

MISSOURI ADULT ABUSE ACT AT A GLANCE

	ADULT ORDERS	CHILD ORDERS
WHO CAN OBTAIN RELIEF?	(§455.010) Any adult , defined as a person 18 years of age or older or otherwise emancipated. This person is called the petitioner.	(§455.501 & §455.503) Any parent, guardian, guardian ad litem, court-appointed special advocate, or juvenile officer on behalf of a child (any person under 18 years of age). This person is called the petitioner.
WHOM CAN THEY OBTAIN RELIEF AGAINST?	(§455.010) A family or household member (a spouse, a former spouse, adults related by blood or marriage, adults residing together or who resided together in the past, an adult who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, or adults who have a child in common, regardless of whether they have been married or have resided together) or an adult stalking the victim. This person is called the respondent.	(§455.501 & §455.505) A former or present household member (an adult living in the same household or previously living in the same household), an emancipated child or a person stalking a child. This person is called the respondent.
WHAT ACTS BY THE ABUSER FORM THE BASIS FOR RELIEF?	(§455.010) Abuse , which includes, but is not limited to, the occurrence of any of the following acts, attempts, or threats against a person who may be protected under the Adult Abuse Act: assault, battery, coercion, harassment, sexual assault or unlawful imprisonment. Stalking also is covered by the Adult Abuse Act.	(§455.501) Abuse , which involves any physical injury, sexual abuse or emotional abuse inflicted on a child other than by accidental means by an adult household member, or stalking of a child. Discipline, including spanking, administered in a reasonable manner is not to be construed as abuse.
WHAT RELIEF IS AVAILABLE?	(§455.045) Ex Parte Order of Protection. (§455.050) Full Order of Protection.	(§455.520) Ex Parte Child Order of Protection. (§455.523) Full Child Order of Protection.
WHAT IS THE PROCEDURE FOR OBTAINING RELIEF?	(§§455.015 – 455.032) Petitioning court for Order of Protection. (§455.035) Obtaining Ex Parte Order of Protection if there is an immediate and present danger. An <i>Ex Parte</i> Order of Protection is not always granted, but the court always should set a hearing date. (§455.040) Hearing on Full Order of Protection held within 15 days after petition is filed, unless there is good cause for a continuance.	(§§455.503 – 455.510) Petitioning court for Child Order of Protection. (§455.513) Obtaining Ex Parte Child Order of Protection if there is an immediate and present danger. An <i>Ex Parte</i> Order of Protection is not always granted, but the court always should set a hearing date. (§455.516) Hearing on Full Child Order of Protection within 15 days after petition is filed, unless there is good cause for a continuance.

MISSOURI ADULT ABUSE ACT (CONTINUED)

	ADULT ORDERS	CHILD ORDERS
HOW LONG CAN AN ORDER LAST, AND IS IT RENEWABLE?	(\$455.040) An Order of Protection lasts for a minimum of 180 days and a maximum of one year . It can be renewed twice; each renewal can last up to one year. No new incident of abuse is required if the order is renewed before the old one expires.	(\$455.516) A Child Order of Protection can last for a minimum of 180 days and a maximum of one year . The order can be renewed twice; each renewal can last up to one year. No new incident of abuse is required if the order is renewed before the old one expires.
WHAT HAPPENS IF ANOTHER COURT MAKES A CUSTODY ORDER?	(\$455.060) The portion of the Order of Protection relating to custody, visitation, support and maintenance is no longer valid, but the prohibitions regarding abuse remain in effect.	(\$455.528) The portion of the Order of Protection relating to custody, visitation, support and maintenance is no longer valid, but the prohibitions regarding abuse remain in effect.
CAN AN ORDER BE MODIFIED?	(\$455.060 & §455.065) Yes . Upon the filing of a motion and a showing of changed circumstances.	(\$455.528 & §455.530) Yes . Upon the filing of a motion and a showing of changed circumstances.
ARE PROTECTION ORDERS FROM OTHER STATES ENFORCEABLE IN MISSOURI?	(\$455.067) Yes . The Adult Abuse Act provides that orders from other states must be given “full faith and credit” in Missouri. A procedure for registering foreign orders is contained in the statute. However, registration does not have to occur for such orders to be enforced.	Uncertain . No statutory or legal precedent at this time. Child orders might be covered by the federal Violence Against Women Act. Consult an attorney.
WHAT HAPPENS IF AN ORDER IS VIOLATED?	(\$455.085 & §455.090) The violator can be arrested and prosecuted for a crime. Arrestable violations of the terms and conditions of a protection order include abuse, stalking, disregard of child custody provisions, communication initiated by the respondent, or entrance upon the premises of the petitioner’s dwelling unit. If the violation involves the failure to surrender custody of a minor child to the person to whom custody is awarded, the violator must be arrested and the child turned over to the custodial parent. A contempt of court action can be brought in the issuing court and the violator can be held in contempt of court. (This sometimes results in a fine and can include jail time.) The court may schedule compliance review hearings to monitor the respondent’s compliance with the order, whether or not there has been a violation.	(\$455.538 & §455.524) The violator can be arrested and prosecuted for a crime. Arrestable violations of the terms and conditions of a protection order include abuse, child custody and entrance upon the premises of the victim’s dwelling unit. A contempt of court action can be brought in the issuing court and the violator can be held in contempt of court. (This sometimes results in a fine and can include jail time.) If the violation involves failure to surrender custody of a minor child to the person to whom custody is awarded, the violator must be arrested and the child turned over to the custodial parent. The court may schedule compliance review hearings to monitor the respondent’s compliance with the order, whether or not there has been a violation.