



# A Practical Guide to Adult Orders of Protection

Clay County Circuit Clerk  
and Family Court Services

# Overview

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- What is an Adult Order of Protection?
- How does the law protect against abuse?
- Who can file for protection?
- What is abuse and stalking?
- What is covered in an Order of Protection?
- Steps to apply for an Order of Protection
- Keeping your contact information confidential
- Violation of Order of Protection
- Resources

# What is an Adult Order of Protection?

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- The Missouri Adult Abuse Act provides a civil process (criminal charges may also apply) to protect an adult from certain types of abuse. An order of protection may be issued by a court for the types of “abuse” defined in the statute.

It is important for you to determine if your situation is appropriate for an Adult Order of Protection. See the definitions that follow.

# How does the law protect against abuse?

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A judge may order the abuser to stop abusing, harassing or stalking you and to stay away from your home. The order is valid in every state until it expires.

- **Ex Parte Order of Protection** – a temporary emergency order issued to protect the “Petitioner” for an order of protection until a court hearing (in 15 days or less)
- **Full Order of Protection** –order entered after the court hears evidence, issued for up to one year.

# Who can file for protection?

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- **AGE:** age 17 or older

(under 17 only if “emancipated” from legal disabilities as a minor ).

**AND**

- **RELATIONSHIP to abuser:**

- Spouse or former spouse
- Relative by blood or marriage
- Current or former live-in girlfriend/boyfriend
- Have a child together
- Had or have a continuing social relationship of a romantic or intimate nature

**OR**

- **Victim of “stalking”**

# You have been abused when the abuser does one of the following:

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- Places or attempts to place you in fear of physical harm (assault)
- Causes you physical harm (battery)
- Forces or threatens to force you to do something or stopped you from doing something you have a right to do (coercion)
- Forces you to engage in any sexual act without your consent (Sexual assault)
- Engages, more than once, in conduct that causes you substantial emotional distress (harassment)
- Holds, confines, detains or abducts you against your will (unlawful imprisonment)

# What about stalking?

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## **You are being “stalked” when a person:**

- repeatedly engages in an unwanted pattern of behavior (2 or more incidents)
- that serves no legitimate purpose

AND

- that reasonably causes you to fear a danger of physical harm (feeling frightened, intimidated or emotionally distressed)

This may include unwanted contact or communication such as following you, texting you, phone calls, showing up at your workplace, etc ...

# What is covered in an Order of Protection?

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## **The Order of Protection may address:**

(some issues are limited to specific situations)

- Restraining abuse or stalking
- Prohibiting entry to dwelling unit
- Prohibiting communication in any manner

Orders regarding custody and support of child not appropriate when child subject to existing court order or a pending case



# What help is available?

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- Under Missouri's Adult Abuse Act the court clerk will provide forms and can explain how to file the necessary forms (but cannot give you legal advice).
- You may seek assistance from a domestic abuse advocacy program (see Resources at the end of this slideshow).
- If you cannot afford a lawyer, some free or low-cost assistance may be available (see Resources at the end of this slideshow).

# Steps to apply for an Order of Protection

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## **Step One: Fill out an application**

(called a “Petition for an Order of Protection”).

The Circuit Clerk can provide you with the form. No filing fee is required.

### **Fill out the Petition:**

- Describe the most recent episode of abuse in detail
- Next, go backwards in time to describe prior episodes
- Be sure to include exact dates if known and state specifically what the abuser did to you.
- Explain why you are afraid now.

## Step Two: *Ex Parte* Order of Protection

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- The Circuit Clerk will take your petition to a judge.
- You must wait for the judge to review your petition. This normally takes 60 – 90 minutes.
- A judge will make the initial decision solely on what is written in the Petition for an Order of Protection.
- You will be told whether your petition is granted or denied.
- If an *Ex Parte* Order of Protection is granted it is a temporary order good for a period not to exceed 15 days.
- You will be given a date to return to court for a hearing on a Full Order of Protection.

