a hearing cannot be held on the motion to
15 renew **or the objection to an automatic renewal of** the full order of protection prior to the
16 expiration date of the originally issued full order of protection, an ex parte order of protection
17 may be issued until a hearing is held on the motion. **When an automatic renewal is not**
18 **authorized,** upon motion by the petitioner, and after a hearing by the court, the second full order
19 of protection may be renewed for an additional period of time the court deems appropriate,
20 except that the protective order shall be valid for at least one hundred eighty days and not more
21 than one year. For purposes of this subsection, a finding by the court of a subsequent act of
22 abuse is not required for a renewal order of protection.

23 [2.] **3.** The court shall cause a copy of the petition and notice of the date set for the
24 hearing on such petition and any ex parte order of protection to be served upon the respondent
25 as provided by law or by any sheriff or police officer at least three days prior to such hearing.
26 Such notice shall be served at the earliest time, and service of such notice shall take priority over
27 service in other actions, except those of a similar emergency nature. The court shall cause a copy
28 of any full order of protection to be served upon or mailed by certified mail to the respondent at
29 the respondent's last known address. Failure to serve or mail a copy of the full order of
30 protection to the respondent shall not affect the validity or enforceability of a full order of
31 protection.

32 [3.] **4.** A copy of any order of protection granted pursuant to sections 455.010 to 455.085
33 shall be issued to the petitioner and to the local law enforcement agency in the jurisdiction where
34 the petitioner resides. The clerk shall also issue a copy of any order of protection to the local law
35 enforcement agency responsible for maintaining the Missouri uniform law enforcement system
36 or any other comparable law enforcement system the same day the order is granted. The law
37 enforcement agency responsible for maintaining MULES shall [enter information contained in
38 the order] , for purposes of verification, within twenty-four hours from the time the order is
39 granted, **enter information contained in the order including but not limited to any orders**
40 **regarding child custody or visitation and all specifics as to times and dates of custody or**
41 **visitation that are provided in the order.** A notice of expiration or of termination of any order
42 of protection **or any change in child custody or visitation within that order** shall be issued
43 to the local law enforcement agency and to the law enforcement agency responsible for
44 maintaining MULES or any other comparable law enforcement system. The law enforcement
45 agency responsible for maintaining the applicable law enforcement system shall enter such
46 information in the system **within twenty-four hours of receipt of information evidencing such**
47 **expiration or termination.** The information contained in an order of protection may be entered
48 in the Missouri uniform law enforcement system or comparable law enforcement system using
49 a direct automated data transfer from the court automated system to the law enforcement system.

50 **5. The court shall cause a copy of any objection filed by the respondent and notice**
51 **of the date set for the hearing on such objection to an automatic renewal of a full order of**
52 **protection for a period of one year to be personally served upon the petitioner by personal**
53 **process server as provided by law or by a sheriff or police officer at least three days prior**
54 **to such hearing. Such service of process shall be served at the earliest time and shall take**
55 **priority over service in other actions except those of a similar emergency nature.**

 455.050. 1. Any full or ex parte order of protection granted pursuant to sections 455.010
2 to 455.085 shall be to protect the petitioner from [abuse or stalking] **domestic violence** and may
3 include **such terms as the court reasonably deems necessary to ensure the petitioner's**
4 **safety, including but not limited to:**

5 (1) Temporarily enjoining the respondent from abusing, threatening to abuse, molesting,
6 stalking or disturbing the peace of the petitioner;

7 (2) Temporarily enjoining the respondent from entering the premises of the dwelling unit
8 of the petitioner when the dwelling unit is:

9 (a) Jointly owned, leased or rented or jointly occupied by both parties; or

10 (b) Owned, leased, rented or occupied by petitioner individually; or

11 (c) Jointly owned, leased, rented or occupied by petitioner and a person other than
12 respondent; provided, however, no spouse shall be denied relief pursuant to this section by
13 reason of the absence of a property interest in the dwelling unit; or

14 (d) Jointly occupied by the petitioner and a person other than respondent; provided that
15 the respondent has no property interest in the dwelling unit; or

16 (3) Temporarily enjoining the respondent from communicating with the petitioner in any
17 manner or through any medium.

18 2. Mutual orders of protection are prohibited unless both parties have properly filed
19 written petitions and proper service has been made in accordance with sections 455.010 to
20 455.085.

