CIRCUIT COURT OF JACKSON COUNTY, MISSOURI

COURT ADMINISTRATOR'S OFFICE ADULT AND CHILD ABUSE BOOKLET

ADULT AND CHILD ABUSE FILINGS

Western Jackson County
(Kansas City, Grandview)

Jackson County Courthouse
3rd Floor - Department of Judicial Records
415 E. 12th Street
Kansas City, Missouri 64106
(816) 881-3974

Eastern Jackson County
(Blue Springs, Independence, Lee's Summit, Raytown, etc.)

Jackson County Courthouse Annex
2nd Floor - Department of Judicial Records
308 W. Kansas Avenue
Independence, Missouri 64050
(816) 881-4555

NOTICE TO THOSE WISHING TO FILE AN ADULT/CHILD ABUSE PETITION

The clerks in these offices will explain and provide all forms necessary for the presentation of your petition to the court Monday through Friday from 8:00 a.m. to 5:00 p.m.

If an attorney, party or witness to any of the proceedings will require an accommodation for a disability as defined by the Americans with Disabilities Act, please contact the ADA Coordinator at 881-3652.

ADULT ABUSE INFORMATION

Missouri's Adult Abuse Act provides protective relief for victims of domestic violence and stalking. However, to receive an "Order of Protection" under this act, you must initiate a civil lawsuit by filing a petition with the court. The information below is important for you to know. PLEASE READ IT CAREFULLY!

WHEN CAN YOU FILE?

Under Missouri's Adult Abuse Act, you can file an action to prohibit a person from abusing or stalking you. You do not need the help of an attorney to file this action, however you must meet the following requirements:

1. AGE
   You must be:

   a. 17 years or older, or
   b. "emancipated" (married, in the armed services, etc.)
      - Respondent may be under the age of 17

2. RELATIONSHIP
   You must now be, or, formerly have been: (any **one** of the following)

   a. married;
   b. adults related by blood or marriage;
   c. adults living together; or
   d. adults who have a child in common regardless of whether you have been married or have resided together at any time;
   e. adults who have been in a continuing social relationship of a romantic or intimate nature; or
   f. the victim of stalking.

3. ABUSE
   You must have been abused or stalked in order to receive an order of protection.

   The Adult Abuse Act states that you have been abused if another adult has: (any **one** of the following)

   a. placed you in fear of physical harm;
   b. caused you actual physical harm;
   c. compelled you to engage in conduct from which you have a right to abstain or compelled you to abstain in conduct in which you have the right to engage;
   d. engaged in a purposeful course of conduct involving more than one incident that alarms or causes you distress;
   e. caused you to engage involuntarily in any sexual act by force or threat of harm;

   The Adult Abuse Act states that you have been stalked when an adult repeatedly harasses or follows you with the intent to harass.

WHERE DO YOU FILE? (venue)

1. You may file an action:

   a. in the county where you live; or
   b. in the county where the abuse or stalking occurred; or
   c. in the county where the adult who has abused or stalked you can be found.

2. Assistance in the filing of your adult (or child) abuse action is available at two courthouses in Jackson County. If proper venue in your case lies on the western side of Jackson County (Kansas City, Grandview, etc.) file your request for protection at the Jackson County Courthouse in downtown Kansas City, located at 415 E. 12th Street. If proper venue lies on the eastern side, (Blue Springs, Independence, Raytown, Lee's Summit, etc.) file your request at the Jackson County Courthouse in Independence, located at 308 W. Kansas St.

HOW MUCH DOES IT COST TO FILE?

There is no fee.

WHAT IS THE PROCEDURE FOR FILING AN ADULT ABUSE ACTION?

First you file a "PETITION FOR ORDER OF PROTECTION". The petition tells the judge why you believe you are entitled to an order of protection. The following information will assist you in the completion of this form.

NOTE THE FOLLOWING BEFORE COMPLETING THE PETITION:

1. You are the "petitioner" and your alleged abuser/stalker is the "respondent";

2. "D/O/B" is the abbreviation for date of birth;

3. "S.S.#" is the abbreviation for social security number;

4. YOU DO NOT HAVE TO LIST YOUR CURRENT ADDRESS ON THIS PETITION IF YOU DO NOT WANT THE RESPONDENT TO KNOW WHERE YOU ARE LIVING. **THE RESPONDENT WILL RECEIVE A COPY OF THIS PETITION.** If you chose to list the address from which you want the respondent restrained, be sure you place that address on page 3 of the Petition.

