



How You Can Get a Sexual Assault Order of Protection

information from MCADSV

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As a survivor of sexual assault, you can seek an Order of Protection to prevent the person who hurt you from having further contact with you. You can seek an Order of Protection from a court without cost and without having to hire an attorney. Once issued, an Order of Protection is valid throughout Missouri and in every state. It should be enforced by law enforcement officers across the country.

What is an Order of Protection?

Orders of Protection are civil court orders issued by a judge. They can keep the perpetrator away from you and get you other types of help you need after a sexual assault. In the legal process, a person who seeks an Order of Protection is called a “petitioner” and the person whom an order is sought against is called the “respondent.”

An Order of Protection can stop the respondent (the person who harmed you) from sexually assaulting, abusing, harassing or stalking you and require them to stay away from you, your school, home or workplace. The respondent also can be ordered to not communicate with you in any manner. It is a crime for a person to violate an Order of Protection that was issued against them.

Who is eligible for an Order of Protection?

If you are 17 years or older, you can petition (ask the court) directly for an Order of Protection. If you are younger than 17, a parent or guardian can seek a Child Order of Protection on your behalf.

As a sexual assault survivor you are eligible for an Order of Protection even if you did not know or have a relationship with the perpetrator before the assault. But you will need to know the name of the perpetrator and a location where they can be served in order to file. Consider your safety and access to support when deciding if you want to start the process of getting an order.

For the purposes of getting an Order of Protection, any sexual act that occurred by force or without your consent is considered sexual assault. Examples include when someone

makes you have sex when you don't want to, hurts you during sex, makes you do sexual acts you don't want to do, has sex with you when you are not awake, or rapes you.

In addition to sexual assault, Orders of Protection are available if you experience domestic violence or stalking.

How can I get an Order of Protection?

Obtaining an Order of Protection is a process (see flow chart on opposite page). You can ask for an Order of Protection in the county where you live, where the person who assaulted you lives or where the sexual assault occurred. During business hours, you can go to the circuit clerk's office at the county courthouse. (You can find the location of a courthouse at www.courts.mo.gov/#findacourt.) If it is after business hours or a holiday, you can call your local police, sheriff's department or domestic violence and sexual assault advocacy program to find out where you can fill out a petition for an Order of Protection.

After the petition is filed, an *Ex Parte*, or temporary emergency order, can be issued by the court to provide immediate protection. The *Ex Parte* Order of Protection remains in effect until a court hearing, which is usually held within 15 days after the protection order is filed. If you are denied an *Ex Parte* Order of Protection, that does not mean that you will be denied a Full Order of Protection.

When you go to the court hearing for a Full Order of Protection hearing, you and the respondent each have the opportunity to tell your side of what happened and present evidence. Your evidence can include testimony about the threats, harm or sexual assault you experienced. You also can include testimony from witnesses, police reports, medical records or documentation of texts, phone calls and voicemail messages from the respondent. After the hearing, a judge can grant a Full Order of Protection for as long as one year. You can find more information from an advocate at a domestic or sexual violence program.

217 Oscar Dr., Ste. A • Jefferson City, MO 65101 • [888] 666-1911
For D/deaf and Hard-of-Hearing and Late Deafened, dial 711 for Relay Missouri.
www.mocadsv.org • mocadsv@mocadsv.org



The Missouri Coalition Against Domestic and Sexual Violence (MCADSV) unites Missourians with a shared value that rape and abuse must end, and advances this through education, alliance, research and public policy.

