

ADDITIONAL INFORMATION FOR FILING AN EX-PARTE PETITION

- **There is no filing fee required.**
- **An ex-parte is for your PHYSICAL protection. It is not meant for the protection of property. (PLEASE READ THE ATTACHED “DEFINITIONS OF ABUSE” AS LISTED ON THE MAIN INSTRUCTION PAGE).**
- **You must give DETAILED accounts of the abuse/assault actions that have occurred. In addition, we do not have access to police reports so you must provide one if you would like it attached to your petition.**
- **You MUST provide a physical address where the Respondent may be served, in the event your ex-parte is granted or a hearing is scheduled.**
- **Only a parent or legal guardian may file a Child Protection petition. The parent/legal guardian is the Petitioner. If you are not a parent/legal guardian and feel a child is in danger, call your local law enforcement agency and/or the Child Abuse and Neglect Hotline (800) 392-3738.**

EX-PARTE FILING PACKET ADULT ABUSE / CHILD PROTECTION

Adult Abuse Petition

- * Answer all questions to the best of your ability
- * **Question 10**, If you have had a custody case concerning children in common you must answer this question.
- * **Question 12**, Which is why you are here, be detailed, write on the back of the pages (if needed), the Judge will not contact the police to get a police report. This is up to you to provide if you choose. The Judge is guided by state statute on what they can & cannot grant. List the events that brought you here today beginning with the most recent & work your way back. Provide dates & details. Do not give hearsay answers. Do give details of what was said or done.
- * **Question 15**, Mark anything you want the Judge to consider, they CANNOT grant anything you do not mark here!

Child Protection

- * **Parent or Guardian is the Petitioner (PET)**
- * **Question 7**, Which is why you are here, be detailed, write on the back of the pages (if needed), the Judge will not contact the police to get a police report. This is up to you to provide if you choose. The Judge is guided by state statute on what they can & cannot grant. List the events that brought you here today beginning with the most recent & work your way back. Provide dates & details. Do not give hearsay answers. Do give details of what was said or done.
- * **Question 13**, Mark anything you want the Judge to consider, they CANNOT grant anything you do not mark here!

Confidential filing Information Sheet

- * You are the Petitioner (PET)
- * Person you are filing against is the Respondent (RES)
- * You must provide a good address for orders to be served
- * Page 2 is for children's information (if filing for a child protection)

Definition of Abuse

You are notified that under section 455.010 (1) RSMo "Abuse" includes but is not limited to the occurrence of any of the following acts, attempts or threats against a person who may be protected pursuant to this chapter, except abuse shall not include abuse inflicted on a child by accidental means by an adult household member or discipline of a child, including spanking, in a reasonable manner.

- (1) "Assault" purposely or knowingly placing or attempting to place another in fear of physical harm
- (2) "Battery" purposely or knowingly causing physical harm to another with or without a deadly weapon
- (3) "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
- (4) "Harassment" engaging in a purposeful or knowing course of conduct involving more than one incident that alarms or causes distress to an adult or child & serves no legitimate purpose. The course of conduct must be such as would cause a reasonable adult or child to suffer substantial emotional distress and must actually cause substantial emotional distress to the petitioner or child. Such conduct might include, but is not limited to:
 - (a) Following another about in a public place or places
 - (b) Peering in the window or lingering outside the residence of another, but does not include constitutionally protected activity
- (5) "Sexual Assault" causing or attempting to cause another to engage involuntarily in any sexual act by force, threat of force, duress, or without that person's consent
- (6) "Unlawful Imprisonment" holding, confining, detaining or abducting another person against that person's will

Definition of Stalking

You are notified that, under section 455.501(14) RSMo "Stalking" is when any person purposely engages in an unwanted course of conduct that causes alarm to another person, or a person who resides together in the same household with the person seeking the order of protection when it is reasonable in that person's situation to have been alarmed by the conduct. As used in this subdivision.

- (a) "Alarm" means to cause fear of danger of physical harm.



IN THE 8TH JUDICIAL CIRCUIT, RAY COUNTY COUNTY, MISSOURI

Petition for Order of Protection – Child

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

Use this form when one child is involved with this case. Use CP42 for two to five children and CP41 for six to ten children.

