

Domestic Violence

PROTECTING ADULT VICTIMS OF DOMESTIC VIOLENCE



Missouri Attorney General
JOSH HAWLEY

Introduction

Domestic violence should never happen to anyone. Ever. The information in this publication is designed to provide a pathway to support and direct services for anyone who is a victim of domestic violence, sexual assault, or stalking.

I hope this booklet will help make a difference in the lives of victims and survivors of domestic violence, and their families and friends.

Sincerely,

A handwritten signature in black ink, appearing to read "Joshua D. Hawley". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Joshua D. Hawley
Attorney General

Table of Contents

- Protective Orders**
 - Ex parte order of protection.....4
 - Full order of protection5
- Confidential Address.....6**
- Victim Advocates by County.....7**
- Shelter and Outreach Services for Abuse Victims11**
- Locations of Shelters for Domestic and Sexual Abuse Victims.....12**
- Enforcing Protective Orders.....13**
- Crime Victims’ Compensation Fund**
 - Eligibility.....17
 - Compensation.....17
- Legal Terms.....18**
- Publications19**



Protective Orders

Each year thousands of Missourians become victims of domestic violence, a serious crime that can have devastating consequences. However, help is available to victims of abuse. State law authorizes courts to issue orders of protection to protect victims of abuse and persons threatened with abuse. By issuing these orders, judges can order an accused abuser, for example, to stop abusing, stalking or harassing a victim and to stay away from the victim's home.

There are two types of orders of protection:

- An ex parte order, which is a temporary measure quickly issued by the court.
- A full order, which is granted only after a court hearing is held. It is issued for a longer period than the ex parte order.

EX PARTE ORDER OF PROTECTION

If you are a victim of domestic violence, you can go to the circuit court and request an ex parte order of protection against the accused abuser. The accused abuser does not have to be present for you to be granted an order.

An ex parte order may:

- Order the accused abuser not to abuse, threaten to abuse, molest, stalk or disturb your peace.
- Order the accused abuser not to enter the premises of your home whether you own, lease, rent or merely occupy the home.
- Make a temporary order of custody of minor children.
- Order specific personal property and effects to be turned over to you.
- Order the accused abuser not to communicate with you in any way, including email or through third parties.
- Include other terms that the court decides are necessary to ensure your safety.

WHO CAN FILE?

Any victim of stalking or an adult abused by a present or former spouse, adult family or household member, or adult who is or has been in a continuing social, romantic or intimate relationship, or a person with whom the victim has a child.

No filing fee, court costs or bond is required to file for an order of protection.

FILING FOR ORDER

The ex parte order can be obtained from the circuit court in the county:

- Where you reside,
- Where any abuse took place, or
- Where the accused abuser can be served.

When the circuit court is closed, you may request an ex parte order from any available court in the city or county having jurisdiction.

You do not need a lawyer to obtain the order. Circuit clerks are required under Missouri's Adult Abuse Act to explain how to file all necessary forms and documents. Some counties have a victim advocate to assist you (pages 7-10).

You have the right to request that your address not be disclosed in court documents. You also have the right to be notified when the accused abuser has been served. The circuit clerk will explain how to register for this notification.

The court may immediately issue an ex parte order of protection. The order takes effect as soon as a judge grants it and lasts until a full order hearing is held. A hearing on the full order of protection will be held within 15 days unless the court finds good reason for a continuance.

SERVING NOTICE TO ACCUSED ABUSER

The court will order law enforcement officers to serve the accused abuser with a copy of the ex parte petition and a notice of the full order hearing date. The accused abuser must be served at least three days before the hearing. It is at this hearing that the accused abuser can present his or her side of the story.

Although the ex parte order is effective even before the accused abuser is notified, the accused abuser first must be served with a copy of the order or notified by law enforcement officers before he or she can be arrested for violating its conditions.

FULL ORDER OF PROTECTION

The court will issue a full order of protection only after a full order hearing has been held. **The abuse victim must attend this hearing. If you are absent, the court will dismiss the order.**

The full order will be valid for at least 180 days and not more than one year. It may be renewed twice by the court after a hearing. A new act of abuse is not required for a full order to be renewed.

