

SECOND REGULAR SESSION

SENATE BILL NO. 1046

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CRAWFORD.

Read 1st time February 27, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

6478S.011

AN ACT

To repeal section 455.513, RSMo, and to enact in lieu thereof one new section relating to child protection orders.

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

Section A. Section 455.513, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 455.513, to read as follows:

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

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

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

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

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

16 3. If the allegations in the petition would give rise to jurisdiction under
17 section 211.031, the court may direct the children's division to conduct an
18 investigation and to provide appropriate services. The division shall submit a
19 written investigative report to the court and to the juvenile officer within thirty

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

20 days of being ordered to do so. The report shall be made available to the parties
21 and the guardian ad litem or court-appointed special advocate.

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

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Bill

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