

FIRST REGULAR SESSION

# HOUSE BILL NO. 446

## 99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE CRAWFORD.

0954H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 455.513, RSMo, and to enact in lieu thereof one new section relating to ex parte orders.

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

Section A. Section 455.513, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 455.513, to read as follows:

455.513. 1. **The court may immediately issue an ex parte order of protection** upon the filing of a verified petition under sections 455.500 to 455.538, ~~[for good cause shown in the petition,]~~ and upon finding that ~~[no prior order regarding custody is pending or has been made or that]~~ :

(1) **Good cause is shown in the petition;**

(2) **The respondent is not and has not been a party to a court action involving custody of the child; and**

(3) The respondent is **not** less than seventeen years of age~~[, the court may immediately issue an ex parte order of protection]~~. An immediate and present danger of domestic violence, stalking, or sexual assault to a child shall constitute good cause for purposes of this section. An ex parte order of protection entered by the court shall be in effect until the time of the hearing. The court shall deny the ex parte order and dismiss the petition if the petitioner is not authorized to seek relief pursuant to section 455.505.

2. Upon the entry of the ex parte order of protection, the court ~~[shall]~~ **may** enter its order appointing a guardian ad litem or court-appointed special advocate to represent the child victim. **If the case is not resolved by consent, default, or dismissal at its initial hearing date, the**

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.

17 **court shall enter its order appointing a guardian ad litem or court-appointed special**  
18 **advocate to represent the child victim.**

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

24           4. If the allegations in the petition would give rise to jurisdiction under section 211.031  
25 because the respondent is less than seventeen years of age, the court may issue an ex parte order  
26 and shall transfer the case to juvenile court for a hearing on a full order of protection. Service  
27 of process shall be made pursuant to section 455.035.

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