21 3. When the court has, after a hearing for any full order of protection, issued an order of
22 protection, it may, in addition:

23 (1) Award custody of any minor child born to or adopted by the parties when the court
24 has jurisdiction over such child and no prior order regarding custody is pending or has been
25 made, and the best interests of the child require such order be issued;

26 (2) Establish a visitation schedule that is in the best interests of the child;

27 (3) Award child support in accordance with supreme court rule 88.01 and chapter 452;

28 (4) Award maintenance to petitioner when petitioner and respondent are lawfully married
29 in accordance with chapter 452;

30 (5) Order respondent to make or to continue to make rent or mortgage payments on a
31 residence occupied by the petitioner if the respondent is found to have a duty to support the
32 petitioner or other dependent household members;

33 (6) Order the respondent to pay the petitioner's rent at a residence other than the one
34 previously shared by the parties if the respondent is found to have a duty to support the petitioner
35 and the petitioner requests alternative housing;

36 (7) Order that the petitioner be given temporary possession of specified personal
37 property, such as automobiles, checkbooks, keys, and other personal effects;

38 (8) Prohibit the respondent from transferring, encumbering, or otherwise disposing of
39 specified property mutually owned or leased by the parties;

40 (9) Order the respondent to participate in a court-approved counseling program designed
41 to help batterers stop violent behavior or to participate in a substance abuse treatment program;

42 (10) Order the respondent to pay a reasonable fee for housing and other services that
43 have been provided or that are being provided to the petitioner by a shelter for victims of
44 domestic violence;

45 (11) Order the respondent to pay court costs;

46 (12) Order the respondent to pay the cost of medical treatment and services that have
47 been provided or that are being provided to the petitioner as a result of injuries sustained to the
48 petitioner by an act of domestic violence committed by the respondent.

49 4. A verified petition seeking orders for maintenance, support, custody, visitation,
50 payment of rent, payment of monetary compensation, possession of personal property,
51 prohibiting the transfer, encumbrance, or disposal of property, or payment for services of a
52 shelter for victims of domestic violence, shall contain allegations relating to those orders and
53 shall pray for the orders desired.

54 5. In making an award of custody, the court shall consider all relevant factors including
55 the presumption that the best interests of the child will be served by placing the child in the
56 custody and care of the nonabusive parent, unless there is evidence that both parents have
57 engaged in abusive behavior, in which case the court shall not consider this presumption but may
58 appoint a guardian ad litem or a court-appointed special advocate to represent the children in
59 accordance with chapter 452 and shall consider all other factors in accordance with chapter 452.

60 6. The court shall grant to the noncustodial parent rights to visitation with any minor
61 child born to or adopted by the parties, unless the court finds, after hearing, that visitation would
62 endanger the child's physical health, impair the child's emotional development or would
63 otherwise conflict with the best interests of the child, or that no visitation can be arranged which
64 would sufficiently protect the custodial parent from further abuse. The court may appoint a
65 guardian ad litem or court-appointed special advocate to represent the minor child in accordance
66 with chapter 452 whenever the custodial parent alleges that visitation with the noncustodial
67 parent will damage the minor child.

68 7. The court shall make an order requiring the noncustodial party to pay an amount
69 reasonable and necessary for the support of any child to whom the party owes a duty of support

70 when no prior order of support is outstanding and after all relevant factors have been considered,
71 in accordance with Missouri supreme court rule 88.01 and chapter 452.

72 8. The court may grant a maintenance order to a party for a period of time, not to exceed
73 one hundred eighty days. Any maintenance ordered by the court shall be in accordance with
74 chapter 452.

455.060. 1. After notice and hearing, the court may modify an order of protection at any
2 time, upon subsequent motion filed by the guardian ad litem, the court-appointed special
3 advocate or by either party together with an affidavit showing a change in circumstances
4 sufficient to warrant the modification. All full orders of protection shall be final orders and
5 appealable and shall be for a fixed period of time as provided in section 455.040.

6 2. Any order for child support, custody, temporary custody, visitation or maintenance
7 entered under sections 455.010 to 455.085 shall terminate prior to the time fixed in the order
8 upon the issuance of a subsequent order pursuant to chapter 452 or any other Missouri statute.

9 3. No order entered pursuant to sections 455.010 to 455.085 shall be res judicata to any
10 subsequent proceeding, including, but not limited to, any action brought under chapter 452,
11 RSMo, 1978 as amended.

12 4. All provisions of an order of protection shall terminate upon entry of a decree of
13 dissolution of marriage or legal separation except as to those provisions which require the
14 respondent to participate in a court-approved counseling program or enjoin the respondent from
15 abusing, molesting, stalking or disturbing the peace of the petitioner and which enjoin the
16 respondent from entering the premises of the dwelling unit of the petitioner as described in the
17 order of protection when the petitioner continues to reside in that dwelling unit unless the
18 respondent is awarded possession of the dwelling unit pursuant to a decree of dissolution of
19 marriage or legal separation.

20 5. Any order of protection or order for child support, custody, temporary custody,
21 visitation or maintenance entered under sections 455.010 to 455.085 shall terminate upon the
22 [filing of] **order of the court granting** a motion to terminate the order of protection by the
23 petitioner[]; except that, in cases where the order grants custody of a minor child to the
24 respondent, the order shall terminate only upon consent of both parties or upon the respondent's
25 failure to object within ten days of receiving the petitioner's notice of the filing of the motion to
26 dismiss. If the respondent timely objects to the dismissal,] . The court shall set the motion to
27 dismiss for hearing and both parties shall have an opportunity to be heard. **Prior to terminating**
28 **any order of protection, the court may examine the circumstances of the motion to dismiss**
29 **and may inquire of the petitioner or others in order to assist the court in determining if**
30 **dismissal is voluntary.**

31 6. The order of protection may not change the custody of children when an action for
32 dissolution of marriage has been filed or the custody has previously been awarded by a court of
33 competent jurisdiction.