A full order may grant the same relief as an ex parte order and may also enter an order:

- Awarding custody of minor children and setting up a visitation schedule that is in the best interest of the children when the court has jurisdiction over the children and no prior custody order is pending or has been made.
- Granting child support.
- Awarding maintenance when you and the accused abuser are lawfully married.
- Ordering the accused abuser to pay for all or part of your housing costs.
- Ordering that you be given temporary possession of property such as cars, checkbooks and keys.
- Prohibiting the accused abuser from transferring, encumbering or disposing of specified property mutually owned or leased by the parties.
- Ordering the accused abuser to participate in a counseling program for batterers or in a substance-abuse treatment program.
- Ordering the accused abuser to pay a reasonable fee for housing and other services provided to you by a shelter for domestic violence victims.
- Ordering the accused abuser to pay the victim's attorney fees.
- Ordering the accused abuser to pay medical costs from injuries sustained as a result of domestic violence.
- Ordering the accused abuser not to communicate with you including e-mail.

Confidential Address

Victims of domestic violence, rape, sexual assault and stalking who move can conceal their new address by applying with the Missouri Secretary of State's Safe at Home program. This allows you to establish a post office box in Jefferson City. The Secretary of State will receive all mail sent to you, then forward it to your actual address.

To find out what steps are required, please contact the Secretary of State at www.MoSafeAtHome.com or toll-free **866-509-1409**.



Victim Advocates by County

Several counties, cities and agencies have **crime victim advocates**. Unless indicated, the advocates are housed in the prosecutor's office.

Agency	Phone
Missouri Attorney General's Office	573-751-3321
Missouri Victim Assistance Network	800-698-9199
Adair County	660-627-3625
Andrew County	816-324-3535
Atchison County	660-744-5440
Audrain County	573-473-5860
Barry County	417-847-3133
Barton County	417-682-6061
Bates County	660-679-4030
Benton County	660-438-5022
Bollinger County	573-238-2641
Boone County	573-886-4145
Buchanan County	816-271-1480
Butler County	573-776-1732
Caldwell County	816-586-2142
Callaway County	573-642-0714
Camden County	573-317-3910
Cape Girardeau County	573-243-2430
Carroll County	660-542-0323
Carter County	573-323-8480
Cass County	816-380-8250
Cedar County	417-276-6700 x7
Chariton County	660-288-3275
Christian County	417-581-7915
Clark County	660-727-2616
Clay County	816-736-8325
Clinton County	816-539-3711

Agency	Phone
Cole County	573-634-9180
Cooper County	660-882-7577
Crawford County	573-775-5010
Dade County	417-637-2121
Dallas County	417-345-5644
Daviess County	660-663-4129
Dekalb County	816-449-2083
Dent County	573-729-3406
Douglas County	417-683-2919
Dunklin County	573-888-6676
Franklin County	636-583-6370
Gasconade County	573-486-2173
Gentry County	660-726-3844
Greene County	417-829-6325
Grundy County	660-359-4888
Harrison County	660-425-6423
Henry County	660-885-7221
Hickory County	417-745-6413
Holt County	660-446-3326
Howard County	660-248-3183
Howell County	417-256-2317
Iron County	573-546-2333
Jackson County	816-881-4694
Jasper County	417-625-4314
Jefferson County	636-797-5046
Johnson County	660-422-7400
Knox County	660-397-2218
Laclede County	417-532-3149
Lafayette County	660-259-6181
Lawrence County	417-466-2846

Agency	Phone
Lewis County	573-767-5478
Lincoln County	636-528-8571
Linn County	660-895-5591
Livingston County	660-646-8000 x215
Macon County	660-385-2175
Madison County	573-783-2157
Maries County	573-422-3396
Marion County	573-221-0146
McDonald County	417-223-4142
Mercer County	660-748-3332
Miller County	573-369-1940 x2
Mississippi County	573-683-2146 x245
Moniteau County	573-796-3220
Monroe County	660-327-4484
Montgomery County	573-564-2252
Morgan County	573-378-4694
New Madrid County	573-748-5144
Newton County	417-451-8244
Nodaway County	660-582-8285
Oregon County	417-778-7616
Osage County	573-897-3101
Ozark County	417-679-4649
Pemiscot County	573-333-2738
Perry County	573-547-1023
Pettis County	660-826-5000 x925
Phelps County	573-458-6170
Pike County	573-324-2201
Platte County	816-858-3476
Polk County	417-326-5756
Pulaski County	573-774-4770