## Step Three: Service of *Ex Parte* Order

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The *Ex Parte* Order is valid immediately and entered in the statewide computerized MULES system available to law enforcement.

- A law enforcement officer will serve a copy of the *Ex Parte* Order of Protection on the person you identify as the abuser.
- Request to receive notice when the *Ex Parte* Order is served.
- Call law enforcement if that person tries to contact you.
- Arrange to come to court on the hearing date you are given.

# Step Four: Prepare for the Hearing

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- A court date is set if the judge grants an *Ex Parte* Order. You will prove your case at the hearing. Consider having a lawyer to help you do this. (see the Resources at end of this slideshow)
- If the *Ex Parte* Order is not served prior to the hearing date, you still must appear in court to request that the Ex Parte Order be extended and a new hearing date set.
- Ask witnesses who have seen or heard abusive behavior to attend the hearing & gather evidence you can safely get: photos, medical reports, damaged property or clothing. Make a written list of what you need to say at the hearing.

# Step Five: The Hearing

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## **Be on time for your hearing.**

- You will be sworn and must testify about the episodes of abuse or stalking. A record is made of what you say.
- Be sure to tell the judge about any incidents since the *Ex Parte* Order was entered. You must tell the judge why you are still afraid now and exactly what you want covered in the Full Order.
- The judge will allow both sides to testify.
- The person you are accusing may ask you questions. Try to remain calm. Direct your testimony only to the judge. Do not argue with other witnesses.

# Step Six: The Full Order of Protection

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You may be asked if you will agree to entry of an Order without a hearing (this is called a “consent order”). A consent order does not require the person you are accusing to admit to conduct and no record of evidence is made.

- If the judge hears evidence, a decision is made to “grant” or “deny” the Full Order of Protection.
- If granted, keep a copy of the Order handy so you can show it to law enforcement if necessary. Provide a copy to your workplace and other places you go on a regular basis, such as a childcare center.

## Step Seven: Renewing Your Order of Protection

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- The Full Order of Protection expires on the date stated in the order. Normally, the Order is in effect for six months or one year. It can be renewed twice.
- You should request a renewal at least 30 days prior to the expiration of the Order.
- The Order can be renewed without a new incident of abuse if application is made before the Order expires.



# Will my contact information be disclosed?

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- Be sure to tell the court clerk if you want your address to be kept confidential. You will fill out an additional form to request your address not be disclosed in court documents.
- Missouri's **Safe at Home** program allows you to establish a PO Box address in Jefferson City through the office of the Secretary of State. Your mail will be forwarded to you.  
(Call 866-509-1409 or visit [www.sos.mo.gov](http://www.sos.mo.gov))

# Can I violate my own Order?

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- Not a good idea! Your voluntary contact with a person ordered not to contact you may make it very difficult to enforce or renew the Order.
- Any custody, visitation and support orders will stay in effect during the Order of Protection.
- Consider using a third party for exchange of children. The SAFE Exchange is a free option. Call 816-736-8400 for information.
- An order for custody, visitation or support entered after the Order of Protection is issued may invalidate that portion of your Order of Protection.

# What if the abuser violates the Order?

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- An abusive violation of an Order of Protection is a criminal offense. Contact law enforcement immediately.
- An abuser may be arrested and prosecuted for certain crimes.
- A Motion for Civil Contempt may be filed for non-abusive violations (such as not paying support as required by the Order of Protection).

# Resources

Please take available brochures

- [www.escapeabuse.org](http://www.escapeabuse.org) Northland resources
- Synergy Services 826-587-4011
- Kansas City area shelters 816-452-8535
- Legal Aid of Western Missouri 816-474-6750
- [www.MOSafeatHome.com](http://www.MOSafeatHome.com) address protection
- Clay Co Sheriff's Domestic Abuse Response Team (DART) 816-407-3910
- Clay Co Prosecutor's Office Victim Advocate 816-736-8300
- [www.circuit7.net/familycourt](http://www.circuit7.net/familycourt) domestic violence info