

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 341
98TH GENERAL ASSEMBLY

1561H.04C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 210.003, 210.221, 210.861, 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 the protection of vulnerable persons, with penalty provisions.

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

Section A. Sections 210.003, 210.221, 210.861, 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and section 455.538 as enacted by house bill no. 215, ninety-seventh general assembly, first regular session, are repealed and twenty-one new sections enacted in lieu thereof, to be known as sections 37.719, 160.975, 210.003, 210.148, 210.221, 210.223, 210.861, 455.010, 455.020, 455.032, 455.040, 455.045, 455.050, 455.080, 455.085, 455.503, 455.505, 455.513, 455.520, 455.523, and 455.538, to read as follows:

37.719. 1. The office shall have the authority to and may conduct an independent review of any entity within a county that has experienced three or more review requests

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.

3 in a calendar year including, but not limited to, children's division, the juvenile office, or
4 guardian ad litem. The office shall establish and implement procedures for reviewing any
5 such entity.

6 2. The office shall have the authority to make the necessary inquiries and review
7 relevant information and records as the office deems necessary in order to conduct such
8 reviews.

9 3. The office may make recommendations on changes to any entity's policies and
10 procedures based on the results of the review in order to improve the delivery of services
11 or the function of the entity. Upon completing a review under the provisions of this section,
12 the office shall submit any findings and recommendations to the children's division and
13 the office of state courts administrator.

160.975. 1. Each public school and charter school shall post in a clearly visible
2 location in a public area of the school that is readily accessible to students a sign in English
3 and in Spanish that contains the toll-free child abuse and neglect hotline number
4 established by the children's division under section 210.145. Additionally, each school shall
5 post signs containing the same information in all student restrooms in the school, to allow
6 for private access to the information by students of either gender.

7 2. The information contained on the signs required under subsection 1 of this
8 section shall be presented on a poster at least 11 inches by 17 inches in size, contain large
9 print, and be placed at eye level to the student for easy viewing. The hotline number shall
10 be displayed in bold print. The signs shall contain instructions to call 911 for emergencies
11 and directions for accessing the children's division website for more information on
12 reporting abuse, neglect, and exploitation.

13 3. The children's division shall create an acronym to help children to remember the
14 toll-free child abuse and neglect hotline number.

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

210.003. 1. No child shall be permitted to enroll in or attend any public, private or
2 parochial day care center, preschool or nursery school caring for ten or more children unless such

3 child has been adequately immunized against vaccine-preventable childhood illnesses specified
4 by the department of health and senior services in accordance with recommendations of the
5 [Immunization Practices Advisory Committee] **Centers for Disease Control and Prevention**
6 **Advisory Committee on Immunization Practices** (ACIP). The parent or guardian of such child
7 shall provide satisfactory evidence of the required immunizations.

8 2. A child who has not completed all immunizations appropriate for his age may enroll,
9 if:

10 (1) Satisfactory evidence is produced that such child has begun the process of
11 immunization. The child may continue to attend as long as the immunization process is being
12 accomplished according to the ACIP/Missouri department of health and senior services
13 recommended schedule; or

14 (2) The parent or guardian has signed and placed on file with the day care administrator
15 a statement of exemption which may be either of the following:

16 (a) A medical exemption, by which a child shall be exempted from the requirements of
17 this section upon certification by a licensed physician that such immunization would seriously
18 endanger the child's health or life; or

19 (b) A parent or guardian exemption, by which a child shall be exempted from the
20 requirements of this section if one parent or guardian files a written objection to immunization
21 with the day care administrator. Exemptions shall be accepted by the day care administrator
22 when the necessary information as determined by the department of health and senior services
23 is filed with the day care administrator by the parent or guardian. Exemption forms shall be
24 provided by the department of health and senior services.

25 3. In the event of an outbreak or suspected outbreak of a vaccine-preventable disease
26 within a particular facility, the administrator of the facility shall follow the control measures
27 instituted by the local health authority or the department of health and senior services or both the
28 local health authority and the department of health and senior services, as established in Rule 19
29 CSR 20-20.040, "Measures for the Control of Communicable Diseases".

