

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 556

AN ACT

To repeal sections 211.031, 211.036, 455.010, 455.020, 455.032, 455.040, 455.045, 455.050, 455.080, 455.503, 455.505, 455.513, 455.520, and 455.523, RSMo, section 455.085 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 455.085 as enacted by house bill no. 215, ninety-seventh general assembly, first regular session, section 455.538 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, and section 455.538 as enacted by house bill no. 215, ninety-seventh general assembly, first regular session, and to enact in lieu thereof twenty-one new sections relating to children and families, with penalty provisions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

1 Section A. Sections 211.031, 211.036, 455.010, 455.020,
2 455.032, 455.040, 455.045, 455.050, 455.080, 455.503, 455.505,
3 455.513, 455.520, and 455.523, RSMo, section 455.085 as enacted
4 by senate bill no. 491, ninety-seventh general assembly, second
5 regular session, section 455.085 as enacted by house bill no.
6 215, ninety-seventh general assembly, first regular session,
7 section 455.538 as enacted by senate bill no. 491, ninety-seventh
8 general assembly, second regular session, and section 455.538 as
9 enacted by house bill no. 215, ninety-seventh general assembly,
10 first regular session, are repealed and twenty-one new sections
11 enacted in lieu thereof, to be known as sections 170.047,

1 170.048, 192.390, 210.118, 210.148, 211.031, 211.036, 455.010,
2 455.020, 455.032, 455.040, 455.045, 455.050, 455.080, 455.085,
3 455.503, 455.505, 455.513, 455.520, 455.523, and 455.538, to read
4 as follows:

5 170.047. 1. Beginning in the 2016-2017 school year, any
6 licensed educator may annually complete up to two hours of
7 training or professional development in youth suicide awareness
8 and prevention as part of the professional development hours
9 required for state board of education certification.

10 2. The department of elementary and secondary education
11 shall develop guidelines suitable for training or professional
12 development in youth suicide awareness and prevention. The
13 department shall develop materials that may be used for such
14 training or professional development.

15 3. For purposes of this section, the term "licensed
16 educator" shall refer to any teacher with a certificate of
17 license to teach issued by the state board of education or any
18 other educator or administrator required to maintain a
19 professional license issued by the state board of education.

20 4. The department of elementary and secondary education may
21 promulgate rules and regulations to implement this section.

22 5. Any rule or portion of a rule, as that term is defined
23 in section 536.010 that is created under the authority delegated
24 in this section shall become effective only if it complies with
25 and is subject to all of the provisions of chapter 536, and, if
26 applicable, section 536.028. This section and chapter 536 are
27 nonseverable and if any of the powers vested with the general
28 assembly pursuant to chapter 536, to review, to delay the
29 effective date, or to disapprove and annul a rule are
30 subsequently held unconstitutional, then the grant of rulemaking

1 authority and any rule proposed or adopted after August 28, 2015,
2 shall be invalid and void.

3 170.048. 1. By July 1, 2017, each district shall adopt a
4 policy for youth suicide awareness and prevention, including the
5 training and education of district employees.

6 2. Each district's policy shall address, but need not be
7 limited to the following:

8 (1) Strategies that can help identify students who are at
9 possible risk of suicide;

10 (2) Strategies and protocols for helping students at
11 possible risk of suicide; and

12 (3) Protocols for responding to a suicide death.

13 3. By July 1, 2016, the department of elementary and
14 secondary education shall develop a model policy that districts
15 may adopt. When developing the model policy, the department
16 shall cooperate, consult with, and seek input from organizations
17 that have expertise in youth suicide awareness and prevention.
18 By July 1, 2020, and at least every three years thereafter, the
19 department shall request information and seek feedback from
20 districts on their experience with the policy for youth suicide
21 awareness and prevention. The department shall review this
22 information and may use it to adapt the department's model
23 policy. The department shall post any information on its website
24 that it has received from districts that it deems relevant. The
25 department shall not post any confidential information or any
26 information that personally identifies any student or school
27 employee.

28 192.390. 1. The department shall provide coverage, subject
29 to state and federal appropriations, for the full cost of amino
30 acid-based elemental formulas, meaning formulas made from single

1 nonallergenic amino acids, for children under nineteen years of
2 age with a medical diagnosis of immunoglobulin E and
3 nonimmunoglobulin E mediated allergies to multiple food proteins,
4 food protein-induced enterocolitis syndrome, eosinophilic
5 disorders, and impaired absorption of nutrients caused by
6 disorders affecting the absorptive surface, functional length,
7 and motility of the gastrointestinal tract, provided that the
8 state is the payor of last resort.

