

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

AN ACT

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

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

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10 first regular session, are repealed and twenty-one new sections

1 enacted in lieu thereof, to be known as sections 170.047,
2 170.048, 192.390, 210.118, 210.148, 211.031, 211.036, 455.010,
3 455.020, 455.032, 455.040, 455.045, 455.050, 455.080, 455.085,
4 455.503, 455.505, 455.513, 455.520, 455.523, and 455.538, to read
5 as follows:

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

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

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

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

23 5. Any rule or portion of a rule, as that term is defined
24 in section 536.010 that is created under the authority delegated
25 in this section shall become effective only if it complies with
26 and is subject to all of the provisions of chapter 536, and, if
27 applicable, section 536.028. This section and chapter 536 are
28 nonseverable and if any of the powers vested with the general

1 assembly pursuant to chapter 536, to review, to delay the
2 effective date, or to disapprove and annul a rule are
3 subsequently held unconstitutional, then the grant of rulemaking
4 authority and any rule proposed or adopted after August 28, 2015,
5 shall be invalid and void.

6 170.048. 1. By July 1, 2017, each district shall adopt a
7 policy for youth suicide awareness and prevention, including the
8 training and education of district employees.

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

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

13 (2) Strategies and protocols for helping students at
14 possible risk of suicide; and

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

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

1 information that personally identifies any student or school
2 employee.

3 192.390. 1. The department shall provide coverage, subject
4 to state and federal appropriations, for the full cost of amino
5 acid-based elemental formulas, meaning formulas made from single
6 nonallergenic amino acids, for children under nineteen years of
7 age with a medical diagnosis of immunoglobulin E and
8 nonimmunoglobulin E mediated allergies to multiple food proteins,
9 food protein-induced enterocolitis syndrome, eosinophilic
10 disorders, and impaired absorption of nutrients caused by
11 disorders affecting the absorptive surface, functional length,
12 and motility of the gastrointestinal tract, provided that the
13 state is the payor of last resort.

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

27 210.118. 1. In any action under chapter 210 or 211 in
28 which the court finds by a preponderance of the evidence that a

1 party is responsible for child abuse or neglect as those terms
2 are defined in section 210.110, the clerk shall send a certified
3 copy of the judgment or order to the children's division and to
4 the appropriate prosecuting attorney. Upon receipt of the order
5 the children's division shall list the individual as a
6 perpetrator of child abuse or neglect in the central registry.

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

9 (1) A crime under section 565.020, 565.021, 565.023,
10 565.024, 565.050, 566.030, 566.060, or 567.050 and the victim is
11 a child less than eighteen years of age;

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

15 (3) A crime under section 568.020, 568.030, 568.045,
16 568.050, 568.060, 568.080, 568.090, 573.025, or 573.035; or

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

18
19 the court shall enter an order directing the children's division
20 to list the individual as a perpetrator of child abuse or neglect
21 in the central registry. The clerk shall send a certified copy
22 of the order to the children's division. Upon receipt of the
23 order the children's division shall list the individual as a
24 perpetrator of child abuse or neglect in the central registry.

25 210.148. 1. Notwithstanding any provision of section
26 210.145 to the contrary, upon the receipt of a report under
27 section 210.145 where the subject of the report is a juvenile
28 with problem sexual behavior, the division shall immediately

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

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

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

22 4. Within one hundred eighty days after August 28, 2015,
23 the division shall promulgate rules to implement the provisions
24 of this section. Any rule or portion of a rule, as that term is
25 defined in section 536.010 that is created under the authority
26 delegated in this section shall become effective only if it
27 complies with and is subject to all of the provisions of chapter
28 536, and, if applicable, section 536.028. This section and

1 chapter 536 are nonseverable and if any of the powers vested with
2 the general assembly pursuant to chapter 536, to review, to delay
3 the effective date, or to disapprove and annul a rule are
4 subsequently held unconstitutional, then the grant of rulemaking
5 authority and any rule proposed or adopted after August 28, 2015,
6 shall be invalid and void.

