

HCS SB 222 -- DOMESTIC VIOLENCE

SPONSOR: Lamping (Kelly, 24)

COMMITTEE ACTION: Voted "Do Pass" by the Committee on Judiciary by a vote of 12 to 0.

This substitute changes the laws regarding domestic violence. In its main provisions, the substitute:

- (1) Changes the term "abuse" to "domestic violence" as it applies to orders of protection.
- (2) Specifies that a court must have jurisdiction to also enter an order of protection restraining or enjoining a respondent from committing or threatening to commit domestic violence or stalking;
- (3) Allows any person who has been subject to domestic violence to seek a protective order. Currently, any adult who has been subject to domestic violence may seek a protective order;
- (4) Requires the court to deny an ex parte order of protection and dismiss the petition request if the petitioner is not authorized to seek relief pursuant to Section 455.020;
- (5) Specifies that if the respondent of an ex parte order of protection is younger than 17 years of age, unless otherwise emancipated, service of process must be made upon a custodial parent or guardian of the respondent or a guardian ad litem appointed by the court requiring that person to appear and bring the respondent before the court at the time and place stated;
- (6) Specifies that if an ex parte order is entered and the respondent is younger than 17 years of age, the court must transfer the case to the juvenile court for a hearing on a full order of protection. Currently, if an ex parte order is entered and the allegations in the petition would give rise to jurisdiction under Section 211.031 because the respondent is younger than 17 years of age, the court must transfer the case to juvenile court.
- (7) Specifies that if the petitioner has proved the allegation of domestic violence or stalking by a preponderance of the evidence at a hearing and the respondent cannot show that his or her actions alleged to constitute abuse were otherwise justified under the law, the court must issue a full order of protection for at least 180 days and not more than one year;
- (8) Requires notice of an ex parte or full order of protection to be served at the earliest time, and service of the notice must take

priority over service in other actions, except for actions of a similar emergency nature;

(9) Repeals the provision requiring the court to set the motion to dismiss any order of protection or order for child support, custody, temporary custody, visitation, or maintenance for hearing and both parties to have an opportunity to be heard; and

(10) Specifies that any system operated by the judiciary designed to provide public case information electronically must not post notice of a legal change in name if the petitioner is the victim of a crime which includes an act of domestic violence, the victim of child abuse, or the victim of domestic violence.

PROPOSERS: Supporters say that the General Assembly modernized the legal code with respect to domestic violence laws in 2011, and the bill is clean-up language to address some minor issues with that legislation. There are no substantive changes being made.

Testifying for the bill were Senator Lamping; and Missouri Coalition Against Domestic and Sexual Violence.

OPPOSERS: There was no opposition voiced to the committee.