

HOW TO COMPLETE A PETITION FOR ORDER OF PROTECTION FORM

information from MCADSV

A & B



IN THE _____ JUDICIAL CIRCUIT, _____ COUNTY, MISSOURI

Petition for Order of Protection - Adult

Notice to Petitioner: Respondent will receive a copy of this petition with service.

Judge or Division:	A	Case Number:	
		Court ORI Number:	A
Petitioner:	C	MSHP Number:	A
		Responsible Law Enforcement ORI:	
	vs.	Related Cases:	(Date File Stamp)
Respondent:		Respondent's Home Address:	E
Alias/Nicknames:	D	Home Phone Number:	E
Respondent's DOB:		Respondent's Work Address:	E
Age:		Work Phone Number:	E
SSN (if known, last four digits):		Work Hours:	
Race:	Sex: <input type="checkbox"/> F <input type="checkbox"/> M	Other Locations Where Respondent May Be Served:	E
Hair Color:	Height:		
Eye Color:	Weight:		
(Identifying information for use by Law Enforcement)			
Visible Identifying Marks (e.g. tattoos, birthmarks, braces, mustache, beard, pierced ear, glasses):	D	Petitioner's Relationship to Respondent pursuant to 18 U.S.C. §§ 921(a)(32) and 922(g)(8) determination:	F
		<input type="checkbox"/> Spouse <input type="checkbox"/> Child(ren) in common	
		<input type="checkbox"/> Former spouse <input type="checkbox"/> Intimate residing/resided together	
		<input type="checkbox"/> Are/were in a continuing social relationship of a romantic/intimate nature	
		<input type="checkbox"/> Related by blood. Define relationship: _____	
		<input type="checkbox"/> Related by marriage. Define relationship: _____	
		<input type="checkbox"/> Residing/resided together; no intimacy	
		<input type="checkbox"/> Stalking/Sexual Assault. Define relationship: _____	
I. PETITIONER INFORMATION			
1. I am Petitioner and <input type="checkbox"/> at least 17 years of age <input type="checkbox"/> under 17 but emancipated			
2. I reside in _____ (city), _____ (state), in the County of _____.			
G			
II. RESPONDENT INFORMATION			
3. Respondent is <input type="checkbox"/> at least 17 years of age or emancipated <input type="checkbox"/> under 17			
4. Respondent may be found in _____ (city), _____ (state), in the County of _____.			
H			
III. LOCATION WHERE DOMESTIC VIOLENCE, STALKING, OR SEXUAL ASSAULT OCCURRED			
5. An act of domestic violence, stalking, or sexual assault occurred at _____ (address), _____ (city), _____ (state), in the County of _____.			
I			



