

WHAT TO DO IF YOUR ORDER OF PROTECTION HAS BEEN VIOLATED

(Rev. 12/07/09)

You have two options. In many instances, you can exercise both of the following options. [To assist you in making your decision, you may want to consider contacting one of the domestic violence victim advocate organizations listed in the St. Louis County Domestic Abuse Brochure (under "Legal Services and Court Advocacy"). The brochure is available in the Adult Abuse Office of the St. Louis County Courthouse and online at www.stlouisco.com/circuitcourt. Click on "Family Court" and then select "Domestic Violence Court."]

1. CALL THE POLICE. IF YOU ARE IN DANGER, CALL "911" IMMEDIATELY. CALL THE POLICE IF THE RESPONDENT (THE PERSON YOU FILED AGAINST) HAS DONE ANY OF THE FOLLOWING ACTS THAT ARE IN VIOLATION OF YOUR ORDER OF PROTECTION:

- Physically harmed you (for example: hit, kicked, choked, sexually assaulted you, etc...) or threatened to harm you;
- Stalked you (followed you, harassed you, etc...);
- Communicated with you (for example: in person, by phone, by letter, by e-mail, by text message, through another person, etc.);
- Entered your residence or on your property; or
- Failed to follow the custody and visitation arrangements for your child(ren).

Tell the police that you have a Full Order of Protection. Tell them the details of the violation(s). Give the police as much information as possible (including the case number, the Respondent's home and work address, his/her license plate number, etc.).

2. FILE A "MOTION FOR CONTEMPT" AT THE COURTHOUSE.

• WHAT IS A MOTION FOR CONTEMPT?

A Motion for Contempt is a request for the court to address a person's alleged violation of a court order. By filing such a motion, you are asking the judge to hold the other person "in contempt of court" for violating a court order. If the judge makes such a finding, the judge has the ability to fine the offender and/or send him/her to jail.

• FOR WHAT VIOLATIONS CAN I FILE A MOTION FOR CONTEMPT?

You can ask the judge to hold the other person in contempt of court for violating any of the terms of a valid Order of Protection, including the violations listed above **with the exception of custody and visitation**. For those violations not listed, you may need to seek private legal counsel to assist you in filing the appropriate motions in Family Court. For most of the violations listed in Section 1 above, you have the option both to call the police and to file a Motion for Contempt.

• WHERE DO I GO TO FILE?

The Adult Abuse Office is on the first floor (the "Plaza Level") of the St. Louis County Courthouse, one floor above the ground level. The Courthouse address is 7900 Carondelet Ave., Clayton, MO 63105. The Adult Abuse Office phone number is (314) 615-8086.

- **WHEN CAN I FILE?**

The Adult Abuse Office is open for contempt motion filings **Mondays through Fridays from 8:00 a.m. to 5:00 p.m.** The office has additional hours for petitioner s who are filing for emergency Orders of Protection.

- **DO I NEED TO PAY ANYTHING TO FILE?**

No, there is no cost for filing a Motion for Contempt.

- **WHAT SHOULD I BRING?**

You are not required to bring anything; however, for the hearing, if you can support your claims with photographs, video tapes, police reports, medical records or other documents, you should bring those documents with you. If you only have the original documents, the Adult Abuse Office staff can make copies for you. (*Please note that, given the busy nature of the Adult Abuse Office, there may be a long wait for making copies.*)

Since the Respondent must be served with a copy of your motion, you should try to have his/her current address (home, work or both) when you arrive at the Adult Abuse Office. The more information that you can provide the Sheriff's Office to assist them in locating the Respondent, the more likely they will be able to quickly serve him/her. Try to bring his/her date of birth, social security number, license plate number, driver's license number, etc...

- **WHAT WILL I HAVE TO DO?**

You will be given a Motion for Contempt form that you will need to complete. On this form, you will need to write down the details of what happened and why you are asking that the other person be held in contempt of court. The staff at the Adult Abuse Office will be able to help you if you have any questions. If you have access to a computer, you can also get the form online at: www.stlouisco.com/circuitcourt. Click on "Family Court" and then select "Domestic Violence Court." Select "Motion for Contempt Forms."

- **HOW DO I DETERMINE WHAT OTHER STEPS TO TAKE?**

The Adult Abuse Office has a document entitled "*Questions and Answers about Filing a Motion for Contempt.*" (There is also a form entitled "*Questions and Answers about Responding to a Motion for Contempt .*") Volunteer advocates will be available for advice and assistance in the Adult Abuse Office during most of the hours that the office is open.

- **DO I NEED A LAWYER?**

You may represent yourself. The forms are not difficult to complete. You should, however, consider talking with a lawyer or getting legal representation, especially because the Respondent may also hire a lawyer. You may qualify for free legal representation; volunteer advocates at the Adult Abuse Office are available to provide this referral information. In most instances, the judge will appoint an attorney to prosecute your case.

- **WHAT CAN THE JUDGE DO IF HE/SHE FINDS THAT THE RESPONDENT VIOLATED THE ORDER OF PROTECTION?**

The judge can grant whatever relief he/she believes is in the best interest of justice. The judge may order that the Respondent pay a fine, go to jail, or do both.