Judge or Division: _____	Case Number: _____ Court ORI Number: _____ MSHP Number: _____ Responsible Law Enforcement ORI: _____ Related Cases: _____ (Date File Stamp)
Petitioner: Protected Child: Age of Protected Child: Sex: <input type="checkbox"/> F <input type="checkbox"/> M Race: _____	Protected Child's Relationship to Respondent pursuant to 18 U.S.C. §§ 921(a)(32) and 922(g)(8) determination: Protected Child's Relationship to Respondent: <input type="checkbox"/> Child <input type="checkbox"/> Step-Child or Former Step-Child <input type="checkbox"/> Parent is Unmarried, Intimate Residing/Resided with Respondent <input type="checkbox"/> Other (specify) _____
vs.	
Respondent: Alias/Nicknames: _____	Respondent's Home Address: _____ Home Phone Number: _____ Respondent's Work Address: _____ Work Phone Number: _____ Work Hours: _____ Other Locations Where Respondent May Be Served: _____
Respondent's DOB: _____	
Age: _____	
SSN (if known, last four digits): _____	
Race: _____ Sex: <input type="checkbox"/> F <input type="checkbox"/> M	
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): _____	

I. PROTECTED CHILD INFORMATION

1. I am Petitioner and the: (check appropriate boxes)
 - parent or guardian of the child.
 - guardian ad litem for the child.
 - court appointed special advocate for the child.
 - juvenile officer.

2. Respondent is:

<ul style="list-style-type: none"> <input type="checkbox"/> a household member who is residing with the child. <input type="checkbox"/> a household member who resided with the child in the past. <input type="checkbox"/> an emancipated child who is residing with the child. <input type="checkbox"/> an emancipated child who resided with the child in the past. <input type="checkbox"/> stalking the child. 	<ul style="list-style-type: none"> <input type="checkbox"/> a household member under 17 who is residing with the child. <input type="checkbox"/> a household member under 17 who resided with the child. <input type="checkbox"/> a person under 17 stalking the child. <input type="checkbox"/> sexually assaulting the child.
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3. The act(s) of domestic violence, stalking, or sexual assault occurred at _____ (address) _____ (city) _____ (County/City of St. Louis), Missouri.

- 3.a. The county in which this petition is being filed is where the protected child lives respondent may be served act(s) of domestic violence, stalking, or sexual assault occurred. (check appropriate boxes)

4. There are no prior or pending custody orders for this child.
 There is a prior or pending custody order for this child.

5. The family home of the child is: (check appropriate boxes)

<input type="checkbox"/> owned	<input type="checkbox"/> leased	<input type="checkbox"/> rented
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 By: Respondent Petitioner Other (name) _____
 Occupied by: (include name only if different from above) _____

6. Respondent has knowingly and intentionally: (check at least one)
- | | |
|--|---|
| <input type="checkbox"/> caused or attempted to cause physical harm to the child | <input type="checkbox"/> sexually assaulted the child |
| <input type="checkbox"/> placed or attempted to place the child in apprehension of immediate physical harm | <input type="checkbox"/> unlawfully imprisoned the child |
| <input type="checkbox"/> coerced the child | <input type="checkbox"/> followed the child from place to place |
| <input type="checkbox"/> stalked the child | <input type="checkbox"/> threatened to do any of the above |
| <input type="checkbox"/> harassed the child | |

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

_____.

7. An immediate and present danger of domestic violence, stalking, or sexual assault to the child exists because: (describe) _____

_____.

II. RESPONDENT INFORMATION

8. Respondent is at least 17 years of age or emancipated under 17.

9. Respondent may be found in _____ (city),
 _____ (state), in the County of _____.

III. CUSTODY

The court cannot change custody if a prior order regarding custody is pending or has been made.

10. It is in the best interest of the child that custody be awarded as follows:

<u>Child's Name</u>	<u>Relationship to Parties</u>	<u>Person to Receive Custody</u>	<u>Temporary</u>	<u>Full</u>
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>

11. Indicate any prior or pending custody court cases before, or orders entered by, this court or any other court involving the following parties.

(If none, so state):

- a. Petitioner: _____
- b. Respondent: _____
- c. Child (identified in item 10): _____

12. Award visitation with the child as follows: _____
- _____
- _____.

IV. PETITIONER'S REQUESTS

13. Pursuant to chapter 455, RSMo, it is requested that the court issue an Ex Parte Order of Protection restraining Respondent from: (check boxes that apply)

- Committing or threatening to commit domestic violence, stalking, sexual assault, molesting, or disturbing the peace of the protected child).
- Having any contact with the protected child, except as specifically authorized by this Order.
- Entering the family home of the protected child, located at _____.
- Entering the place of employment or school of the protected child, located at _____.
- Communicating with the protected child in any manner or through any medium.
- Come within _____ (feet) of the protected child.
- Other: _____
- _____.