455.085. 1. When a law enforcement officer has probable cause to believe a party has committed a violation of law amounting to abuse or assault, as defined in section 455.010, against a family or household member, the officer may arrest the offending party whether or not the violation occurred in the presence of the arresting officer. When the officer declines to make arrest pursuant to this subsection, the officer shall make a written report of the incident completely describing the offending party, giving the victim's name, time, address, reason why no arrest was made and any other pertinent information. Any law enforcement officer subsequently called to the same address within a twelve-hour period, who shall find probable cause to believe the same offender has again committed a violation as stated in this subsection against the same or any other family or household member, shall arrest the offending party for this subsequent offense. The primary report of nonarrest in the preceding twelve-hour period may be considered as evidence of the defendant's intent in the violation for which arrest occurred. The refusal of the victim to sign an official complaint against the violator shall not prevent an arrest under this subsection.

2. When a law enforcement officer has probable cause to believe that a party, against whom a protective order has been entered and who has notice of such order entered, has committed an act of abuse in violation of such order, the officer shall arrest the offending party-respondent whether or not the violation occurred in the presence of the arresting officer. Refusal of the victim to sign an official complaint against the violator shall not prevent an arrest under this subsection.

3. When an officer makes an arrest he is not required to arrest two parties involved in an assault when both parties claim to have been assaulted. The arresting officer shall attempt to identify and shall arrest the party he believes is the primary physical aggressor. The term "primary physical aggressor" is defined as the most significant, rather than the first, aggressor. The law enforcement officer shall consider any or all of the following in determining the primary physical aggressor:

(1) The intent of the law to protect victims of domestic violence from continuing abuse;

(2) The comparative extent of injuries inflicted or serious threats creating fear of physical injury;

(3) The history of domestic violence between the persons involved. No law enforcement officer investigating an incident of family violence shall threaten the arrest of all parties for the purpose of discouraging requests or law enforcement intervention by any party. Where complaints are received from two or more opposing parties, the officer shall evaluate each complaint separately to determine whether he should seek a warrant for an arrest.

4. In an arrest in which a law enforcement officer acted in good faith reliance on this section, the arresting and assisting law enforcement officers and their employing entities and superiors shall be immune from liability in any civil action alleging false arrest, false imprisonment or malicious prosecution.

39 5. When a person against whom an order of protection has been entered fails to surrender
40 custody of minor children to the person to whom custody was awarded in an order of protection,
41 the law enforcement officer shall arrest the respondent, and shall turn the minor children over
42 to the care and custody of the party to whom such care and custody was awarded.

43 6. The same procedures, including those designed to protect constitutional rights, shall
44 be applied to the respondent as those applied to any individual detained in police custody.

45 7. A violation of the terms and conditions, with regard to abuse, stalking, child custody,
46 communication initiated by the respondent or entrance upon the premises of the petitioner's
47 dwelling unit **or place of employment or school, or being within a certain distance of the**
48 **petitioner or a child of the petitioner**, of an ex parte order of protection of which the
49 respondent has notice, shall be a class A misdemeanor unless the respondent has previously
50 pleaded guilty to or has been found guilty **in any division of the circuit court** of violating an
51 ex parte order of protection or a full order of protection within five years of the date of the
52 subsequent violation, in which case the subsequent violation shall be a class D felony. Evidence
53 of prior pleas of guilty or findings of guilt shall be heard by the court out of the presence of the
54 jury prior to submission of the case to the jury. If the court finds the existence of such prior pleas
55 of guilty or finding of guilt beyond a reasonable doubt, the court shall decide the extent or
56 duration of sentence or other disposition and shall not instruct the jury as to the range of
57 punishment or allow the jury to assess and declare the punishment as a part of its verdict.

58 8. A violation of the terms and conditions, with regard to abuse, stalking, child custody,
59 communication initiated by the respondent or entrance upon the premises of the petitioner's
60 dwelling unit **or place of employment or school, or being within a certain distance of the**
61 **petitioner or a child of the petitioner**, of a full order of protection shall be a class A
62 misdemeanor, unless the respondent has previously pleaded guilty to or has been found guilty
63 **in circuit court** of violating an ex parte order of protection or a full order of protection within
64 five years of the date of the subsequent violation, in which case the subsequent violation shall
65 be a class D felony. Evidence of prior pleas of guilty or findings of guilt shall be heard by the
66 court out of the presence of the jury prior to submission of the case to the jury. If the court finds
67 the existence of such prior plea of guilty or finding of guilt beyond a reasonable doubt, the court
68 shall decide the extent or duration of the sentence or other disposition and shall not instruct the
69 jury as to the range of punishment or allow the jury to assess and declare the punishment as a part
70 of its verdict. For the purposes of this subsection, in addition to the notice provided by actual
71 service of the order, a party is deemed to have notice of an order of protection if the law
72 enforcement officer responding to a call of a reported incident of abuse or violation of an order
73 of protection presented a copy of the order of protection to the respondent.

