

House _____ Amendment NO. _____

Offered By _____

1 AMEND Senate Committee Substitute for Senate Bill No. 341, Page 1, In the Title, Lines 2 through
2 3, by deleting the words "juveniles with problem sexual behavior" and inserting in lieu thereof the
3 words "the protection of children"; and
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5 Further amend said bill and page, Section A, Line 2, by inserting after all of said line the following:
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7 "37.719. 1. The office shall have the authority to and may conduct an independent review of
8 any entity within a county that has experienced three or more review requests in a calendar year
9 including, but not limited to, children's division, the juvenile office, or guardian ad litem. The office
10 shall establish and implement procedures for reviewing any such entity.

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

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

18 210.003. 1. No child shall be permitted to enroll in or attend any public, private or parochial
19 day care center, preschool or nursery school caring for ten or more children unless such child has
20 been adequately immunized against vaccine-preventable childhood illnesses specified by the
21 department of health and senior services in accordance with recommendations of the [Immunization
22 Practices Advisory Committee] Centers for Disease Control and Prevention Advisory Committee on
23 Immunization Practices (ACIP). The parent or guardian of such child shall provide satisfactory
24 evidence of the required immunizations.

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

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

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

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

34 (b) A parent or guardian exemption, by which a child shall be exempted from the
35 requirements of this section if one parent or guardian files a written objection to immunization with
36 the day care administrator. Exemptions shall be accepted by the day care administrator when the

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1 necessary information as determined by the department of health and senior services is filed with the
 2 day care administrator by the parent or guardian. Exemption forms shall be provided by the
 3 department of health and senior services.

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

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

15 5. For purposes of this section, satisfactory evidence of immunization means a statement,
 16 certificate or record from a physician or other recognized health facility or personnel, stating that the
 17 required immunizations have been given to the child and verifying the type of vaccine and the
 18 month, day and year of administration.

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

21 7. All public, private, and parochial day care centers, preschools, and nursery schools shall
 22 notify the parent or guardian of each child at the time of initial enrollment in or attendance at the
 23 facility that the parent or guardian may request notice of whether there are children currently
 24 enrolled in or attending the facility for whom an immunization exemption has been filed. Beginning
 25 December 1, 2015, all public, private, and parochial day care centers, preschools, and nursery
 26 schools shall notify the parent or guardian of each child currently enrolled in or attending the facility
 27 that the parent or guardian may request notice of whether there are children currently enrolled in or
 28 attending the facility for whom an immunization exemption has been filed. Any public, private, or
 29 parochial day care center, preschool, or nursery school shall notify the parent or guardian of a child
 30 enrolled in or attending the facility, upon request, of whether there are children currently enrolled in
 31 or attending the facility for whom an immunization exemption has been filed."; and

32
 33 Further amend said bill, Page 2, Section 210.148, Line 33, by inserting after all of said line the
 34 following:

35
 36 "210.221. 1. The department of health and senior services shall have the following powers
 37 and duties:

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

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

1 the licensee fails to renew or surrenders the license;

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

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

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

12 2. Any child-care facility may request a variance from a rule or regulation promulgated
13 pursuant to this section. The request for a variance shall be made in writing to the department of
14 health and senior services and shall include the reasons the facility is requesting the variance. The
15 department shall approve any variance request that does not endanger the health or safety of the
16 children served by the facility. The burden of proof at any appeal of a disapproval of a variance
17 application shall be with the department of health and senior services. Local inspectors may grant a
18 variance, subject to approval by the department of health and senior services.

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

23 4. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
24 under the authority delegated in sections 210.201 to 210.245 shall become effective only if it
25 complies with and is subject to all of the provisions of chapter 536, and, if applicable, section
26 536.028. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and
27 repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed
28 or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This
29 section and chapter 536 are nonseverable and if any of the powers vested with the general assembly
30 pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are
31 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or
32 adopted after August 28, 1999, shall be invalid and void.