14. It is further requested that the Ex Parte Order of Protection exclude Respondent from the family home of the protected child because:
- It is in the best interest of the child remaining in the home;
 - A substantial risk to the child exists unless Respondent is excluded;
 - A remaining adult family or household member is able to care adequately for the child in the absence of Respondent; and
 - A commitment has been obtained from the Children's Division to provide appropriate social services to the family or household members during the period of time during which an Order of Protection is in effect.
15. Exclusion of the Respondent from the family home of the protected child is not being requested.

Additional Requests:

16. It is further requested that, upon the hearing of this cause, the court also issue a Full Order of Protection – Child enjoining Respondent from the above acts for such time as is necessary to protect the protected child and that the court:
- Order Respondent not to commit or threaten to commit domestic violence, stalking, sexual assault, molesting, or disturbing the peace of the protected child.
 - Order Respondent not to have any contact with the protected child(ren), except as specifically authorized by this order.
 - Order Respondent not to enter the family home, place of employment or school of the protected child, except as specifically authorized by this order.
 - Award custody of the child to _____

Child Support/Maintenance

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

Other Support

19. Order that Respondent make or continue to make the rent or mortgage payments to the residence occupied by the protected child in the amount of \$ _____ per week per month.
20. Order Respondent to pay a reasonable fee for housing and other services provided to the protected child by a shelter for victims of domestic violence.
21. Order Respondent to pay the cost of medical treatment or services provided to protected child as a result of injuries sustained by an act of domestic violence committed by Respondent.

Counseling/Treatment

22. Order Respondent to participate in a court-approved counseling program designed to help batterers stop violent behavior or a substance abuse program.

Costs/Fees

23. Order Respondent to pay court costs.
24. Order Respondent to pay Petitioner's attorney fees.

Other

25. 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.
26. Petitioner to receive wireless telephone number(s) and billing responsibilities from Respondent. (Note: If checked, complete the Wireless Telephone Number Transfer Addendum form.)
27. Other (specify): _____
28. I believe that revealing my address will endanger myself or the protected child(ren). (Note: If checked, complete the Child Protection Petitioner and Protected Child Information (Confidential Record) form.)
29. Order Petitioner's residential address on voter's registration record be closed to the public.

V. 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

NOTICE: Section 455.510.3, RSMo, provides that a Petitioner seeking protection under the Child Protection Orders Act is not required to reveal any current address or place of residence of the child(ren) on this petition. **Do not provide this information if doing so will endanger the child(ren).**

Address (Optional)

City, State and Zip

Telephone

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

Address

City, State and Zip

Telephone



Judge or Division:	Case Number:	
	Court ORI Number:	
Petitioner:	MSHP Number:	
	Responsible Law Enforcement ORI:	
	vs. Related Cases:	(Date File Stamp)
Respondent:	Respondent's Home Address:	
Alias/Nicknames:	Home Phone Number:	
Respondent's DOB:	Respondent's Work Address:	
SSN (if known, last four digits):	Work Phone Number:	
Race: Sex: <input type="checkbox"/> F <input type="checkbox"/> M	Work Hours:	
	Petitioner's Relationship to Respondent pursuant to 18 U.S.C. §§ 921(a)(32) and 922(g)(8) determination:	
	<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: _____	

Request to Dismiss Petition for Order of Protection - Adult

Petitioner requests dismissal of the Petition for Order of Protection - Adult. The court may inquire of the Petitioner or others in order to determine whether the dismissal is voluntary.

Petitioner's Signature

Date

Recommendation of Dismissal

On motion of Petitioner, cause dismissed without prejudice.

So Ordered:

Date

Commissioner

Judgment of Dismissal

It is hereby ordered, adjudged, and decreed that the foregoing Recommendation entered by the Commissioner is adopted and confirmed as a final Judgment of the court.

On motion of Petitioner, cause dismissed without prejudice.

Date

Judge

Instructions to Clerk

The clerk shall forward a copy of this Judgment to the local law enforcement agency.