9 2. The department may promulgate rules and regulations to
10 implement the provisions of this section. Any rule or portion of
11 a rule, as that term is defined in section 536.010 that is
12 created under the authority delegated in this section shall
13 become effective only if it complies with and is subject to all
14 of the provisions of chapter 536, and, if applicable, section
15 536.028. This section and chapter 536 are nonseverable and if
16 any of the powers vested with the general assembly pursuant to
17 chapter 536, to review, to delay the effective date, or to
18 disapprove and annul a rule are subsequently held
19 unconstitutional, then the grant of rulemaking authority and any
20 rule proposed or adopted after August 28, 2015, shall be invalid
21 and void.

22 210.118. 1. In any action under chapter 210 or 211 in
23 which the court finds by a preponderance of the evidence that a
24 party is responsible for child abuse or neglect as those terms
25 are defined in section 210.110, the clerk shall send a certified
26 copy of the judgment or order to the children's division and to
27 the appropriate prosecuting attorney. Upon receipt of the order
28 the children's division shall list the individual as a

1 perpetrator of child abuse or neglect in the central registry.

2 2. In every case in which the person has pled guilty or has
3 been found guilty of:

4 (1) A crime under section 565.020, 565.021, 565.023,
5 565.024, 565.050, 566.030, 566.060, or 567.050 and the victim is
6 a child less than eighteen years of age;

7 (2) Any other crime in chapter 566 if the victim is a child
8 less than eighteen years of age and the perpetrator is twenty-one
9 years of age or older;

10 (3) A crime under section 568.020, 568.030, 568.045,
11 568.050, 568.060, 568.080, 568.090, 573.025, or 573.035; or

12 (4) An attempt to commit any such crimes;

13
14 the court shall enter an order directing the children's division
15 to list the individual as a perpetrator of child abuse or neglect
16 in the central registry. The clerk shall send a certified copy
17 of the order to the children's division. Upon receipt of the
18 order the children's division shall list the individual as a
19 perpetrator of child abuse or neglect in the central registry.

20 210.148. 1. Notwithstanding any provision of section
21 210.145 to the contrary, upon the receipt of a report under
22 section 210.145 where the subject of the report is a juvenile
23 with problem sexual behavior, the division shall immediately
24 communicate such report to the appropriate local office along
25 with any relevant information as may be contained in the
26 information system. Upon receipt of the report and relevant
27 information, the local office shall use a family assessment and
28 services approach, as described in subsection 14 of section
29 210.145 to respond to the allegation contained in the report.

1 For the purposes of family assessments performed under this
2 section, the alleged abuse does not have to be committed by a
3 person responsible for the care, custody, and control of the
4 child.

5 2. Nothing in this section shall prohibit the local office
6 from commencing an investigation if the local office, at any
7 point in using the family assessment and services approach,
8 determines that an investigation is required. Such investigation
9 shall comply with the provisions of section 210.145 and may
10 include requesting assistance from the appropriate law
11 enforcement agency.

12 3. As used in this section, the term "juvenile with problem
13 sexual behavior" shall mean any person, under fourteen years of
14 age, who has allegedly committed sexual abuse against another
15 child.

16 4. Within one hundred eighty days after August 28, 2015,
17 the division shall promulgate rules to implement the provisions
18 of this section. Any rule or portion of a rule, as that term is
19 defined in section 536.010 that is created under the authority
20 delegated in this section shall become effective only if it
21 complies with and is subject to all of the provisions of chapter
22 536, and, if applicable, section 536.028. This section and
23 chapter 536 are nonseverable and if any of the powers vested with
24 the general assembly pursuant to chapter 536, to review, to delay
25 the effective date, or to disapprove and annul a rule are
26 subsequently held unconstitutional, then the grant of rulemaking
27 authority and any rule proposed or adopted after August 28, 2015,
28 shall be invalid and void.

29 211.031. 1. Except as otherwise provided in this chapter,
30 the juvenile court or the family court in circuits that have a

1 family court as provided in sections 487.010 to 487.190 shall
2 have exclusive original jurisdiction in proceedings:

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

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

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

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

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

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

28 (a) The child while subject to compulsory school attendance

1 is repeatedly and without justification absent from school; or

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

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

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

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

17 (3) Involving any child who is alleged to have violated a
18 state law or municipal ordinance, or any person who is alleged to
19 have violated a state law or municipal ordinance prior to
20 attaining the age of seventeen years, in which cases jurisdiction
21 may be taken by the court of the circuit in which the child or
22 person resides or may be found or in which the violation is
23 alleged to have occurred; except that, the juvenile court shall
24 not have jurisdiction over any child fifteen years of age who is
25 alleged to have violated a state or municipal traffic ordinance
26 or regulation, the violation of which does not constitute a
27 felony, and except that the juvenile court shall have concurrent
28 jurisdiction with the municipal court over any child who is

1 alleged to have violated a municipal curfew ordinance, and except
2 that the juvenile court shall have concurrent jurisdiction with
3 the circuit court on any child who is alleged to have violated a
4 state or municipal ordinance or regulation prohibiting possession
5 or use of any tobacco product;

6 (4) For the adoption of a person;

7 (5) For the commitment of a child or person seventeen years
8 of age to the guardianship of the department of social services
9 as provided by law; [and]

10 (6) Involving an order of protection pursuant to chapter
11 455 when the respondent is less than seventeen years of age; and

12 (7) Involving any youth under twenty-one years of age for
13 whom a petition to return the youth to children's division
14 custody has been filed under section 211.036.