Agency	Phone
Putnam County	660-947-7301
Ralls County	573-985-3411
Randolph County	660-263-6340
Ray County	816-776-2882
Reynolds County	573-648-2494 x25
Ripley County	573-996-7427
Saline County	660-886-7778
Schuyler County	660-457-2262
Scotland County	660-465-7753
Scott County	573-545-4115
Shannon County	573-226-3714
Shelby County	573-633-2131
St. Charles County	636-949-7370
St. Clair County	417-646-2512
St. Francois County	573-756-1955
St. Louis City	314-622-4373
St. Louis County	314-615-4872
Ste. Genevieve County	573-883-2791
Stoddard County	573-568-4640 x4
Stone County	417-357-6137
Sullivan County	660-265-3333
Taney County	417-546-7260
Texas County	417-967-2029
Vernon County	417-667-4862
Warren County	636-456-7024
Washington County	573-438-3181
Wayne County	573-224-5600 x2
Webster County	417-859-0214
Worth County	660-564-3535
Wright County	417-741-6166

Shelter and Outreach Services for Abuse Victims

The Missouri Coalition Against Domestic and Sexual Violence (MCADSV) serves as a clearinghouse of information and technical assistance for domestic violence shelters and other community domestic violence programs and sexual violence programs in Missouri.

The nonprofit organization educates the public about domestic and sexual violence, trains professionals, assesses the extent of domestic and sexual violence in Missouri and advocates for public policy that alleviates and prevents domestic and sexual violence.

The coalition also provides training and technical help to organizational members and communities organizing service programs and shelters. These services may include safe shelter, crisis counseling, support groups, counseling, court and hospital advocacy, transportation and day care.

DOMESTIC AND SEXUAL VIOLENCE REFERRALS AND SERVICE INFORMATION

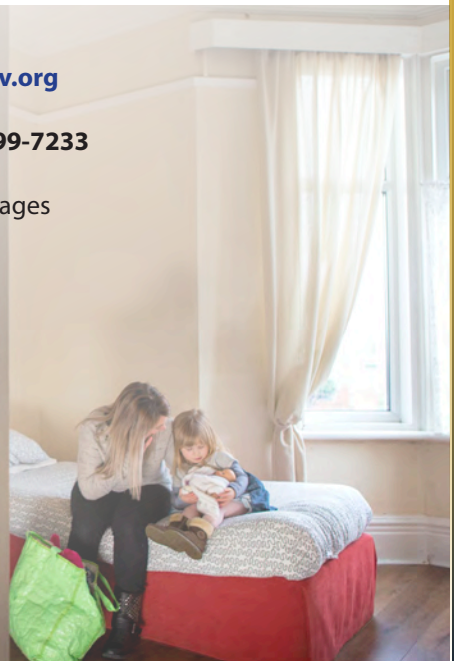
Victims of domestic and sexual violence can receive a wide range of free services, including shelter, legal and medical advocacy, counseling and support groups, and other assistance. Outreach services are available to survivors who do not stay in a shelter. For information on shelters and nonresidential domestic and sexual violence programs, contact MCADSV during business hours.

MCADSV: 573-634-4161 or www.mocadsv.org

National Domestic Violence Hotline: **800-799-7233**

Available 24 hours a day

Interpreters available in 170 different languages



Locations of Shelters for Domestic and Sexual Abuse Victims

The most current information on resources available for victims of domestic and sexual abuse can be found at: <http://www.mocadsv.org/How-to-Get-Help/>.



Enforcing Protective Orders

Information contained in the order of protection will be entered into the Missouri Uniform Law Enforcement System within 24 hours from the time the order is granted. This information can be accessed by all law enforcement personnel in Missouri.

Orders of protection are valid and enforceable throughout Missouri. Orders of protection issued by other states also must be enforced in Missouri.

Law enforcement officers will attempt to respond immediately to an abuse call when:

- The caller indicates violence is imminent or in progress;
- A protection order is in effect; or
- The caller indicates domestic violence has occurred previously between the parties.

Officers responding to an abuse call will inform the victim of legal actions for relief from adult abuse and of available shelters for victims. They also will arrange transportation to a medical facility or to a place of shelter.

PENALTY

Violating a protective order is a Class A misdemeanor punishable by up to a \$2,000 fine and one year in jail. The violation is a Class E felony if the person convicted had been found guilty of violating a protective order within the prior five years. A Class E felony is punishable by up to a \$10,000 fine and four years imprisonment.

When an officer has probable cause to believe a person has abused someone, he has the authority to immediately arrest the person, even if there is no order of protection. Officers can make an arrest even if they do not witness the abuse or if the victim refuses to sign an official complaint against the accused abuser.

