

MISSOURI CIVIL PROTECTION ORDERS

Survivors across the country seek safety through civil protection orders. Courts use these vital orders to issue stay away orders, or order an abuser pay medical bills, and even make temporary custody decisions. The remedies are important, but jurisdictions often have several types of orders and the distinctions are not always clear. This resource provides a brief overview of the different types of civil protection orders in each jurisdiction, answering vital questions such as: who can apply; and who can be restrained? The orders included in this resource are limited to those where a survivor can apply themselves, other protective measures may exist in your jurisdiction—reach out to VRLC’s TA team if you have questions!

In Missouri, there are 3 types of civil protection orders:

- ☐ **Adult Abuse Civil Protection Orders – Domestic Violence** are available for adults seeking protection from a family or household member, including someone with whom the petitioner has a dating relationship (Mo. Rev. Stat. §§ 455.010 to 455.095).
- ☐ **Adult Abuse Civil Protection Orders – Stalking or Sexual Assault** are available for individuals seeking protection from stalking or sexual violence (Mo. Rev. Stat. §§ 455.010 to 455.095).
- ☐ **Child Protection Orders for Stalking, Sexual Assault, Domestic Violence** are available for individuals with a specific relationship to a minor, seeking to protect that minor from domestic violence, stalking, or sexual assault (Mo. Rev. Stat. §§ 455.500 to 455.538).

ADULT ABUSE CIVIL PROTECTION ORDER – DOMESTIC VIOLENCE

Who can apply?	An adult or an emancipated minor can seek an ACPO based on domestic violence by filing a verified petition alleging domestic violence by a present or former family or household member, which includes people with whom the petitioner has had a child, even if they never lived together and were never married. <i>Mo. Rev. Stat. § 455.020.1.</i> An adult is defined as: Any person age 17 or older, or a child (under 17) who has been emancipated. <i>Mo. Rev. Stat. § 455.010(2).</i> Family or household member includes: • Spouses and former spouses; • Any person related by blood or marriage; • Those who live together, currently or in the past; • Those in a continuing romantic or intimate relationship with the petitioner; and • Those with a child in a common. <i>Mo. Rev. Stat. § 455.010(7).</i> See “Who can be Restrained?” for the definition of domestic violence.
Can minors apply?	No. However, a 17-year old is not a minor in Missouri and may therefore apply for an ACPO for domestic violence on their own; an emancipated minor may apply; and an equivalent Child Protection Order is available to protect a minor subject to domestic violence, though it must be filed by another on the minor’s behalf. See page 10 for information about Missouri Child Protective Orders.
Who can be restrained?	A family or household member of the petitioner, who committed domestic violence against petitioner. <i>Mo. Rev. Stat. § 455.020.1.</i>

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ADULT ABUSE CIVIL PROTECTION ORDER – DOMESTIC VIOLENCE

Who can be restrained?	Domestic violence is defined as: Abuse or stalking committed by a family or household member. <i>Mo. Rev. Stat. § 455.010(5)</i> Abuse includes: • Battery; • Abuse of a pet; • Coercion; • Harassment; • Sexual assault; or • Unlawful imprisonment. <i>Mo. Rev. Stat. § 455.010(1).</i>
What types of relief may a court order?	On an ex parte order, the court may: • Prohibit respondent from committing or threatening acts of domestic abuse, stalking, or sexual assault; • Prohibit respondent from being violent to a pet; • Prohibit respondent from entering petitioner’s home; • Prohibit respondent from communicating with or contacting petitioner; • Enter a temporary custody order for minor children; or • Make a temporary order of possession as to a pet. <i>Mo. Rev. Stat. § 455.050.2.</i> After a hearing, the court may order all of the above, and may also: • Enter a child custody order and establish a visitation schedule; • Require respondent to pay child support and/or spousal support; • Enter orders regarding continued mortgage or rent payment if petitioner and respondent are married or have children together; <i>continued on next page</i>