7 211.031. 1. Except as otherwise provided in this chapter,
8 the juvenile court or the family court in circuits that have a
9 family court as provided in sections 487.010 to 487.190 shall
10 have exclusive original jurisdiction in proceedings:

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

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

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

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

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

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

8 (a) The child while subject to compulsory school attendance
9 is repeatedly and without justification absent from school; or

10 (b) The child disobeys the reasonable and lawful directions
11 of his or her parents or other custodian and is beyond their
12 control; or

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

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

17 (e) The child is charged with an offense not classified as
18 criminal, or with an offense applicable only to children; except
19 that, the juvenile court shall not have jurisdiction over any
20 child fifteen years of age who is alleged to have violated a
21 state or municipal traffic ordinance or regulation, the violation
22 of which does not constitute a felony, or any child who is
23 alleged to have violated a state or municipal ordinance or
24 regulation prohibiting possession or use of any tobacco product;

25 (3) Involving any child who is alleged to have violated a
26 state law or municipal ordinance, or any person who is alleged to
27 have violated a state law or municipal ordinance prior to
28 attaining the age of seventeen years, in which cases jurisdiction

1 may be taken by the court of the circuit in which the child or
2 person resides or may be found or in which the violation is
3 alleged to have occurred; except that, the juvenile court shall
4 not have jurisdiction over any child fifteen years of age who is
5 alleged to have violated a state or municipal traffic ordinance
6 or regulation, the violation of which does not constitute a
7 felony, and except that the juvenile court shall have concurrent
8 jurisdiction with the municipal court over any child who is
9 alleged to have violated a municipal curfew ordinance, and except
10 that the juvenile court shall have concurrent jurisdiction with
11 the circuit court on any child who is alleged to have violated a
12 state or municipal ordinance or regulation prohibiting possession
13 or use of any tobacco product;

14 (4) For the adoption of a person;

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

18 (6) Involving an order of protection pursuant to chapter
19 455 when the respondent is less than seventeen years of age; and

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

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

26 (1) Prior to the filing of a petition and upon request of
27 any party or at the discretion of the juvenile officer, the
28 matter in the interest of a child or person seventeen years of

1 age may be transferred by the juvenile officer, with the prior
2 consent of the juvenile officer of the receiving court, to the
3 county of the child's residence or the residence of the person
4 seventeen years of age for future action;

5 (2) Upon the motion of any party or on its own motion prior
6 to final disposition on the pending matter, the court in which a
7 proceeding is commenced may transfer the proceeding of a child or
8 person seventeen years of age to the court located in the county
9 of the child's residence or the residence of the person seventeen
10 years of age, or the county in which the offense pursuant to
11 subdivision (3) of subsection 1 of this section is alleged to
12 have occurred for further action;

13 (3) Upon motion of any party or on its own motion, the
14 court in which jurisdiction has been taken pursuant to subsection
15 1 of this section may at any time thereafter transfer
16 jurisdiction of a child or person seventeen years of age to the
17 court located in the county of the child's residence or the
18 residence of the person seventeen years of age for further action
19 with the prior consent of the receiving court;

20 (4) Upon motion of any party or upon its own motion at any
21 time following a judgment of disposition or treatment pursuant to
22 section 211.181, the court having jurisdiction of the cause may
23 place the child or person seventeen years of age under the
24 supervision of another juvenile court within or without the state
25 pursuant to section 210.570 with the consent of the receiving
26 court;

27 (5) Upon motion of any child or person seventeen years of
28 age or his or her parent, the court having jurisdiction shall

1 grant one change of judge pursuant to Missouri supreme court
2 rules;

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

8 3. In any proceeding involving any child or person
9 seventeen years of age taken into custody in a county other than
10 the county of the child's residence or the residence of a person
11 seventeen years of age, the juvenile court of the county of the
12 child's residence or the residence of a person seventeen years of
13 age shall be notified of such taking into custody within
14 seventy-two hours.

