

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 222
97TH GENERAL ASSEMBLY

0921H.03C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 455.010, 455.015, 455.020, 455.030, 455.032, 455.035, 455.040, 455.045, 455.050, 455.060, 455.080, 455.085, 455.503, 455.505, 455.513, 455.520, 455.523, 455.538, and 527.290, RSMo, and to enact in lieu thereof nineteen new sections relating to domestic violence, with existing penalty provisions.

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

Section A. Sections 455.010, 455.015, 455.020, 455.030, 455.032, 455.035, 455.040, 2 455.045, 455.050, 455.060, 455.080, 455.085, 455.503, 455.505, 455.513, 455.520, 455.523, 3 455.538, and 527.290, RSMo, are repealed and nineteen new sections enacted in lieu thereof, to 4 be known as sections 455.010, 455.015, 455.020, 455.030, 455.032, 455.035, 455.040, 455.045, 5 455.050, 455.060, 455.080, 455.085, 455.503, 455.505, 455.513, 455.520, 455.523, 455.538, and 6 527.290, to read as follows:

455.010. As used in this chapter, unless the context clearly indicates otherwise, the 2 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 this chapter, except abuse 5 shall not include abuse inflicted on a child by accidental means by an adult household member 6 or discipline of a child, including spanking, in a reasonable manner:

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

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

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.

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

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

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

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

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

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

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

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

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

29 (5) "Domestic violence", abuse or stalking **committed by a family or household**
30 **member**, as [both] **such** terms are defined in this section;

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

33 (7) "Family" or "household member", spouses, former spouses, any person related by
34 blood or marriage, persons who are presently residing together or have resided together in the
35 past, any person who is or has been in a continuing social relationship of a romantic or intimate
36 nature with the victim, and anyone who has a child in common regardless of whether they have
37 been married or have resided together at any time;

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

41 (9) "Order of protection", either an ex parte order of protection or a full order of
42 protection;

43 (10) "Pending", exists or for which a hearing date has been set;

44 (11) "Petitioner", a family or household member who has been a victim of domestic
45 violence, or any person who has been the victim of stalking, or a person filing on behalf of a

46 child pursuant to section 455.503 who has filed a verified petition pursuant to the provisions of
47 section 455.020 or section 455.505;

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

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

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

56 (b) "Course of conduct" means a pattern of conduct composed of repeated acts over a
57 period of time, however short, that serves no legitimate purpose. Such conduct may include, but
58 is not limited to, following the other person or unwanted communication or unwanted contact;
59 and

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

455.015. The petition shall be filed in the county where the petitioner resides, where the
2 alleged incident of [abuse] **domestic violence** occurred, or where the respondent may be served.

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

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

455.030. 1. When the court is unavailable after business hours or on holidays or
2 weekends, a verified petition for protection from [abuse] **domestic violence** or a motion for
3 hearing on violation of any order of protection under sections 455.010 to 455.085 may be filed
4 before any available court in the city or county having jurisdiction to hear the petition pursuant
5 to the guidelines developed pursuant to subsection 4 of this section. An ex parte order may be
6 granted pursuant to section 455.035.

7 2. All papers in connection with the filing of a petition or the granting of an ex parte
8 order of protection or a motion for a hearing on a violation of an order of protection under this
9 section shall be certified by such court or the clerk within the next regular business day to the
10 circuit court having jurisdiction to hear the petition.

11 3. A petitioner seeking a protection order shall not be required to reveal any current
12 address or place of residence except to the court in camera for the purpose of determining
13 jurisdiction and venue. The petitioner may be required to provide a mailing address unless the
14 petitioner alleges that he or she would be endangered by such disclosure, or that other family or
15 household members would be endangered by such disclosure. Effective January 1, 2004, a
16 petitioner shall not be required to provide his or her Social Security number on any petition or
17 document filed in connection with a protection order; except that, the court may require that a
18 petitioner's Social Security number be retained on a confidential case sheet or other confidential
19 record maintained in conjunction with the administration of the case.

20 4. The supreme court shall develop guidelines which ensure that a verified petition may
21 be filed on holidays, evenings and weekends.

 455.032. In addition to any other jurisdictional grounds provided by law, a court shall
2 have jurisdiction to enter an order of protection restraining or enjoining the respondent from
3 [abusing, threatening to abuse] **committing or threatening to commit domestic violence,**
4 **stalking,** molesting or disturbing the peace of petitioner, pursuant to sections 455.010 to
5 455.085, if the petitioner is present, whether permanently or on a temporary basis within the state
6 of Missouri and if the respondent's actions constituting [abuse] **domestic violence** have occurred,
7 have been attempted or have been or are threatened within the state of Missouri. For purposes
8 of this section, if the petitioner has been the subject of [abuse] **domestic violence** within or
9 outside of the state of Missouri, such evidence shall be admissible to demonstrate the need for
10 protection in Missouri.