5. Be sure you **SIGN** the Petition.

6. When you file your petition, you must also complete a **"Service Information Sheet."** A deputy must locate the respondent at least three working days before the hearing and deliver copies of the petition and order of protection to the respondent. This does not give the deputy much time to find the respondent so any pictures and/or identifying information you can provide to our deputy are helpful.

WHAT HAPPENS ONCE YOU'VE COMPLETED THE PAPERWORK?

1. EX PARTE ORDER OF PROTECTION

Your petition and other paperwork is presented to a judge for review. If the judge finds there is an **immediate and present danger of abuse** to you, the court will issue an EX PARTE ORDER OF PROTECTION. The ex parte order of protection is effective for no more than two weeks, at which time a hearing is held with all parties present. An ex parte order of protection can provide for temporary custody of minor children.

2. SUMMONS

In some situations, the judge after reviewing your petition, may not find evidence of immediate and present danger and therefore does not issue an Ex Parte Order of Protection.

However, in most instances, you may still request a hearing regarding your alleged abuse. This means that although no immediate protection will be ordered, a hearing will be held at a later date (usually within two weeks) to determine whether a Full Order of Protection should be issued.

WHAT HAPPENS ONCE AN EX PARTE ORDER OF PROTECTION OR SUMMONS IS ISSUED?

1. YOU RECEIVE AN EX PARTE ORDER OF PROTECTION

Once the Judge issues an ex parte order, the court clerks will provide attested copies for you. You should read your order very carefully. In addition to restrictions the court places upon the respondent, the order lists the date of your next court hearing. **KEEP THE EX PARTE ORDER WITH YOU AT ALL TIMES.**

IF THE RESPONDENT ATTEMPTS TO ABUSE OR STALK YOU, CALL THE POLICE AND TELL THEM YOU HAVE AN ORDER OF PROTECTION AND NEED HELP.

2. SERVICE OF RESPONDENT (SUMMONS)

Once an ex parte order of protection or summons is issued, the court deputy will attempt to serve a copy of the order of protection (or summons) on the respondent.

THE EX PARTE ORDER (OR SUMMONS) AND A COPY OF THE PETITION MUST BE DELIVERED TO THE RESPONDENT NO LESS THAN THREE (3) WORKING DAYS BEFORE THE HEARING.

If the deputy serves the respondent within the three days, a hearing can be held to determine whether a full order of protection should be issued. If the deputy does not serve the respondent within the three days, a hearing cannot be held. **However, regardless of whether the respondent was served, you must appear on the date of the hearing.** If the respondent has not been served, you will need to provide more information for the court deputy attempting to

serve the respondent. You may also request that a "private process server" be appointed to serve the respondent.

3. PRIVATE PROCESS

There are persons other than a court deputy who can serve respondents in adult abuse cases. You may wish to have a private process server deliver the necessary papers to the respondent, if you are having a difficult time getting him/her served.

4. SERVICE BY THE POLICE OR SHERIFF'S DEPARTMENT

Police officers or other local law enforcement officials may serve a copy of the ex parte order of protection and the petition on a respondent in an adult abuse matter, if necessary. Generally, the police serve these documents on the respondent when they are called to the scene of a disturbance between you and the respondent. The adult abuse clerks provide you with extra copies of the ex parte order and petition so that you can give copies to the police to serve the respondent in just such a situation. The police can then serve the papers on the respondent and make him leave.

5. IMMEDIATE HEARING

The respondent has the right to request an immediate hearing in an adult or child abuse case. Usually the court will allow an earlier hearing, if requested. It is important that you always leave a phone number with the adult abuse clerks so they can inform you of the new court date.

WHAT HAPPENS WHEN YOU GO TO THE COURT HEARING?

1. DRESS APPROPRIATELY

Some practical tips for your appearance in court:
- wear shoes
- do not wear shorts
- do not chew gum in the courtroom

* Do not bring food or drink into the courtroom.

* If possible, find a sitter for the kids and leave them at home.