74 9. Good faith attempts to effect a reconciliation of a marriage shall not be deemed
75 tampering with a witness or victim tampering under section 575.270.

76 10. Nothing in this section shall be interpreted as creating a private cause of action for
77 damages to enforce the provisions set forth herein.

455.200. As used in sections 455.200 to 455.230, unless the context clearly requires
2 otherwise, the following words and phrases mean:

3 (1) "Designated authority", the board, commission, agency, or other body designated
4 under the provisions of section [455.210] ~~488.445~~ as the authority to administer the allocation
5 and distribution of funds to shelters;

6 (2) ["Domestic violence", attempting to cause or causing bodily injury to a family or
7 household member, or placing a family or household member by threat of force in fear of
8 imminent physical harm;

9 (3) "Family or household member", a spouse, a former spouse, person living with
10 another person whether or not as spouses, parent, or other adult person related by consanguinity
11 or affinity, who is residing or has resided with the person committing the domestic violence and
12 dependents of such persons;

13 (4) "Shelter for victims of domestic violence" or "shelter", a facility established for the
14 purpose of providing temporary residential service or facilities to family or household members
15 who are victims of domestic violence.

455.505. 1. An order of protection for a child who has been subject to [abuse] **domestic**
2 **violence** by a present or former adult household member or person stalking the child may be
3 sought under sections 455.500 to 455.538 by the filing of a verified petition alleging such [abuse]
4 **domestic violence** by the respondent.

5 2. A child's right to relief under sections 455.500 to 455.538 shall not be affected by his
6 leaving the residence or household to avoid [abuse] **domestic violence**.

7 3. Any protection order issued pursuant to sections 455.500 to 455.538 shall be effective
8 throughout the state in all cities and counties.

455.513. 1. Upon the filing of a verified petition under sections 455.500 to 455.538, for
2 good cause shown in the petition, and upon finding that no prior order regarding custody is
3 pending or has been made **or that the respondent is less than seventeen years of age**, the court
4 may immediately issue an ex parte order of protection. An immediate and present danger of
5 abuse to a child shall constitute good cause for purposes of this section. An ex parte order of
6 protection entered by the court shall be in effect until the time of the hearing.

7 2. Upon the entry of the ex parte order of protection, the court shall enter its order
8 appointing a guardian ad litem or court-appointed special advocate to represent the child victim.

9 3. If the allegations in the petition would give rise to jurisdiction under section 211.031,
10 the court may direct the **children's** division [of family services] to conduct an investigation and
11 to provide appropriate services. The division shall submit a written investigative report to the
12 court and to the juvenile officer within thirty days of being ordered to do so. The report shall be
13 made available to the parties and the guardian ad litem or court-appointed special advocate.

14 **4. If an ex parte order is entered and the allegations in the petition would give rise**
15 **to jurisdiction under section 211.031 because the respondent is less than seventeen years**
16 **of age, the court shall transfer the case to juvenile court for a hearing on a full order of**
17 **protection. Service of process shall be made pursuant to section 455.035. The court shall**
18 **appoint a guardian ad litem for any such respondent in the absence of a parent or**
19 **guardian.**

 455.516. 1. Not later than fifteen days after the filing of a petition under sections
2 455.500 to 455.538, a hearing shall be held unless the court deems, for good cause shown, that
3 a continuance should be granted. At the hearing, which may be an open or a closed hearing at
4 the discretion of the court, whichever is in the best interest of the child, if the petitioner has
5 proved the allegation of [abuse of] **domestic violence against** a child by a preponderance of the
6 evidence, the court may issue a full order of protection for at least one hundred eighty days and
7 not more than one year. The court may allow as evidence any in camera videotape made of the
8 testimony of the child pursuant to section 491.699. The provisions of section 491.075 relating
9 to admissibility of statements of a child under the age of [twelve] **fourteen** shall apply to any
10 hearing under the provisions of sections 455.500 to 455.538. Upon motion by either party, the
11 guardian ad litem or the court- appointed special advocate, and after a hearing by the court, the
12 full order of protection may be renewed for a period of time the court deems appropriate, except
13 that the protective order shall be valid for at least one hundred eighty days and not more than one
14 year from the expiration date of the originally issued full order of protection. **The court may,**
15 **upon finding that it is in the best interest of the child, include a provision that any full**
16 **order of protection for one year shall automatically renew unless the respondent requests**
17 **a hearing within thirty days prior to the expiration of the order.** If for good cause a hearing
18 cannot be held on the motion to renew **or to terminate the automatic renewal of** the full order
19 of protection prior to the expiration date of the originally issued full order of protection, an ex
20 parte order of protection may be issued until a hearing is held on the motion. **When an**
21 **automatic renewal is not authorized,** upon motion by either party, the guardian ad litem or the
22 court appointed special advocate, and after a hearing by the court, the second full order of
23 protection may be renewed for an additional period of time the court deems appropriate, except
24 that the protective order shall be valid for at least one hundred eighty days and not more than one
25 year from the expiration date of the second full order of protection. If for good cause a hearing
26 cannot be held on the motion to renew the second full order of protection prior to the expiration
27 date of the second order, an ex parte order of protection may be issued until a hearing is held on
28 the motion. For purposes of this subsection, a finding by the court of a subsequent act of abuse
29 is not required for a renewal order of protection.