 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] **domestic violence** to the
4 petitioner **or the child on whose behalf the petition is filed** shall constitute good cause for
5 purposes of this section. An ex parte order of protection entered by the court shall take effect
6 when entered and shall remain in effect until there is valid service of process and a hearing is
7 held on the motion. **The court shall deny the ex parte order and dismiss the petition if the**
8 **petitioner is not authorized to seek relief pursuant to section 455.020.**

9 2. Failure to serve an ex parte order of protection on the respondent shall not affect the
10 validity or enforceability of such order. If the respondent is less than seventeen years of age,
11 unless otherwise emancipated, service of process shall be made upon a **custodial** parent or
12 guardian of the respondent, or upon a guardian ad litem appointed by the court, **requiring that**
13 **the person appear and bring the respondent before the court at the time and place stated.**

14 3. If an ex parte order is entered and [the allegations in the petition would give rise to
15 jurisdiction under section 211.031 because] the respondent is less than seventeen years of age,

16 the court shall transfer the case to juvenile court for a hearing on a full order of protection. The
17 court shall appoint a guardian ad litem for any such respondent not represented by a parent or
18 guardian.

455.040. 1. Not later than fifteen days after the filing of a petition [pursuant to sections
2 455.010 to 455.085] **that meets the requirements of section 455.020**, a hearing shall be held
3 unless the court deems, for good cause shown, that a continuance should be granted. At the
4 hearing, if the petitioner has proved the allegation of [abuse] **domestic violence** or stalking by
5 a preponderance of the evidence, **and the respondent cannot show that his or her actions**
6 **alleged to constitute abuse were otherwise justified under the law**, the court shall issue a full
7 order of protection for a period of time the court deems appropriate, except that the protective
8 order shall be valid for at least one hundred eighty days and not more than one year. Upon
9 motion by the petitioner, and after a hearing by the court, the full order of protection may be
10 renewed for a period of time the court deems appropriate, except that the protective order shall
11 be valid for at least one hundred eighty days and not more than one year from the expiration date
12 of the originally issued full order of protection. The court may, upon finding that it is in the best
13 interest of the parties, include a provision that any full order of protection for one year shall
14 automatically renew unless the respondent requests a hearing by thirty days prior to the
15 expiration of the order. If for good cause a hearing cannot be held on the motion to renew or the
16 objection to an automatic renewal of the full order of protection prior to the expiration date of
17 the originally issued full order of protection, an ex parte order of protection may be issued until
18 a hearing is held on the motion. When an automatic renewal is not authorized, upon motion by
19 the petitioner, and after a hearing by the court, the second full order of protection may be
20 renewed for an additional period of time the court deems appropriate, except that the protective
21 order shall be valid for at least one hundred eighty days and not more than one year. For
22 purposes of this subsection, a finding by the court of a subsequent act of [abuse] **domestic**
23 **violence or stalking** is not required for a renewal order of protection.

24 2. The court shall cause a copy of the petition and notice of the date set for the hearing
25 on such petition and any ex parte order of protection to be served upon the respondent as
26 provided by law or by any sheriff or police officer at least three days prior to such hearing. [Such
27 notice shall be served at the earliest time, and service of such notice shall take priority over
28 service in other actions, except those of a similar emergency nature.] The court shall cause a copy
29 of any full order of protection to be served upon or mailed by certified mail to the respondent at
30 the respondent's last known address. **Notice of an ex parte or full order of protection shall**
31 **be served at the earliest time, and service of such notice shall take priority over service in**
32 **other actions, except those of a similar emergency nature.** Failure to serve or mail a copy of

33 the full order of protection to the respondent shall not affect the validity or enforceability of a
34 full order of protection.

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

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

455.045. Any ex parte order of protection granted pursuant to sections 455.010 to
2 455.085 shall be to protect the petitioner from [abuse] **domestic violence** or stalking and may
3 include:

4 (1) Restraining the respondent from [abusing, threatening to abuse] **committing or**
5 **threatening to commit domestic violence**, molesting, stalking or disturbing the peace of the
6 petitioner;

7 (2) Restraining the respondent from entering the premises of the dwelling unit of
8 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 or rented by petitioner and a person other than respondent;
12 provided, however, no spouse shall be denied relief pursuant to this section by reason of the
13 absence of a property interest in the dwelling unit; or

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

16 (3) Restraining the respondent from communicating with the petitioner in any manner
17 or through any medium;

18 (4) A temporary order of custody of minor children where appropriate.