30 4. The administrator of each public, private or parochial day care center, preschool or
31 nursery school shall cause to be prepared a record of immunization of every child enrolled in or
32 attending a facility under his jurisdiction. An annual summary report shall be made by January
33 fifteenth showing the immunization status of each child enrolled, using forms provided for this
34 purpose by the department of health and senior services. The immunization records shall be
35 available for review by department of health and senior services personnel upon request.

36 5. For purposes of this section, satisfactory evidence of immunization means a statement,
37 certificate or record from a physician or other recognized health facility or personnel, stating that

38 the required immunizations have been given to the child and verifying the type of vaccine and
39 the month, day and year of administration.

40 6. Nothing in this section shall preclude any political subdivision from adopting more
41 stringent rules regarding the immunization of preschool children.

42 7. **All public, private, and parochial day care centers, preschools, and nursery**
43 **schools shall notify the parent or guardian of each child at the time of initial enrollment**
44 **in or attendance at the facility that the parent or guardian may request notice of whether**
45 **there are children currently enrolled in or attending the facility for whom an immunization**
46 **exemption has been filed. Beginning December 1, 2015, all public, private, and parochial**
47 **day care centers, preschools, and nursery schools shall notify the parent or guardian of**
48 **each child currently enrolled in or attending the facility that the parent or guardian may**
49 **request notice of whether there are children currently enrolled in or attending the facility**
50 **for whom an immunization exemption has been filed. Any public, private, or parochial day**
51 **care center, preschool, or nursery school shall notify the parent or guardian of a child**
52 **enrolled in or attending the facility, upon request, of whether there are children currently**
53 **enrolled in or attending the facility for whom an immunization exemption has been filed.**

210.148. 1. **Notwithstanding any provision of section 210.145 to the contrary, upon**
2 **the receipt of a report under section 210.145 where the subject of the report is a juvenile**
3 **with problem sexual behavior, the division shall immediately communicate such report to**
4 **the appropriate local office along with any relevant information as may be contained in the**
5 **information system. Upon receipt of the report and relevant information, the local office**
6 **shall use a family assessment and services approach, as described in subsection 14 of**
7 **section 210.145 to respond to the allegation contained in the report. For the purposes of**
8 **family assessments performed under this section, the alleged abuse does not have to be**
9 **committed by a person responsible for the care, custody, and control of the child.**

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

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

18 4. **Within one hundred eighty days after August 28, 2015, the division shall**
19 **promulgate rules to implement the provisions of this section. Any rule or portion of a rule,**
20 **as that term is defined in section 536.010 that is created under the authority delegated in**

21 **this section shall become effective only if it complies with and is subject to all of the**
22 **provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536**
23 **are nonseverable, and if any of the powers vested with the general assembly pursuant to**
24 **chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are**
25 **subsequently held unconstitutional, then the grant of rulemaking authority and any rule**
26 **proposed or adopted after August 28, 2015, shall be invalid and void.**

210.221. 1. The department of health and senior services shall have the following
2 powers and duties:

3 (1) After inspection, to grant licenses to persons to operate child-care facilities if
4 satisfied as to the good character and intent of the applicant and that such applicant is qualified
5 and equipped to render care or service conducive to the welfare of children, and to renew the
6 same when expired. No license shall be granted for a term exceeding two years. Each license
7 shall specify the kind of child-care services the licensee is authorized to perform, the number of
8 children that can be received or maintained, and their ages and sex;

9 (2) To inspect the conditions of the homes and other places in which the applicant
10 operates a child-care facility, inspect their books and records, premises and children being
11 served, examine their officers and agents, deny, suspend, place on probation or revoke the license
12 of such persons as fail to obey the provisions of sections 210.201 to 210.245 or the rules and
13 regulations made by the department of health and senior services. The director also may revoke
14 or suspend a license when the licensee fails to renew or surrenders the license;