Also, an officer has the authority to arrest the accused abuser for refusal to surrender custody of children, as may be ordered in an order of protection, and will return the children to the party awarded custody.

If both parties claim to have been assaulted, the officer is not required to arrest both, but is required to try to identify and arrest the person who was the primary physical aggressor.

The officer will consider:

- The intent of the law — to protect victims of domestic violence from continuing abuse.
- The extent of injuries inflicted or serious threats creating fear of physical injury.
- Past domestic violence between the parties.

The Adult Abuse Act prohibits judges from issuing mutual orders of protection — orders against both parties to an altercation — unless both parties have followed the procedures for filing and serving the petitions.

If the officer responding to a report of adult abuse declines to make an arrest, the officer must make a written report describing the incident and the reason why no arrest was made.

If an officer is called to the same address within 12 hours, and has probable cause to believe the same offender has violated the law against the same person or other family member, that officer shall make an arrest. The report of the previous incident may be considered as evidence of the offender's intent.

Crime Victims' Compensation Fund

The state of Missouri has a fund to reimburse some crime victims for certain financial losses.

You may be eligible for benefits if:

- You are a victim of violent crime and suffered personal bodily injury;
- You are a relative who requires counseling to better assist a sexual assault victim with recovery;
- You are a spouse, child or other dependent of a victim who has died as a direct result of a crime, or you assumed financial obligations incurred as a result of the victim's death; or
- You are a Missouri resident who suffered personal injury in a state that does not have a crime victims' compensation program and the injury would be covered if the crime had occurred in Missouri.





ELIGIBILITY

Eligibility requirements include:

- Reporting the incident within 48 hours to the proper law enforcement agency or having a good reason for delay, such as residing in a certified domestic violence shelter for up to five days following the crime;
- Filing the compensation claim within two years of the crime or discovery of the crime; and
- Incurring any out-of-pocket loss or having lost at least two continuous weeks of earnings or support.

COMPENSATION

Depending on the case, victims' compensation may be available for medical care, psychiatric treatment or other counseling, funeral expenses and wage loss reimbursement for the victim.

Total recovery may not exceed \$25,000.

FILING FOR CLAIMS

To get a claim application or more information, contact:
Crime Victims' Compensation Program
P.O. Box 1589
Jefferson City, MO 65102
573-526-6006 or 800-347-6881

Legal Terms

Abuse: Includes but is not limited to the occurrence of any of the following acts, attempts, or threats against a person who may be prosecuted under sections 455.010 to 455.085, Missouri Revised Statutes: assault, battery, coercion, harassment, sexual assault, unlawful imprisonment.

Adult: Any person 17 years or older or otherwise emancipated.

Assault: Purposely or knowingly placing or attempting to place another in fear of physical harm.

Battery: Purposely or knowingly causing physical harm to another with or without a deadly weapon.

Coercion: Compelling another by force or threat of force to engage in conduct from which the latter has a right to abstain or to abstain from conduct in which the person has a right to engage.

Ex parte order of protection: Order of protection issued by the court before the respondent (accused abuser) has received notice of the petition or an opportunity to be heard on it.

Family or household member: Spouses, former spouses, any person related by blood or marriage, persons who are presently residing together or have resided together in the past, any person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, and anyone who has a child in common regardless of whether they have been married or have resided together at any time.

Full order of protection: Order of protection issued after a hearing on the record where the respondent has received notice of the proceeding and has had an opportunity to be heard.

Harassment: Engaging in a course of conduct directed at a specific adult that serves no legitimate purpose, and would cause a reasonable adult to suffer substantial emotional distress. For Criminal definition see Missouri Revised Statute 455.010.1.

Sexual assault: Causing or attempting to cause another to engage involuntarily in any sexual act by force, threat of force or duress or without that person's consent.

Stalking: Purposely and repeatedly harassing or following another with the intent of harassing that person. For Criminal definition see Missouri Revised Statute 455.010.1.

Unlawful imprisonment: Holding, confining, detaining or abducting another person against that person's will.

SEEKING INFORMATION

The laws granting rights to crime victims (www.moga.mo.gov) can be found in Chapter 595 of the Missouri Revised Statutes and in the Missouri Constitution, Article 1, Section 32. A copy of these laws also should be available at your local library.

Publications

The Missouri Attorney General's Office publishes information on a variety of topics. For a more detailed description of criminal justice procedures and related legal definitions, please review our Crime Victims' Right publication. All publications may be accessed at www.ago.mo.gov.





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