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

18 (1) Prior to the filing of a petition and upon request of
19 any party or at the discretion of the juvenile officer, the
20 matter in the interest of a child or person seventeen years of
21 age may be transferred by the juvenile officer, with the prior
22 consent of the juvenile officer of the receiving court, to the
23 county of the child's residence or the residence of the person
24 seventeen years of age for future action;

25 (2) Upon the motion of any party or on its own motion prior
26 to final disposition on the pending matter, the court in which a
27 proceeding is commenced may transfer the proceeding of a child or
28 person seventeen years of age to the court located in the county

1 of the child's residence or the residence of the person seventeen
2 years of age, or the county in which the offense pursuant to
3 subdivision (3) of subsection 1 of this section is alleged to
4 have occurred for further action;

5 (3) Upon motion of any party or on its own motion, the
6 court in which jurisdiction has been taken pursuant to subsection
7 1 of this section may at any time thereafter transfer
8 jurisdiction of a child or person seventeen years of age to the
9 court located in the county of the child's residence or the
10 residence of the person seventeen years of age for further action
11 with the prior consent of the receiving court;

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

19 (5) Upon motion of any child or person seventeen years of
20 age or his or her parent, the court having jurisdiction shall
21 grant one change of judge pursuant to Missouri supreme court
22 rules;

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

28 3. In any proceeding involving any child or person

1 seventeen years of age taken into custody in a county other than
2 the county of the child's residence or the residence of a person
3 seventeen years of age, the juvenile court of the county of the
4 child's residence or the residence of a person seventeen years of
5 age shall be notified of such taking into custody within
6 seventy-two hours.

7 4. When an investigation by a juvenile officer pursuant to
8 this section reveals that the only basis for action involves an
9 alleged violation of section 167.031 involving a child who
10 alleges to be home schooled, the juvenile officer shall contact a
11 parent or parents of such child to verify that the child is being
12 home schooled and not in violation of section 167.031 before
13 making a report of such a violation. Any report of a violation
14 of section 167.031 made by a juvenile officer regarding a child
15 who is being home schooled shall be made to the prosecuting
16 attorney of the county where the child legally resides.

17 5. The disability or disease of a parent shall not
18 constitute a basis for a determination that a child is a child in
19 need of care or for the removal of custody of a child from the
20 parent without a specific showing that there is a causal relation
21 between the disability or disease and harm to the child.

22 211.036. 1. If a youth under the age of twenty-one is
23 released from the custody of the children's division and after
24 such release it appears that it would be in such youth's best
25 interest to have his or her custody returned to the children's
26 division, the juvenile officer, the children's division or the
27 youth may petition the court to return custody of such youth to
28 the division until the youth is twenty-one years of age. The

1 petition shall be filed in the court that previously exercised
2 authority over the youth under section 211.031. If such petition
3 is not heard within six months of the filing date, the petition
4 may be filed in the court where the youth resides or in the court
5 of an adjacent county. In deciding if it is in the best
6 interests of the youth to be returned to the custody of the
7 division under this section, the court shall consider the
8 following factors:

9 (1) The circumstances of the youth;

10 (2) Whether the children's division has services or
11 programs in place that will benefit the youth and assist the
12 youth in transitioning to self-sufficiency; and

13 (3) Whether the youth has the commitment to fully cooperate
14 with the division in developing and implementing a case plan.

15
16 The court shall not return a youth to the custody of the division
17 who has been committed to the custody of another agency; who is
18 under a legal guardianship; or who has pled guilty or who has
19 been found guilty of a felony criminal offense.

20 2. The youth shall cooperate with the case plan developed
21 for the youth by the children's division in consultation with the
22 youth.

23 3. For purposes of this section, a "youth" is any person
24 eighteen years of age or older and under twenty-one years of age
25 who was in the custody of the children's division in foster care
26 at any time in the two-year period preceding the youth's
27 eighteenth birthday.

28 4. The court may, upon motion of the children's division or

1 the youth, terminate care and supervision before the youth's
2 twenty-first birthday if the division does not have services
3 available for the youth or if the youth declines to cooperate
4 with the case plan.

