

FIRST REGULAR SESSION

HOUSE BILL NO. 505

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES KELLY (24) (Sponsor), SILVEY, TALBOY, SCHUPP, PETERS-BAKER, COLONA, CARTER, JONES (63), LAMPE, TILLEY, JONES (89), SOLON, LICHTENEGGER, BRANDOM, NEWMAN, KIRKTON, STILL, SPRENG, WEBBER, BLACK, McNEIL, McMANUS, CARLSON, OXFORD, RIZZO, MAY, FRANKLIN, RICHARDSON, FREDERICK, FAITH, DIEHL, HOSKINS, SWEARINGEN, ELMER, HINSON, HOUGH, BROWN (50), BURLISON AND SCHNEIDER (Co-sponsors).

1478L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 43.545, 452.375, 455.010, 455.050, 455.200, 455.501, 455.516, 455.520, 455.523, 455.538, 455.540, 455.543, 527.290, and 595.100, RSMo, and to enact in lieu thereof thirteen new sections relating to domestic violence, with penalty provisions.

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

Section A. Sections 43.545, 452.375, 455.010, 455.050, 455.200, 455.501, 455.516, 2 455.520, 455.523, 455.538, 455.540, 455.543, 527.290, and 595.100, RSMo, are repealed and 3 thirteen new sections enacted in lieu thereof, to be known as sections 43.545, 452.375, 455.010, 4 455.050, 455.200, 455.516, 455.520, 455.523, 455.538, 455.543, 455.549, 527.290, and 595.100, 5 to read as follows:

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

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

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.

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

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

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

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

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

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

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

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

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

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

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

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

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

38 3. (1) In any court proceedings relating to custody of a child, the court shall not award
39 custody or unsupervised visitation of a child to a parent if such parent or any person residing with

40 such parent has been found guilty of, or pled guilty to, any of the following offenses when a child
41 was the victim:

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

45 (b) A violation of section 568.020;

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

47 (d) A violation of section 568.065;

48 (e) A violation of section 568.080;

49 (f) A violation of section 568.090; or

50 (g) A violation of section 568.175.

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

57 4. The general assembly finds and declares that it is the public policy of this state that
58 frequent, continuing and meaningful contact with both parents after the parents have separated
59 or dissolved their marriage is in the best interest of the child, except for cases where the court
60 specifically finds that such contact is not in the best interest of the child, and that it is the public
61 policy of this state to encourage parents to participate in decisions affecting the health, education
62 and welfare of their children, and to resolve disputes involving their children amicably through
63 alternative dispute resolution. In order to effectuate these policies, the court shall determine the
64 custody arrangement which will best assure both parents participate in such decisions and have
65 frequent, continuing and meaningful contact with their children so long as it is in the best
66 interests of the child.

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

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

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

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

77 (4) Sole custody to either parent; or

78 (5) Third-party custody or visitation:

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

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

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

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

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

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

110 10. Unless a parent has been denied custody rights pursuant to this section or visitation
111 rights under section 452.400, both parents shall have access to records and information
112 pertaining to a minor child, including, but not limited to, medical, dental, and school records.
113 If the parent without custody has been granted restricted or supervised visitation because the
114 court has found that the parent with custody or any child has been the victim of domestic
115 violence, as defined in section [455.200] **455.010**, by the parent without custody, the court may

116 order that the reports and records made available pursuant to this subsection not include the
117 address of the parent with custody or the child. Unless a parent has been denied custody rights
118 pursuant to this section or visitation rights under section 452.400, any judgment of dissolution
119 or other applicable court order shall specifically allow both parents access to such records and
120 reports.

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

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

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

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

3 (1) "Abuse" includes but is not limited to the occurrence of any of the following acts,
4 attempts or threats against a person who may be protected [pursuant to sections 455.010 to
5 455.085] **under this chapter**:

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

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

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

13 (d) "Harassment", engaging in a purposeful or knowing course of conduct involving
14 more than one incident that alarms or causes distress to another adult and serves no legitimate

15 purpose. The course of conduct must be such as would cause a reasonable adult to suffer
16 substantial emotional distress and must actually cause substantial emotional distress to the
17 petitioner. Such conduct might include, but is not limited to:

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

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

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

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

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

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

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

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

30 [(4)] (6) "Ex parte order of protection", an order of protection issued by the court before
31 the respondent has received notice of the petition or an opportunity to be heard on it;

