IN THE _____ JUDICIAL CIRCUIT COURT, _____, MISSOURI

Judge or Division:	**Case Number:**
	Court ORI Number:
Petitioner:	MSHP Number:
	Responsible Law Enforcement ORI:
vs.	Related Cases:
Respondent: Alias/Nicknames:	Respondent's Home Address: Home Phone Number:
Respondent's DOB: Age: SSN (if known, last four digits): Race: Sex: ☐ F ☐ M Hair Color: Height: Eye Color: Weight: (Identifying Information for use by Law Enforcement) Visible Identifying Marks (e.g. tattoos, birthmarks, braces, mustache, beard, pierced ear, glasses):	Respondent's Work Address: Work Phone Number: Work Hours: Other Locations Where Respondent May Be Served: Petitioner's Relationship to Respondent pursuant to 18 U.S.C. §§ 921(a)(32) and 922(g)(8) determination: ☐ Spouse ☐ Adults with child(ren) in common ☐ Former spouse ☐ Adults, intimate residing/resided together ☐ Adults are/were in a continuing social relationship of a romantic/intimate nature ☐ Adults related by blood. Define relationship: _____ ☐ Adults related by marriage. Define relationship: _____ ☐ Adults residing/resided together; no intimacy ☐ Stalking. Define relationship: _____

(Date File Stamp)

Adult Abuse/Stalking Ex Parte Order of Protection

The State of Missouri to Respondent

Petitioner has filed a verified petition (copy attached) requesting an Order of Protection against you. Pursuant to Sections 455.035 to 455.045 RSMo, the court finds that there is an immediate and present danger of abuse to Petitioner by you or that Petitioner has been a victim of stalking by you and that there is good cause to issue an Order of Protection.

Therefore, the court orders that you, _____, Respondent, not:

☐ Abuse, threaten to abuse, stalk, molest or disturb the peace of Petitioner wherever Petitioner may be found.[01 & 04]
☐ Enter or stay upon the premises wherever the Petitioner may reside, place of employment or school
  ☐ Located at (unless disclosure waived)_____.[04]
☐ Be within _____ (distance) of the Petitioner.
☐ Communicate with Petitioner in any manner or through any medium. [05]
☐ Other: _____.[08]

It is further ordered that: Custody of the minor children shall be awarded, until further order of court, as follows

Child's Name	Age	Person Awarded Custody [Respondent-06, Petitioner-09]

(Attach additional sheets if necessary)

It is further ordered that:

_____

_____

Violation of this Order may be punished by confinement in jail for as long as four years and by a fine of as much as five thousand dollars. If so ordered by the court, Respondent is forbidden to enter or stay at Petitioner's residence.

The hearing of this cause will be in Division _____ of the Circuit Court of _____ (County/City of St. Louis), in _____, Missouri at _____ (time) on _____ (date).

So Ordered:

_____ Date

_____ Judge

If you have a disability requiring special assistance for your court appearance, please contact the court at least 48 hours in advance of the scheduled hearing date and time.

Notice to Respondent

You are notified that under Section 455.050 RSMo if the court finds in favor of Petitioner or you default, the court may grant any of the following forms of relief:

1. Order you not to stalk, abuse, threaten to abuse, molest or disturb the peace of Petitioner wherever Petitioner may be;
2. Order you not to enter upon the premises of the dwelling of Petitioner;
3. Order you not to enter upon the premises of the Petitioner's place of employment or school, or be within a certain distance of the Petitioner.
4. Order you not to transfer, encumber or otherwise dispose of mutually owned or leased property;
5. Grant Petitioner temporary possession of specified personal property;
6. Order you to participate in court approved counseling for batterers and/or substance abuse treatment;
7. Award custody of minor children;
8. Establish a visitation schedule;
9. Order you to pay child support and/or maintenance to Petitioner;
10. Order you to make an assignment of earnings or other income;
11. Order you to pay Petitioner's rent or mortgage;
12. Order you to pay for housing or other services provided to Petitioner by a shelter;
13. Order you to pay court costs;
14. Order you to pay Petitioner's attorney fees;
15. Order you to pay the cost of medical treatment and services provided to Petitioner as a result of injuries sustained by an act of domestic violence committed by you;
16. Temporarily enjoin you from communicating with Petitioner in any manner or through any medium.