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 domestic violence and may include such terms
3 as the 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]
6 **committing or threatening to commit domestic violence**, molesting, stalking or disturbing the
7 peace of the petitioner;

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

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

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

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

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

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

19 2. Mutual orders of protection are prohibited unless both parties have properly filed
20 written petitions and proper service has been made in accordance with sections 455.010 to
21 455.085.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

61 6. The court shall grant to the noncustodial parent rights to visitation with any minor
62 child born to or adopted by the parties, unless the court finds, after hearing, that visitation would
63 endanger the child's physical health, impair the child's emotional development or would
64 otherwise conflict with the best interests of the child, or that no visitation can be arranged which

65 would sufficiently protect the custodial parent from further [abuse] **domestic violence**. The
66 court may appoint a guardian ad litem or court-appointed special advocate to represent the minor
67 child in accordance with chapter 452 whenever the custodial parent alleges that visitation with
68 the noncustodial parent will damage the minor child.

69 7. The court shall make an order requiring the noncustodial party to pay an amount
70 reasonable and necessary for the support of any child to whom the party owes a duty of support
71 when no prior order of support is outstanding and after all relevant factors have been considered,
72 in accordance with Missouri supreme court rule 88.01 and chapter 452.

73 8. The court may grant a maintenance order to a party for a period of time, not to exceed
74 one hundred eighty days. Any maintenance ordered by the court shall be in accordance with
75 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] **committing an act of domestic**
16 **violence against** the petitioner and which enjoin the respondent from entering the premises of
17 the dwelling unit of the petitioner as described in the order of protection when the petitioner
18 continues to reside in that dwelling unit unless the respondent is awarded possession of the
19 dwelling unit pursuant to a decree of dissolution of 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 order of the court granting a motion to terminate the order of protection by the petitioner. [The
23 court shall set the motion to dismiss for hearing and both parties shall have an opportunity to be
24 heard.] Prior to terminating any order of protection, the court may [examine the circumstances

25 of the motion to dismiss and may] inquire of the petitioner or others in order to [assist the court
26 in determining if] **determine whether the** dismissal is voluntary.

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

455.080. 1. Law enforcement agencies may establish procedures to ensure that
2 dispatchers and officers at the scene of an alleged incident of [abuse] **domestic violence or**
3 **stalking** or violation of an order of protection can be informed of any recorded prior incident of
4 [abuse] **domestic violence or stalking** involving the abused party and can verify the effective
5 dates and terms of any recorded order of protection.

6 2. The law enforcement agency shall apply the same standard for response to an alleged
7 incident of [abuse] **domestic violence or stalking** or a violation of any order of protection as
8 applied to any like offense involving strangers, except as otherwise provided by law. Law
9 enforcement agencies shall not assign lower priority to calls involving alleged incidents of
10 [abuse] **domestic violence or stalking** or violation of protection orders than is assigned in
11 responding to offenses involving strangers. Existence of any of the following factors shall be
12 interpreted as indicating a need for immediate response:

13 (1) The caller indicates that violence is imminent or in progress; or

14 (2) A protection order is in effect; or

15 (3) The caller indicates that incidents of domestic violence have occurred previously
16 between the parties.

17 3. Law enforcement agencies may establish domestic crisis teams or, if the agency has
18 fewer than five officers whose responsibility it is to respond to calls of this nature, individual
19 officers trained in methods of dealing with [family and household quarrels] **domestic violence**.
20 Such teams or individuals may be supplemented by social workers, ministers or other persons
21 trained in counseling or crisis intervention. When an alleged incident of [family or household
22 abuse] **domestic violence** is reported, the agency may dispatch a crisis team or specially trained
23 officer, if available, to the scene of the incident.

24 4. The officer at the scene of an alleged incident of [abuse] **domestic violence or**
25 **stalking** shall inform the abused party of available judicial remedies for relief from [adult abuse]
26 **domestic violence** and of available shelters for victims of domestic violence.

27 5. Law enforcement officials at the scene shall provide or arrange transportation for the
28 abused party to a medical facility for treatment of injuries or to a place of shelter or safety.

455.085. 1. When a law enforcement officer has probable cause to believe a party has
2 committed a violation of law amounting to [abuse or assault] **domestic violence**, as defined in
3 section 455.010, against a family or household member, the officer may arrest the offending

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

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

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

27 (1) The intent of the law to protect victims [of domestic violence] from continuing
28 [abuse] **domestic violence**;

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

31 (3) The history of domestic violence between the persons involved.

32 No law enforcement officer investigating an incident of [family] **domestic** violence shall threaten
33 the arrest of all parties for the purpose of discouraging requests or law enforcement intervention
34 by any party. Where complaints are received from two or more opposing parties, the officer shall
35 evaluate each complaint separately to determine whether [he] **the officer** should seek a warrant
36 for an arrest.