15 (3) To promulgate and issue rules and regulations the department deems necessary or
16 proper in order to establish standards of service and care to be rendered by such licensees to
17 children. No rule or regulation promulgated by the division shall in any manner restrict or
18 interfere with any religious instruction, philosophies or ministries provided by the facility and
19 shall not apply to facilities operated by religious organizations which are not required to be
20 licensed; [and]

21 (4) **To approve training concerning the safe sleep recommendations of the**
22 **American Academy of Pediatrics in accordance with section 210.223; and**

23 (5) To determine what records shall be kept by such persons and the form thereof, and
24 the methods to be used in keeping such records, and to require reports to be made to the
25 department at regular intervals.

26 2. Any child-care facility may request a variance from a rule or regulation promulgated
27 pursuant to this section. The request for a variance shall be made in writing to the department
28 of health and senior services and shall include the reasons the facility is requesting the variance.
29 The department shall approve any variance request that does not endanger the health or safety
30 of the children served by the facility. The burden of proof at any appeal of a disapproval of a

31 variance application shall be with the department of health and senior services. Local inspectors
32 may grant a variance, subject to approval by the department of health and senior services.

33 3. The department shall deny, suspend, place on probation or revoke a license if it
34 receives official written notice that the local governing body has found that license is prohibited
35 by any local law related to the health and safety of children. The department may, after
36 inspection, find the licensure, denial of licensure, suspension or revocation to be in the best
37 interest of the state.

38 4. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
39 under the authority delegated in sections 210.201 to 210.245 shall become effective only if it
40 complies with and is subject to all of the provisions of chapter 536, and, if applicable, section
41 536.028. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect
42 and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any
43 rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions
44 of law. This section and chapter 536 are nonseverable and if any of the powers vested with the
45 general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove
46 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority
47 and any rule proposed or adopted after August 28, 1999, shall be invalid and void.

**210.223. 1. All licensed child care facilities that provide care for children less than
2 one year of age shall implement and maintain a written safe sleep policy in accordance with
3 the most recent safe sleep recommendations of the American Academy of Pediatrics. The
4 purpose of the safe sleep policy is to maintain a safe sleep environment that reduces the
5 risk of sudden infant death syndrome and sudden unexpected infant deaths in children less
6 than one year of age.**

7 **2. If an infant requires alternative sleep positions or special sleeping arrangements,
8 the child care facility shall be provided with written instructions, signed by the infant's
9 licensed health care provider, detailing the alternative sleep positions or special sleeping
10 arrangements for such infant. The child care facility shall put the infant to sleep in
11 accordance with such written instructions.**

12 **3. As used in this section, the following terms shall mean:**

13 **(1) "Sudden infant death syndrome", the sudden death of an infant less than one
14 year of age that cannot be explained after a thorough investigation has been conducted,
15 including a complete autopsy, an examination of the death scene, and a review of the
16 clinical history;**

17 **(2) "Sudden unexpected infant death", the sudden and unexpected death of an
18 infant less than one year of age in which the manner and cause of death are not
19 immediately obvious prior to investigation. Causes of sudden unexpected infant death**

20 **include, but are not limited to, metabolic disorders, hypothermia or hyperthermia, neglect**
21 **or homicide, poisoning, and accidental suffocation.**

22 **4. All employees of licensed child care facilities who care for infants less than one**
23 **year of age or any volunteer who may be assisting at the facility shall successfully complete**
24 **department-approved training on the most recent safe sleep recommendations of the**
25 **American Academy of Pediatrics every three years.**

26 **5. The department shall promulgate rules to implement the provisions of this**
27 **section. Such rules shall include, but not be limited to:**

28 **(1) Amending any current rules which are not in compliance with the most recent**
29 **safe sleep recommendations of the American Academy of Pediatrics;**

30 **(2) Keeping soft or loose bedding away from sleeping infants and out of safe sleep**
31 **environments including, but not limited to, bumper pads, pillows, quilts, comforters, sleep**
32 **positioning devices, sheepskins, blankets, flat sheets, cloth diapers, bibs, and other similar**
33 **items; and**