Definition of Abuse

You are notified that, under section 455.010(1), RSMo, the term **"abuse"** includes but is not limited to the threat to commit, the attempt to commit and/or the actual commitment of the following acts, except abuse shall not include abuse inflicted on a child by accidental means by an adult household member or discipline of a child, including spanking, in a reasonable manner.

a. ***Assault***: "purposely or knowingly placing or attempting to place another in fear of physical harm";

b. ***Battery***: "purposely or knowingly causing physical harm to another by with or without a deadly weapon";

c. ***Coercion***: "compelling another by force or threat of force to engage in conduct from which the latter has the right to abstain or to abstain from conduct in which the person has a right to engage";

d. ***Harassment***: purposely or knowingly engaging in a "course of conduct" that "alarms or causes distress to an adult or child and serves no legitimate purpose. The course of conduct must be such as would cause a reasonable adult or child to suffer substantial emotional distress and must actually cause substantial emotional distress to the petitioner or child." Some examples include:

i. "Following another about in a public place";
ii. "Peering in the windows of another";
iii. "Lingering outside the residence of another".

e. ***Sexual assault***: "causing or attempting to cause another to engage involuntarily in any sexual act by force, threat of force, or duress";

f. ***Unlawful imprisonment***: "holding, confining, detaining or abducting another against that person's will"

Definition of Stalking

You are notified that, under Section 455.501(13) RSMo, **"stalking"** occurs when any person purposely and repeatedly engages in an unwanted course of conduct that would cause alarm to a reasonable person. "An unwanted course of conduct" is behavior that serves no legitimate purpose. Such conduct may include following a person or unwanted communication or contact. "Repeated" means two or more incidents that show a continuity of purpose, in other words, that are intended to cause alarm. "Alarm" means to cause fear of danger of physical harm.

Sheriff's or Server's Return

I certify that I served this Order and the petition at _____ (address) in _____ (County/City of St. Louis), MO, on _____ (date), at _____ (time), by: (Check one)

- ☐ delivering a copy of the Order and petition to _____ (name);
- ☐ leaving a copy of the Order and petition at the dwelling place or usual abode of _____ (name), with _____ (name), a person of _____'s (name) family over the age of 15 years.
- ☐ other (describe) _____

_____	_____	_____
Printed Name of Sheriff or Server	Sheriff or Server	Agency ORI

Must be sworn before a notary public if not served by an authorized officer

Subscribed and sworn to before me on this _____ (date).

(Seal)

My commission expires: _____ _____

Date Notary Public

Missouri and federal law provides that the costs and fees for service of protection orders are not required. (455.010 RSMo & 42 U.S.C. Section 3796gg-5)

Complete for Out of State Service

I certify that:

1) I am authorized to serve process in civil actions within the state or territory where the above Order was served.
2) My official title is _____ of _____ County, _____ (state).

Served in _____ County, _____ (state), on _____ (date) at _____ (time).

Subscribed and Sworn To before me on this _____ (date).

I am: (check one)

- ☐ the clerk of the court of which affiant is an officer.
- ☐ the judge of the court of which affiant is an officer.
- ☐ authorized to administer oaths in the state in which the affiant served the above summons. (use for out-of-state officer)
- ☐ authorized to administer oaths. (use for court-appointed server)

(Seal)

_____

Signature and Title

Missouri and federal law provides that the costs and fees for service of protection orders are not required. (455.010 RSMo & 42 U.S.C. Section 3796gg-5)

Directions to Officer Making Return on Service

A copy of the Order and petition must be served on each person. If any person refuses to receive the copy of the Order and petition when offered to him, the return shall be prepared to show the offer of the officer to deliver the Order and petition and the person's refusal to receive the same.

Service shall be made: (1) On Individual. On an individual, including an incompetent person not having a legally appointed guardian, by delivering a copy of the Order and petition to the individual personally or by leaving a copy of the Order and petition at the individual's dwelling house or usual place of abode with some person of the family over 15 years of age, or by delivering a copy of the Order and petition to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. On an incompetent person who has a legally appointed guardian, by delivering a copy of the Order and petition to the guardian personally.

Service may be made by an officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made.

Service may be made in any state or territory in the United States. If served in a territory, substitute the word "territory" for the word "state."

If service is made outside of Missouri, the officer making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.

The return should be made promptly.

Instructions to Clerk

1. A copy of the Ex Parte Order of Protection and a copy of the petition must be personally served upon Respondent immediately and not less than 3 days prior to the date of the hearing.
2. A copy of the Ex Parte Order of Protection shall be issued to Petitioner.
3. A copy of the Ex Parte Order of Protection shall be issued to the local law enforcement agency (police or sheriff) in the city or county where Petitioner resides.
4. A copy of the Ex Parte Order of Protection shall be issued the same day the order is granted to the local law enforcement agency responsible for maintaining the Missouri Uniform Law Enforcement System (MULES).