IV. COMPLETE FOR DOMESTIC VIOLENCE PETITION ONLY																																																																				
<p>Relationship with Respondent</p> <p>6. Respondent and I: (check one or more) J</p> <p><input type="checkbox"/> reside together.</p> <p><input type="checkbox"/> previously resided together at _____ (address), _____ (city), _____ (state), in the County of _____.</p> <p><input type="checkbox"/> never resided together.</p>																																																																				
<p>Residency</p> <p>7. The residence in which I live is: (check one or more) K</p> <p><input type="checkbox"/> jointly owned, leased or rented or jointly occupied by Respondent and me.</p> <p><input type="checkbox"/> owned, leased, rented or occupied by me.</p> <p><input type="checkbox"/> jointly owned, leased, rented or occupied by me and someone other than Respondent.</p> <p><input type="checkbox"/> owned, leased, rented or occupied by someone else, and Respondent is my spouse.</p> <p><input type="checkbox"/> jointly occupied by me and another person, and Respondent has no property interest therein.</p>																																																																				
<p>Custody</p> <p>List only the children that the Petitioner and Respondent have in common. The court cannot change custody if a prior order regarding custody is pending or has been made.</p> <p>8. It is in the best interest of the minor children that custody be awarded as follows:</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;"></th> <th style="width: 35%; text-align: center;"><u>Child's Name</u></th> <th style="width: 15%; text-align: center;"><u>SSN (last 4 digits only)</u></th> <th style="width: 10%; text-align: center;"><u>Age</u></th> <th style="width: 25%; text-align: center;"><u>Address</u> (If other than Petitioner)</th> </tr> </thead> <tbody> <tr><td>1.</td><td>_____</td><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>2.</td><td>_____</td><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>3.</td><td>_____</td><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>4.</td><td>_____</td><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>5.</td><td>_____</td><td>_____</td><td>_____</td><td>_____</td></tr> </tbody> </table> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 40%;"></th> <th style="width: 20%; text-align: center;"><u>Who did each Child reside with during last six months</u></th> <th style="width: 20%; text-align: center;"><u>Persons to Receive Custody</u></th> <th colspan="2" style="width: 20%; text-align: center;"><u>Custody</u> (check one or both)</th> </tr> <tr> <th></th> <th></th> <th></th> <th style="text-align: center;"><u>Temporary</u></th> <th style="text-align: center;"><u>Full</u></th> </tr> </thead> <tbody> <tr><td>1.</td><td>_____</td><td>_____</td><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td>2.</td><td>_____</td><td>_____</td><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td>3.</td><td>_____</td><td>_____</td><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td>4.</td><td>_____</td><td>_____</td><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td>5.</td><td>_____</td><td>_____</td><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td></tr> </tbody> </table> <p>(If necessary, attach additional sheets.)</p>					<u>Child's Name</u>	<u>SSN (last 4 digits only)</u>	<u>Age</u>	<u>Address</u> (If other than Petitioner)	1.	_____	_____	_____	_____	2.	_____	_____	_____	_____	3.	_____	_____	_____	_____	4.	_____	_____	_____	_____	5.	_____	_____	_____	_____		<u>Who did each Child reside with during last six months</u>	<u>Persons to Receive Custody</u>	<u>Custody</u> (check one or both)					<u>Temporary</u>	<u>Full</u>	1.	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	2.	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	3.	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	4.	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	5.	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
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V. COMPLETE FOR STALKING OR SEXUAL ASSAULT PETITION ONLY																																																																				
<p>9. Respondent is stalking or sexually assaulting me. Explain relationship (example: co-workers, neighbors, etc.)</p> <p style="text-align: center; font-size: 2em; color: red;">M</p>																																																																				
VI. COMPLETE FOR ALL CASES																																																																				
<p>10. Indicate any prior or pending custody court cases before, or orders entered by, this court or any other court involving the following parties. Indicate the case numbers. (If none, so state): N</p> <p>a. Petitioner _____</p> <p>b. Respondent _____</p> <p>c. Children (identified in item 8) _____</p>																																																																				

Acts Committed by Respondent:

11. Respondent has knowingly and intentionally: (check at least one)

- | | |
|---|--|
| <input type="checkbox"/> caused or attempted to cause me physical harm | <input type="checkbox"/> sexually assaulted me |
| <input type="checkbox"/> placed or attempted to place me in apprehension of immediate physical harm | <input type="checkbox"/> unlawfully imprisoned me |
| <input type="checkbox"/> coerced me | <input type="checkbox"/> followed me from place to place |
| <input type="checkbox"/> stalked me | <input type="checkbox"/> threatened to do any of the above |
| <input type="checkbox"/> harassed me | |

by the following act(s): (Include the most recent date(s) of each act described.)

O

12. I am afraid of Respondent and there is an immediate and present danger of domestic violence to me or other good cause for an emergency temporary order of protection because: (describe)

P

13. Photographs/Exhibits are filed as evidence of my injuries.

Q

VII. PETITIONER'S REQUESTS

14. Order Petitioner's residential address on voter's registration record to be closed to the public.

R

15. Pursuant to sections 455.010 - 455.085 RSMo, it is requested that the court issue an Ex Parte Order of Protection restraining Respondent from: (check all that apply)