5 455.010. As used in this chapter, unless the context
6 clearly indicates otherwise, the following terms shall mean:

7 (1) "Abuse" includes but is not limited to the occurrence
8 of any of the following acts, attempts or threats against a
9 person who may be protected pursuant to this chapter, except
10 abuse shall not include abuse inflicted on a child by accidental
11 means by an adult household member or discipline of a child,
12 including spanking, in a reasonable manner:

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

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

17 (c) "Coercion", compelling another by force or threat of
18 force to engage in conduct from which the latter has a right to
19 abstain or to abstain from conduct in which the person has a
20 right to engage;

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

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

30 b. Peering in the window or lingering outside the residence

1 of another; but does not include constitutionally protected
2 activity;

3 (e) "Sexual assault", causing or attempting to cause
4 another to engage involuntarily in any sexual act by force,
5 threat of force, [or] duress, or without that person's consent;

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

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

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

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

14 (5) "Domestic violence", abuse or stalking committed by a
15 family or household member, as such terms are defined in this
16 section;

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

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

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

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

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

5 (11) "Petitioner", a family or household member who has
6 been a victim of domestic violence, or any person who has been
7 the victim of stalking or sexual assault, or a person filing on
8 behalf of a child pursuant to section 455.503 who has filed a
9 verified petition pursuant to the provisions of section 455.020
10 or section 455.505;

11 (12) "Respondent", the family or household member alleged
12 to have committed an act of domestic violence, or person alleged
13 to have committed an act of stalking or sexual assault, against
14 whom a verified petition has been filed or a person served on
15 behalf of a child pursuant to section 455.503;

16 (13) "Sexual assault", as defined under subdivision (1) of
17 this section;

18 (14) "Stalking" is when any person purposely [and
19 repeatedly] engages in an unwanted course of conduct that causes
20 alarm to another person , or a person who resides together in the
21 same household with the person seeking the order of protection
22 when it is reasonable in that person's situation to have been
23 alarmed by the conduct. As used in this subdivision:

24 (a) "Alarm" means to cause fear of danger of physical harm;
25 and

26 (b) "Course of conduct" means a pattern of conduct composed
27 of [repeated] two or more acts over a period of time, however
28 short, that serves no legitimate purpose. Such conduct may
29 include, but is not limited to, following the other person or
30 unwanted communication or unwanted contact[; and

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

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

9 2. A person's right to relief under sections 455.010 to
10 455.085 shall not be affected by the person leaving the residence
11 or household to avoid domestic violence.

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

15 455.032. In addition to any other jurisdictional grounds
16 provided by law, a court shall have jurisdiction to enter an
17 order of protection restraining or enjoining the respondent from
18 committing or threatening to commit domestic violence, stalking,
19 sexual assault, molesting or disturbing the peace of petitioner,
20 pursuant to sections 455.010 to 455.085, if the petitioner is
21 present, whether permanently or on a temporary basis within the
22 state of Missouri and if the respondent's actions constituting
23 domestic violence have occurred, have been attempted or have been
24 or are threatened within the state of Missouri. For purposes of
25 this section, if the petitioner has been the subject of domestic
26 violence within or outside of the state of Missouri, such
27 evidence shall be admissible to demonstrate the need for
28 protection in Missouri.

29 455.040. 1. Not later than fifteen days after the filing
30 of a petition that meets the requirements of section 455.020, a

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

1 subsection, a finding by the court of a subsequent act of
2 domestic violence [or], stalking, or sexual assault is not
3 required for a renewal order of protection.

4 2. The court shall cause a copy of the petition and notice
5 of the date set for the hearing on such petition and any ex parte
6 order of protection to be served upon the respondent as provided
7 by law or by any sheriff or police officer at least three days
8 prior to such hearing. The court shall cause a copy of any full
9 order of protection to be served upon or mailed by certified mail
10 to the respondent at the respondent's last known address. Notice
11 of an ex parte or full order of protection shall be served at the
12 earliest time, and service of such notice shall take priority
13 over service in other actions, except those of a similar
14 emergency nature. Failure to serve or mail a copy of the full
15 order of protection to the respondent shall not affect the
16 validity or enforceability of a full order of protection.

17 3. A copy of any order of protection granted pursuant to
18 sections 455.010 to 455.085 shall be issued to the petitioner and
19 to the local law enforcement agency in the jurisdiction where the
20 petitioner resides. The clerk shall also issue a copy of any
21 order of protection to the local law enforcement agency
22 responsible for maintaining the Missouri uniform law enforcement
23 system or any other comparable law enforcement system the same
24 day the order is granted. The law enforcement agency responsible
25 for maintaining MULES shall, for purposes of verification, within
26 twenty-four hours from the time the order is granted, enter
27 information contained in the order including but not limited to
28 any orders regarding child custody or visitation and all
29 specifics as to times and dates of custody or visitation that are
30 provided in the order. A notice of expiration or of termination

1 of any order of protection or any change in child custody or
2 visitation within that order shall be issued to the local law
3 enforcement agency and to the law enforcement agency responsible
4 for maintaining MULES or any other comparable law enforcement
5 system. The law enforcement agency responsible for maintaining
6 the applicable law enforcement system shall enter such
7 information in the system within twenty-four hours of receipt of
8 information evidencing such expiration or termination. The
9 information contained in an order of protection may be entered in
10 the Missouri uniform law enforcement system or comparable law
11 enforcement system using a direct automated data transfer from
12 the court automated system to the law enforcement system.