ADULT ABUSE CIVIL PROTECTION ORDER – DOMESTIC VIOLENCE

What types of relief may a court order?	• Make orders regarding possession and care of a pet; • Enter orders for the disposition of personal property including cars; • Order respondent to participate in court-approved counseling programs related to domestic violence and/or substance abuse; • Order respondent to pay court costs; • Order respondent to pay for costs of medical treatment as a result of domestic violence by the respondent; or • Order a wireless service provider to transfer rights to the mobile telephone number of minor to petitioner. <i>Mo. Rev. Stat. §§ 455.050.3, 455.050.9.</i>
How long does the order last?	An ex parte order will remain in effect until a hearing can be held on a full order of protection typically within 15 days of filing the petition. <i>Mo. Rev. Stat. §§ 455.035.1; 455.040.1.</i> A final order of protection generally lasts at least 180 days and not more than 1 year. But, if the court finds respondent poses a serious danger to the physical or mental health of the petitioner or minor household member of the petitioner, the order may be valid for at least 2 and not more than 10 years. <i>Mo. Rev. Stat. § 455.040.1(1).</i>
Can the order be renewed?	Yes, if the petitioner moves to renew the full order of protection, the court can hold a hearing and extend it annually, for at least 180 days and no more than 1 year. <i>Mo. Rev. Stat. § 455.040.1(1).</i> <i>continued on next page</i>

ADULT ABUSE CIVIL PROTECTION ORDER – DOMESTIC VIOLENCE

Can the order be renewed?	If the court finds respondent poses a serious danger to the physical or mental health of the petitioner or minor household member of the petitioner, the court can order that the protection order be renewed periodically and be for periods of at least 2 and not more than 10 years. <i>Mo. Rev. Stat. § 455.040.1(2).</i> In addition, the court may order that a full order automatically renews, unless the respondent requests a hearing within 30 days of its expiration. <i>Mo. Rev. Stat. § 455.516.1(1).</i>
Is a hearing with the respondent required?	Yes, for a full order of protection. A hearing is generally held within 15 days of the filing of the petition. <i>Mo. Rev. Stat. § 455.040.1.</i>

ADULT ABUSE CIVIL PROTECTION ORDER – STALKING OR SEXUAL ASSAULT

Who can apply?	An adult or an emancipated minor can seek an ACPO based on stalking or sexual assault by filing a verified petition alleging stalking or sexual assault by any person. <i>Mo. Rev. Stat. § 455.020.1.</i> An adult is defined as: Any person age 17 or older, or a child (under 17) who has been emancipated. <i>Mo. Rev. Stat. § 455.010(2).</i> See “Who can be Restrained?” for definitions of stalking and sexual assault.
Can minors apply?	No. However, a 17-year old is not a minor in Missouri and may therefore apply for an ACPO for domestic violence on their own; an emancipated minor may apply; and an equivalent Child Protection Order is available to protect a minor subject to stalking or sexual assault, though it must be filed by another on the minor’s behalf. See page 10 for information about Missouri Child Protective Orders.
Who can be restrained?	The respondent can be any person who stalks or sexually assaults petitioner. <i>Mo. Rev. Stat. § 455.020.1.</i> Stalking is defined as: A person engaging in an unwanted “course of conduct” that would cause a reasonable person “alarm” (or to be in fear of physical harm). The person stalked or a person who resides with them may be the person “alarmed.” A “course of conduct” by the stalker requires two or more acts that serve no legitimate purpose, which could include directly or indirectly following, monitoring, observing, surveilling, threatening, or communicating with the person being stalked. <i>Mo. Rev. Stat. § 455.010(15)</i> <i>continued on next page</i>