15 4. When an investigation by a juvenile officer pursuant to
16 this section reveals that the only basis for action involves an
17 alleged violation of section 167.031 involving a child who
18 alleges to be home schooled, the juvenile officer shall contact a
19 parent or parents of such child to verify that the child is being
20 home schooled and not in violation of section 167.031 before
21 making a report of such a violation. Any report of a violation
22 of section 167.031 made by a juvenile officer regarding a child
23 who is being home schooled shall be made to the prosecuting
24 attorney of the county where the child legally resides.

25 5. The disability or disease of a parent shall not
26 constitute a basis for a determination that a child is a child in
27 need of care or for the removal of custody of a child from the
28 parent without a specific showing that there is a causal relation

1 between the disability or disease and harm to the child.

2 211.036. 1. If a youth under the age of twenty-one is
3 released from the custody of the children's division and after
4 such release it appears that it would be in such youth's best
5 interest to have his or her custody returned to the children's
6 division, the juvenile officer, the children's division or the
7 youth may petition the court to return custody of such youth to
8 the division until the youth is twenty-one years of age. The
9 petition shall be filed in the court that previously exercised
10 authority over the youth under section 211.031. If such petition
11 is not heard within six months of the filing date, the petition
12 may be filed in the court where the youth resides or in the court
13 of an adjacent county. In deciding if it is in the best
14 interests of the youth to be returned to the custody of the
15 division under this section, the court shall consider the
16 following factors:

17 (1) The circumstances of the youth;

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

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

23
24 The court shall not return a youth to the custody of the division
25 who has been committed to the custody of another agency; who is
26 under a legal guardianship; or who has pled guilty or who has
27 been found guilty of a felony criminal offense.

28 2. The youth shall cooperate with the case plan developed

1 for the youth by the children's division in consultation with the
2 youth.

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

8 4. The court may, upon motion of the children's division or
9 the youth, terminate care and supervision before the youth's
10 twenty-first birthday if the division does not have services
11 available for the youth or if the youth declines to cooperate
12 with the case plan.

13 455.010. As used in this chapter, unless the context
14 clearly indicates otherwise, the following terms shall mean:

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

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

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

25 (c) "Coercion", compelling another by force or threat of
26 force to engage in conduct from which the latter has a right to
27 abstain or to abstain from conduct in which the person has a
28 right to engage;

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

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

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

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

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

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

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

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

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

27 (6) "Ex parte order of protection", an order of protection
28 issued by the court before the respondent has received notice of

1 the petition or an opportunity to be heard on it;

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

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

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

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

17 (11) "Petitioner", a family or household member who has
18 been a victim of domestic violence, or any person who has been
19 the victim of stalking or sexual assault, or a person filing on
20 behalf of a child pursuant to section 455.503 who has filed a
21 verified petition pursuant to the provisions of section 455.020
22 or section 455.505;

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

28 (13) "Sexual assault", as defined under subdivision (1) of

1 this section;

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

8 (a) "Alarm" means to cause fear of danger of physical harm;
9 and

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

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

17 455.020. 1. Any person who has been subject to domestic
18 violence by a present or former family or household member, or
19 who has been the victim of stalking or sexual assault, may seek
20 relief under sections 455.010 to 455.085 by filing a verified
21 petition alleging such domestic violence [or], stalking, or
22 sexual assault by the respondent.

23 2. A person's right to relief under sections 455.010 to
24 455.085 shall not be affected by the person leaving the residence
25 or household to avoid domestic violence.

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

1 455.032. In addition to any other jurisdictional grounds
2 provided by law, a court shall have jurisdiction to enter an
3 order of protection restraining or enjoining the respondent from
4 committing or threatening to commit domestic violence, stalking,
5 sexual assault, molesting or disturbing the peace of petitioner,
6 pursuant to sections 455.010 to 455.085, if the petitioner is
7 present, whether permanently or on a temporary basis within the
8 state of Missouri and if the respondent's actions constituting
9 domestic violence have occurred, have been attempted or have been
10 or are threatened within the state of Missouri. For purposes of
11 this section, if the petitioner has been the subject of domestic
12 violence within or outside of the state of Missouri, such
13 evidence shall be admissible to demonstrate the need for
14 protection in Missouri.

