In the Missouri Court of Appeals
Eastern District

DIVISION THREE

C.L.B.,	)	ED113972
	)	
Respondent,	)	
	)	
v.	)	
	)	
C.E.H.,	)	
	)	Filed: November 17, 2026
Appellant.	)	
	)	

Appeal from the Circuit Court of St. Louis County
The Honorable Justin Wallace Ruth, Judge

Introduction

Appellant C.E.H. challenges the court judgment and order renewing Respondent C.L.B.'s full order of protection against him. Appellant claims two points of error. First, Appellant argues the court erred by justifying the renewal based on a more lenient standard than Missouri law requires. Second, Appellant claims that the court erred because Respondent did not support her renewal with substantial evidence. We agree and reverse based on point one, which is dispositive of the case.[1] The associate circuit court

[1] Respondent filed a motion to strike Appellant's brief for violation of Mo. Sup. Ct. Rule 84.04(a)(1) (2026). We deny that motion. Failure to include page references in a 23-page

states that its basis for renewing Respondent's order of protection is to convey to Appellant his actions towards Respondent on social media will not be tolerated. These grounds fall short of the standard required under Missouri law.

Background

On July 18, 2024, a St. Louis County court entered the initial judgment for Respondent and against Appellant, ordering a full order of protection under section 455.040 RSMo Cum. Supp. (2021). Initially, Respondent petitioned for the protective order after two altercations between her and Appellant in 2022, when the police responded on both occasions. Respondent testified about the two incidents and repeated contact by text message, phone and social media. The circuit court entered the initial full order of protection prohibiting Appellant from communicating with, harassing or stalking Respondent, including any contact initiated through third parties. The order of protection expired on July 17, 2025.

Then, Respondent filed a motion to renew the full order of protection in July 2025. Respondent did not allege that the circumstances forming the basis for the initial order continued to exist but rather raised three reasons the order should be renewed. First, she alleged Appellant filed frivolous lawsuits. Second, she contended that he posted a court notice on her door. Third, she claimed that he posted material about her on social media. Arguing that Appellant filed lawsuits to 'evoke fear,' Respondent testified at the October

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brief does not "impede our ability to address the merits of Appellant's claim." *Smith v. City of St. Louis*, 573 S.W.3d 705, 711 (Mo. App. E.D. 2019).

9, 2025 renewal hearing that the parties sued each other in small claims court but only Appellant prevailed in his claim.

Respondent also argued that Appellant used social media as a method to harass her. Respondent could not point to any social media activity where Appellant attempted to directly contact her, instead she testified that a few posts disparaging an unnamed soap seller referred to her. Respondent identified another post that included the cause number associated with the small claims action that Respondent filed against Appellant but the court later dismissed.[2] Respondent testified that she had proactively blocked Appellant's many social media profiles, a feature which prevents Appellant's profile from interacting with her social media profile or even allowing Appellant to view it. Also, Respondent testified that mutual friends stopped associating with her, which she also attributed to Appellant's actions. Finally, Respondent testified that Appellant has not contacted her since the court entered the initial order of protection.

Following the October 9 hearing addressing the renewal, the court entered judgment renewing the order of protection for one year with an automatic renewal for an additional one-year period, using a standardized form which lacked specific findings of fact. On October 14, Appellant filed a motion for rendering of opinion, requesting the court make findings of fact on the issues while alleging that Respondent did not prove Appellant violated the order of protection or communicated any threats. On October 21, the court granted Appellant's motion and issued a written order and judgment, clarifying

[2] All social media posts in the record are disparaging in nature but do not include any threats of violence.

the October 14 judgment. The court stated that the social media post containing the cause number was "clearly an attempt to intimidate, taunt, and publicly embarrass" Respondent. The court found Respondent more credible than Appellant, surmising that the social media posts referred to Respondent and finding that Appellant "has no concept as to the seriousness with which the court views orders of protection." The court found that the renewal "was warranted in order to unequivocally convey [Appellant's] actions and behavior toward [Respondent] will not be tolerated." This appeal follows.