37 4. In an arrest in which a law enforcement officer acted in good faith reliance on this
38 section, the arresting and assisting law enforcement officers and their employing entities and

39 superiors shall be immune from liability in any civil action alleging false arrest, false
40 imprisonment or malicious prosecution.

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

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

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

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

75 **violence, stalking**, or violation of an order of protection presented a copy of the order of
76 protection to the respondent.

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

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

455.503. 1. A petition for an order of protection for a child shall be filed in the county
2 where the child resides, where the alleged incident of [abuse] **domestic violence or stalking**
3 occurred, or where the respondent may be served.

4 2. Such petition may be filed by any of the following:

5 (1) A parent or guardian of the victim;

6 (2) A guardian ad litem or court-appointed special advocate appointed for the victim; or

7 (3) The juvenile officer.

455.505. 1. An order of protection for a child who has been subject to domestic violence
2 by a present or former [adult] household member or person stalking the child may be sought
3 under sections 455.500 to 455.538 by the filing of a verified petition alleging such domestic
4 violence **or stalking** 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 **the child's** leaving the residence or household to avoid 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] **domestic violence or stalking** to a child shall constitute good cause for purposes of this
6 section. An ex parte order of protection entered by the court shall be in effect until the time of
7 the hearing. **The court shall deny the ex parte order and dismiss the petition if the**
8 **petitioner is not authorized to seek relief pursuant to section 455.505.**

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

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

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

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 domestic violence **or stalking** and may include such terms
3 as the court reasonably deems necessary to ensure the [petitioner's] **victim's** safety, including but
4 not limited to:

5 (1) Restraining the respondent from [abusing, threatening to abuse] **committing or**
6 **threatening to commit domestic violence, stalking**, molesting, or disturbing the peace of the
7 victim;

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

10 (3) Restraining the respondent from communicating with the victim in any manner or
11 through any medium, except as specifically authorized by the court;

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

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

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

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

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

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

4 (1) Temporarily enjoining the respondent from [abusing] **committing domestic**
5 **violence**, threatening to [abuse] **commit domestic violence, stalking**, molesting, or disturbing
6 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 communicating with the victim in any
10 manner or through any medium, except as specifically authorized by the court.

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

- 13 (1) Award custody of any minor child born to or adopted by the parties when the court
14 has jurisdiction over such child and no prior order regarding custody is pending or has been
15 made, and the best interests of the child require such order be issued;
- 16 (2) Award visitation;
- 17 (3) Award child support in accordance with supreme court rule 88.01 and chapter 452;
- 18 (4) Award maintenance to petitioner when petitioner and respondent are lawfully married
19 in accordance with chapter 452;
- 20 (5) Order respondent to make or to continue to make rent or mortgage payments on a
21 residence occupied by the victim if the respondent is found to have a duty to support the victim
22 or other dependent household members;
- 23 (6) Order the respondent to participate in a court-approved counseling program designed
24 to help [child abusers] stop violent behavior or to treat substance abuse;
- 25 (7) Order the respondent to pay, to the extent that he or she is able, the costs of his or her
26 treatment, together with the treatment costs incurred by the victim;
- 27 (8) Order the respondent to pay a reasonable fee for housing and other services that have
28 been provided or that are being provided to the victim by a shelter for victims of domestic
29 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]
3 in violation of that order, [he] **the officer** shall have the authority to arrest the respondent
4 whether or not the 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] **domestic violence, stalking**, child custody, communication initiated by
13 the respondent, or entrance upon the premises of the victim's dwelling unit or place of
14 employment or school, or being within a certain distance of the petitioner or a child of the
15 petitioner, of which the respondent has notice, shall be a class A misdemeanor, unless the
16 respondent has previously pleaded guilty to or has been found guilty in any division of the circuit
17 court of violating an ex parte order of protection or a full order of protection within five years
18 of the date of the subsequent violation, in which case the subsequent violation shall be a class
19 D felony. Evidence of a prior plea of guilty or finding of guilt shall be heard by the court out of

20 the presence of the jury prior to submission of the case to the jury. If the court finds the
21 existence of a prior plea of guilty or finding of guilt beyond a reasonable doubt, the court shall
22 decide the extent or duration of sentence or other disposition and shall not instruct the jury as to
23 the range of punishment or allow the jury to assess and declare the punishment as a part of its
24 verdict.

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

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

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

6 2. Public notice of such name change through publication as required in subsection 1 of
7 this section shall not be required, **and any system operated by the judiciary that is designed**
8 **to provide public case information electronically shall not post the name change**, if the
9 petitioner is:

10 (1) The victim of a crime, the underlying factual basis of which is found by the court on
11 the record to include an act of domestic violence, as defined in section 455.010;

12 (2) The victim of child abuse, as defined in section 210.110; or

13 (3) The victim of [abuse] **domestic violence** by a family or household member, as
14 defined in section 455.010.

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