30 2. The court shall cause a copy of the petition and notice of the date set for the hearing
31 on such petition and any ex parte order of protection to be personally served upon the respondent
32 by personal process server as provided by law or by any sheriff or police officer at least three

33 days prior to such hearing. Such shall be served at the earliest time, and service of such shall
34 take priority over service in other actions, except those of a similar emergency nature. The court
35 shall cause a copy of any full order of protection to be served upon or mailed by certified mail
36 to the respondent at the respondent's last known address. Failure to serve or mail a copy of the
37 full order of protection to the respondent shall not affect the validity or enforceability of a full
38 order of protection.

39 3. A copy of any order of protection granted under sections 455.500 to 455.538 shall be
40 issued to the petitioner and to the local law enforcement agency in the jurisdiction where the
41 petitioner resides. The clerk shall also issue a copy of any order of protection to the local law
42 enforcement agency responsible for maintaining the Missouri uniform law enforcement system
43 (MULES) or any other comparable law enforcement system the same day the order is granted.
44 The law enforcement agency responsible for maintaining MULES shall enter information
45 contained in the order for purposes of verification within twenty-four hours from the time the
46 order is granted. A notice of expiration or of termination of any order of protection shall be
47 issued to such local law enforcement agency and to the law enforcement agency responsible for
48 maintaining MULES or any other comparable law enforcement system. The law enforcement
49 agency responsible for maintaining the applicable law enforcement system shall enter such
50 information in the system.

51 The information contained in an order of protection may be entered in the Missouri uniform law
52 enforcement system or comparable law enforcement system using a direct automated data
53 transfer from the court automated system to the law enforcement system.

54 4. A copy of the petition and notice of the date set for the hearing on such petition and
55 any order of protection granted pursuant to sections 455.500 to 455.538 shall be issued to the
56 juvenile office in the jurisdiction where the petitioner resides. A notice of expiration or of
57 termination of any order of protection shall be issued to such juvenile office.

58 **5. The court shall cause a copy of any objection filed by the respondent and notice**
59 **of the date set for the hearing on such objection to an automatic renewal of a full order of**
60 **protection for a period of one year to be personally served upon the petitioner by a**
61 **personal process server as provided by law or by a sheriff or police officer at least three**
62 **days prior to such hearing. Such service of process shall be served at the earliest time and**
63 **shall take priority over service in other actions except those of a similar emergency nature.**

455.520. 1. Any ex parte order of protection granted under sections 455.500 to 455.538
2 shall be to protect the victim from [abuse] **domestic violence** and may include **such terms as**
3 **the court reasonably deems necessary to ensure the petitioner's safety, including but not**
4 **limited to:**

5 (1) Restraining the respondent from abusing, threatening to abuse, molesting or
6 disturbing the peace of the victim;

7 (2) Restraining the respondent from entering the family home of the victim except as
8 specifically authorized by the court;

9 (3) Restraining the respondent from [having any contact] **communicating** with the
10 victim **in any manner or through any medium**, except as specifically authorized by the court;

11 (4) A temporary order of custody of minor children.

12 2. No ex parte order of protection excluding the respondent from the family home shall
13 be issued unless the court finds that:

14 (1) The order is in the best interests of the child or children remaining in the home;

15 (2) The verified allegations of [abuse] **domestic violence** present a substantial risk to the
16 child or children unless the respondent is excluded; **and**

17 (3) A remaining adult family or household member is able to care adequately for the
18 child or children in the absence of the excluded party[; and

19 (4) A commitment has been obtained from the local division of family services office
20 to provide appropriate social services to the family or household members during the period of
21 time which an order of protection is in effect].

455.523. 1. Any full order of protection granted under sections 455.500 to 455.538 shall
2 be to protect the victim from [abuse] **domestic violence** and may include **such terms as the**
3 **court reasonably deems necessary to ensure the petitioner's safety, including but not**
4 **limited to:**

5 (1) Temporarily enjoining the respondent from abusing, threatening to abuse, molesting
6 or disturbing the peace of the victim;

7 (2) Temporarily enjoining the respondent from entering the family home of the victim,
8 except as specifically authorized by the court;

9 (3) Temporarily enjoining the respondent from [having any contact] **communicating**
10 with the victim **in any manner or through any medium**, except as specifically authorized by
11 the court.