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

22 455.045. Any ex parte order of protection granted pursuant
23 to sections 455.010 to 455.085 shall be to protect the petitioner
24 from domestic violence [or], stalking, or sexual assault and may
25 include:

26 (1) Restraining the respondent from committing or
27 threatening to commit domestic violence, molesting, stalking,
28 sexual assault, or disturbing the peace of the petitioner;

29 (2) Restraining the respondent from entering the premises
30 of the dwelling unit of petitioner when the dwelling unit is:

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

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

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

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

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

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

16 455.050. 1. Any full or ex parte order of protection
17 granted pursuant to sections 455.010 to 455.085 shall be to
18 protect the petitioner from domestic violence, stalking, or
19 sexual assault and may include such terms as the court reasonably
20 deems necessary to ensure the petitioner's safety, including but
21 not limited to:

22 (1) Temporarily enjoining the respondent from committing or
23 threatening to commit domestic violence, molesting, stalking,
24 sexual assault, or disturbing the peace of the petitioner;

25 (2) Temporarily enjoining the respondent from entering the
26 premises of the dwelling unit of the petitioner when the dwelling
27 unit is:

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

30 (b) Owned, leased, rented or occupied by petitioner

1 individually; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 4. A verified petition seeking orders for maintenance,
26 support, custody, visitation, payment of rent, payment of
27 monetary compensation, possession of personal property,
28 prohibiting the transfer, encumbrance, or disposal of property,
29 or payment for services of a shelter for victims of domestic
30 violence, shall contain allegations relating to those orders and

1 shall pray for the orders desired.

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

11 6. The court shall grant to the noncustodial parent rights
12 to visitation with any minor child born to or adopted by the
13 parties, unless the court finds, after hearing, that visitation
14 would endanger the child's physical health, impair the child's
15 emotional development or would otherwise conflict with the best
16 interests of the child, or that no visitation can be arranged
17 which would sufficiently protect the custodial parent from
18 further domestic violence. The court may appoint a guardian ad
19 litem or court-appointed special advocate to represent the minor
20 child in accordance with chapter 452 whenever the custodial
21 parent alleges that visitation with the noncustodial parent will
22 damage the minor child.

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

29 8. The court may grant a maintenance order to a party for a
30 period of time, not to exceed one hundred eighty days. Any

1 maintenance ordered by the court shall be in accordance with
2 chapter 452.

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

11 2. The law enforcement agency shall apply the same standard
12 for response to an alleged incident of domestic violence [or], stalking,
13 sexual assault, or a violation of any order of
14 protection as applied to any like offense involving strangers,
15 except as otherwise provided by law. Law enforcement agencies
16 shall not assign lower priority to calls involving alleged
17 incidents of domestic violence [or], stalking, sexual assault, or
18 violation of protection orders than is assigned in responding to
19 offenses involving strangers. Existence of any of the following
20 factors shall be interpreted as indicating a need for immediate
21 response:

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

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

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

27 3. Law enforcement agencies may establish domestic crisis
28 teams or, if the agency has fewer than five officers whose
29 responsibility it is to respond to calls of this nature,
30 individual officers trained in methods of dealing with domestic

1 violence. Such teams or individuals may be supplemented by
2 social workers, ministers or other persons trained in counseling
3 or crisis intervention. When an alleged incident of domestic
4 violence is reported, the agency may dispatch a crisis team or
5 specially trained officer, if available, to the scene of the
6 incident.

7 4. The officer at the scene of an alleged incident of
8 domestic violence [or], stalking, or sexual assault shall inform
9 the abused party of available judicial remedies for relief from
10 domestic violence and of available shelters for victims of
11 domestic violence.

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

15 455.085. 1. When a law enforcement officer has probable
16 cause to believe a party has committed a violation of law
17 amounting to domestic violence, as defined in section 455.010,
18 against a family or household member, the officer may arrest the
19 offending party whether or not the violation occurred in the
20 presence of the arresting officer. When the officer declines to
21 make arrest pursuant to this subsection, the officer shall make a
22 written report of the incident completely describing the
23 offending party, giving the victim's name, time, address, reason
24 why no arrest was made and any other pertinent information. Any
25 law enforcement officer subsequently called to the same address
26 within a twelve-hour period, who shall find probable cause to
27 believe the same offender has again committed a violation as
28 stated in this subsection against the same or any other family or
29 household member, shall arrest the offending party for this
30 subsequent offense. The primary report of nonarrest in the

1 preceding twelve-hour period may be considered as evidence of the
2 defendant's intent in the violation for which arrest occurred.
3 The refusal of the victim to sign an official complaint against
4 the violator shall not prevent an arrest under this subsection.

