IN THE _____ JUDICIAL CIRCUIT COURT, _____, MISSOURI

Adult Abuse/Stalking Judgment Entry

Full Order of Protection

Judge or Division:	**Case Number:**
	Court ORI Number:
Petitioner:	MSHP Number:
	Responsible Law Enforcement ORI:
	Related Cases: (Date File Stamp)
Relationship to Respondent (specified on petition):	Respondent Identifiers:

SEX	RACE	DOB	HT	WT

vs.

HAIR	EYES	SOCIAL SECURITY # (last four digits)

Respondent:

DRIVERS LICENSE #	STATE	EXP DATE

Address _____

Distinguishing Features _____

CAUTION:

☐ Weapon Involved

☐ Concealed Carry Endorsement/Certificate Holder

Appearances: ☐ Petitioner ☐ Respondent ☐ Respondent Fails to Appear

☐ GAL ☐ Petitioner's Attorney ☐ Respondent's Attorney ☐ Other _____

The court hereby finds:

That it has jurisdiction over the parties and subject matter, and the Respondent has been provided with reasonable notice and opportunity to be heard.

☐ Additional findings of this order are as set forth below.

The court hereby orders:

☐ That the above named Respondent be restrained from committing further acts of abuse or threats of abuse. [01]

☐ That the above named Respondent be restrained from any contact with the Petitioner. [05]

☐ Additional terms of this order are as set forth below.

The terms of this order shall be effective until _____ (date).

WARNINGS TO RESPONDENT:

If you hold a concealed carry endorsement or certificate of qualification, you must surrender such to the court, officer or the official serving this order.

This order shall be enforced, even without registration, by the courts of any state, the District of Columbia, any U.S. Territory, and may be enforced by Tribal Authorities in Indian Country (18 U.S.C. Section 2265). Crossing state, territory, or tribal boundaries to violate this order may result in federal imprisonment (18 U.S.C. Section 2262).

Federal law provides penalties for possessing, transporting, shipping, or receiving any firearm or ammunition (18 U.S.C. Section 922(g)(8)).

Only the Court can change this order.

(Check Applicable Statement)

☐ Petitioner has filed a verified petition requesting an Order of Protection. Notice of the date set for the hearing, together with a copy of the petition and any Ex Parte Order of Protection, was served on Respondent at least three days prior to the hearing. The matter was heard and submitted to the court which, after due consideration, finds pursuant to section 455.040, RSMo that Petitioner has proved the allegations of abuse or stalking.

☐ Petitioner and Respondent submit this judgment by consent and request that the court order the following:

☐ Petitioner has filed a motion for renewal of her/his full order of protection. Notice of the date set for hearing, together with a copy of the motion, was served on Respondent prior to the hearing as provided by law. The matter was heard and submitted to the court which, after due consideration, finds pursuant to section 455.040, RSMo that the full order of protection should be renewed.

Order

(Only those provisions checked apply)

☐ This Order replaces and supersedes the Ex Parte Order of Protection entered in this cause on _____ (date) and serves as notice of termination of that Order.

☐ This Order renews the Full Order of Protection entered in this cause on _____ (date) and serves as notice of renewal of that Order.

☐ Respondent shall not abuse, threaten to abuse, molest, stalk or disturb the peace of Petitioner wherever Petitioner may be found: _____ [01 & 04]

☐ Respondent shall not use, attempt to use, or threaten to use physical force against Petitioner that would reasonably be expected to cause bodily injury and shall not stalk, abuse, threaten to abuse, molest or disturb the peace of Petitioner wherever Petitioner may be found. [01]

☐ Respondent shall not communicate with Petitioner in any manner or through any medium. [05]

☐ Respondent shall not enter or stay upon the premises of wherever Petitioner may reside.
☐ located at (unless disclosure waived) _____.[04]

☐ Respondent shall not enter upon the premises of the Petitioner's place of employment or school, or be within _____ (a certain distance) of the Petitioner.

☐ Respondent shall not transfer, encumber or otherwise dispose of the following property mutually owned or leased with Petitioner: _____. [08]

☐ Petitioner shall be given temporary possession of the following personal property: _____

☐ Respondent is authorized, accompanied by a law enforcement officer, to remove from the residence at _____ the following personal property: _____

☐ Respondent shall participate in a court approved counseling program for ☐ batterers ☐ substance abuse treatment at _____, beginning _____.

☐ Custody of child(ren) shall be awarded as follows:

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

☐ A visitation schedule shall be established for ☐ Petitioner ☐ Respondent [06] as follows: _____.

☐ The parties shall exchange the minor child(ren) for visitation at _____.

☐ Petitioner ☐ Respondent shall pay child support to ☐ Petitioner ☐ Respondent as follows: $ _____
☐ per week ☐ per month, with the first payment due _____(date).

☐ Respondent shall pay maintenance to Petitioner as follows: $ _____ ☐ per week ☐ per month, with the first payment due _____ (date).

☐ _____ is appointed as trustee to receive the maintenance and/or child support.

☐ Petitioner ☐ Respondent shall execute an income assignment for: ☐ child support ☐ maintenance.

☐ Respondent shall pay the rent or mortgage on the residence at _____ in the amount of $ _____ per _____ to _____, with the first payment due _____ (date).