Standard of Review

As with any other court tried case, we uphold the court's decision so long as there is substantial supporting evidence, it is not against the weight of the evidence and it does not erroneously declare or apply the law. *K.C. v. Chapline*, 635 S.W.3d 221, 226 (Mo. App. W.D. 2021) (citing *Beckers v. Seck*, 14 S.W.3d 139, 142 (Mo. App. W.D. 2000)). We defer to the trial court's assessment of witness credibility and view all facts and inferences in the light most favorable to the ruling and defer to the trial court's ruling. *Id.* at 230. When weighing the evidence, the trial court "must exercise great care to ensure sufficient evidence exists to support all elements of the statute before entering a full order of protection." *Nenninger v. Smith*, 400 S.W.3d 400, 404 (Mo. App. W.D. 2013) (quoting *Skovira v. Talley*, 369 S.W.3d 780, 781 (Mo. App. S.D. 2012)). "[T]here is real harm that can result in abusing the Adult Abuse Act and its provisions, including the stigma that may attach to a respondent who is ultimately labeled a stalker…" *Id*.

The Court Applied an Incorrect, Less Stringent Standard

Appellant asserts that the court erred in renewing the order of protection because it failed to apply the standard required under Missouri law. Specifically, Appellant cites to the October 21 judgment where the court states Appellant "has no concept as to the seriousness with which the [c]ourt views orders of protection" and that "renewal was warranted in order to unequivocally convey [Appellant's] actions and behavior towards [Respondent] will not be tolerated." We agree. The court committed reversible error by applying an incorrect, less stringent standard than Missouri law requires.

Analysis

Before renewing a protection order, Missouri law requires petitioners to "prove by a preponderance of the evidence that expiration of the full order will place the petitioner in an immediate and present danger of abuse." *K.C.*, 635 S.W.3d at 230 (citing *Vinson v. Adams*, 192 S.W.3d 492, 494 (Mo. App. E.D. 2006)). "[A] renewal order need not be based on any new acts of abuse, although it may be." *Id.* (citing *C.B. v. J.B.*, 356 S.W.3d 790, 793 (Mo. App. E.D. 2011)). Courts may renew an order of protection "based on the fact that the circumstances forming the basis for the initial order continue to exist and a failure to renew will place the petitioner in an immediate and present danger of abuse." *Id.* "[S]ocial media posts attacking someone's character…are not grounds for receiving a full order of protection under the Adult abuse act" which "is intended to prevent potential violence, not hurt feelings or harm to reputation." *L.M.M. v. J.L.G.*, 619 S.W.3d 593, 597 (Mo. App. E.D. 2021) (citations omitted).

The court renewed the order of protection based on an incorrect, less stringent standard than Missouri law requires. Respondent argues that because the court included

the correct standard earlier in the judgment, it therefore applied that standard and the renewal should be affirmed. We disagree. The court may have correctly declared the law, but our standard of review requires that courts also correctly apply the law. *K.C.*, 635 S.W.3d at 226. In its October 21 judgment, the court's recitation of the facts focuses exclusively on Appellant's distasteful and insulting social media posts.[3] Further, in its ultimate conclusion, the court stated that Appellant "has no concept as to the seriousness with which the [c]ourt views orders of protections," and that renewal "was warranted in order to unequivocally convey [Appellant's] actions and behavior toward [Respondent] will not be tolerated." The court failed to include any finding that allowing the order of protection to lapse would put Respondent in an immediate and present danger of abuse, the standard required under Missouri law. Section 455.040 RSMo.

