

Change in domestic violence law eases orders of protection

BY JARED GRAFMAN

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COLUMBIA — A new law went into effect Sunday that makes it easier for victims of domestic violence to be protected from their abusers.

[Senate Bill 320, signed into law by Gov. Jay Nixon on July 12](#) took effect at midnight Sunday. According to the new law, "The court may, upon finding that it is in the best interest of the parties, include a provision that any full order of protection of one year shall automatically renew unless the respondent requests a hearing by thirty days prior to the expiration of the order."

An order of protection may be issued for any time between 180 days and one year. A respondent is a family or household member alleged to have committed an act of domestic violence, or a person alleged to have committed an act of stalking, according to the law. A petitioner is a family or household member who has been a victim of domestic violence, a victim of stalking or a person who files on behalf of a child.

The law establishes a new definition, "domestic violence", as abuse or stalking. The old law referenced abuse as grounds for an order of protection, but the new law replaces those references with "domestic violence" instead.

Barbara Hodges, executive director at True North, a Columbia shelter for victims of domestic violence, is hopeful that the new law will help keep victims of domestic violence safe for a longer time.

"The new law takes the responsibility of continuing the ex parte order of protection off the victims," Hodges said. "It's too early to see how the law affects victims of abuse, but hopefully the end result will be that victims will be safe for a longer time from their abusive loved ones or romantic partners."

Boone County Associate Circuit Judge Leslie Schneider said two of the biggest changes the law makes are that it requires a hearing to terminate a protective order and that it establishes provisions for children under 17 years of age.

The law states:

- "If an ex parte order is entered and the allegations in the petition would give rise to jurisdiction under section 211.031 because the respondent is less than seventeen years of age, the court shall transfer the case to juvenile court for a hearing on a full order of protection."455.035 (3)

An ex parte order of protection is defined in the law as an order issued by the court before the respondent has received notice of the petition or had an opportunity to be heard on it. A full order of protection is defined as an order issued after the respondent has been given an opportunity to be heard in a meeting on the record.

"I think one of the ideas behind the legislation is to ensure no party is coerced into terminating an order of protection," Schneider said. "It ensures that the petitioner is protected."

Schneider said the old law required an order of protection to terminate as soon as a petition was filed, but the new law requires a hearing to be held to determine if the petitioner filed voluntarily.

The new law states that if a respondent violates a full or ex parte order of protection, the person can be charged with a class A misdemeanor, which carries a penalty of up to one year imprisonment and a \$1,000 fine. If the person has pleaded guilty or has been found guilty of violating an order of protection within the previous five years, he or she can be charged with a class D felony, which carries a penalty of up to four years imprisonment and a \$5,000 fine.

"We are anxious to see how the law will play out," Hodges said.