

PROTECTING

VICTIMS OF DOMESTIC VIOLENCE

- How Missourians can obtain protective court orders
- Who to call for safe shelters and support services
- Where shelters are located in Missouri
- Phone list of victim advocates by county



CONSUMER GUIDE

FROM ATTORNEY GENERAL
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Protecting Victims of Domestic Violence

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Revised October 2005

Protective orders

Each year thousands of Missourians become victims of domestic violence, a serious crime that can have devastating consequences.

However, help is available to victims of abuse, which is defined under state law as assault, battery, coercion, harassment, sexual assault, stalking and unlawful imprisonment.

State law authorizes courts to issue orders of protection to protect victims of abuse and persons threatened with abuse. By issuing these orders, judges can order an accused abuser, for example, to stop abusing, stalking or harassing a victim and to stay away from the victim's home.

There are two types of orders of protection:

- An *ex parte* order, which is a temporary measure quickly issued by the court.
- A full order, which is granted only after a court hearing is held. It is issued for a longer period than the *ex parte* order.

EX PARTE ORDER OF PROTECTION

If you are a victim of domestic violence, you can go to the circuit court and request an *ex parte* order of protection against the accused abuser. The accused abuser does not have to be present for you to be granted an order.

An *ex parte* order may:

- **Order** the accused abuser not to abuse, threaten to abuse, molest, stalk or disturb your peace.

- **Order** the accused abuser not to enter the premises of your home whether you own, lease, rent or merely occupy the home.
- **Make** a temporary order of custody of minor children.
- **Order** specific personal property and effects to be turned over to you.
- **Order** the accused abuser not to communicate with you in any way, including e-mail.

Filing for order

The ex parte order can be obtained from the circuit court in the county:

- Where you and the accused abuser reside,
- Where any abuse took place, **or**
- Where the accused abuser can be served.

When the circuit court is closed, you may request an ex parte order from any available court in the city or county having jurisdiction.

You do not need a lawyer to obtain the order. Circuit clerks are required under Missouri's Adult Abuse Act to explain how to file all necessary forms and documents. Some counties have a victim advocate to assist you (pages 6-8).

You have the right to request that your address not be disclosed in court documents.

The court may immediately issue an ex parte order of protection. The order takes effect as soon as a judge grants it and lasts until a full order hearing is held. A hearing on the full order of protection will be held within 15 days unless the court finds good reason for a continuance.

Serving notice to accused abuser

The court will order law enforcement officers to serve the accused abuser with a copy of the ex parte petition and a notice of the full

Who can file?

Any victim of stalking or an adult abused by a present or former spouse, adult family or household member, or adult who is or has been in a continuing social, romantic or intimate relationship, or a person with whom the victim has a child.



Cost

No filing fee, court costs or bond is required to file for an order of protection.

order hearing date. The accused abuser must be served at least three days before the hearing. It is at this hearing that the accused abuser can present his or her side of the story.

Although the ex parte order is effective even before the accused abuser is notified, the accused abuser first must be served with a copy of the order or notified by law enforcement officers before he or she can be arrested for violating its conditions.

FULL ORDER OF PROTECTION

The court will issue a full order of protection only after a full order hearing has been held. The abuse victim must attend this hearing. If you are absent, the court will dismiss the order.

The full order will be valid for at least 180 days and not more than one year. It may be renewed twice by the court after a hearing. A new act of abuse is not required for a full order to be renewed.

A full order may grant the same relief as an ex parte order and may also enter an order:

- **Awarding** custody of minor children and setting up a visitation schedule that is in the best interest of the children when the court has jurisdiction over the children and no prior custody order is pending or has been made.
- **Granting** child support.
- **Awarding** maintenance when you and the accused abuser are lawfully married.
- **Ordering** the accused abuser to pay for all or part of your housing costs.
- **Ordering** that you be given temporary possession of property such as cars, checkbooks and keys.
- **Prohibiting** the accused abuser from transferring, encumbering or disposing of specified property mutually owned or leased by the parties.
- **Ordering** the accused abuser to participate in a counseling program for batterers or in a substance-abuse treatment program.
- **Ordering** the accused abuser to pay a reasonable fee for housing and other services provided to you by a shelter for domestic violence victims.
- **Ordering** the accused abuser to pay the victim's attorney fees.
- **Ordering** the accused abuser to pay medical costs from injuries sustained as a result of domestic violence.
- **Ordering** the accused abuser not to communicate with you in any way, including e-mail.

Victim advocates by county

Several counties, cities and agencies have crime victim advocates. Unless indicated, the advocates are housed in the prosecutor's office.