12 2. When the court has, after hearing for any full order of protection, issued an order of
13 protection, it may, in addition:

14 (1) Award custody of any minor child born to or adopted by the parties when the court
15 has jurisdiction over such child and no prior order regarding custody is pending or has been
16 made, and the best interests of the child require such order be issued;

17 (2) Award visitation;

18 (3) Award child support in accordance with supreme court rule 88.01 and chapter 452;

19 (4) Award maintenance to petitioner when petitioner and respondent are lawfully married
20 in accordance with chapter 452;

21 (5) Order respondent to make or to continue to make rent or mortgage payments on a
22 residence occupied by the victim if the respondent is found to have a duty to support the victim
23 or other dependent household members;

24 (6) Order the respondent to participate in a court-approved counseling program designed
25 to help child abusers stop violent behavior or to treat substance abuse;

26 (7) Order the respondent to pay, to the extent that he or she is able, the costs of his or her
27 treatment, together with the treatment costs incurred by the victim;

28 (8) Order the respondent to pay a reasonable fee for housing and other services that have
29 been provided or that are being provided to the victim by a shelter for victims of domestic
30 violence.

455.538. 1. When a law enforcement officer has probable cause to believe that a party,
2 against whom a protective order for a child has been entered, has committed an act of abuse in
3 violation of that order, he shall have the authority to arrest the respondent whether or not the
4 violation occurred in the presence of the arresting officer.

5 2. When a person, against whom an order of protection for a child has been entered, fails
6 to surrender custody of minor children to the person to whom custody was awarded in an order
7 of protection, the law enforcement officer shall arrest the respondent, and shall turn the minor
8 children over to the care and custody of the party to whom such care and custody was awarded.

9 3. The same procedures, including those designed to protect constitutional rights, shall
10 be applied to the respondent as those applied to any individual detained in police custody.

11 4. (1) Violation of the terms and conditions of an ex parte **or full** order of protection
12 with regard to abuse, child custody, **communication initiated by the respondent**, or entrance
13 upon the premises of the victim's dwelling unit **or place of employment or school, or being**
14 **within a certain distance of the petitioner or a child of the petitioner**, of which the
15 respondent has notice, shall be a class A misdemeanor[. Violation of the terms and conditions
16 of a full order of protection for a child regarding abuse, child custody, or entrance upon the
17 premises of the petitioner's dwelling unit, shall be a class A misdemeanor] , **unless the**
18 **respondent has previously pleaded guilty to or has been found guilty in any division of the**
19 **court of violating an ex parte order of protection or a full order of protection within five**
20 **years of the date of the subsequent violation, in which case the subsequent violation shall**
21 **be a class D felony. Evidence of a prior plea of guilty or finding of guilt shall be heard by**
22 **the court out of the presence of the jury prior to submission of the case to the jury. If the**
23 **court finds the existence of a prior plea of guilty or finding of guilt beyond a reasonable**
24 **doubt, the court shall decide the extent or duration of sentence or other disposition and**
25 **shall not instruct the jury as to the range of punishment or allow the jury to assess and**
26 **declare the punishment as a part of its verdict.**

27 (2) For purposes of this subsection, in addition to the notice provided by actual service
28 of the order, a party is deemed to have notice of an order of protection for a child if the law
29 enforcement officer responding to a call of a reported incident of abuse or violation of an order
30 of protection for a child presents a copy of the order of protection to the respondent.

31 5. The fact that an act by a respondent is a violation of a valid order of protection for a
32 child shall not preclude prosecution of the respondent for other crimes arising out of the incident
33 in which the protection order is alleged to have been violated.

 455.543. 1. In any incident investigated by a law enforcement agency involving a
2 homicide or suicide, the law enforcement agency shall make a determination as to whether the
3 homicide or suicide is related to domestic violence[, as defined in section 455.200].

4 2. In making such determination, the local law enforcement agency may consider a
5 number of factors including, but not limited to, the following:

6 (1) If the relationship between the perpetrator and the victim is or was that of a family
7 or household member[, as defined in section 455.010];

8 (2) Whether the victim or perpetrator had previously filed for an order of protection;

9 (3) Whether any of the subjects involved in the incident had previously been investigated
10 for incidents of domestic violence; and

11 (4) Any other evidence regarding the homicide or suicide that assists the agency in
12 making its determination.

13 3. After making a determination as to whether the homicide or suicide is related to
14 domestic violence, the law enforcement agency shall forward the information required within
15 fifteen days to the Missouri state highway patrol on a form or format approved by the patrol. The
16 required information shall include the gender and age of the victim, the type of incident
17 investigated, the disposition of the incident and the relationship of the victim to the perpetrator.
18 The state highway patrol shall develop a form for this purpose which shall be distributed by the
19 department of public safety to all law enforcement agencies by October 1, 2000. Completed
20 forms shall be forwarded to the highway patrol without undue delay as required by section
21 43.500; except that all such reports shall be forwarded no later than seven days after an incident
22 is determined or identified as a homicide or suicide involving domestic violence.