- committing or threatening to commit domestic violence, sexual assault, molesting, or disturbing the peace of Petitioner wherever Petitioner may be found.
- stalking Petitioner.
- entering the dwelling of Petitioner located at (see notice below) _____.
- entering the premises of the Petitioner's school, located at _____.
- entering onto the premises of the Petitioner's place of employment, located at _____.
- come within _____ (feet) of the Petitioner.
- communicating with Petitioner in any manner or through any medium.
- other:

S

Additional Requests:

It is further requested that, upon the hearing of this cause, the court also issue a Full Order of Protection enjoining Respondent from the above acts for such time as is necessary to protect Petitioner and that the court: (one or more may be selected)

Custody

16. Award custody of the minor child(ren) to Petitioner Respondent.

1 17. Order visitation with the minor child(ren) to Petitioner Respondent as follows:

T

Child Support/Maintenance

2 18. Order Petitioner Respondent to pay child support to Petitioner Respondent in the amount of \$ _____ (check one) per week per month.

19. Order Petitioner Respondent to pay maintenance to Petitioner Respondent in the amount of \$ _____ (check one) per week per month.

Other Support

- 3** 20. Order that Respondent make or continue to make the rent or mortgage payments in the amount of \$ _____ (check one) per week per month on the residence occupied by Petitioner.
21. Order that Respondent pay Petitioner's rent at a residence, other than the residence previously shared with Respondent, in the amount of \$ _____ (check one) per week per month.
22. Order Respondent to pay a reasonable fee for housing and other services provided to Petitioner by a shelter for victims of domestic violence.
23. Order Respondent to pay the cost of medical treatment or services provided to Petitioner as a result of injuries sustained by an act of domestic violence committed by Respondent.

Personal Property

- 4** 24. Order that Petitioner be given temporary possession of the following personal property:
25. Prohibit Respondent from transferring, encumbering, or otherwise disposing of the following property mutually owned or leased with Petitioner:

Counseling/Treatment

- 5** 26. Order Respondent to participate in a court-approved counseling program designed for batterers and/or substance abuse.

Costs/Fees

- 6** 27. Order Respondent to pay court costs.
28. Order Respondent to pay Petitioner's attorney fees.

Other Orders

- 7** 29. Order the full order of protection issued for one year be automatically renewed unless Respondent requests a hearing by 30 days prior to the expiration of the order.
- 8** 30. Petitioner to receive wireless telephone number(s) and billing responsibilities from Respondent. (Note: If checked, complete the Wireless Telephone Number Transfer Addendum form.)
- 9** 31. Other (specify):

VIII. PETITIONER'S SIGNATURE

I swear/affirm under penalty of perjury that these facts are true according to my best knowledge and belief. **I understand that a copy of this petition will be served on the respondent.**

_____ Date

_____ Petitioner's Signature

U

_____ Address (Optional)

_____ City, State and Zip

_____ Telephone

_____ Attorney's Name, Missouri Bar No., if Applicable

_____ Address

_____ City, State and Zip

_____ Telephone

NOTICE: Section 455.030.3, RSMo, provides that a Petitioner seeking protection under the Domestic Violence Act is not required to reveal any current address or place of residence on this motion. **Do not provide this information if doing so will endanger you.**



EXPLANATIONS FOR HOW TO COMPLETE A PETITION FOR ORDER OF PROTECTION

For more Order of Protection forms, go to www.courts.mo.gov.

The petitioner may add pages to the petition if more space is needed to provide responses.