15 455.040. 1. Not later than fifteen days after the filing
16 of a petition that meets the requirements of section 455.020, a
17 hearing shall be held unless the court deems, for good cause
18 shown, that a continuance should be granted. At the hearing, if
19 the petitioner has proved the allegation of domestic violence
20 [or], stalking, or sexual assault by a preponderance of the
21 evidence, and the respondent cannot show that his or her actions
22 alleged to constitute abuse were otherwise justified under the
23 law, the court shall issue a full order of protection for a
24 period of time the court deems appropriate, except that the
25 protective order shall be valid for at least one hundred eighty
26 days and not more than one year. Upon motion by the petitioner,
27 and after a hearing by the court, the full order of protection
28 may be renewed for a period of time the court deems appropriate,

1 except that the protective order shall be valid for at least one
2 hundred eighty days and not more than one year from the
3 expiration date of the originally issued full order of
4 protection. The court may, upon finding that it is in the best
5 interest of the parties, include a provision that any full order
6 of protection for one year shall automatically renew unless the
7 respondent requests a hearing by thirty days prior to the
8 expiration of the order. If for good cause a hearing cannot be
9 held on the motion to renew or the objection to an automatic
10 renewal of the full order of protection prior to the expiration
11 date of the originally issued full order of protection, an ex
12 parte order of protection may be issued until a hearing is held
13 on the motion. When an automatic renewal is not authorized, upon
14 motion by the petitioner, and after a hearing by the court, the
15 second full order of protection may be renewed for an additional
16 period of time the court deems appropriate, except that the
17 protective order shall be valid for at least one hundred eighty
18 days and not more than one year. For purposes of this
19 subsection, a finding by the court of a subsequent act of
20 domestic violence [or], stalking, or sexual assault is not
21 required for a renewal order of protection.

22 2. The court shall cause a copy of the petition and notice
23 of the date set for the hearing on such petition and any ex parte
24 order of protection to be served upon the respondent as provided
25 by law or by any sheriff or police officer at least three days
26 prior to such hearing. The court shall cause a copy of any full
27 order of protection to be served upon or mailed by certified mail
28 to the respondent at the respondent's last known address. Notice

1 of an ex parte or full order of protection shall be served at the
2 earliest time, and service of such notice shall take priority
3 over service in other actions, except those of a similar
4 emergency nature. Failure to serve or mail a copy of the full
5 order of protection to the respondent shall not affect the
6 validity or enforceability of a full order of protection.

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

1 information contained in an order of protection may be entered in
2 the Missouri uniform law enforcement system or comparable law
3 enforcement system using a direct automated data transfer from
4 the court automated system to the law enforcement system.

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

14 455.045. Any ex parte order of protection granted pursuant
15 to sections 455.010 to 455.085 shall be to protect the petitioner
16 from domestic violence [or], stalking, or sexual assault and may
17 include:

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

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

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

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

27 (c) Jointly owned, leased or rented by petitioner and a
28 person other than respondent; provided, however, no spouse shall

1 be denied relief pursuant to this section by reason of the
2 absence of a property interest in the dwelling unit; or

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

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

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

10 455.050. 1. Any full or ex parte order of protection
11 granted pursuant to sections 455.010 to 455.085 shall be to
12 protect the petitioner from domestic violence, stalking, or
13 sexual assault and may include such terms as the court reasonably
14 deems necessary to ensure the petitioner's safety, including but
15 not limited to:

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

19 (2) Temporarily enjoining the respondent from entering the
20 premises of the dwelling unit of the petitioner when the dwelling
21 unit is:

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

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

26 (c) Jointly owned, leased, rented or occupied by petitioner
27 and a person other than respondent; provided, however, no spouse
28 shall be denied relief pursuant to this section by reason of the

1 absence of a property interest in the dwelling unit; or

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

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

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

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

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

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

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

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

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

27 (6) Order the respondent to pay the petitioner's rent at a
28 residence other than the one previously shared by the parties if

1 the respondent is found to have a duty to support the petitioner
2 and the petitioner requests alternative housing;

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

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

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

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

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

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

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

1 shall pray for the orders desired.

