

## Procedures for Filing an Ex-Parte

You must fill out a petition for an Order of Protection. This is a four page form telling the Judge why you believe you need an Order of Protection. Petitions can be obtained at the courthouse or online at [www.courts.mo.gov](http://www.courts.mo.gov) under court forms find Adult Abuse Forms.

You are the petitioner; the abuser/stalker is the respondent. You DO NOT have to list your current address on the petition if you don't want the respondent to know it. The respondent will receive a copy of this petition. You will need to give a specific date of the most recent abuse/stalking and describe it (what has the respondent done to make you afraid for your safety?).

You will need to describe why you continue to be afraid of the respondent. This would be the appropriate place to tell the judge if this was not an isolated incident or why it might continue to occur if you do not take steps to stop the abuse/stalking.

Please DO NOT sign the form until you are at the courthouse in front of the clerk.

The clerk will present the petition to the Judge. If the Judge finds there is an immediate and present danger of abuse/stalking, the court will issue an Ex-Parte Order of Protection. If the Judge does not find evidence of immediate and present danger, you will be issued a Notice of Hearing.

The difference between an Ex-Parte Order of Protection and a Notice of Hearing is that an Ex-Parte prohibits the respondent from certain acts; a Notice of Hearing is simply a court date to appear in front of the Judge.

Once the Ex-Parte or Notice of Hearing is issued, the petitioner will be given copies of it. Please read it carefully. It can contain custody of children or other special orders. It also has a court date that the petitioner must appear at.

Keep your Ex-Parte with you at all times. You can make extra copies if you need one for your child's school/daycare or employer/landlord. If the respondent violates the order, call the police wherever you are.

The Ex-Parte or Notice of Hearing will need to be served. A Law Enforcement Officer typically serves this to the respondent. If the respondent is at your home and you need them removed immediately, contact your local police department for service. If the respondent is not served prior to your court date, you will still need to appear in court (typically a new date will be issued).

**What happens on my hearing date?** There are several things that may happen on the hearing date; it depends on the circumstances of your case. Possibilities include: continuance, dismissed by petitioner, a hearing held, the respondent consenting to the order, a Full Order of Protection being granted or denied. You do not have to have an attorney for this procedure.

- Dress Appropriately – No Shorts or Tank Tops
- Try to find a sitter for children. Persons under 17 years of age are not allowed inside the court room.
- Arrive 10 – 15 minutes early; if you are late the case may be dismissed.

**What happens once I get a Full Order of Protection?** Full Orders of Protection are typically valid for up to 1 year (the expiration date is on the third page). This will replace the Ex-Parte paperwork. If the respondent violates the Full Order of Protection, call the police immediately and show them your order; this order is now valid in all 50 states.