- A** The spaces for judge or division, case number and court ORI number should be left blank. The clerk will insert this information.
- B** The petitioner should know that the respondent will receive a copy of the entire petition.
- C** The petitioner should insert her or his full name.
- D** The petitioner should insert the respondent's full name and last four digits of the respondent's Social Security number, if known. The Social Security number could be important for child support enforcement. The petitioner also should indicate the sex and identifying features of the respondent.
- E** The petitioner should be sure to insert all the respondent's addresses, phone numbers (cell, home and work) and work hours. This will help the sheriff find the respondent and serve him or her with the Order of Protection. If the respondent is staying with someone, that residential address should be inserted. The petitioner also should include places the respondent frequents, a relative's house or anywhere else they think the respondent may be served.
- F** The petitioner should check the box that describes the current status of the relationship with the respondent, if any. It is very important for the survivor to complete every portion of the petition, or it could be dismissed.
- G** The petitioner should check the box that applies to him or her, depending on age. Emancipation has a complicated legal standard, but if the petitioner is married to the respondent or is self-supporting and not living with the parents, then she or he probably is emancipated. The petitioner also should check the box that applies to the respondent, depending on age. The same criteria for emancipation apply. While the law allows the petitioner to not disclose her/his address, the court must know whether it has jurisdiction over the case. Therefore, the court must know whether the petitioner resides in the county where the action is filed, or if the abuse occurred in that county, or if the respondent can be served in that county. If the petitioner does not want to disclose the city and county in which s/he is residing for safety reasons, then one of the other bases of jurisdiction must exist. If this is the case, the petitioner should only complete the space for "state" with respect to where s/he is residing. The petitioner should fully complete the section related to where the respondent may be served.

H The petitioner should check the box that applies to the respondent, depending on his or her age. Emancipation has a complicated legal standard, but if the respondent is married to the petitioner or is self-supporting and not living with parents, then the respondent probably is emancipated. The petitioner should fully complete the section related to where the respondent may be served.

I The petitioner should insert the address at which the act of abuse, stalking or sexual assault occurred.

J The petitioner should check the boxes that describe his or her relationship with the respondent.

K The petitioner should check the box that applies.

L The petitioner should list all children the parties have in common, including their dates of birth, last four digits of their Social Security numbers, ages and addresses if they do not reside with the petitioner. The petitioner should write the name of the person with whom the children have resided for the past six months. This answer is important because the children must have lived in Missouri in the past six months for the court to have permanent jurisdiction over them. If there is potential harm to the children from the abuser, or some other potential harm to the children, then the court can take temporary emergency jurisdiction over the children and make a custody order even if they have not been in Missouri for six months. The petitioner should check the box under “temporary” to have that person obtain custody under the *Ex Parte* Order of Protection and “full” for the Full Order of Protection. Normally the petitioner would want custody for herself at both stages of the proceedings. The petitioner should know that if a custody order has been made or is pending in another court, the judge will not grant a custody order in the Order of Protection. Pending is defined as when a hearing has been set for a custody order.

M The petitioner should describe her relationship with the respondent who stalked or sexually assaulted the petitioner, if applicable.

N The petitioner should know that if a custody order has been made or is pending in another court, the judge will not grant a custody order in the Order of Protection. Pending is defined as when a hearing has been set for a custody order. The petitioner should write any information about any other custody cases in which the petitioner and the respondent are or have been involved. The petitioner should list the type of case, the place it was filed and the case number for each case. The petitioner also should include information about any other custody proceeding in which the children are or have been involved. This information should be complete and include the type of action, when and where that action took place or is taking place, the case number and who was granted custody in that action.

O The petitioner should check all boxes that apply to the abuse s/he was subjected to by the respondent. When describing the abuse, the petitioner should list all incidents of abuse in detail, and dates and times if s/he can remember them. This also should include



the respondent's exact threatening language and actions toward the petitioner and the petitioner's children, family, animals and possessions. Also, the petitioner should mention all injuries suffered from the abuse, in detail. Use specific language with the most recent serious incidents first. For stalking or harassment, the petitioner should give information about at least two incidents—more if possible—and give a time frame [for example, “These incidents occurred in the past two weeks.”]. The petitioner may attach additional paper onto the petition, if needed.

P In this section, the petitioner should summarize why s/he is afraid of the respondent. The petitioner could include any use of firearms or threats, history of drug and alcohol use, threats of suicide and various forms of physical, emotional, sexual or financial abuse. The petitioner might not be able to get an *Ex Parte* Order of Protection if s/he does not show that there is an immediate or present danger of abuse or stalking. However, if the petitioner meets the requirements of Section 455.020 RSMo, s/he is still entitled to a hearing on the petition. The petitioner might want to mention in this section the ways in which the respondent has carried through on his or her threats in the past. If there is a pattern of abuse that has increased in seriousness and frequency, s/he should state that. The petitioner may attach additional paper onto the petition.