ADULT ABUSE CIVIL PROTECTION ORDER – STALKING OR SEXUAL ASSAULT

Who can be restrained?	Sexual assault is defined as: Causing or attempting to cause to involuntarily engage in a sexual act by force, threat, duress, or without consent. <i>Mo. Rev. Stat. § 455.010(1).</i>
What types of relief may a court order?	On an ex parte order, the court may: • Prohibit respondent from committing or threatening acts of domestic abuse, stalking, or sexual assault; • Prohibit respondent from being violent to a pet; • Prohibit respondent from entering petitioner's home; • Prohibit respondent from communicating with/contacting petitioner; • Enter a temporary custody order for minor children; or • Make a temporary order of possession as to a pet. <i>Mo. Rev. Stat. § 455.050.2.</i> After a hearing, the court may order all of the above, and may also: • Enter a child custody order; • Establish a child visitation schedule; • Require respondent to pay child support and/or spousal support; • Enter orders regarding continued mortgage or rent payment if petitioner and respondent are married or have children together; • Make orders regarding possession and care of a pet; • Enter orders for temporary possession of or regarding the disposition of certain types of personal property, which could include cars, owned or leased by petitioner and respondent; • Order respondent to participate in court-approved counseling programs related to domestic violence and/or substance abuse; <i>continued on next page</i>

ADULT ABUSE CIVIL PROTECTION ORDER – STALKING OR SEXUAL ASSAULT

What types of relief may a court order?	• Order respondent to pay court costs; • Order respondent to pay for costs of medical treatment as a result of domestic violence by the respondent; or • Order a wireless service provider to transfer rights to the mobile telephone number of minor to petitioner. <i>Mo. Rev. Stat. §§ 455.050.3, 455.050.9.</i>
How long does the order last?	An ex parte order will remain in effect until a hearing can be held on a full order of protection typically within 15 days. <i>Mo. Rev. Stat. §§ 455.035.1; 455.040.1.</i> A final order of protection generally lasts at least 180 days and not more than 1 year. If the court finds respondent poses a serious danger to the physical or mental health of the petitioner or minor household member of the petitioner, the order may be valid for at least 2 and not more than 10 years. <i>Mo. Rev. Stat. § 455.040.1(1).</i>
Can the order be renewed?	Yes, if the petitioner moves to renew the full order of protection, the court can hold a hearing and extend it annually, for at least 180 days and no more than 1 year. <i>Mo. Rev. Stat. § 455.040.1(1).</i> If the court finds respondent poses a serious danger to the physical or mental health of the petitioner or minor household member of the petitioner, the court can order that the protection order be renewed periodically and be for periods of at least 2 and not more than 10 years. <i>Mo. Rev. Stat. § 455.040.1(2).</i> <i>continued on next page</i>

ADULT ABUSE CIVIL PROTECTION ORDER – STALKING OR SEXUAL ASSAULT

Can the order be renewed?	In addition, the court may order that a full order automatically renews, unless the respondent requests a hearing within 30 days of its expiration. <i>Mo. Rev. Stat. § 455.516.1(1).</i>
Is a hearing with the respondent required?	Yes, for a full order of protection. A hearing is generally held within 15 days of the filing of the petition. <i>Mo. Rev. Stat. § 455.040.1.</i>

CHILD PROTECTION ORDER FOR STALKING, SEXUAL ASSAULT, DOMESTIC VIOLENCE

Who can apply?	A minor's parent, guardian, guardian ad litem, a court appointed special advocate, or a juvenile officer may file a petition for a CPO on behalf of a minor who is the victim of either: (1) domestic violence by a present or former household member; or (2) stalking or sexual assault by any person. <i>Mo. Rev. Stat. § 455.503</i> A minor is: An unemancipated person under the age of 17. Family or household members include: • Spouses and former spouses; • Any person related by blood or marriage; • Those who live together, currently or in the past; • Those in a continuing romantic or intimate relationship with the petitioner; and • Those with a child in common. <i>Mo. Rev. Stat. § 455.010(7).</i> See “Who can be Restrained?” for definitions of stalking and sexual assault.
Can minors apply?	No, the minor's parent, guardian, guardian ad litem or court-appointed special advocate for the minor, or a juvenile officer may file a petition for a child order of protection on behalf of a minor.
Who can be restrained?	As with adult orders of protection, a family or household member may be restrained on a CPO based upon domestic violence, and any person may be restrained on a CPO based upon stalking or sexual assault. <i>Mo. Rev. Stat. § 455.505.1.</i> <i>continued on next page</i>

