

## Navigating Missouri's New Laws on Squatters

As of August 2024, the Missouri legislature enacted new laws, RSMo 534.602 and RSMo 534.604, providing property owners with a clear legal mechanism to address the issue of unlawful occupants, commonly referred to as squatters. These statutes outline the steps for removing individuals illegally occupying residential properties and set penalties for violations of court orders in such cases.

### Removing Unlawful Occupants - RSMo 534.602

1. **Filing a Petition:** Missouri law defines an "unlawful occupant" as an individual occupying a property without the owner's consent, any legal right, or protections as a tenant. This statute is particularly important for property owners facing situations involving squatters or trespassers.
2. **Ex Parte Order:** Property owners begin the process by filing a verified petition in the county where the property is located, demonstrating that the occupant is unlawfully occupying the premises and providing supporting evidence. Based on the petition, the court may issue an ex parte order for the immediate removal of the unlawful occupant if good cause is shown. This order takes immediate effect and remains valid until a hearing, typically held within 48 hours.
3. **Hearing:** At the hearing, the court may issue a permanent order for the removal of the occupant, which may include removing the individual and their belongings, restraining them from re-entering, and holding them liable for damages or legal costs. The court may also include protections for the property owner, such as restraining the squatter from committing violence or communicating with the property owner or its agents.
4. **Enforcement:** The sheriff / office of civil process is responsible for enforcing the order and can assist in changing locks and removal of personal property. The sheriff is entitled to fees for these services, but neither the sheriff nor the property owner is liable for damages to the occupant's property unless the removal is wrongful.
5. **Wrongful Removal:** If a person is removed without just cause, they have the right to file a civil lawsuit seeking damages and restitution against the property owner, but any damages awarded may be offset by any harm they caused to the property. The statute does not limit the rights of property owners to take additional legal actions for trespass or vandalism, and law enforcement retains authority to arrest squatters for other crimes.

### Enforcement and Penalties - RSMo 534.604

6. **Mandatory Arrest:** RSMo 534.604 outlines the penalties for violating an ex parte order issued under RSMo 534.602. If a law enforcement officer has probable cause to believe that an individual, who has been served or notified of an ex parte order, has violated the

order, the officer must arrest the individual. This applies even if the violation did not occur in the officer's presence.

7. **Immunity for Law Enforcement:** Officers acting in good faith under this statute are protected from civil suits for false arrest, false imprisonment, or malicious prosecution, provided they follow proper procedures.
8. **Penalty:** Violating an ex parte order is classified as a Class A misdemeanor, and the individual is deemed notified of the order if it has been served, presented by an officer, or communicated in a manner that reasonably informs them of its existence.
9. **No Civil Cause of Action:** While the statute clarifies the legal framework for enforcement and penalties, it does not create a separate civil cause of action solely for enforcing an ex parte order.

## **Conclusion**

Missouri's RSMo 534.602 and 534.604 provide property owners with a streamlined legal tool to remove squatters and enforce court orders. At the same time, safeguards are in place to prevent wrongful removals, ensuring a balance between protecting property rights and the due process rights of occupants.

Given the complexity of these new statutes, property owners are advised to consult with legal professionals, such as **Anderson & Associates**, to ensure compliance and proper action in dealing with squatters. Understanding these laws is crucial for effectively navigating and protecting your property rights under Missouri law.