

## RELIEF AVAILABLE WITH PROTECTION ORDERS



**The Missouri Adult Abuse Act allows a victim of abuse to petition the court for the following types of relief through an Order of Protection. However, these orders are not always granted by the court.**

### EX PARTE ORDER OF PROTECTION (SECTION 455.045, RSMo)

- ▶ Temporarily restrains the respondent from abusing, threatening to abuse, molesting, stalking or disturbing the peace of the petitioner.
- ▶ Temporarily restrains the respondent from entering the premises of the dwelling unit of petitioner when the dwelling unit is: a) jointly owned, leased or rented or jointly occupied by both parties; or b) owned, leased, rented or occupied by the petitioner individually; or c) jointly owned, leased or rented by the petitioner and a person other than the respondent; provided, however, no spouse shall be denied relief under this section by reason of the absence of a property interest in the dwelling unit; or d) jointly occupied by the petitioner and a person other than the respondent; provided that the respondent has no property interest in the dwelling unit.
- ▶ Temporarily restrains the respondent from communicating with the petitioner in any manner or through any medium.
- ▶ Awards temporary custody of minor children where appropriate.

### FULL ORDER OF PROTECTION (SECTIONS 455.050 and 455.075, RSMo)

- ▶ Prohibits the respondent from abusing, threatening to abuse, molesting, stalking or disturbing the peace of the petitioner.
- ▶ Prohibits the respondent from entering the premises of the dwelling unit of the petitioner when the dwelling unit is: a) jointly owned, leased or rented or jointly occupied by both parties; or b) owned, leased, rented or occupied by the petitioner individually; or c) jointly owned, leased, rented or occupied by the petitioner and a person other than the respondent; provided, however, no spouse shall be denied relief under this section by reason of the absence of a property interest in the dwelling unit; or d) jointly occupied by the petitioner and a person other than the respondent; provided that the respondent has no property interest in the dwelling unit.
- ▶ Prohibits the respondent from communicating with the petitioner in any manner or through any medium.
- ▶ Awards custody of minor children born to or adopted by the parties when the court has jurisdiction over such child and no prior order regarding custody is pending or has been made, and the best interest of the child requires such order be issued. There is a presumption that the best interest of the child is served by placing him or her in the custody of the non-abusive parent.
- ▶ Establishes a visitation schedule for the non-custodial parent that is in the best interest of the child. The court can deny visitation if it finds that visitation would endanger the child's physical health, impair his or her emotional development or would otherwise conflict with the best interests of the child, or that no visitation can be arranged that would sufficiently protect the custodial parent from future abuse.
- ▶ Awards child support, when no prior order of support exists.
- ▶ Awards income maintenance, for no more than 180 days, to the petitioner when the petitioner and the respondent are lawfully married.
- ▶ Orders the respondent to make or to continue to make rent or mortgage payments on a residence occupied by the petitioner if the respondent is found to have a duty to support the petitioner or other dependent household members.
- ▶ Orders the respondent to pay the petitioner's rent at a residence other than the one previously shared by the parties if the respondent is found to have a duty to support the petitioner and the petitioner requests alternative housing.
- ▶ Orders the petitioner be given temporary possession of specified personal property, such as automobiles, checkbooks, keys and other personal effects.
- ▶ Prohibits the respondent from transferring, encumbering, or otherwise disposing of specified property mutually owned or leased by the parties.
- ▶ Orders the respondent to participate in a court-approved counseling program designed to help batterers stop violent behavior or to participate in a substance abuse treatment program.
- ▶ Orders the respondent to pay a reasonable fee for housing and other services that have been provided or that are being provided to the petitioner by a domestic violence shelter.
- ▶ Orders the respondent to pay court costs.
- ▶ Orders the respondent to pay the cost of medical treatment and services that have been provided or that are being provided to the petitioner as a result of injuries sustained to the petitioner by an act of domestic violence committed by the respondent.
- ▶ Orders one of the parties to pay the other's attorney's fees.