☐ Respondent shall pay Petitioner's rent at a residence, other than the residence previously shared with Respondent, in the amount of $ _____ per _____ to _____, with the first payment due _____ (date).

☐ Respondent shall 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 Respondent.

☐ Respondent shall surrender his or her license containing a concealed carry endorsement.

☐ Respondent presents a risk of harm to self or others and shall surrender his or her license containing a concealed carry endorsement.

☐ Court costs are assessed against Respondent.

☐ Respondent shall pay to Petitioner attorney's fees in the amount of $ _____.

☐ Other Orders: _____

Federal Firearms Restriction

☐ The court finds that:

a. as a result of a hearing at which the Respondent received notice and had an opportunity to participate; and,

b. Respondent is a spouse, former spouse, is or was cohabitating, or has a child in common with the Petitioner; and,

c. Respondent is a credible threat to the physical safety of, or is explicitly prohibited within this Order from the use, attempted use, or threatened use of physical force that would reasonably be expected to cause bodily injury against the Petitioner; and,

d. Respondent is restricted from harassing, stalking or threatening the Petitioner, the child they have in common or a child of the Petitioner's partner, or from engaging in any conduct that would place the Petitioner in reasonable fear of bodily injury to him or her self, the child in common, or child of the Petitioner's partner.

Respondent is prohibited from possessing a firearm pursuant to Federal Law.

(See Notice Regarding Firearm Restriction.)

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.

This Order shall be effective until _____ (date), unless sooner terminated or renewed.

☐ This Judgment shall automatically renew after one year for one additional year unless Respondent requests a hearing by 30 days prior to the expiration date of this Order.

SO ORDERED:

_____ Date _____ Judge

Notice of Findings and Recommendations & Notice of Right to Rehearing

The parties are notified that the foregoing Findings and Recommendations have been entered this date by a commissioner, and all papers relative to the case or proceedings, together with the Findings and Recommendations, have been transferred to a judge of the court. The Findings and Recommendations shall become the Judgment of the Court upon adoption by order of the judge. Unless waived by the parties in writing, a party to the case or proceeding heard by a commissioner, within fifteen days after the mailing of notice of the filing of the Judgment of the Court, may file a motion for rehearing by a judge of the court. If the motion for rehearing is not ruled on within forty-five days after the motion is filed, the motion is overruled for all purposes. Rule 129.13

_____ Date _____ Commissioner

Order and Judgment Adopting Commissioner's Findings and Recommendations

It is hereby ordered, adjudged and decreed that the foregoing Findings and Recommendations entered by the commissioner are adopted and confirmed as a final Judgment of the court.

_____ Date _____ Judge

Consent Order Only

Respondent consents to entry of the above orders, but this consent shall not be taken as an admission by Respondent that the allegations contained in the petition are true.

_____ Petitioner's Signature _____ Respondent's Signature

_____ Attorney for Petitioner's Signature _____ Attorney for Respondent's Signature

If appropriate, copy sent to ☐ Court Appointed Special Advocate ☐ Guardian Ad Litem

Notice of Renewal of Order

This Full Order of Protection may be extended for additional periods of time upon application and a court hearing. Any application should be made at least two weeks before the expiration date indicated on the Full Order of Protection. The court may, upon finding that it is in the best interest of the parties, include a provision that any full order of protection for one year shall automatically renew unless the respondent requests a hearing by thirty days prior to the expiration of the order. If for good cause a hearing cannot be held on the motion to renew or the objection to an automatic renewal of the full order of protection prior to the expiration date of the originally issued full order of protection, an ex parte (temporary) order of protection may be issued until a hearing is held on the motion.

Notice to the Person Obligated to Pay Support or Maintenance (Pursuant to Section 452.340)

Effective January 1, 1994, for every order for child support or maintenance entered or modified by the court under the authority of Chapter 452 or otherwise, income withholding under section 452.350, RSMo shall be initiated on the effective date of the order unless the court finds there is good reason not to require immediate income withholding or a written agreement between the parties provides for an alternative arrangement.

Notice Regarding Firearms Restrictions

Pursuant to 18 USC 922

(g) it shall be unlawful for any person-

(8) who is subject to a court order that-

(a) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;

(b) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

(c) (i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury,

to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

Sheriff's or Server's Return

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

(Check one)

☐ delivering a copy of the Order to _____ (name);

☐ leaving a copy of the Order 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

☐ Respondent's license surrendered for concealed carry suspension and is attached.

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

☐ Respondent's Missouri license surrendered for concealed carry suspension and is attached.

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 must be served on each person. If any person refuses to receive the copy of the Order when offered to him, the return shall be prepared to show the offer of the officer to deliver the order 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 to the individual personally or by leaving a copy of the Order 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 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 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 served 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 Full Order of Protection shall be issued to Petitioner, Respondent, and the law enforcement agency (police or sheriff) in the city or county where Petitioner resides.
2. A copy of the Full Order of Protection shall be issued the same day the order is granted to the law enforcement agency responsible for maintaining the Missouri Uniform Law Enforcement System (MULES).
3. A copy of the Full Order of Protection shall be served upon or mailed by certified mail to Respondent(s) at his or her last known address.
4. Respondent shall surrender his or her license containing a concealed carry endorsement. The endorsement shall be suspended and the license held by the court in a confidential manner until this Order is no longer valid.