CHILD PROTECTION ORDER FOR STALKING, SEXUAL ASSAULT, DOMESTIC VIOLENCE

Who can be restrained?	Stalking is defined as: A person engaging in an unwanted “course of conduct” that would cause a reasonable person “alarm” (or to be in fear of physical harm). The person stalked or a person who resides with them may be the person “alarmed.” A “course of conduct” by the stalker requires two or more acts that serve no legitimate purpose, which could include directly or indirectly following, monitoring, observing, surveilling, threatening, or communicating with the person being stalked. <i>Mo. Rev. Stat. § 455.010(15)</i> Sexual assault is defined as: Causing or attempting to cause to involuntarily engage in a sexual act by force, threat, duress, or without consent. <i>Mo. Rev. Stat. § 455.010(1).</i>
What types of relief may a court order?	On an ex parte order, the court may: • Prohibit respondent from committing or threatening acts of domestic abuse, stalking, or sexual assault; • Prohibit respondent from being violent to a pet; • Prohibit respondent from or limit ability to enter child’s home, if exclusion is in the best interests of the child and other children in the home, the allegations are verified and present a substantial risk, and the remaining adult can care for the child or children; • Enter a temporary custody order for minor children; • Make a temporary order of possession as to a pet; or • Temporarily prohibit respondent from communicating with/contacting the child. <i>Mo. Rev. Stat. §§ 455.520, 455.523.</i> <i>continued on next page</i>

CHILD PROTECTION ORDER FOR STALKING, SEXUAL ASSAULT, DOMESTIC VIOLENCE

What types of relief may a court order?	After a hearing, the court may order all of the above, and may also: • Enter a child custody order; • Establish a child visitation schedule; • Require child support and/or spousal support; • Enter orders regarding continued mortgage or rent payments if respondent has a duty to support the child or other household members; • Order respondent to participate in court-approved counseling programs related to domestic violence and/or substance abuse; • Order respondent to pay for costs of medical treatment as a result of abuse, as well as respondent's costs of treatment; • Order respondent to pay reasonable fee for housing or other service provided to victim by a shelter for domestic violence; • Order a wireless service provider to transfer rights to the mobile telephone number of minor to petitioner; or • Make orders regarding possession and care of a pet. <i>Mo. Rev. Stat. § 455.523.</i>
How long does the order last?	An ex parte order will remain in effect until a hearing can be held on a full order of protection typically within 15 days. <i>Mo. Rev. Stat. § 455.516.1.</i> A final order of protection generally lasts at least 180 days and not more than 1 year. <i>Mo. Rev. Stat. § 455.516.1(1).</i>
Can the order be renewed?	Yes, the court may extend a full order of protection. <i>continued on next page</i>

CHILD PROTECTION ORDER FOR STALKING, SEXUAL ASSAULT, DOMESTIC VIOLENCE

Can the order be renewed?	If either party, the guardian ad litem, or a court-appointed special advocate requests it, and after a hearing, the court may renew the order for at least 180 days and not more than 1 year after the expiration date of the full order and may do so again for between 180 days and 1 year after the expiration of the second full order. In addition, the court may order that a full order with a duration of 1 year automatically renews unless the respondent requests a hearing within 30 days of its expiration. <i>Mo. Rev. Stat. § 455.516.1(1).</i>
Is a hearing with the respondent required?	Yes, for a full order of protection. A hearing is generally held within 15 days of the filing of the petition. <i>Mo. Rev. Stat. § 455.516.1.</i>

HOW TO APPLY

The petitioner can file the petition in the circuit court in: (1) the county where petitioner lives; (2) the county where the domestic violence, stalking, or sexual assault occurred; or (3) a county where the respondent can be served.

Mo. Rev. Stat. §§ 455.015; 455.073.

Forms for all types of protection orders are available here: <https://www.courts.mo.gov/page.jsp?id=103116>.

SCAN ME!



For specific questions about how to use this guide, or if you have any other questions, VRLC is here to help!

This project was supported by Grant No. 15JOVW-23-GK-05124-MUMU awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication are those of the author(s) and do not necessarily reflect the views of the U.S. Department of Justice.