

**FAMILY COURT OF ST. LOUIS COUNTY, MISSOURI
7900 Carondelet Avenue
Room 156
Clayton, Missouri 63105
(314) 615-4725**

CHILD PROTECTION INFORMATION

Missouri's Adult Abuse and Child Abuse Act provides protective relief for victims of domestic violence and stalking. This information is intended to help you understand the procedures necessary to file a petition and seek an "Order of Protection" from the Court. Clerks in the Adult Abuse Office will try to answer any questions that you may have. You may also wish to seek the advice of an attorney. We hope this information is useful to you. If we can help you further, please let us know.

**QUALIFICATIONS FOR FILING
A CHILD ORDER OF PROTECTION**

The child you are filing on behalf must be:

AGE:

17 years of age or younger

RELATIONSHIP:

The respondent (person being filed against) must be a present or former household member at least 18 years of age or emancipated.

**NO RELATIONSHIP:
(STALKING)**

The respondent does not have to be a present or former household member or be related to the victim. However, the respondent does need to be 18 years of age or older.

WHAT IS ABUSE:

Abuse includes any physical injury, sexual abuse, or emotional abuse inflicted on a child other than by accidental means or stalking of a child.

LEGAL DEFINITIONS UNDER CHAPTER 455 OF THESE ACTS ARE:

ASSAULT:

Purposely or knowingly placing or attempting to place another in fear of physical harm.

BATTERY:

Purposely or knowingly causing physical harm to another with or without a deadly weapon.

COERCION:

Compelling a person by force or threat of force to engage in conduct from which the person has a right to abstain or to abstain from conduct in which the person has a right to engage.

HARASSMENT:

Engaging in a purposeful or knowing course of conduct involving more than one incident that alarms or causes distress to another person and serves no legitimate purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress and must actually cause substantial emotional distress to the petitioner. Such conduct may include following another about in a public place or peering in the window or lingering outside the residence of another.

SEXUAL ASSAULT:

Causing or attempting to cause another to engage involuntarily in any sexual act by force, threat of force, or duress.

UNLAWFUL IMPRISONMENT:

Holding, confining, detaining or abducting another person against that person's will.

LEGAL DEFINITION OF STALKING:

When an adult purposely and repeatedly engages in an unwanted course of conduct with regard to a child that causes another adult to believe that a child would suffer alarm by the conduct. As defined in the statute:

- a) "Course of Conduct" means a pattern of conduct composed of repeated acts over a period of time, however short that serves no legitimate purpose. Such conduct may include, but is not limited to, following the other person or unwanted communication or contact.
- b) "Repeated" means two or more incidents evidencing a continuity of purpose; and
- c) "Alarm" means to cause fear of danger of physical harm.

RELIEF YOU MAY BE ENTITLED TO:

This Law allows the Court under some circumstances to order the following:

- 1) Temporarily restrain the respondent from abusing, threatening to abuse, molesting, stalking or disturbing the peace of the victim;
- 2) Temporarily restrain the respondent from entering the family home of the victim;
- 3) Temporarily restrain the respondent from having any contact with the victim;
- 4) Child custody, support or visitation, if applicable;
- 5) Respondent to pay maintenance or alimony if the parties are married;
- 6) Respondent is responsible to make mortgage or rent payments, if applicable;
- 7) Respondent to participate in a counseling program;
- 8) Respondent to pay the cost of treatment;
- 9) Respondent to pay reasonable fees for housing or other services if you are obtaining services from a shelter for victims of domestic violence:

To obtain any of these orders, you must ask for them by marking the proper box in your petition or by including them in your petition. The Court will then decide if you are entitled to the orders you have requested.

ADDITIONAL INFORMATION REGARDING
ORDERS OF PROTECTION
WHERE TO FILE AN ORDER OF PROTECTION
OR STALKING ACTION

You may file an action:

- 1) in the county where you live; or
- 2) in the county where you or your child were abused, stalked, or threatened; or
- 3) in the county where the person against whom you are requesting protection may be found.