34 **(3) Prohibiting blankets or other soft or loose bedding from being hung on the sides**
35 **of cribs.**

36 **6. The department may adopt emergency rules to implement the requirements of**
37 **this section. Any rule or portion of a rule, as that term is defined in section 536.010, that**
38 **is created under the authority delegated in this section shall become effective only if it**
39 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
40 **section 536.028. This section and chapter 536 are nonseverable, and if any of the powers**
41 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**
42 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**
43 **grant of rulemaking authority and any rule proposed or adopted after the effective date**
44 **of this section shall be invalid and void.**

210.861. 1. When the tax prescribed by section 210.860 or section 67.1775 is
2 established, the governing body of the city or county or city not within a county shall appoint a
3 board of directors consisting of nine members, who shall be residents of the city or county or city
4 not within a county. All board members shall be appointed to serve for a term of three years,
5 except that of the first board appointed, three members shall be appointed for one-year terms,
6 three members for two-year terms and three members for three-year terms. Board members may
7 be reappointed. In a city not within a county, or any county of the first classification with a
8 charter form of government with a population not less than nine hundred thousand inhabitants,
9 or any county of the first classification with a charter form of government with a population not
10 less than two hundred thousand inhabitants and not more than six hundred thousand inhabitants,
11 or any noncharter county of the first classification with a population not less than one hundred

12 seventy thousand and not more than two hundred thousand inhabitants, or any noncharter county
13 of the first classification with a population not less than eighty thousand and not more than
14 eighty-three thousand inhabitants, or any third classification county with a population not less
15 than twenty-eight thousand and not more than thirty thousand inhabitants, or any county of the
16 third classification with a population not less than nineteen thousand five hundred and not more
17 than twenty thousand inhabitants the members of the community mental health board of trustees
18 appointed pursuant to the provisions of sections 205.975 to 205.990 shall be the board members
19 for the community children's services fund. The directors shall not receive compensation for
20 their services, but may be reimbursed for their actual and necessary expenses.

21 2. The board shall elect a chairman, vice chairman, treasurer, and such other officers as
22 it deems necessary for its membership. Before taking office, the treasurer shall furnish a surety
23 **bond or comparable insurance coverage for theft, misappropriation, mismanagement, or**
24 **other acts**, in an amount to be determined and in a form to be approved by the board, for the
25 faithful performance of his or her duties and faithful accounting of all moneys that may come
26 into his or her hands. The treasurer shall enter into the surety bond **or comparable insurance**
27 **coverage** with a surety company **or insurer** authorized to do business in Missouri, and the cost
28 of such bond **or comparable insurance coverage** shall be paid by the board of directors. The
29 board shall administer and expend all funds generated pursuant to section 210.860 or section
30 67.1775 in a manner consistent with this section. **The board shall not be mandated to expend**
31 **funds by an act of state legislation without a majority vote of the county or city not within**
32 **a county.**

33 3. The board may contract with public or not-for-profit agencies licensed or certified
34 where appropriate to provide qualified services and may place conditions on the use of such
35 funds. The board shall reserve the right to audit the expenditure of any and all funds. The board
36 and any agency with which the board contracts may establish eligibility standards for the use of
37 such funds and the receipt of services. No member of the board shall serve on the governing
38 body, have any financial interest in, or be employed by any agency which is a recipient of funds
39 generated pursuant to section 210.860 or section 67.1775.

40 4. Revenues collected and deposited in the community children's services fund may be
41 expended for the purchase of the following services:

42 (1) Up to thirty days of temporary shelter for abused, neglected, runaway, homeless or
43 emotionally disturbed youth; respite care services; and services to unwed mothers;

44 (2) Outpatient chemical dependency and psychiatric treatment programs; counseling and
45 related services as a part of transitional living programs; home-based and community-based
46 family intervention programs; unmarried parent services; crisis intervention services, inclusive

47 of telephone hotlines; and prevention programs which promote healthy lifestyles among children
48 and youth and strengthen families;

49 (3) Individual, group, or family professional counseling and therapy services;
50 psychological evaluations; and mental health screenings.

