

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Bill No. 871, Page 1, Section A, Line 3, by
2 inserting after all of said section and line the following:

3
4 "455.513. 1. The court may immediately issue an ex parte order of protection upon the
5 filing of a verified petition under sections 455.500 to 455.538, for good cause shown in the petition,
6 and upon finding that:

7 (1) No prior order regarding custody involving the respondent and the child is pending or
8 has been made; or [that]

9 (2) The respondent is less than seventeen years of age [~~the court may immediately issue an~~
10 ~~ex parte order of protection~~].

11 An immediate and present danger of domestic violence, stalking, or sexual assault to a child shall
12 constitute good cause for purposes of this section. An ex parte order of protection entered by the
13 court shall be in effect until the time of the hearing. The court shall deny the ex parte order and
14 dismiss the petition if the petitioner is not authorized to seek relief pursuant to section 455.505.

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

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

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

26
27 Further amend said bill, Page 2, Section 478.625, Line 7, by inserting immediately after said section
28 and line the following:

29
30 "483.075. 1. Every clerk shall record the judgments, rules, orders and other proceedings of
31 the court; issue and attest all process when required by law and affix the seal of his office thereto, or
32 if none be provided, then his private seal; keep a perfect account of all moneys coming into his
33 hands on account of costs or otherwise, and punctually pay over the same.

34 2. Provided, that where the clerk of the circuit court is a party, plaintiff or defendant,
35 whether singly or jointly with others, to a suit or action, the writ of summons and all other process
36 shall be issued by the clerk of the county commission, the reason therefor being noted on said

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1 process, and said latter named clerk shall, on the trial of said cause, act as temporary clerk of the
2 circuit court and otherwise perform in said cause all the duties of the circuit court clerk. This
3 subsection shall not apply where the clerk of the circuit court is named as a party under sections
4 610.130 to 610.145 or other sections relating to the expungement of criminal records."; and
5
6 Further amend said bill by amending the title, enacting clause, and intersectional references
7 accordingly.