33 210.223. 1. All licensed child care facilities that provide care for children less than one year
34 of age shall implement and maintain a written safe sleep policy in accordance with the most recent
35 safe sleep recommendations of the American Academy of Pediatrics. The purpose of the safe sleep
36 policy is to maintain a safe sleep environment that reduces the risk of sudden infant death syndrome
37 and sudden unexpected infant deaths in children less than one year of age.

38 2. If an infant requires alternative sleep positions or special sleeping arrangements, the child
39 care facility shall be provided with written instructions, signed by the infant's licensed health care
40 provider, detailing the alternative sleep positions or special sleeping arrangements for such infant.
41 The child care facility shall put the infant to sleep in accordance with such written instructions.

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

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

46 (2) "Sudden unexpected infant death", the sudden and unexpected death of an infant less than
47 one year of age in which the manner and cause of death are not immediately obvious prior to
48 investigation. Causes of sudden unexpected infant death include, but are not limited to, metabolic

1 disorders, hypothermia or hyperthermia, neglect or homicide, poisoning, and accidental suffocation.

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

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

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

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

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

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

22 455.010. As used in this chapter, unless the context clearly indicates otherwise, the following
 23 terms shall mean:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(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 former family or household member, or who has been the victim of stalking or sexual assault, may seek relief under sections 455.010 to 455.085 by filing a verified petition alleging such domestic violence [or], stalking, or sexual assault by the respondent.

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

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

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

1 domestic violence within or outside of the state of Missouri, such evidence shall be admissible to
2 demonstrate the need for protection in Missouri.

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

25 2. The court shall cause a copy of the petition and notice of the date set for the hearing on
26 such petition and any ex parte order of protection to be served upon the respondent as provided by
27 law or by any sheriff or police officer at least three days prior to such hearing. The court shall cause
28 a copy of any full order of protection to be served upon or mailed by certified mail to the respondent
29 at the respondent's last known address. Notice of an ex parte or full order of protection shall be
30 served at the earliest time, and service of such notice shall take priority over service in other actions,
31 except those of a similar emergency nature. Failure to serve or mail a copy of the full order of
32 protection to the respondent shall not affect the validity or 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 shall be
34 issued to the petitioner and to the local law enforcement agency in the jurisdiction where the
35 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 or
37 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, within
39 twenty-four hours from the time the order is granted, enter information contained in the order
40 including but not limited to any orders regarding child custody or visitation and all specifics as to
41 times and dates of custody or visitation that are provided in the order. A notice of expiration or of
42 termination of any order of protection or any change in child custody or visitation within that order
43 shall be issued to the local law enforcement agency and to the law enforcement agency responsible
44 for maintaining MULES or any other comparable law enforcement system. The law enforcement
45 agency responsible for maintaining the applicable law enforcement system shall enter such
46 information in the system within twenty-four hours of receipt of information evidencing such
47 expiration or termination. The information contained in an order of protection may be entered in the
48 Missouri uniform law enforcement system or comparable law enforcement system using a direct

1 automated data transfer from the court automated system to the law enforcement system.

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

8 455.045. Any ex parte order of protection granted pursuant to sections 455.010 to 455.085
9 shall be to protect the petitioner from domestic violence [or], stalking, or sexual assault and may
10 include:

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

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

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

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

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

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

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

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

25 455.050. 1. Any full or ex parte order of protection granted pursuant to sections 455.010 to
26 455.085 shall be to protect the petitioner from domestic violence, stalking, or sexual assault and may
27 include such terms as the court reasonably deems necessary to ensure the petitioner's safety,
28 including but not limited to:

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

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

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

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

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

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

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

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

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

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

- 1 (2) Establish a visitation schedule that is in the best interests of the child;
- 2 (3) Award child support in accordance with supreme court rule 88.01 and chapter 452;
- 3 (4) Award maintenance to petitioner when petitioner and respondent are lawfully married in
- 4 accordance with chapter 452;
- 5 (5) Order respondent to make or to continue to make rent or mortgage payments on a
- 6 residence occupied by the petitioner if the respondent is found to have a duty to support the
- 7 petitioner or other dependent household members;
- 8 (6) Order the respondent to pay the petitioner's rent at a residence other than the one
- 9 previously shared by the parties if the respondent is found to have a duty to support the petitioner
- 10 and the petitioner requests alternative housing;
- 11 (7) Order that the petitioner be given temporary possession of specified personal property,
- 12 such as automobiles, checkbooks, keys, and other personal effects;
- 13 (8) Prohibit the respondent from transferring, encumbering, or otherwise disposing of
- 14 specified property mutually owned or leased by the parties;
- 15 (9) Order the respondent to participate in a court-approved counseling program designed to
- 16 help batterers stop violent behavior or to participate in a substance abuse treatment program;
- 17 (10) Order the respondent to pay a reasonable fee for housing and other services that have
- 18 been provided or that are being provided to the petitioner by a shelter for victims of domestic
- 19 violence;
- 20 (11) Order the respondent to pay court costs;
- 21 (12) Order the respondent to pay the cost of medical treatment and services that have been
- 22 provided or that are being provided to the petitioner as a result of injuries sustained to the petitioner
- 23 by an act of domestic violence committed by the respondent.

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

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

35 6. The court shall grant to the noncustodial parent rights to visitation with any minor child
36 born to or adopted by the parties, unless the court finds, after hearing, that visitation would endanger
37 the child's physical health, impair the child's emotional development or would otherwise conflict
38 with the best interests of the child, or that no visitation can be arranged which would sufficiently
39 protect the custodial parent from further domestic violence. The court may appoint a guardian ad
40 litem or court-appointed special advocate to represent the minor child in accordance with chapter
41 452 whenever the custodial parent alleges that visitation with the noncustodial parent will damage
42 the minor child.

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

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

1 455.080. 1. Law enforcement agencies may establish procedures to ensure that dispatchers
2 and officers at the scene of an alleged incident of domestic violence [or], stalking, sexual assault, or
3 violation of an order of protection can be informed of any recorded prior incident of domestic
4 violence [or], stalking, or sexual assault involving the abused party and can verify the effective dates
5 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 protection
8 as applied to any like offense involving strangers, except as otherwise provided by law. Law
9 enforcement agencies shall not assign lower priority to calls involving alleged incidents of domestic
10 violence [or], stalking, sexual assault, or violation of protection orders than is assigned in responding
11 to offenses involving strangers. Existence of any of the following factors shall be interpreted as
12 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 fewer
18 than five officers whose responsibility it is to respond to calls of this nature, individual officers
19 trained in methods of dealing with domestic violence. Such teams or individuals may be
20 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 dispatch a
22 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 domestic
25 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.

28 455.085. 1. When a law enforcement officer has probable cause to believe a party has
29 committed a violation of law amounting to domestic violence, as defined in section 455.010, against
30 a family or household member, the officer may arrest the offending party whether or not the
31 violation occurred in the presence of the arresting officer. When the officer declines to make arrest
32 pursuant to this subsection, the officer shall make a written report of the incident completely
33 describing the offending party, giving the victim's name, time, address, reason why no arrest was
34 made and any other pertinent information. Any law enforcement officer subsequently called to the
35 same address within a twelve-hour period, who shall find probable cause to believe the same
36 offender has again committed a violation as stated in this subsection against the same or any other
37 family or household member, shall arrest the offending party for this subsequent offense. The
38 primary report of nonarrest in the preceding twelve-hour period may be considered as evidence of
39 the defendant's intent in the violation for which arrest occurred. The refusal of the victim to sign an
40 official complaint against the violator shall not prevent an arrest under this subsection.