32 [(5)] (7) "Family" or "household member", spouses, former spouses, [adults] **any person**
33 related by blood or marriage, [adults] **persons** who are presently residing together or have
34 resided together in the past, [an adult] **any person** who is or has been in a continuing social
35 relationship of a romantic or intimate nature with the victim, and [adults who have] **any person**
36 **who has** a child in common **with another person** regardless of whether they have been married
37 or have resided together at any time;

38 [(6)] (8) "Full order of protection", an order of protection issued after a hearing on the
39 record where the respondent has received notice of the proceedings and has had an opportunity
40 to be heard;

41 [(7)] (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 [(8)] (11) "Petitioner", a family or household member or [an adult] **any person** who has
45 been the victim of stalking **or a person filing on behalf of a child under section 455.503**, who
46 has filed a verified petition pursuant to the provisions of section 455.020;

47 [(9)] (12) "Respondent", the family or household member or adult alleged to have
48 committed an act of stalking, against whom a verified petition has been filed;

49 [(10)] (13) "Stalking" is when [an adult] **any person** purposely and repeatedly engages
50 in an unwanted course of conduct that causes alarm to another person when it is reasonable in
51 that person's situation to have been alarmed by the conduct. As used in this subdivision:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 protection may be renewed for an additional period of time the court deems appropriate, except
20 that the protective order shall be valid for at least one hundred eighty days and not more than one
21 year from the expiration date of the second full order of protection. If for good cause a hearing
22 cannot be held on the motion to renew the second full order of protection prior to the expiration
23 date of the second order, an ex parte order of protection may be issued until a hearing is held on
24 the motion. For purposes of this subsection, a finding by the court of a subsequent act of abuse
25 is not required for a renewal order of protection.

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

35 3. A copy of any order of protection granted under sections 455.500 to 455.538 shall be
36 issued to the petitioner and to the local law enforcement agency in the jurisdiction where the
37 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 (MULES) or any other comparable law enforcement system the same day the order is granted.
40 The law enforcement agency responsible for maintaining MULES shall enter information
41 contained in the order for purposes of verification within twenty-four hours from the time the
42 order is granted. A notice of expiration or of termination of any order of protection shall be
43 issued to such local law enforcement agency and to the law enforcement agency responsible for
44 maintaining MULES or any other comparable law enforcement system. The law enforcement
45 agency responsible for maintaining the applicable law enforcement system shall enter such
46 information in the system. The information contained in an order of protection may be entered
47 in the Missouri uniform law enforcement system or comparable law enforcement system using
48 a direct automated data transfer from the court automated system to the law enforcement system.

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

455.520. 1. Any ex parte order of protection granted under sections 455.500 to 455.538
2 shall be to protect the victim from [abuse] **domestic violence** and may include:

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

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

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

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

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

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

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

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

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

455.523. 1. Any full order of protection granted under sections 455.500 to 455.538 shall
2 be to protect the victim from [abuse] **domestic violence** and may include:

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

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

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

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

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

15 (2) Award visitation;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**455.549. 1. In consultation with the statewide domestic violence coalition, the
2 division of probation and parole within the department of corrections shall promulgate
3 rules to establish standards and to adopt a credentialing process for any court-appointed
4 batterer intervention program.**

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

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 or any adjacent county, then
4 such notice shall be given in a newspaper published in the city of St. Louis, or at the seat of
5 government.

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

8 (1) The victim of a crime, the underlying factual basis of which is found by the court on
9 the record to include an act of domestic violence, as defined in section [455.200] **455.010**;

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

11 (3) The victim of abuse by a family or household member, as defined in section 455.010.

595.100. 1. There is hereby established in the state treasury the "Services to Victims
2 Fund" which shall consist of money collected pursuant to section 595.045. The fund shall be
3 administered by the department of public safety. Upon appropriation, money in the fund shall
4 be used solely for the administration of sections 595.050, 595.055 and 595.105; **except that,**
5 **public or private agencies, as defined in section 595.050, shall not use more than ten**
6 **percent of any funds received for administrative purposes.**

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

10 [455.501. As used in sections 455.500 to 455.538, the following terms
11 mean:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

46

2 [455.540. As used in sections 455.540 to 455.547, the following terms
shall mean:

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

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