2. HEARINGS FOR FULL ORDERS - RESPONDENT NOT SERVED - "AMENDED" EX PARTE ORDER OF PROTECTION

If the respondent is not served the ex parte order within the required three days, on the hearing date the judge will generally issue an "amended" ex parte order of protection that will have the same effect as your original ex parte order of protection. This amended order provides you with an additional two weeks protection. At this time, the court clerks usually need additional information from you to assist the court deputy in locating the respondent.

3. HEARINGS FOR FULL ORDERS - BOTH PARTIES PRESENT

If your respondent is served there will be a court hearing on the date stated in your order. At the hearing the judge will ask questions of both you and the respondent regarding the alleged abuse. A full order of protection, like the ex parte order, orders the respondent to restrain from harassing or stalking you wherever you are and often keeps the respondent away from specific property.

If you request such in your petition, the full order of protection may also contain the following provisions:

a) custody of minor children;
b) child support;
c) visitation;
d) court ordered counseling;
e) return of specific property;
f) other miscellaneous requests.

WHAT HAPPENS AFTER YOU RECEIVE A FULL ORDER OF PROTECTION?

1. YOU RECEIVE A FULL ORDER OF PROTECTION

Once you receive your full order of protection, read it carefully and keep it with you at all times. If the respondent attempts to abuse or stalk you, **CALL THE POLICE. TELL THEM YOU HAVE AN ORDER OF PROTECTION AND NEED HELP.**

2. SERVICE OF THE FULL ORDER OF PROTECTION ON THE RESPONDENT

a) If the respondent is present at the hearing, the court clerk will serve the full order of protection on the respondent at that time.

b) If the respondent is not present at the hearing and he/she has been served with an ex parte order of protection, a copy of the full order is sent to the court deputy for service or is mailed by certified mail to the respondent at his last known address.

c) Note that an unserved full order of protection may be effective against the respondent. **Even if there has been no service, call the police if there is a violation of the full order.**

3. LOCAL POLICE AND SHERIFF DEPARTMENTS

A copy of the full order of protection is sent to your local law enforcement officials.

The police/sheriff's department enters all relevant information from the order into a computer. That information then becomes part of the Missouri Uniform Enforcement System's ("MULES"), a statewide computer accessed by the Highway Patrol. **Your order is effective throughout the State of Missouri.**

The full order of protection is effective until the expiration date stated on the order. If the respondent violates the order, **call the police. Tell the police that you have an adult abuse order of protection and need help.**

4. MOTIONS TO MODIFY

Either the respondent or petitioner may request a modification or change of the existing full order of protection. This requires a court hearing and there should be a change in circumstances sufficient to warrant the change.

5. EXTENSION OF FULL ORDER OF PROTECTION

Once a full order of protection expires it may be renewed two more times. **Each renewal should be requested at least two weeks before the date your current order expires.** The renewal is only granted after a hearing, at the discretion of the court.

NOTE: FORMS FOR MODIFICATION AND EXTENSION REQUESTS ARE AVAILABLE FROM THE ADULT ABUSE CLERKS.

HOW DOES YOUR ORDER TERMINATE?

1. EX PARTE ORDERS OF PROTECTION

With proper identification, a petitioner may file a motion in the clerk's office to request the assigned judge enter an order of termination of an ex parte order of protection.

2. FULL ORDERS OF PROTECTION

With proper identification, a petitioner and/or a respondent may file a motion in the clerk's office to request the assigned judge to enter an order of termination of a full order of protection.

Note that if you and the respondent get divorced, the law states that upon entry of a divorce decree or legal separation all provisions in the full order of protection are automatically terminated **except** for the following provisions:

a) Participation by the respondent in a court approved counseling program;
b) Restraint of the respondent from abusing or stalking the petitioner;
c) Restraint of the respondent from entering the premises where petitioner resides unless the respondent was awarded possession of the dwelling unit pursuant to the divorce decree.

If you have questions regarding the termination of your order of protection, please contact the adult abuse clerk.

CHILD ABUSE INFORMATION

Missouri's Child Protection Orders Act provides protection for child victims of domestic violence. This statute is similar in nature to the Adult Abuse Act. The primary purpose of the Child Protection Orders Act is to allow a parent or other guardian to protect a child from abuse by removing the abuser from the home of the child.

It is important to note that **no ex parte or full order of protection can be issued under this statute if the court finds that there is a pending or existing legal action involving custody of the minor child or children in question.**

Also, the Child Protection Orders Act requires that the **Division of Family Services** be notified of the filing and provide the court with a commitment to investigate if, in your petition, you ask that the court exclude the respondent from the family home.