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

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

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

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

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

28 No law enforcement officer investigating an incident of domestic
29 violence shall threaten the arrest of all parties for the purpose
30 of discouraging requests or law enforcement intervention by any

1 party. Where complaints are received from two or more opposing
2 parties, the officer shall evaluate each complaint separately to
3 determine whether the officer should seek a warrant for an
4 arrest.

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

11 5. When a person against whom an order of protection has
12 been entered fails to surrender custody of minor children to the
13 person to whom custody was awarded in an order of protection, the
14 law enforcement officer shall arrest the respondent, and shall
15 turn the minor children over to the care and custody of the party
16 to whom such care and custody was awarded.

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

20 7. A violation of the terms and conditions, with regard to
21 domestic violence, stalking, sexual assault, child custody,
22 communication initiated by the respondent or entrance upon the
23 premises of the petitioner's dwelling unit or place of employment
24 or school, or being within a certain distance of the petitioner
25 or a child of the petitioner, of an ex parte order of protection
26 of which the respondent has notice, shall be a class A
27 misdemeanor unless the respondent has previously pleaded guilty
28 to or has been found guilty in any division of the circuit court
29 of violating an ex parte order of protection or a full order of
30 protection within five years of the date of the subsequent

1 violation, in which case the subsequent violation shall be a
2 class E felony. Evidence of prior pleas of guilty or findings of
3 guilt shall be heard by the court out of the presence of the jury
4 prior to submission of the case to the jury. If the court finds
5 the existence of such prior pleas of guilty or finding of guilt
6 beyond a reasonable doubt, the court shall decide the extent or
7 duration of sentence or other disposition and shall not instruct
8 the jury as to the range of punishment or allow the jury to
9 assess and declare the punishment as a part of its verdict.

10 8. A violation of the terms and conditions, with regard to
11 domestic violence, stalking, sexual assault, child custody,
12 communication initiated by the respondent or entrance upon the
13 premises of the petitioner's dwelling unit or place of employment
14 or school, or being within a certain distance of the petitioner
15 or a child of the petitioner, of a full order of protection shall
16 be a class A misdemeanor, unless the respondent has previously
17 pleaded guilty to or has been found guilty in any division of the
18 circuit court of violating an ex parte order of protection or a
19 full order of protection within five years of the date of the
20 subsequent violation, in which case the subsequent violation
21 shall be a class E felony. Evidence of prior pleas of guilty or
22 findings of guilt shall be heard by the court out of the presence
23 of the jury prior to submission of the case to the jury. If the
24 court finds the existence of such prior plea of guilty or finding
25 of guilt beyond a reasonable doubt, the court shall decide the
26 extent or duration of the sentence or other disposition and shall
27 not instruct the jury as to the range of punishment or allow the
28 jury to assess and declare the punishment as a part of its
29 verdict. For the purposes of this subsection, in addition to the
30 notice provided by actual service of the order, a party is deemed

1 to have notice of an order of protection if the law enforcement
2 officer responding to a call of a reported incident of domestic
3 violence, stalking, sexual assault, or violation of an order of
4 protection presented a copy of the order of protection to the
5 respondent.

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

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

12 455.085. 1. When a law enforcement officer has probable
13 cause to believe a party has committed a violation of law
14 amounting to domestic violence, as defined in section 455.010,
15 against a family or household member, the officer may arrest the
16 offending party whether or not the violation occurred in the
17 presence of the arresting officer. When the officer declines to
18 make arrest pursuant to this subsection, the officer shall make a
19 written report of the incident completely describing the
20 offending party, giving the victim's name, time, address, reason
21 why no arrest was made and any other pertinent information. Any
22 law enforcement officer subsequently called to the same address
23 within a twelve-hour period, who shall find probable cause to
24 believe the same offender has again committed a violation as
25 stated in this subsection against the same or any other family or
26 household member, shall arrest the offending party for this
27 subsequent offense. The primary report of nonarrest in the
28 preceding twelve-hour period may be considered as evidence of the
29 defendant's intent in the violation for which arrest occurred.
30 The refusal of the victim to sign an official complaint against

1 the violator shall not prevent an arrest under this subsection.

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

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

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

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

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

25 No law enforcement officer investigating an incident of domestic
26 violence shall threaten the arrest of all parties for the purpose
27 of discouraging requests or law enforcement intervention by any
28 party. Where complaints are received from two or more opposing
29 parties, the officer shall evaluate each complaint separately to
30 determine whether the officer should seek a warrant for an

1 arrest.