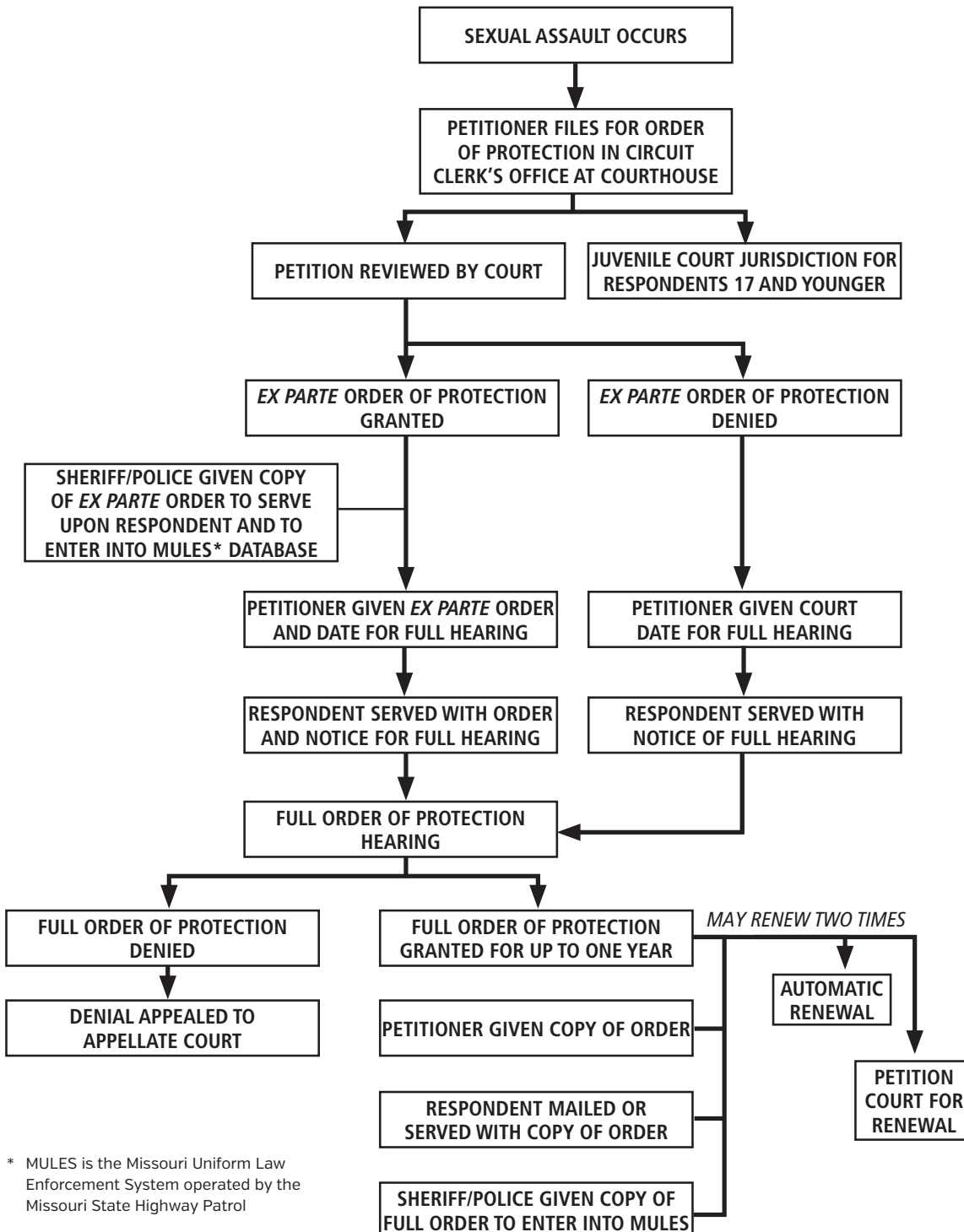
How can I find someone to help?

Many local domestic violence and sexual assault advocacy programs have advocates available to provide confidential information, support and assistance throughout the Order of Protection process. To find a local program, call MCADSV at 888-666-1911 or visit www.mocadsv.org/how-to-get-help. Information about local programs and free, confidential support also is available 24 hours a day by calling the National Sexual Assault Hotline at 800-656-HOPE (4673)

or visiting www.rainn.org. If you are D/deaf and Hard-of-Hearing and Late Deafened, you also can contact DeafLEAD at 321-800-DEAF (3323) or text HAND to 839863 and communicate through an interpreter.

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Procedure for obtaining an Order of Protection



* MULES is the Missouri Uniform Law Enforcement System operated by the Missouri State Highway Patrol