**455.549. 1. The division of probation and parole within the department of
2 corrections shall promulgate rules to establish standards and to adopt a credentialing
3 process for any court-appointed batterer intervention program.**

4 **2. Any rule or portion of a rule, as that term is defined in section 536.010 that is
5 created under the authority delegated in this section shall become effective only if it
6 complies with and is subject to all of the provisions of chapter 536, and, if applicable,
7 section 536.028. This section and chapter 536 are nonseverable and if any of the powers
8 vested with the general assembly pursuant to chapter 536, to review, to delay the effective
9 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the
10 grant of rulemaking authority and any rule proposed or adopted after August 28, 2011,
11 shall be invalid and void.**

455.800. In all proceedings pursuant to subsection 3 of section 455.035 or subsection 4 of section 455.513, the records of the juvenile court shall be kept confidential and may be open to inspection without a court order only to:

- (1) The juvenile officer;**
- (2) The officials at the child's school, law enforcement officials, prosecuting attorneys, or any person or agency having or proposed to provide care, custody, or control or to provide treatment of the child; and**
- (3) A parent or guardian of or court appointed guardian ad litem for the child.**

527.290. 1. Public notice of such a change of name shall be given at least three times in a newspaper published in the county where such person is residing, within twenty days after the order of court is made, and if no newspaper is published in his or any adjacent county, then such notice shall be given in a newspaper published in the city of St. Louis, or at the seat of government.

2. Public notice of such name change through publication as required in subsection 1 of this section shall not be required if the petitioner is:

- (1) The victim of a crime, the underlying factual basis of which is found by the court on the record to include an act of domestic violence, as defined in section [455.200] **455.010**;
- (2) The victim of child abuse, as defined in section 210.110; or
- (3) The victim of abuse by a family or household member, as defined in section 455.010.

565.074. 1. A person commits the crime of domestic assault in the third degree if the act involves a family or household member or an adult who is or has been in a continuing social relationship of a romantic or intimate nature with the actor, as defined in section 455.010 and:

- (1) The person attempts to cause or recklessly causes physical injury to such family or household member; or
- (2) With criminal negligence the person causes physical injury to such family or household member by means of a deadly weapon or dangerous instrument; or
- (3) The person purposely places such family or household member in apprehension of immediate physical injury by any means; or
- (4) The person recklessly engages in conduct which creates a grave risk of death or serious physical injury to such family or household member; or
- (5) The person knowingly causes physical contact with such family or household member knowing the other person will regard the contact as offensive; or
- (6) The person knowingly attempts to cause or causes the isolation of such family or household member by unreasonably and substantially restricting or limiting such family or household member's access to other persons, telecommunication devices or transportation for the purpose of isolation.

2. Except as provided in subsection 3 of this section, domestic assault in the third degree is a class A misdemeanor.

20 3. A person who has pleaded guilty to or been found guilty of the crime of domestic
21 assault in the third degree more than two times against any family or household member as
22 defined in section 455.010, **or of any offense committed in violation of any county or**
23 **municipal ordinance in any state, any state law, any federal law, or any military law which,**
24 **if committed in this state, would be a violation of this section,** is guilty of a class D felony for
25 the third or any subsequent commission of the crime of domestic assault. The offenses described
26 in this subsection may be against the same family or household member or against different
27 family or household members.

589.683. [Pursuant to section 23.253 of the Missouri sunset act:

2 (1) Any new program authorized under sections 589.660 to 589.681 shall automatically
3 sunset six years after August 28, 2007, unless reauthorized by an act of the general assembly; and

4 (2) If such program is reauthorized, the program authorized under sections 589.660 to
5 589.681 shall automatically sunset twelve years after the effective date of the reauthorization of
6 sections 589.660 to 589.681; and

7 (3) Sections 589.660 to 589.681 shall terminate on September first of the calendar year
8 immediately following the calendar year in which a program authorized under sections 589.660
9 to 589.681 is sunset.] **Section 23.253 of the Missouri sunset act shall not apply to any**
10 **program established pursuant to sections 589.660 to 589.681.**

595.100. 1. There is hereby established in the state treasury the "Services to Victims
2 Fund" which shall consist of money collected pursuant to section 595.045. The fund shall be
3 administered by the department of public safety. Upon appropriation, money in the fund shall
4 be used solely for the administration of sections 595.050, 595.055 and 595.105, **except that**
5 **public or private agencies, as defined by section 595.050, shall use no more than ten percent**
6 **of any funds received for administrative purposes.**

7 2. Notwithstanding the provisions of section 33.080, any balance remaining in the fund
8 at the end of an appropriation period shall not be transferred to general revenue, but shall remain
9 in the fund.

595.220. 1. The department of public safety shall make payments to appropriate medical
2 providers, out of appropriations made for that purpose, to cover the reasonable charges of the
3 forensic examination of persons who may be a victim of a sexual offense if:

4 (1) The victim or the victim's guardian consents in writing to the examination; and

5 (2) The report of the examination is made on a form approved by the attorney general
6 with the advice of the department of public safety. **The department shall establish maximum**
7 **reimbursement rates for charges submitted under this section, which shall reflect the**
8 **reasonable cost of providing the forensic exam.**

9 2. A minor may consent to examination under this section. Such consent is not subject
10 to disaffirmance because of minority, and consent of parent or guardian of the minor is not

11 required for such examination. The appropriate medical provider making the examination shall
12 give written notice to the parent or guardian of a minor that such an examination has taken place.