AGENCY	PHONE
Missouri Attorney General's Office	573-751-3321
Adair County	660-627-3625
Andrew County	816-324-3535
Atchison County C.A.R.E. House	660-744-9966
Audrain County Crisis Intervention Services	800-246-2280
Bates County	660-679-4030
Benton County	660-438-5022
Boone County	573-886-4135
Buchanan County	816-271-1421
Butler County	573-776-1732
Caldwell County	816-586-2142
Callaway County	573-642-0714
Camden County	573-346-4440, x273
Cape Girardeau County	573-243-2430
Carroll County	660-542-0323 Cell: 660-815-3751
Cass County	816-380-8250
Cedar County	417-876-3555
Chariton County	660-288-3809
Christian County	417-581-7915
Clark County Circuit Court, Division 2	660-727-1289
Clay County	816-792-7657

AGENCY	PHONE
Clinton County	816-539-3711
Cole County	573-634-9180
Cooper County	660-882-7577
Dade County Victim Services	417-637-2959
Dent County	573-729-3406
Douglas County	417-683-9409
Franklin County	636-583-6370
Greene County	417-868-4082
Harrison County	660-425-8661
Jackson County	816-881-3662
Jasper County	417-625-4314
Jefferson County	636-797-5321
Johnson County Survival Adult Abuse Center	800-846-7597
Kansas City	816-513-3927
Knox County Victim Support Services	660-665-0021
Laclede County	417-532-3149
Lafayette County	660-259-6181
Lawrence County	417-466-2846
Livingston County	660-247-0822
Linn County	800-622-1332 Pager No. 2283
Macon County	660-385-2175
Marion County	573-221-0746
McDonald County	417-223-2378
Miller County	573-369-1940, x2
Mississippi County Susanna Wesley Center	573-649-3731
Newton County	417-451-8300
Pettis County	660-827-3700
Phelps County	573-458-6170

AGENCY	PHONE
Platte County	816-858-3476
Pulaski County	573-774-4770
Putnam County Victim Support Services	660-665-0021
Randolph County	660-263-6390
Ray County	816-776-2882
Saline County	660-886-7778
Schuyler County Victim Support Services	660-665-0021
Scotland County Victim Support Services	660-665-0021
St. Charles County	636-949-7370
St. Francois County	573-756-6666, x72
St. Louis City	314-622-4373
St. Louis County	314-615-4872
Stone County	417-357-6137
Sullivan County	660-265-3333
Taney County	417-546-7263
Texas County	417-967-2029
Vernon County	417-667-4862
Warren County	636-456-9625
Washington County	573-438-3181
Webster County Advocate	417-859-7129
Worth County	800-379-7971
Eastern Missouri U.S. Attorney's Office	314-539-6887
Western Missouri U.S. Attorney's Office	816-426-3122
Missouri Victim Assistance Network	800-698-9199

Shelter, services for abuse victims

The Missouri Coalition Against Domestic Violence serves as a clearinghouse of information and technical assistance for domestic violence shelters and other community domestic violence programs in Missouri.

The nonprofit organization educates the general public about domestic violence, trains professionals, assesses the extent of domestic violence in Missouri and advocates for public policy that alleviates and prevents domestic violence.

The coalition also provides training and technical help to organizational members and communities organizing service programs and shelters. These services may include safe shelter, crisis counseling, support groups, counseling, court and hospital advocacy, transportation and day care.



For shelter referrals, services information

Victims of domestic violence can stay in shelters and obtain free advocacy and support services. For information on shelters and nonresidential domestic violence programs, contact the Missouri Coalition Against Domestic Violence:

415 E. McCarty
Jefferson City, MO 65101
573-634-4161

www.mocadv@mocadv.org

Cities with shelters for abuse victims

(Shelters available as of October 2005. Locations may change.)

To check on shelter availability, contact the Missouri Coalition Against Domestic Violence at **573-634-4161**.

- **Cities with shelters**
- **Cities with motel placement or safe homes**



Enforcing protective orders

Information contained in the order of protection will be entered into the Missouri Uniform Law Enforcement System within 24 hours from the time the order is granted. This information can be accessed by all law enforcement personnel in Missouri. Orders of protection are valid and enforceable throughout Missouri. Orders of protection issued by other states also must be enforced in Missouri.



Law enforcement officers will attempt to respond immediately to an abuse call when:

- The caller indicates violence is imminent or in progress;
- A protection order is in effect; or
- The caller indicates domestic violence has occurred previously between the parties.

Officers responding to an abuse call will inform the victim of legal actions for relief from adult abuse and of available shelters for victims. They also will arrange transportation to a medical facility or to a place of shelter.

When an officer has probable cause to believe a person has abused someone, he has the authority to immediately arrest the person, even if there is no order of protection. Officers can make an arrest even if they do not witness the abuse or if the victim refuses to sign an official complaint against the accused abuser.

Punishment

Violating a protective order is a Class A misdemeanor punishable by up to a \$1,000 fine and one year in jail.

The violation is a Class D felony if the person convicted had been found guilty of violating a protective order within the prior five years. A Class D felony is punishable by up to a \$5,000 fine and five years in jail.

Also, an officer has the authority to arrest the accused abuser for refusal to surrender custody of children, as may be ordered in an order of protection, and will return the children to the party awarded custody.

If both parties claim to have been assaulted, the officer is not required to arrest both, but is required to try to identify and arrest the person who was the primary physical aggressor. The officer will consider:

- The intent of the law — to protect victims of domestic violence from continuing abuse.
- The extent of injuries inflicted or serious threats creating fear of physical injury.
- Past domestic violence between the parties.