51 **5. Any county or city not within a county in which voters have approved the levy**
52 **of a tax under section 67.1775 or section 210.860 shall not add services in addition to those**
53 **which are set forth in subsection 4 of this section at the time such levy is approved by the**
54 **voters, unless such services authorized by statute after the voters have approved the levy**
55 **are approved by the voters in the same manner as the original levy was approved. A**
56 **proposal to add services shall be approved as set forth in section 67.1775 or section 210.860.**

57 **6.** Revenues collected and deposited in the community children's services fund may not
58 be expended for inpatient medical, psychiatric, and chemical dependency services, or for
59 transportation services.

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

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

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

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

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

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

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

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

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

- 24 (f) "Unlawful imprisonment", holding, confining, detaining or abducting another person
25 against that person's will;
- 26 (2) "Adult", any person seventeen years of age or older or otherwise emancipated;
- 27 (3) "Child", any person under seventeen years of age unless otherwise emancipated;
- 28 (4) "Court", the circuit or associate circuit judge or a family court commissioner;
- 29 (5) "Domestic violence", abuse or stalking committed by a family or household member,
30 as such terms are defined in this section;
- 31 (6) "Ex parte order of protection", an order of protection issued by the court before the
32 respondent has received notice of the petition or an opportunity to be heard on it;
- 33 (7) "Family" or "household member", spouses, former spouses, any person related by
34 blood or marriage, persons who are presently residing together or have resided together in the
35 past, any person who is or has been in a continuing social relationship of a romantic or intimate
36 nature with the victim, and anyone who has a child in common regardless of whether they have
37 been married or have resided together at any time;
- 38 (8) "Full order of protection", an order of protection issued after a hearing on the record
39 where the respondent has received notice of the proceedings and has had an opportunity to be
40 heard;
- 41 (9) "Order of protection", either an ex parte order of protection or a full order of
42 protection;
- 43 (10) "Pending", exists or for which a hearing date has been set;
- 44 (11) "Petitioner", a family or household member who has been a victim of domestic
45 violence, or any person who has been the victim of stalking **or sexual assault**, or a person filing
46 on behalf of a child pursuant to section 455.503 who has filed a verified petition pursuant to the
47 provisions of section 455.020 or section 455.505;
- 48 (12) "Respondent", the family or household member alleged to have committed an act
49 of domestic violence, or person alleged to have committed an act of stalking **or sexual assault**,
50 against whom a verified petition has been filed or a person served on behalf of a child pursuant
51 to section 455.503;
- 52 (13) **"Sexual assault", as defined under subdivision (1) of this section;**
- 53 (14) "Stalking" is when any person purposely [and repeatedly] engages in an unwanted
54 course of conduct that causes alarm to another person, **or a person who resides together in the**
55 **same household with the person seeking the order of protection** when it is reasonable in that
56 person's situation to have been alarmed by the conduct. As used in this subdivision:
- 57 (a) "Alarm" means to cause fear of danger of physical harm; **and**
- 58 (b) "Course of conduct" means a pattern of conduct composed of [repeated] **two or**
59 **more** acts over a period of time, however short, that serves no legitimate purpose. Such conduct

60 may include, but is not limited to, following the other person or unwanted communication or
61 unwanted contact]; and

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

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

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

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

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

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

17 protection, an ex parte order of protection may be issued until a hearing is held on the motion.
18 When an automatic renewal is not authorized, upon motion by the petitioner, and after a hearing
19 by the court, the second full order of protection may be renewed for an additional period of time
20 the court deems appropriate, except that the protective order shall be valid for at least one
21 hundred eighty days and not more than one year. For purposes of this subsection, a finding by
22 the court of a subsequent act of domestic violence [or] , stalking, **or sexual assault** is not
23 required for a renewal order of protection.

