IN THE ____ JUDICIAL CIRCUIT COURT, _____, MISSOURI

Ex Parte Order of Child Protection

Judge or Division:

Case Number:

Court ORI Number:

MSHP Number:

Responsible Law Enforcement ORI:

Related Cases:

Respondent's Home Address:

Home Phone Number:

(Date File Stamp)

Respondent's Work Address:

Work Phone Number:

Work Hours:

Other Locations Where Respondent May Be Served:

Petitioner:

Protected Child 1:
Age of Protected Child:
Sex: ☐ F ☐ M Race:
Protected Child 2:
Age of Protected Child:
Sex: ☐ F ☐ M Race:
Protected Child 3:
Age of Protected Child:
Sex: ☐ F ☐ M Race:
Protected Child 4:
Age of Protected Child:
Sex: ☐ F ☐ M Race:
Protected Child 5:
Age of Protected Child:
Sex: ☐ F ☐ M Race:
Protected Child 6:
Age of Protected Child:
Sex: ☐ F ☐ M Race:
Protected Child 7:
Age of Protected Child:
Sex: ☐ F ☐ M Race:
Protected Child 8:
Age of Protected Child:
Sex: ☐ F ☐ M Race:
Protected Child 9:
Age of Protected Child:
Sex: ☐ F ☐ M Race:
Protected Child 10:
Age of Protected Child:
Sex: ☐ F ☐ M Race:

vs.

Respondent:

Alias/Nicknames:

Respondent's DOB:
SSN (if known, last four digits):
Race: Sex: ☐ F ☐ M
Skin Complexion: Age:
Hair Color: Height:
Eye Color: Weight:
Hair Length/Style:

(Identifying Information for use by Law Enforcement)

Visible Identifying Marks (e.g., tattoos, birthmarks, braces, mustache, beard, pierced ear, glasses):

Protected Child's Relationship to Respondent pursuant to 18 U.S.C. §§ 921(a)(32) and 922(g)(8) determination:

Protected Child's Relationship to Respondent (Child 1):
☐ Child ☐ Step-Child or Former Step-Child
☐ Parent is Unmarried, Intimate Residing/Resided with Respondent
☐ Other (specify) _____

Protected Child's Relationship to Respondent (Child 2):
☐ Child ☐ Step-Child or Former Step-Child
☐ Parent is Unmarried, Intimate Residing/Resided with Respondent
☐ Other (specify) _____

Protected Child's Relationship to Respondent (Child 3):
☐ Child ☐ Step-Child or Former Step-Child
☐ Parent is Unmarried, Intimate Residing/Resided with Respondent
☐ Other (specify) _____

Protected Child's Relationship to Respondent (Child 4):
☐ Child ☐ Step-Child or Former Step-Child
☐ Parent is Unmarried, Intimate Residing/Resided with Respondent
☐ Other (specify) _____

Protected Child's Relationship to Respondent (Child 5):
☐ Child ☐ Step-Child or Former Step-Child
☐ Parent is Unmarried, Intimate Residing/Resided with Respondent
☐ Other (specify) _____

Protected Child's Relationship to Respondent (Child 6):
☐ Child ☐ Step-Child or Former Step-Child
☐ Parent is Unmarried, Intimate Residing/Resided with Respondent
☐ Other (specify) _____

Protected Child's Relationship to Respondent (Child 7):
☐ Child ☐ Step-Child or Former Step-Child
☐ Parent is Unmarried, Intimate Residing/Resided with Respondent
☐ Other (specify) _____

Protected Child's Relationship to Respondent (Child 8):
☐ Child ☐ Step-Child or Former Step-Child
☐ Parent is Unmarried, Intimate Residing/Resided with Respondent
☐ Other (specify) _____

Protected Child's Relationship to Respondent (Child 9):
☐ Child ☐ Step-Child or Former Step-Child
☐ Parent is Unmarried, Intimate Residing/Resided with Respondent
☐ Other (specify) _____

Protected Child's Relationship to Respondent (Child 10):
☐ Child ☐ Step-Child or Former Step-Child
☐ Parent is Unmarried, Intimate Residing/Resided with Respondent
☐ Other (specify) _____

The State of Missouri to Respondent

Petitioner has filed a verified petition (copy attached) requesting a Full Order of Child Protection against you. Pursuant to sections 455.510 to 455.520, RSMo, the court finds that there is an immediate and present danger of abuse to the child(ren) by you, and there is good cause to issue an Ex Parte Order of Protection and that no prior order regarding custody is pending or has been made.

☐ **In determining that the respondent is excluded from the family home, the court further finds:**

- An Ex Parte Order of Protection is in the best interest of the child(ren) remaining in the home;
- The verified allegations of abuse present a substantial risk to the child(ren) unless Respondent is excluded from the family home;
- A remaining adult family or household member is able to care adequately for the child(ren) in the absence of Respondent; and
- A commitment has been obtained from the Children's Division to provide appropriate social services to the family or household members during the period of time during which this Ex Parte Order of Protection is in effect.

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

☐ Abuse, threaten to abuse, stalk, molest, or disturb the peace of the child victim(s). [01]

☐ Communicate with the child victim(s) in any manner or through any medium, except as specifically authorized by this Order. (See "Special Conditions") [05]

☐ Enter the family home, place of employment or school of the child victim(s), located at _____, except as specifically authorized by this Order. (See "Special Conditions") [04]

☐ Be within _____ (distance) of the child victim(s).

☐ Other: _____. [08]

It is further ordered that _____ shall be appointed

☐ Guardian Ad Litem ☐ Court Appointed Special Advocate for the child(ren).

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

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

Special Conditions: _____

_____

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

The hearing of this cause shall 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 455.523 RSMo, if the court finds in favor of Petitioner or you default, the court may grant any of the following forms of relief:

1. Temporarily enjoin you from stalking, abusing, threatening to abuse, molesting, or disturbing the peace of the child victim(s);
2. Temporarily enjoin you from entering the family home of the child victim(s);
3. Temporarily enjoin you from having any contact with the child victim(s);
4. Order you not to enter upon the premises of the child victim's place of employment or school, or be within a certain distance of the child victim(s).
5. Award custody of the child(ren);
6. Award visitation;
7. Award child support;
8. Award maintenance to Petitioner;
8. Order you to make an assignment of earnings or other income;
9. Order you to pay or to continue to pay the rent or mortgage payments on the residence occupied by the child victim(s) if you have a duty to support the child victim(s) or other dependent household members;
10. Order you to participate in a court approved counseling program to help child abusers stop violent behavior or to treat substance abuse;
11. Order you to pay the costs of your treatment and of the treatment of the child victim(s);
12. Order you to pay a reasonable sum for housing and other services provided to the child victim(s) by a shelter for victims of domestic violence;
13. Order you to pay court costs;
14. Order you to pay Petitioner's attorney fees.

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), Missouri, 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

(Seal)

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

My commission expires: _____ _____

Date Notary Public

Missouri and federal law provides that the costs and fees for service of protection orders are not required. (455.504 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 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. (455.504 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 Child 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 Child Protection shall be issued to Petitioner.
3. A copy of the Ex Parte Order of Child 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).
5. A copy of the Ex Parte Order of Child Protection, a copy of the petition, and a copy of the Notice of Hearing on Full Order of Child Protection shall be provided to the Juvenile Office in the jurisdiction where the Petitioner resides.