The court incorrectly wrote the opinion believing that the social media posts violated the order of protection, relying on that belief to justify the renewal. When referencing Appellant's social media post containing the cause number for Respondent's dismissed case, the court stated that Appellant redacted Respondent's name "in his mistaken belief" that he would not violate the order of protection, since it did not directly

[3] The October 21 judgment states that Respondent credibly testified to her continued fear of Appellant and that she believed the order's expiration would subject her to a continued risk of abuse. "A bare statement of fear fails to meet the standard required for renewal." *C.B.*, 356 S.W.3d at 794. We do not contest that the associate circuit judge "is in the best position to gauge the credibility of the witnesses and to determine the existence of any reasonable apprehension of abuse." *Id.* at 792-93. Instead, we fault the judgment for failing to "determine whether" Appellant C.E.H. "appear[ed] capable of the feared abuse." *Id.* at 793 (finding the restraining party's initial testimony of fear insufficient but ultimately upholding renewal based on evidence demonstrating the restrained party was capable of the feared abuse).

identify Respondent. By referring to Appellant's 'mistaken belief,' the court directly implies this post violated the order of protection. Our review failed to uncover any Missouri case law supporting the proposition that publishing an admittedly denigrating but ultimately non-threatening social media post containing case specific information violates a protective order. Although unflattering and even vulgar at times, his undirected, non-threatening comments contrast sharply to situations where social media posts are explicitly addressed to the restraining party and include true threats. *See State v. Dunbar*, 343 A.3d 142, 150 (N.H. 2025) (concluding the appellant violated a full order of protection after he published social media posts on his own profile that were explicitly labeled as a 'public notice,' specifically addressed to the restraining party and intentionally launched true threats such as 'your next death certificate will be real this time'). The court erred to the extent it relied on these social media posts as a purported violation of the order of protection.[4]

Under Missouri law, Appellant's undirected social media posts are not objective evidence that Respondent would be in an immediate danger of abuse considering they lack any threats of violence or abuse. *L.M.M.*, 619 S.W.3d at 597. While two social

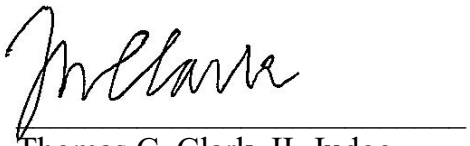
[4] Respondent also asserted that Appellant's ongoing litigation efforts justify the renewal. In fact, each party has utilized the courthouse and chosen to initiate additional legal action against the other besides this ongoing lawsuit rooted in the adult abuse act. Respondent conceded that her small claims case filed against Appellant was ultimately dismissed, conversely Appellant was awarded a financial judgment against her in another matter. We are unpersuaded that the alternating legal maneuvering by both parties demonstrates sufficient evidence to justify renewal when "litigation is not the type of behavior the Adult Abuse Act seeks to prevent." *Lawyer v. Fino*, 459 S.W.3d 528, 532 (Mo. App. S.D. 2015) (quoting *Clark v. Wuebbeling*, 217 S.W.3d 352, 355 (Mo. App. E.D. 2007)) (citation modified).

media posts disparage a "soap seller" using crass and graphic language, they still do not rise to the level of threatening violence and fail to provide any probative value for demonstrating an immediate and present danger of abuse. The social media posts disparaging Respondent are unflattering and unkind, however they do not justify renewing a full order of protection which "is intended to prevent potential violence, not hurt feelings or harm to reputation." *Id.* Missouri courts enter orders of protection to safeguard those within their jurisdiction from the danger of abuse, not to send messages to respondents. Similarly, the purpose of section 455.040 RSMo is to prevent abuse, not to evaluate disparaging social media activity.

After Appellant asserted that Respondent failed to provide any probative evidence and requested findings of fact, the court focused its opinion on social media evidence which lacked probative value. The court's ultimate conclusion did not state that Respondent would be in immediate and present danger of abuse. Instead, the court justified the renewal as a vehicle to teach Appellant a lesson, which section 455.040 RSMo does not sanction. Point granted.

Conclusion

The court's October 9 and October 21 judgments are reversed, set aside and held for naught.



Thomas C. Clark, II, Judge

Virginia W. Lay, Presiding Judge and
Angela T. Quigless, Judge, concur.