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

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

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

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

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

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

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

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

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

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

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

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

19 455.085. 1. When a law enforcement officer has probable
20 cause to believe a party has committed a violation of law
21 amounting to domestic violence, as defined in section 455.010,
22 against a family or household member, the officer may arrest the
23 offending party whether or not the violation occurred in the
24 presence of the arresting officer. When the officer declines to
25 make arrest pursuant to this subsection, the officer shall make a
26 written report of the incident completely describing the
27 offending party, giving the victim's name, time, address, reason
28 why no arrest was made and any other pertinent information. Any

1 law enforcement officer subsequently called to the same address
2 within a twelve-hour period, who shall find probable cause to
3 believe the same offender has again committed a violation as
4 stated in this subsection against the same or any other family or
5 household member, shall arrest the offending party for this
6 subsequent offense. The primary report of nonarrest in the
7 preceding twelve-hour period may be considered as evidence of the
8 defendant's intent in the violation for which arrest occurred.
9 The refusal of the victim to sign an official complaint against
10 the violator shall not prevent an arrest under this subsection.

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

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

28 (1) The intent of the law to protect victims from

1 continuing domestic violence;

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

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

6 No law enforcement officer investigating an incident of domestic
7 violence shall threaten the arrest of all parties for the purpose
8 of discouraging requests or law enforcement intervention by any
9 party. Where complaints are received from two or more opposing
10 parties, the officer shall evaluate each complaint separately to
11 determine whether the officer should seek a warrant for an
12 arrest.

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

19 5. When a person against whom an order of protection has
20 been entered fails to surrender custody of minor children to the
21 person to whom custody was awarded in an order of protection, the
22 law enforcement officer shall arrest the respondent, and shall
23 turn the minor children over to the care and custody of the party
24 to whom such care and custody was awarded.

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

28 7. A violation of the terms and conditions, with regard to

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

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

1 full order of protection within five years of the date of the
2 subsequent violation, in which case the subsequent violation
3 shall be a class E felony. Evidence of prior pleas of guilty or
4 findings of guilt shall be heard by the court out of the presence
5 of the jury prior to submission of the case to the jury. If the
6 court finds the existence of such prior plea of guilty or finding
7 of guilt beyond a reasonable doubt, the court shall decide the
8 extent or duration of the sentence or other disposition and shall
9 not instruct the jury as to the range of punishment or allow the
10 jury to assess and declare the punishment as a part of its
11 verdict. For the purposes of this subsection, in addition to the
12 notice provided by actual service of the order, a party is deemed
13 to have notice of an order of protection if the law enforcement
14 officer responding to a call of a reported incident of domestic
15 violence, stalking, sexual assault, or violation of an order of
16 protection presented a copy of the order of protection to the
17 respondent.

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

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

24 455.085. 1. When a law enforcement officer has probable
25 cause to believe a party has committed a violation of law
26 amounting to domestic violence, as defined in section 455.010,
27 against a family or household member, the officer may arrest the
28 offending party whether or not the violation occurred in the

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

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

24 3. When an officer makes an arrest, the officer is not
25 required to arrest two parties involved in an assault when both
26 parties claim to have been assaulted. The arresting officer
27 shall attempt to identify and shall arrest the party the officer
28 believes is the primary physical aggressor. The term "primary

1 physical aggressor" is defined as the most significant, rather
2 than the first, aggressor. The law enforcement officer shall
3 consider any or all of the following in determining the primary
4 physical aggressor:

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

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

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

11 No law enforcement officer investigating an incident of domestic
12 violence shall threaten the arrest of all parties for the purpose
13 of discouraging requests or law enforcement intervention by any
14 party. Where complaints are received from two or more opposing
15 parties, the officer shall evaluate each complaint separately to
16 determine whether the officer should seek a warrant for an
17 arrest.