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

8 5. When a person against whom an order of protection has
9 been entered fails to surrender custody of minor children to the
10 person to whom custody was awarded in an order of protection, the
11 law enforcement officer shall arrest the respondent, and shall
12 turn the minor children over to the care and custody of the party
13 to whom such care and custody was awarded.

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

17 7. A violation of the terms and conditions, with regard to
18 domestic violence, stalking, sexual assault, child custody,
19 communication initiated by the respondent or entrance upon the
20 premises of the petitioner's dwelling unit or place of employment
21 or school, or being within a certain distance of the petitioner
22 or a child of the petitioner, of an ex parte order of protection
23 of which the respondent has notice, shall be a class A
24 misdemeanor unless the respondent has previously pleaded guilty
25 to or has been found guilty in any division of the circuit court
26 of violating an ex parte order of protection or a full order of
27 protection within five years of the date of the subsequent
28 violation, in which case the subsequent violation shall be a
29 class D felony. Evidence of prior pleas of guilty or findings of
30 guilt shall be heard by the court out of the presence of the jury

1 prior to submission of the case to the jury. If the court finds
2 the existence of such prior pleas of guilty or finding of guilt
3 beyond a reasonable doubt, the court shall decide the extent or
4 duration of sentence or other disposition and shall not instruct
5 the jury as to the range of punishment or allow the jury to
6 assess and declare the punishment as a part of its verdict.

7 8. A violation of the terms and conditions, with regard to
8 domestic violence, stalking, sexual assault, child custody,
9 communication initiated by the respondent or entrance upon the
10 premises of the petitioner's dwelling unit or place of employment
11 or school, or being within a certain distance of the petitioner
12 or a child of the petitioner, of a full order of protection shall
13 be a class A misdemeanor, unless the respondent has previously
14 pleaded guilty to or has been found guilty in any division of the
15 circuit court of violating an ex parte order of protection or a
16 full order of protection within five years of the date of the
17 subsequent violation, in which case the subsequent violation
18 shall be a class D felony. Evidence of prior pleas of guilty or
19 findings of guilt shall be heard by the court out of the presence
20 of the jury prior to submission of the case to the jury. If the
21 court finds the existence of such prior plea of guilty or finding
22 of guilt beyond a reasonable doubt, the court shall decide the
23 extent or duration of the sentence or other disposition and shall
24 not instruct the jury as to the range of punishment or allow the
25 jury to assess and declare the punishment as a part of its
26 verdict. For the purposes of this subsection, in addition to the
27 notice provided by actual service of the order, a party is deemed
28 to have notice of an order of protection if the law enforcement
29 officer responding to a call of a reported incident of domestic
30 violence, stalking, sexual assault, or violation of an order of

1 protection presented a copy of the order of protection to the
2 respondent.

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

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

9 455.503. 1. A petition for an order of protection for a
10 child shall be filed in the county where the child resides, where
11 the alleged incident of domestic violence [or], stalking, or
12 sexual assault occurred, or where the respondent may be served.

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

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

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

17 (3) The juvenile officer.

18 455.505. 1. An order of protection for a child who has
19 been subject to domestic violence by a present or former
20 household member or [person] sexual assault or stalking [the
21 child] by any person may be sought under sections 455.500 to
22 455.538 by the filing of a verified petition alleging such
23 domestic violence [or], stalking, or sexual assault by the
24 respondent.

25 2. A child's right to relief under sections 455.500 to
26 455.538 shall not be affected by the child's leaving the
27 residence or household to avoid domestic violence.

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

1 455.513. 1. Upon the filing of a verified petition under
2 sections 455.500 to 455.538, for good cause shown in the
3 petition, and upon finding that no prior order regarding custody
4 is pending or has been made or that the respondent is less than
5 seventeen years of age, the court may immediately issue an ex
6 parte order of protection. An immediate and present danger of
7 domestic violence [or], stalking, or sexual assault to a child
8 shall constitute good cause for purposes of this section. An ex
9 parte order of protection entered by the court shall be in effect
10 until the time of the hearing. The court shall deny the ex parte
11 order and dismiss the petition if the petitioner is not
12 authorized to seek relief pursuant to section 455.505.

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

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

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

30 455.520. 1. Any ex parte order of protection granted under

1 sections 455.500 to 455.538 shall be to protect the victim from
2 domestic violence [or], stalking, or sexual assault and may
3 include such terms as the court reasonably deems necessary to
4 ensure the victim's safety, including but not limited to:

5 (1) Restraining the respondent from committing or
6 threatening to commit domestic violence, stalking, sexual
7 assault, molesting, or disturbing the peace of the victim;

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

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

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

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

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

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

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

25 455.523. 1. Any full order of protection granted under
26 sections 455.500 to 455.538 shall be to protect the victim from
27 domestic violence [and], stalking, and sexual assault may include
28 such terms as the court reasonably deems necessary to ensure the
29 petitioner's safety, including but not limited to:

30 (1) Temporarily enjoining the respondent from committing

1 domestic violence or sexual assault, threatening to commit
2 domestic violence or sexual assault, stalking, molesting, or
3 disturbing the peace of the victim;

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

7 (3) Temporarily enjoining the respondent from communicating
8 with the victim in any manner or through any medium, except as
9 specifically authorized by the court.

