

House _____ Amendment NO. _____

Offered By

1 AMEND Senate Substitute for Senate Bill No. 227, Page 1, Section A, Line 3, by inserting after all
2 of said section and line the following:

3
4 "455.050. 1. Any full or ex parte order of protection granted pursuant to sections 455.010 to
5 455.085 shall be to protect the petitioner from domestic violence, stalking, or sexual assault and
6 may include such terms as the court reasonably deems necessary to ensure the petitioner's safety,
7 including but not limited to:

8 (1) Temporarily enjoining the respondent from committing or threatening to commit
9 domestic violence, molesting, stalking, sexual assault, or disturbing the peace of the petitioner,
10 including violence against a pet;

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

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

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

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

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

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

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

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

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

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

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

Action Taken _____ Date _____

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

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

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

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

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

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

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

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

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

22 (13) Award possession and care of any pet, along with any moneys necessary to cover
23 medical costs that may have resulted from abuse of the pet.

24 4. If, after a hearing for any full order of protection, the court issues an order of protection,
25 the court may also:

26 (1) Prohibit the respondent from knowingly possessing or purchasing any firearm while the
27 order is in effect;

28 (2) Inform the respondent of such prohibition in writing and, if the respondent is present,
29 orally; and

30 (3) Forward the order to the Missouri state highway patrol so that the Missouri state
31 highway patrol can update the respondent's record in the National Instant Criminal Background
32 Check System (NICS). Upon receiving an order under this subsection, the Missouri state highway
33 patrol shall notify the Federal Bureau of Investigation within twenty-four hours.

34 5. A verified petition seeking orders for maintenance, support, custody, visitation, payment
35 of rent, payment of monetary compensation, possession of personal property, prohibiting the
36 transfer, encumbrance, or disposal of property, or payment for services of a shelter for victims of
37 domestic violence, shall contain allegations relating to those orders and shall pray for the orders
38 desired.

39 [5:] 6. In making an award of custody, the court shall consider all relevant factors including

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

6 ~~[6-]~~ 7. The court shall grant to the noncustodial parent rights to visitation with any minor
7 child born to or adopted by the parties, unless the court finds, after hearing, that visitation would
8 endanger the child's physical health, impair the child's emotional development or would otherwise
9 conflict with the best interests of the child, or that no visitation can be arranged which would
10 sufficiently protect the custodial parent from further domestic violence. The court may appoint a
11 guardian ad litem or court-appointed special advocate to represent the minor child in accordance
12 with chapter 452 whenever the custodial parent alleges that visitation with the noncustodial parent
13 will damage the minor child.

14 ~~[7-]~~ 8. The court shall make an order requiring the noncustodial party to pay an amount
15 reasonable and necessary for the support of any child to whom the party owes a duty of support
16 when no prior order of support is outstanding and after all relevant factors have been considered, in
17 accordance with Missouri supreme court rule 88.01 and chapter 452.

18 ~~[8-]~~ 9. The court may grant a maintenance order to a party for a period of time, not to exceed
19 one hundred eighty days. Any maintenance ordered by the court shall be in accordance with chapter
20 452.

21 ~~[9-]~~ 10. (1) The court may, in order to ensure that a petitioner can maintain an existing
22 wireless telephone number or numbers, issue an order, after notice and an opportunity to be heard,
23 directing a wireless service provider to transfer the billing responsibility for and rights to the
24 wireless telephone number or numbers to the petitioner, if the petitioner is not the wireless service
25 accountholder.

26 (2) (a) The order transferring billing responsibility for and rights to the wireless telephone
27 number or numbers to the petitioner shall list the name and billing telephone number of the
28 accountholder, the name and contact information of the person to whom the telephone number or
29 numbers will be transferred, and each telephone number to be transferred to that person. The court
30 shall ensure that the contact information of the petitioner is not provided to the accountholder in
31 proceedings held under this chapter.

32 (b) Upon issuance, a copy of the full order of protection shall be transmitted, either
33 electronically or by certified mail, to the wireless service provider's registered agent listed with the
34 secretary of state, or electronically to the email address provided by the wireless service provider.
35 Such transmittal shall constitute adequate notice for the wireless service provider acting under this
36 section and section 455.523.

37 (c) If the wireless service provider cannot operationally or technically effectuate the order
38 due to certain circumstances, the wireless service provider shall notify the petitioner within three
39 business days. Such circumstances shall include, but not be limited to, the following:

- 1 a. The accountholder has already terminated the account;
 2 b. The differences in network technology prevent the functionality of a device on the
 3 network; or
 4 c. There are geographic or other limitations on network or service availability.

5 (3) (a) Upon transfer of billing responsibility for and rights to a wireless telephone number
 6 or numbers to the petitioner under this subsection by a wireless service provider, the petitioner shall
 7 assume all financial responsibility for the transferred wireless telephone number or numbers,
 8 monthly service costs, and costs for any mobile device associated with the wireless telephone
 9 number or numbers.

10 (b) This section shall not preclude a wireless service provider from applying any routine and
 11 customary requirements for account establishment to the petitioner as part of this transfer of billing
 12 responsibility for a wireless telephone number or numbers and any devices attached to that number
 13 or numbers including, but not limited to, identification, financial information, and customer
 14 preferences.

15 (4) This section shall not affect the ability of the court to apportion the assets and debts of
 16 the parties as provided for in law, or the ability to determine the temporary use, possession, and
 17 control of personal property.

18 (5) No cause of action shall lie against any wireless service provider, its officers, employees,
 19 or agents, for actions taken in accordance with the terms of a court order issued under this section.

20 (6) As used in this section and section 455.523, a "wireless service provider" means a
 21 provider of commercial mobile service under Section 332(d) of the federal [~~Telecommunications~~]
 22 Communications Act of [~~1996~~] 1934 (47 U.S.C. Section [~~151, et seq.~~] 332).

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

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

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

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

34 2. If, after a hearing for any full order of protection, the court issues an order of protection,
 35 the court may also:

36 (1) Prohibit the respondent from knowingly possessing or purchasing any firearm while the
 37 order is in effect;

38 (2) Inform the respondent of such prohibition in writing and, if the respondent is present,
 39 orally; and

1 (3) Forward the order to the Missouri state highway patrol so that the Missouri state
2 highway patrol can update the respondent's record in the National Instant Criminal Background
3 Check System (NICS). Upon receiving an order under this subsection, the Missouri state highway
4 patrol shall notify the Federal Bureau of Investigation within twenty-four hours.

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

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

10 (2) Award visitation;

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

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

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

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

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

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

23 (9) Order a wireless service provider, in accordance with the process, provisions, and
24 requirements set out in subdivisions (1) to (6) of subsection 9 of section 455.050, to transfer the
25 billing responsibility for and rights to the wireless telephone number or numbers of any minor
26 children in the petitioner's care to the petitioner, if the petitioner is not the wireless service
27 accountholder;

28 (10) Award possession and care of any pet, along with any moneys necessary to cover
29 medical costs that may have resulted from abuse of the pet."; and

30
31 Further amend said bill by amending the title, enacting clause, and intersectional references
32 accordingly.