OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION ONE

E.H.,	)	No. ED109097
	)	
Respondent,	)	Appeal from the Circuit Court
	)	of St. Louis County
vs.	)	20SL-PN01099
	)	
A.I.,	)	Honorable Bruce F. Hilton
	)	
Appellant.	)	Filed: April 27, 2021

A.I. ("Appellant") appeals the judgment of the trial court granting E.H. ("Respondent") a full order of protection against Appellant. On appeal, Appellant argues the trial court's judgment is erroneous because Appellant's procedural due process rights were violated in that he was not given the opportunity to be heard in a meaningful manner at the hearing on the full order of protection.

REVERSED AND REMANDED.

Division One holds:

(1) Appellant was not given the opportunity to be heard in a meaningful manner at the hearing on the full order of protection, and therefore, his procedural due process rights were violated. Accordingly, the trial court's judgment granting Respondent a full order of protection against Appellant is reversed and the case is remanded to the trial court for further proceedings consistent with this Court's opinion.

(2) On remand, the trial court is instructed to determine whether it now has authority to conduct a hearing. *See Raney v. Raney*, 86 S.W.3d 484, 488 (Mo. App. W.D. 2002) (similarly finding). In making this determination, (1) "The court should first determine whether the matter is now moot because of circumstances" and (2) "[Then,] because [section 455.040.1 RSMo 2016[1]] specifies a time limit for the effectiveness of any such order of protection and contemplates that the matter will proceed expeditiously, the trial court must consider whether it would be consistent with the intent of the statute to proceed further on the original petition at this time." *Raney*, 86 S.W.3d at 486, 488 n.3 (referring to a former version of section 455.040.1); *see also* section 455.040.1. Finally, if the trial court determines it does not have authority to conduct a hearing, the court shall dismiss the proceeding. *See Raney*, 86 S.W.3d at 488 (similarly finding).

[1] Unless otherwise indicated, all further statutory references are to RSMo 2016.

Opinion by: Robert M. Clayton III, J.
Colleen Dolan, P.J., and Kelly C. Broniec, J., concur.

Attorney for Appellant: Terry J. Flanagan, Jerry W. Peel

Attorney for Respondent: E.H., Acting Pro Se

THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.