The Adult Abuse Act prohibits judges from issuing mutual orders of protection — orders against both parties to an altercation — unless both parties have followed the procedures for filing and serving the petitions.

If the officer responding to a report of adult abuse declines to make an arrest, the officer must make a written report describing the incident and the reason why no arrest was made.

If an officer is called to the same address within 12 hours, and has probable cause to believe the same offender has violated the law against the same person or other family member, that officer shall make an arrest. The report of the previous incident may be considered as evidence of the offender's intent.

Crime Victims' Compensation Fund



The state of Missouri has a fund to reimburse some crime victims for certain financial losses. You may be eligible for benefits if:

- You are a victim of violent crime and suffered personal bodily injury;
- You are a relative who requires counseling to better assist a sexual assault victim with recovery;
- You are a spouse, child or other dependent of a victim who has died as a direct result of a crime, or you assumed financial obligations incurred as a result of the victim's death; or
- You are a Missouri resident who suffered personal injury in a state that does not have a crime victims' compensation program and the injury would be covered if the crime had occurred in Missouri.

ELIGIBILITY

Eligibility requirements include:

- Reporting the incident within 48 hours to the proper law enforcement agency or having a good reason for delay, such as residing in a certified domestic violence shelter for up to five days following the crime;
- Filing the compensation claim within two years of the crime or discovery of the crime; and
- Incurring any out-of-pocket loss or having lost at least two continuous weeks of earnings or support.

Filing for claims

To get a claim application or more information, contact:

Crime Victims' Compensation Program

P.O. Box 3001

Jefferson City, MO 65102

573-526-6006 or 800-347-6881

COMPENSATION

Depending on the case, victims' compensation may be available for medical care, psychiatric treatment or other counseling, funeral expenses and wage loss reimbursement for the victim.

Total recovery may not exceed \$25,000.

Legal terms

Abuse: Includes but is not limited to the occurrence of any of the following acts, attempts, or threats against a person who may be prosecuted under sections 455.010 to 455.085, Missouri Revised Statutes: assault, battery, coercion, harassment, sexual assault, unlawful imprisonment.

Adult: Any person 18 or older or otherwise emancipated.

Assault: Purposely or knowingly placing or attempting to place another in fear of physical harm.

Battery: Purposely or knowingly causing physical harm to another with or without a deadly weapon.

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.

Ex parte order of protection: Order of protection issued by the court before the respondent (accused abuser) has received notice of the petition or an opportunity to be heard on it.

Family or household member: Spouses, former spouses, adults related by blood or marriage, adults who have lived 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, and adults who have a child in common regardless of whether they have been married or have lived together at any time.

Seeking information

The laws granting rights to crime victims (www.ago.mo.gov/statute595209.htm) can be found in Chapter 595 of the Missouri Revised Statutes and in the Missouri Constitution, Article 1, Section 32. A copy of these laws also should be available at your local library.

Full order of protection: Order of protection issued after a hearing on the record where the respondent has received notice of the proceeding and has had an opportunity to be heard.

Harassment: Engaging in a course of conduct directed at a specific adult that serves no legitimate purpose, and would cause a reasonable adult to suffer substantial emotional distress.

Sexual assault: Causing or attempting to cause another to engage involuntarily in any sexual act by force, threat of force or duress.

Stalking: Purposely and repeatedly harassing or following another with the intent of harassing that person.

Unlawful imprisonment: Holding, confining, detaining or abducting another person against that person's will.

Brochures

CONSUMER GUIDES

- For general public
- For college students
- Know Your Rights guide covers current scams, life issues

The above guides include several of the following topics that are available in these free pamphlets or on the Web at www.ago.mo.gov:

CAR/HOME

- All About Autos: Car Repair, Lemon Law, Odometer Rollback, Used Cars
- Charitable Giving
- Door-to-Door Sales
- Home Repair Fraud
- Internet Fraud
- Lien Law
- Warranties

SOLICITATIONS/SALES

- Buying Tips
- Contest Cons
- Slamming & Cramming
- Magazine Sales
- Telemarketing Fraud
- The Real Deal: Shows kids how to be smart shoppers
- Travel Scams
- Vacation Timeshares

HEALTH

- Health & Fitness Clubs
- Life Choices: Plan now for end-of-life care
- Pre-need Funeral Plans

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8222**

INVESTMENT

- Bank Examiner & Pigeon Drop Schemes
- Business Offers
- Home Equity Loans
- Investment Scams
- Pyramid (get-rich-quick) Schemes

LEGAL/BUSINESS

- Credit Repair Scams
- Crime Victims' Rights
- Gambling, Lotteries, Raffles
- Rules for Advertising: Code of State Regulations
- The Court Process: How the criminal justice system works
- The Sunshine Law: State's Open Meetings and Records Law

HANDLING COMPLAINTS

- Consumers, Take Action



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REVISED OCTOBER 2005