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

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

51 4. The court shall cause a copy of any objection filed by the respondent and notice of the
52 date set for the hearing on such objection to an automatic renewal of a full order of protection

53 for a period of one year to be personally served upon the petitioner by personal process server
54 as provided by law or by a sheriff or police officer at least three days prior to such hearing. Such
55 service of process shall be served at the earliest time and shall take priority over service in other
56 actions except those of a similar emergency nature.

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

- 4 (1) Restraining the respondent from committing or threatening to commit domestic
5 violence, molesting, stalking, **sexual assault**, or disturbing the peace of the petitioner;
- 6 (2) Restraining the respondent from entering the premises of the dwelling unit of
7 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 or rented by petitioner and a person other than respondent;
11 provided, however, no spouse shall be denied relief pursuant to this section by reason of the
12 absence of a property interest in the dwelling unit; or
 - 13 (d) Jointly occupied by the petitioner and a person other than the respondent; provided
14 that the respondent has no property interest in the dwelling unit;
- 15 (3) Restraining the respondent from communicating with the petitioner in any manner
16 or through any medium;
- 17 (4) A temporary order of custody of minor children where appropriate.

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

- 5 (1) Temporarily enjoining the respondent from committing or threatening to commit
6 domestic violence, molesting, stalking, **sexual assault**, or disturbing the peace of the petitioner;
- 7 (2) Temporarily enjoining the respondent from entering the premises of the dwelling unit
8 of the petitioner when the dwelling unit is:
 - 9 (a) Jointly owned, leased or rented or jointly occupied by both parties; or
 - 10 (b) Owned, leased, rented or occupied by petitioner individually; or
 - 11 (c) Jointly owned, leased, rented or occupied by petitioner and a person other than
12 respondent; provided, however, no spouse shall be denied relief pursuant to this section by
13 reason of the absence of a property interest in the dwelling unit; or
 - 14 (d) Jointly occupied by the petitioner and a person other than respondent; provided that
15 the respondent has no property interest in the dwelling unit; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

49 4. A verified petition seeking orders for maintenance, support, custody, visitation,
50 payment of rent, payment of monetary compensation, possession of personal property,
51 prohibiting the transfer, encumbrance, or disposal of property, or payment for services of a

52 shelter for victims of domestic violence, shall contain allegations relating to those orders and
53 shall pray for the orders desired.

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

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

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

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

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

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

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

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

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

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

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

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

455.085. 1. When a law enforcement officer has probable cause to believe a party has
2 committed a violation of law amounting to domestic violence, as defined in section 455.010,
3 against a family or household member, the officer may arrest the offending party whether or not
4 the violation occurred in the presence of the arresting officer. When the officer declines to make
5 arrest pursuant to this subsection, the officer shall make a written report of the incident
6 completely describing the offending party, giving the victim's name, time, address, reason why
7 no arrest was made and any other pertinent information. Any law enforcement officer
8 subsequently called to the same address within a twelve-hour period, who shall find probable
9 cause to believe the same offender has again committed a violation as stated in this subsection
10 against the same or any other family or household member, shall arrest the offending party for
11 this subsequent offense. The primary report of nonarrest in the preceding twelve-hour period
12 may be considered as evidence of the defendant's intent in the violation for which arrest
13 occurred. The refusal of the victim to sign an official complaint against the violator shall not
14 prevent an arrest under this subsection.

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

21 3. When an officer makes an arrest, the officer is not required to arrest two parties
22 involved in an assault when both parties claim to have been assaulted. The arresting officer shall

23 attempt to identify and shall arrest the party the officer believes is the primary physical aggressor.
24 The term "primary physical aggressor" is defined as the most significant, rather than the first,
25 aggressor. The law enforcement officer shall consider any or all of the following in determining
26 the primary physical aggressor:

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

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

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

31

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

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

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

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

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

59 range of punishment or allow the jury to assess and declare the punishment as a part of its
60 verdict.