WHEN CAN YOU FILE?

1. AGE
   a. The child on whose behalf you are filing must be under 17 years of age.
      - Respondent may be under the age of 17

2. RELATIONSHIP
   To petition on behalf of a child you must be
   a. a parent;
   b. a legal guardian of the child/victim;
   c. a court appointed special advocate; or
   d. a juvenile officer.

   Also, the **respondent must be a present or former household member of the child/victim or stalking the child/victim.**

3. ABUSE

   The child/victim must have been abused or stalked in order to receive an order of protection.

   The Child Protection Orders Act defines abuse as any physical injury, sexual abuse, or emotional abuse inflicted on a child other than by accidental means by an adult household member, except that discipline including spanking, administered in a reasonable manner is not construed to be abuse.

   The Child Protection Orders Act defines stalking as repeatedly harassing or following with the intent of harassing a child.

WHERE DO YOU FILE?

1. You may file an action
   a. in the county where the child resides;
   b. in the county where the abuse happened; or
   c. in the county where the respondent may be served.

Assistance in the filing of your child abuse action is available at two courthouse locations. Note section 2 on page 2 of this booklet.

HOW MUCH DOES IT COST TO FILE?

There is no fee.

WHAT IS THE PROCEDURE FOR FILING A CHILD ABUSE ACTION?

First you file a "PETITION FOR ORDER OF PROTECTION". The petition tells the judge why you believe you are entitled to an order of protection. The following information will assist you in the completion of this form.

READ THIS BEFORE YOU FILL OUT THE PETITION

1. You are the "petitioner" and the child(ren)'s alleged abuser is the "respondent;"

2. In the lines under "In Re The Matter Of", list the name(s) of the child(ren).

3. YOU SHOULD NOT LIST THE CHILD(REN)'S CURRENT ADDRESS ON THIS PETITION IF YOU DO NOT WANT THE RESPONDENT TO KNOW WHERE THE CHILD(REN) ARE LIVING. **THE RESPONDENT WILL RECEIVE A COPY OF THIS PETITION.**

4. You may ask the court to award temporary custody of the child(ren) to someone other than yourself. If this is the case, you should list that person's name under question 11 on page 2 of the petition.

5. On page 2 of the petition, be sure to list all addresses from which you want the respondent restrained, and be sure to **SIGN** the Petition.

6. As in adult abuse cases, the respondent in a child protection case must be "served" with a copy of the petition and ex parte order/summons. To assist the court deputy in finding your respondent, you are asked to complete a "Service Information Sheet." Pictures and identifying information, provided by this form, will help our deputy locate the respondent.

7. Note that these case files are **public record and open to inspection by any person requesting the documents.**

NOTE: The remaining service provisions, ex parte and full order information, etc. for the Child Protection Orders Act, are similar to the Adult Abuse Act, except there are no termination provisions listed in the Child Protection Orders Act.

HELPFUL RESOURCES FOR ADULT/CHILD ABUSE VICTIMS

Legal Advice

Legal Aid of Western Missouri – Project Assist	**474-6750**

Battered Women's Shelters*

Shelter Referral -	**(816) HOTLINE**
Rose Brooks Center - Kansas City, Missouri	861-6100
NEWHOUSE – Kansas City, Missouri	471-5800
Hope House - Independence, Missouri	461-4673 (HOPE)
Synergy Services Inc. North Kansas City, Missouri	321-7050
SAFE Home, Inc. Johnson County, Kansas	(913) 262-2868
Joyce H. Williams Center Wyandotte County, Kansas	(913) 321-0951

* Most programs have free support groups for all women including those not in a shelter. Please call the hotlines for information on these support groups.

Men's Programs

Family Advocacy Network Men's Anger Group	753-5280
Heart of American Family Services Anger Control Group	753-5280

Lesbian, Gay, Bisexual and Transgender Community

Kansas City Anti- Violence Project	561-0550

Sexual Abuse-Sexual Assault

Metropolitan Organization to Counter Sexual Assault	531-0233

Child Abuse Hotline

Division of Family Services	1-800-392-3738

Elder Abuse Hotline 1-800-392-0210

Substance Abuse

National Council on Alcohol & Drugs	361-5900
Community Addictions Program	333-3440