**LOCATION WHERE YOU MAY REQUEST
AN ORDER OF PROTECTION:**

FAMILY COURT OF ST. LOUIS COUNTY, MISSOURI
7900 Carondelet Avenue
Room 156
Clayton, Missouri 63105

PROCEDURE FOR FILING AN ACTION:

1) PETITION:

You must fill out in detail a “petition” (you become the petitioner and the person you are filing against becomes the respondent) which tells the Court why you believe you are entitled to legal relief and what relief you desire.

NOTE:

The person seeking a child protection order must report the abuse to the Missouri Child Abuse/Neglect Hotline so that the Missouri Division of Family Services can initiate an investigation of the allegations. The toll-free number for D.F.S. is 1-800-392-3738.

2) COSTS:

No fee is charged.

3) SERVICE:

Finding and serving the respondent with the Order of Protection is often the most difficult part of obtaining an Order of Protection.

It is important that you bring photographs and provide any information that will help the Sheriff locate the respondent. The respondent must be served with a copy of the petition and an Ex Parte Order of Protection at least 3 days before the hearing date. If the respondent has not been served, you may ask the Court to schedule another hearing date so that another order may be served on the respondent. You may also ask that the order remain in effect until the new hearing date. Whether the respondent has been served or not, you must appear on the hearing date. If you fail to appear, the case will be dismissed.

PROCEDURE TO OBTAIN AN ORDER:

1) EX PARTE ORDER:

Once you have filled out your petition and other required documents, the file is taken to a judge or a commissioner. If he/she believes you or the child you are filing on behalf of are in danger of immediate abuse or a victim of stalking, the judge or commissioner may issue an "Ex Parte Order of Protection" and schedule a court hearing. If you are filing a Child Order of Protection and there is a pending or prior order regarding custody, the Court may issue a summons rather than an Ex Parte Order.

2) HEARING:

A hearing is usually held within 15 days after application. At the hearing the Court will listen to any testimony and other evidence that you and the respondent presents and decide if you are entitled to any or all of the relief you seek. Before you go to the full hearing, prepare your testimony carefully. Be prepared to give your version of the incidents of abuse or stalking. You may bring witnesses who have seen the respondent abuse or stalk you or who have seen your injuries. Also, bring hospital bills, pictures and any other evidence to help the Court decide if a Full Order of Protection should be issued.

Be prepared to tell the Court which orders you want granted, as specified on the petition, and why these orders are essential for your protection and livelihood.

3) FULL ORDER OF PROTECTION:

If you prove that you have been subjected to abuse, or are a victim of stalking, a Full Order of Protection may be issued for up to one year for an adult abuse case and not to exceed one hundred eighty days for a child protection case. The Full Order of Protection may be renewed twice. However, you need to request each renewal at least two weeks prior to the expiration date of the current order. If for good cause a hearing cannot be held on the motion to renew the Full Order of Protection prior to the expiration date of the original.

You will be given a copy of the order granted by the Court. Keep a copy with you at all times. If you are threatened with abuse or stalking, call your local police department and tell them you have a court order granted under the **ADULT or CHILD ABUSE LAW** (whichever applies). When the police arrive, they may arrest the respondent or order the respondent to leave.

TERMINATION OF PROCEEDINGS

The "Ex Parte Order" will terminate on the date set for a full hearing. A "Full Order of Protection" will terminate on the expiration date stated in the order. The order may be renewed twice if you apply to the Court and appear at another hearing for each renewal. The order will expire if you file a written termination and if approved by the Court (signed by you and by the respondent).

A finding by the Court of a subsequent act of abuse or stalking is not required for a renewal of an Order of Protection.

CLERKS PROVIDE ASSISTANCE

Clerks within the Office of the Circuit Clerk will give you a sheet containing instructions for completing the petition for an Order of Protection. If you are not represented by counsel, a clerk will also explain the procedures for filing all forms and pleadings necessary for the presentation of your petition to the Court.

Please call the Adult Abuse/Child Protection Information of the Family Court (314-615-4725), if you have any questions. The Office of the Circuit Clerk will make every effort to assist you according to the laws of the State of Missouri.