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

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

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

455.085. 1. When a law enforcement officer has probable cause to believe a party has
2 committed a violation of law amounting to domestic violence, as defined in section 455.010,
3 against a family or household member, the officer may arrest the offending party whether or not
4 the violation occurred in the presence of the arresting officer. When the officer declines to make
5 arrest pursuant to this subsection, the officer shall make a written report of the incident
6 completely describing the offending party, giving the victim's name, time, address, reason why
7 no arrest was made and any other pertinent information. Any law enforcement officer
8 subsequently called to the same address within a twelve-hour period, who shall find probable
9 cause to believe the same offender has again committed a violation as stated in this subsection
10 against the same or any other family or household member, shall arrest the offending party for
11 this subsequent offense. The primary report of nonarrest in the preceding twelve-hour period
12 may be considered as evidence of the defendant's intent in the violation for which arrest

13 occurred. The refusal of the victim to sign an official complaint against the violator shall not
14 prevent an arrest under this subsection.

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

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

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

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

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

31

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

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

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

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

47 7. A violation of the terms and conditions, with regard to domestic violence, stalking,
48 **sexual assault**, child custody, communication initiated by the respondent or entrance upon the

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

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

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

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

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

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

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

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

7 (3) The juvenile officer.

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

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

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

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

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

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

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

 455.520. 1. Any ex parte order of protection granted under sections 455.500 to 455.538
2 shall be to protect the victim from domestic violence [or] , stalking, **or sexual assault** and may
3 include such terms as the court reasonably deems necessary to ensure the victim's safety,
4 including but not limited to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (2) Award visitation;

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

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

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

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

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

28 (8) Order the respondent to pay a reasonable fee for housing and other services that have
29 been provided or that are being provided to the victim by a shelter for victims of domestic
30 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 in violation
3 of that order, the officer 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 domestic violence, stalking, **sexual assault**, child custody, communication
13 initiated by the respondent, or entrance upon the premises of the victim's dwelling unit or place
14 of employment or school, or being within a certain distance of the petitioner or a child of the
15 petitioner, of which the respondent has notice, shall be a class A misdemeanor, unless the
16 respondent has previously pleaded guilty to or has been found guilty in any division of the circuit
17 court of violating an ex parte order of protection or a full order of protection within five years
18 of the date of the subsequent violation, in which case the subsequent violation shall be a class
19 E felony. Evidence of a prior plea of guilty or finding of guilt shall be heard by the court out of
20 the presence of the jury prior to submission of the case to the jury. If the court finds the
21 existence of a prior plea of guilty or finding of guilt beyond a reasonable doubt, the court shall
22 decide the extent or duration of sentence or other disposition and shall not instruct the jury as to
23 the range of punishment or allow the jury to assess and declare the punishment as a part of its
24 verdict.

25 (2) For purposes of this subsection, in addition to the notice provided by actual service
26 of the order, a party is deemed to have notice of an order of protection for a child if the law

27 enforcement officer responding to a call of a reported incident of domestic violence [or] ,
28 stalking, **sexual assault**, or violation of an order of protection for a child presents a copy of the
29 order of protection to the respondent.

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

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 in violation
3 of that order, the officer 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 domestic violence, stalking, **sexual assault**, child custody, communication
13 initiated by the respondent, or entrance upon the premises of the victim's dwelling unit or place
14 of employment or school, or being within a certain distance of the petitioner or a child of the
15 petitioner, of which the respondent has notice, shall be a class A misdemeanor, unless the
16 respondent has previously pleaded guilty to or has been found guilty in any division of the circuit
17 court of violating an ex parte order of protection or a full order of protection within five years
18 of the date of the subsequent violation, in which case the subsequent violation shall be a class
19 D felony. Evidence of a prior plea of guilty or finding of guilt shall be heard by the court out of
20 the presence of the jury prior to submission of the case to the jury. If the court finds the
21 existence of a prior plea of guilty or finding of guilt beyond a reasonable doubt, the court shall
22 decide the extent or duration of sentence or other disposition and shall not instruct the jury as to
23 the range of punishment or allow the jury to assess and declare the punishment as a part of its
24 verdict.

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

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

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