

SECOND REGULAR SESSION

HOUSE BILL NO. 1319

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HARRIS.

3439L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 455.060, RSMo, and to enact in lieu thereof one new section relating to orders of protection.

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

Section A. Section 455.060, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 455.060, to read as follows:

455.060. 1. After notice and hearing, the court may modify an order of protection at any time, upon subsequent motion filed by the guardian ad litem, the court-appointed special advocate or by either party together with an affidavit showing a change in circumstances sufficient to warrant the modification. All full orders of protection shall be final orders and appealable and shall be for a fixed period of time as provided in section 455.040.

2. Any order for child support, custody, temporary custody, visitation or maintenance entered under sections 455.010 to 455.085 shall terminate prior to the time fixed in the order upon the issuance of a subsequent order pursuant to chapter 452, RSMo, or any other Missouri statute.

3. No order entered pursuant to sections 455.010 to 455.085 shall be res judicata to any subsequent proceeding, including, but not limited to, any action brought under chapter 452, RSMo, 1978 as amended.

4. All provisions of an order of protection shall terminate upon entry of a decree of dissolution of marriage or legal separation except as to those provisions which require the respondent to participate in a court-approved counseling program or enjoin the respondent from abusing, molesting, stalking or disturbing the peace of the petitioner and which enjoin the respondent from entering the premises of the dwelling unit of the petitioner as described in the

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.

18 order of protection when the petitioner continues to reside in that dwelling unit unless the
19 respondent is awarded possession of the dwelling unit pursuant to a decree of dissolution of
20 marriage or legal separation.

21 5. Any order of protection or order for child support, custody, temporary custody,
22 visitation or maintenance entered under sections 455.010 to 455.085 shall terminate upon the
23 filing of a motion to terminate the order of protection by the petitioner **with the approval of the**
24 **court with or without hearing**; except that, in cases where the order grants custody of a minor
25 child to the respondent, the order shall terminate only upon consent of both parties or upon [the
26 respondent's failure to object within ten days of receiving the petitioner's notice of the filing of
27 the motion to dismiss. If the respondent timely objects to the dismissal, the court shall set the
28 motion to dismiss for] hearing and both parties [shall have] **having** an opportunity to be heard.

29 6. The order of protection may not change the custody of children when an action for
30 dissolution of marriage has been filed or the custody has previously been awarded by a court of
31 competent jurisdiction.

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