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

24 5. When a person against whom an order of protection has
25 been entered fails to surrender custody of minor children to the
26 person to whom custody was awarded in an order of protection, the
27 law enforcement officer shall arrest the respondent, and shall
28 turn the minor children over to the care and custody of the party

1 to whom such care and custody was awarded.

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

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

25 8. A violation of the terms and conditions, with regard to
26 domestic violence, stalking, sexual assault, child custody,
27 communication initiated by the respondent or entrance upon the
28 premises of the petitioner's dwelling unit or place of employment

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

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

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

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

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

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

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

9 (3) The juvenile officer.

10 455.505. 1. An order of protection for a child who has
11 been subject to domestic violence by a present or former
12 household member or [person] sexual assault or stalking [the
13 child] by any person may be sought under sections 455.500 to
14 455.538 by the filing of a verified petition alleging such
15 domestic violence [or], stalking, or sexual assault by the
16 respondent.

17 2. A child's right to relief under sections 455.500 to
18 455.538 shall not be affected by the child's leaving the
19 residence or household to avoid domestic violence.

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

23 455.513. 1. Upon the filing of a verified petition under
24 sections 455.500 to 455.538, for good cause shown in the
25 petition, and upon finding that no prior order regarding custody
26 is pending or has been made or that the respondent is less than
27 seventeen years of age, the court may immediately issue an ex
28 parte order of protection. An immediate and present danger of

1 domestic violence [or], stalking, or sexual assault to a child
2 shall constitute good cause for purposes of this section. An ex
3 parte order of protection entered by the court shall be in effect
4 until the time of the hearing. The court shall deny the ex parte
5 order and dismiss the petition if the petitioner is not
6 authorized to seek relief pursuant to section 455.505.

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

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

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

24 455.520. 1. Any ex parte order of protection granted under
25 sections 455.500 to 455.538 shall be to protect the victim from
26 domestic violence [or], stalking, or sexual assault and may
27 include such terms as the court reasonably deems necessary to
28 ensure the victim's safety, including but not limited to:

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

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

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

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

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

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

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

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

21 455.523. 1. Any full order of protection granted under
22 sections 455.500 to 455.538 shall be to protect the victim from
23 domestic violence [and], stalking, and sexual assault may include
24 such terms as the court reasonably deems necessary to ensure the
25 petitioner's safety, including but not limited to:

26 (1) Temporarily enjoining the respondent from committing
27 domestic violence or sexual assault, threatening to commit
28 domestic violence or sexual assault, stalking, molesting, or

1 disturbing the peace of the victim;

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

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

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

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

14 (2) Award visitation;

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

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

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

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

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

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

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

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

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

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

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

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

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

25 455.538. 1. When a law enforcement officer has probable
26 cause to believe that a party, against whom a protective order
27 for a child has been entered, has committed an act in violation
28 of that order, the officer shall have the authority to arrest the

1 respondent whether or not the violation occurred in the presence
2 of the arresting officer.

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

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

13 4. (1) Violation of the terms and conditions of an ex
14 parte or full order of protection with regard to domestic
15 violence, stalking, sexual assault, child custody, communication
16 initiated by the respondent, or entrance upon the premises of the
17 victim's dwelling unit or place of employment or school, or being
18 within a certain distance of the petitioner or a child of the
19 petitioner, of which the respondent has notice, shall be a class
20 A misdemeanor, unless the respondent has previously pleaded
21 guilty to or has been found guilty in any division of the circuit
22 court of violating an ex parte order of protection or a full
23 order of protection within five years of the date of the
24 subsequent violation, in which case the subsequent violation
25 shall be a class D felony. Evidence of a prior plea of guilty or
26 finding of guilt shall be heard by the court out of the presence
27 of the jury prior to submission of the case to the jury. If the
28 court finds the existence of a prior plea of guilty or finding of

1 guilt beyond a reasonable doubt, the court shall decide the
2 extent or duration of sentence or other disposition and shall not
3 instruct the jury as to the range of punishment or allow the jury
4 to assess and declare the punishment as a part of its verdict.

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

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