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

12 (1) Award custody of any minor child born to or adopted by
13 the parties when the court has jurisdiction over such child and
14 no prior order regarding custody is pending or has been made, and
15 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
18 rule 88.01 and chapter 452;

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

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

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

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

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

5 455.538. 1. When a law enforcement officer has probable
6 cause to believe that a party, against whom a protective order
7 for a child has been entered, has committed an act in violation
8 of that order, the officer shall have the authority to arrest the
9 respondent whether or not the violation occurred in the presence
10 of the arresting officer.

11 2. When a person, against whom an order of protection for a
12 child has been entered, fails to surrender custody of minor
13 children to the person to whom custody was awarded in an order of
14 protection, the law enforcement officer shall arrest the
15 respondent, and shall turn the minor children over to the care
16 and custody of the party to whom such care and custody was
17 awarded.

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

21 4. (1) Violation of the terms and conditions of an ex
22 parte or full order of protection with regard to domestic
23 violence, stalking, sexual assault, child custody, communication
24 initiated by the respondent, or entrance upon the premises of the
25 victim's dwelling unit or place of employment or school, or being
26 within a certain distance of the petitioner or a child of the
27 petitioner, of which the respondent has notice, shall be a class
28 A misdemeanor, unless the respondent has previously pleaded
29 guilty to or has been found guilty in any division of the circuit
30 court of violating an ex parte order of protection or a full

1 order of protection within five years of the date of the
2 subsequent violation, in which case the subsequent violation
3 shall be a class E felony. Evidence of a prior plea of guilty or
4 finding of guilt shall be heard by the court out of the presence
5 of the jury prior to submission of the case to the jury. If the
6 court finds the existence of a prior plea of guilty or finding of
7 guilt beyond a reasonable doubt, the court shall decide the
8 extent or duration of sentence or other disposition and shall not
9 instruct the jury as to the range of punishment or allow the jury
10 to assess and declare the punishment as a part of its verdict.

11 (2) For purposes of this subsection, in addition to the
12 notice provided by actual service of the order, a party is deemed
13 to have notice of an order of protection for a child if the law
14 enforcement officer responding to a call of a reported incident
15 of domestic violence [or], stalking, sexual assault, or violation
16 of an order of protection for a child presents a copy of the
17 order of protection to the respondent.

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

23 455.538. 1. When a law enforcement officer has probable
24 cause to believe that a party, against whom a protective order
25 for a child has been entered, has committed an act in violation
26 of that order, the officer shall have the authority to arrest the
27 respondent whether or not the violation occurred in the presence
28 of the arresting officer.

29 2. When a person, against whom an order of protection for a
30 child has been entered, fails to surrender custody of minor

1 children to the person to whom custody was awarded in an order of
2 protection, the law enforcement officer shall arrest the
3 respondent, and shall turn the minor children over to the care
4 and custody of the party to whom such care and custody was
5 awarded.

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

9 4. (1) Violation of the terms and conditions of an ex
10 parte or full order of protection with regard to domestic
11 violence, stalking, sexual assault, child custody, communication
12 initiated by the respondent, or entrance upon the premises of the
13 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
15 petitioner, of which the respondent has notice, shall be a class
16 A misdemeanor, unless the respondent has previously pleaded
17 guilty to or has been found guilty in any division of the circuit
18 court of violating an ex parte order of protection or a full
19 order of protection within five years of the date of the
20 subsequent violation, in which case the subsequent violation
21 shall be a class D felony. Evidence of a prior plea of guilty or
22 finding of guilt shall be heard by the court out of the presence
23 of the jury prior to submission of the case to the jury. If the
24 court finds the existence of a prior plea of guilty or finding of
25 guilt beyond a reasonable doubt, the court shall decide the
26 extent or duration of sentence or other disposition and shall not
27 instruct the jury as to the range of punishment or allow the jury
28 to assess and declare the punishment as a part of its verdict.

29 (2) For purposes of this subsection, in addition to the
30 notice provided by actual service of the order, a party is deemed

1 to have notice of an order of protection for a child if the law
2 enforcement officer responding to a call of a reported incident
3 of domestic violence **[or]**, stalking, sexual assault, or violation
4 of an order of protection for a child presents a copy of the
5 order of protection to the respondent.

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