13 3. The attorney general, with the advice of the department of public safety, shall develop
14 the forms and procedures for gathering evidence during the forensic examination under the
15 provisions of this section. The department of health and senior services shall develop a
16 checklist, protocols, and procedures for appropriate medical providers to refer to while providing
17 medical treatment to victims of a sexual offense, including those specific to victims who are
18 minors.

19 4. Evidentiary collection kits shall be developed and made available, subject to
20 appropriation, to appropriate medical providers by the highway patrol or its designees and
21 eligible crime laboratories. Such kits shall be distributed with the forms and procedures for
22 gathering evidence during forensic examinations of victims of a sexual offense to appropriate
23 medical providers upon request of the provider, in the amount requested, and at no charge to the
24 medical provider. All appropriate medical providers shall, with the written consent of the victim,
25 perform a forensic examination using the evidentiary collection kit, or other collection
26 procedures developed for victims who are minors, and forms and procedures for gathering
27 evidence following the checklist for any person presenting as a victim of a sexual offense.

28 5. In reviewing claims submitted under this section, the department shall first determine
29 if the claim was submitted within ninety days of the examination. If the claim is submitted
30 within ninety days, the department shall, at a minimum, use the following criteria in reviewing
31 the claim: examination charges submitted shall be itemized and fall within the definition of
32 forensic examination as defined in subdivision (3) of subsection 7 of this section.

33 6. All appropriate medical provider charges for eligible forensic examinations shall be
34 billed to and paid by the department of public safety. No appropriate medical provider
35 conducting forensic examinations and providing medical treatment to victims of sexual offenses
36 shall charge the victim for the forensic examination. For appropriate medical provider charges
37 related to the medical treatment of victims of sexual offenses, if the victim is an eligible claimant
38 under the crime victims' compensation fund, the victim shall seek compensation under sections
39 595.010 to 595.075.

40 7. For purposes of this section, the following terms mean:

41 (1) "Appropriate medical provider", any licensed nurse, physician, or physician assistant,
42 and any institution employing licensed nurses, physicians, or physician assistants, provided that
43 such licensed professionals are the only persons at such institution to perform tasks under the
44 provisions of this section;

45 (2) "Evidentiary collection kit", a kit used during a forensic examination that includes
46 materials necessary for appropriate medical providers to gather evidence in accordance with the
47 forms and procedures developed by the attorney general for forensic examinations;

48 (3) "Forensic examination", an examination performed by an appropriate medical
49 provider on a victim of an alleged sexual offense to gather evidence for the evidentiary collection
50 kit or using other collection procedures developed for victims who are minors;

51 (4) "Medical treatment", the treatment of all injuries and health concerns resulting
52 directly from a patient's sexual assault or victimization.

53 8. The department shall have authority to promulgate rules and regulations necessary to
54 implement the provisions of this section. Any rule or portion of a rule, as that term is defined
55 in section 536.010, that is created under the authority delegated in this section shall become
56 effective only if it complies with and is subject to all of the provisions of chapter 536 and, if
57 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the
58 powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective
59 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of
60 rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid
61 and void.

[455.501. As used in sections 455.500 to 455.538, the following terms
2 mean:

3 (1) "Abuse", any physical injury, sexual abuse, or emotional abuse
4 inflicted on a child other than by accidental means by an adult household
5 member, or stalking of a child. Discipline including spanking, administered in
6 a reasonable manner shall not be construed to be abuse;

7 (2) "Adult household member", any person eighteen years of age or older
8 or an emancipated child who resides with the child in the same dwelling unit;

9 (3) "Child", any person under eighteen years of age;

10 (4) "Court", the circuit or associate circuit judge or a family court
11 commissioner;

12 (5) "Ex parte order of protection", an order of protection issued by the
13 court before the respondent has received notice of the petition or an opportunity
14 to be heard on it;

15 (6) "Full order of protection", an order of protection issued after a hearing
16 on the record where the respondent has received notice of the proceedings and
17 has had an opportunity to be heard;

18 (7) "Order of protection", either an ex parte order of protection or a full
19 order of protection;

20 (8) "Petitioner", a person authorized to file a verified petition under the
21 provisions of sections 455.503 and 455.505;

22 (9) "Respondent", the adult household member, emancipated child or
23 person stalking the child against whom a verified petition has been filed;

24 (10) "Stalking", when an adult purposely and repeatedly engages in an
25 unwanted course of conduct with regard to a child that causes another adult to
26 believe that a child would suffer alarm by the conduct. As used in this
27 subdivision:

28 (a) "Course of conduct" means a pattern of conduct composed of repeated
29 acts over a period of time, however short, that serves no legitimate purpose.

30

31 Such conduct may include, but is not limited to, following the other person or
32 unwanted communication or contact;

33 (b) "Repeated" means two or more incidents evidencing a continuity of
34 purpose; and

35 (c) "Alarm" means to cause fear of danger of physical harm;

36 (11) "Victim", a child who is alleged to have been abused by an adult
37 household member.]

38

2

[455.540. As used in sections 455.540 to 455.547, the following terms
shall mean:

3

(1) "Adult", any person eighteen years of age or older;

4

(2) "Domestic violence", as provided in section 455.200.]

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