Q The petitioner should check this box if s/he is attaching photographs or documents to the petition, such as police reports or medical records, to substantiate the allegations in the petition. If the respondent is represented by an attorney, the petitioner should try to get an attorney or at least speak to an attorney about the introduction of this evidence in court. Advocates are encouraged to contact MCADSV for more information and if they have any questions.

R An advocate should discuss this option with the survivor.

S The petitioner should check all boxes that relate to the relief s/he is seeking in the *Ex Parte* order and full order, even though the form refers only to the *Ex Parte* order. In order for the court to restrain the respondent from entering the dwelling unit, place of employment or school, the court must have an address. If the respondent does not know where the petitioner is staying or if the petitioner is staying at a shelter, she should not disclose the address here. However, if the respondent already knows the petitioner's home address or the address of a friend or relative with whom the petitioner is staying, the petitioner should write down the address.

T The petitioner must mark everything here that s/he wants in addition to the Full Order of Protection. The petitioner will not get the additional relief sought at the full hearing if s/he has not checked the appropriate box on the petition. A petitioner should err on the side of being overly inclusive. If there is a question about entitlement to any of the things being requested, the petitioner should let the judge decide at the hearing.

1 If the petitioner does not want the respondent to have visitation or custody, s/he should not check the custody or visitation boxes that apply to the respondent. If the petitioner wants the respondent to have supervised visitation, s/he should write “supervised visitation” under the visitation line.

2 If the petitioner and the respondent have child(ren) in common but are not married and paternity has not been established, the petitioner probably will not be able to get child support and the respondent will not be able to get custody or visitation. If the petitioner wants child support, she or he needs to request an amount that is consistent with child

support guidelines. If a court orders child support, it may require the petitioner to fill out a Form 14, the form required to determine an appropriate child support amount. The petitioner can obtain maintenance, which is like alimony, only if s/he is married to the respondent. The petitioner can obtain an order for rent or mortgage to be paid only if s/he is married to the respondent or if they have child(ren) in common. Be aware of what additional requests your local judges traditionally order in Order of Protection cases.

3 The petitioner should consider housing costs and any medical bills s/he has incurred from the respondent's abuse and request the judge to order the respondent to pay for them.

4 If the petitioner wants certain property returned, s/he must list that property specifically. This list can include anything the petitioner needs or wants or thinks might be destroyed by the respondent. This list could include house keys, garage door opener, baby items, mementos, etc.

If the petitioner would like any other orders, such as ordering the respondent to surrender weapons such as firearms, knives, etc., or ordering visitation to be in a specific place or time, s/he should write it on the petition. The judge has discretion to make any orders necessary to protect the petitioner. The judge also may order that the respondent stay a certain amount of feet away from the petitioner. So, it is important to ask for any order the petitioner believes will protect her or him and the child(ren). The petitioner may attach additional paper onto the petition as needed to list pertinent information.

5 The petitioner may request that the respondent attend a batterer's intervention program (BIP) if available in the area. The petitioner could also request that the respondent go to a substance abuse and/or mental health programs.

6 There are no costs associated with filing for an Order of Protection. However, if the petitioner hires an attorney, s/he will want to ask the respondent to pay for any court costs and attorney's fees.

7 If the petitioner wants the order to automatically renew, s/he should check the second-to-last box. The order will automatically renew unless the respondent requests a hearing to dispute the renewal within 30 days of the expiration of the order. If the petitioner does not check this box and later decides s/he wants to renew the order, s/he may request a hearing from the court to renew the order before it expires. There does not need to be more incidents of abuse for a renewal. The petitioner just needs to show the court why s/he is still afraid of the respondent.

8 The court may order a wireless service provider to transfer billing responsibility and rights to the cell phone number or numbers to the petitioner, if the petitioner is not on the wireless service account.

9 The court may make any other orders necessary to protect the petitioner.

U The petitioner does not have to put her or his address here. The court should keep a confidential case filing sheet with the petitioner's information in the court file for the court to be able to correspond with the petitioner.



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



LinkedIn



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.