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

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

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

- (1) The intent of the law to protect victims from continuing domestic violence;
- (2) The comparative extent of injuries inflicted or serious threats creating fear of physical injury;
- (3) The history of domestic violence between the persons involved.

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

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

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

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

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

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

1 of a reported incident of domestic violence, stalking, sexual assault, or violation of an order of
2 protection presented a copy of the order of protection to the respondent.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10. Nothing in this section shall be interpreted as creating a private cause of action for 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 where the child resides, where the alleged incident of domestic violence [or], stalking, or sexual assault occurred, or where the respondent may be served.

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

- (1) A parent or guardian of the victim;
- (2) A guardian ad litem or court-appointed special advocate appointed for the victim; or
- (3) The juvenile officer.

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

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

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

1 455.513. 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 pending
 3 or has been made or that the respondent is less than seventeen years of age, the court may
 4 immediately issue an ex parte order of protection. An immediate and present danger of domestic
 5 violence [or], stalking, or sexual assault to a child shall constitute good cause for purposes of this
 6 section. An ex parte order of protection entered by the court shall be in effect until the time of the
 7 hearing. The court shall deny the ex parte order and dismiss the petition if the petitioner is not
 8 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 appointing
 10 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, the
 12 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 parties
 15 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 and
 18 shall transfer the case to juvenile court for a hearing on a full order of protection. Service of process
 19 shall be made pursuant to section 455.035.

20 455.520. 1. Any ex parte order of protection granted under sections 455.500 to 455.538
 21 shall be to protect the victim from domestic violence [or], stalking, or sexual assault and may include
 22 such terms as the court reasonably deems necessary to ensure the victim's safety, including but not
 23 limited to:

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

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

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

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

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

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

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

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

38 455.523. 1. Any full order of protection granted under sections 455.500 to 455.538 shall be
 39 to protect the victim from domestic violence [and], stalking, and sexual assault may include such
 40 terms as the court reasonably deems necessary to ensure the petitioner's safety, including but not
 41 limited to:

42 (1) Temporarily enjoining the respondent from committing domestic violence or sexual
 43 assault, threatening to commit domestic violence or sexual assault, stalking, molesting, or disturbing
 44 the peace of the victim;

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

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

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

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

6 (2) Award visitation;

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

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

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

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

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

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

19 455.538. 1. When a law enforcement officer has probable cause to believe that a party,
20 against whom a protective order for a child has been entered, has committed an act in violation of
21 that order, the officer shall have the authority to arrest the respondent whether or not the violation
22 occurred in the presence of the arresting officer.

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

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

29 4. (1) Violation of the terms and conditions of an ex parte or full order of protection with
30 regard to domestic violence, stalking, sexual assault, child custody, communication initiated by the
31 respondent, or entrance upon the premises of the victim's dwelling unit or place of employment or
32 school, or being within a certain distance of the petitioner or a child of the petitioner, of which the
33 respondent has notice, shall be a class A misdemeanor, unless the respondent has previously pleaded
34 guilty to or has been found guilty in any division of the circuit court of violating an ex parte order of
35 protection or a full order of protection within five years of the date of the subsequent violation, in
36 which case the subsequent violation shall be a class E felony. Evidence of a prior plea of guilty or
37 finding of guilt shall be heard by the court out of the presence of the jury prior to submission of the
38 case to the jury. If the court finds the existence of a prior plea of guilty or finding of guilt beyond a
39 reasonable doubt, the court shall decide the extent or duration of sentence or other disposition and
40 shall not instruct the jury as to the range of punishment or allow the jury to assess and declare the
41 punishment as a part of its verdict.

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

47 5. The fact that an act by a respondent is a violation of a valid order of protection for a child
48 shall not preclude prosecution of the respondent for other crimes arising out of the incident in which

1 the protection order is alleged to have been violated.

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

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

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

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

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

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

33
34 Further amend said bill by amending the title, enacting clause, and intersectional references
35 accordingly.
36