



IN THE FAMILY COURT OF ST. LOUIS COUNTY STATE OF MISSOURI

INFORMATION ABOUT DISMISSING YOUR ADULT ORDER OF PROTECTION OR PETITION FOR AN ORDER OF PROTECTION (IN DV COURT) (FORM "A")

You are the expert on your situation and have the right to seek to dismiss your petition for an Order of Protection or an existing Order of Protection at any time. However, in many instances, a new Missouri law requires judges to hold hearings when motions to dismiss Ex Parte (temporary) or full orders of protection are filed, to determine whether or not the dismissals are voluntary. In addition, if an Ex Parte or Full Order of protection provides visitation or custody rights to the respondent, the law requires that the respondent be provided notice of any hearing concerning your request to dismiss the existing order.

To file a motion to dismiss either your petition for an Order of Protection or your Ex Parte or Full Order of Protection, you may come to the courthouse **(between 9:00 a.m. and 3:00 p.m., Tuesdays through Fridays)**.

Advocates are regularly available in the courthouse during the above time periods to speak with you. These advocates can answer questions about the court process, as well as assist you with safety planning and resource referrals. You are strongly encouraged to speak with one of the advocates before seeking to dismiss your Order of Protection. If you are interested in doing so, please let one of the clerks in the Adult Abuse Office know.

The court handles requests for dismissals differently, depending on the relief that the petitioners already received (if any). In all instances, you will be required to meet with an advocate or court professional so that the judge will be assured that your decision is informed and voluntary. Furthermore:

- **If you have not received an Ex Parte or Full Order of Protection** (and only received a court date), an Adult Abuse Office clerk will approach the judge with your motion to dismiss the petition (after you have spoken with the advocate/court professional).
- **If you have received an Ex Parte (temporary) Order of Protection**, you must meet with the judge for a short informal hearing. On the rare occasion that the judge is not available to meet with you, a new date will be provided to you.

Please also note that if your Ex Parte Order contains a custody term, the judge cannot dismiss the Order today. The motion for dismissal will be brought before the judge at a designated future court date.

Please also note that your failure to appear in court for your full hearing (on the date that was given to you when you received the Ex Parte Order) will cause the judge to dismiss your case for failure to prosecute.

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- **If you have received a full order of protection**, you must appear in court for a hearing before the judge at a future date that the Adult Abuse Office clerk will provide to you today. A new Missouri law requires the judge to give both parties the “opportunity to be heard,” so this court has no choice but to set the motion to dismiss for a hearing in the near future. Please note that your failure to appear at the designated hearing will **not** cause the judge to dismiss your Order. The Full Order will still be in effect.

Before dismissing your Ex Parte or Full Order, please consider the following:

- If you have not yet received a Full Order of Protection, you can speak with the judge at the scheduled hearing about the terms that you wish to include in your Full Order. You can seek to remove some of the terms that you had originally requested when you first came to the Adult Abuse Office to file your petition. Please also note that your failure to appear at the scheduled hearing will cause the judge to dismiss your case for failure to prosecute.
- If you have already received a Full Order of Protection, an alternative to a dismissal of your order is a modification of your order. You can seek to add, remove or change one or more of the terms of the Order. You may make such a request at the Adult Abuse Office.
- If you decide that dismissing your Order of Protection is the best course of action, please remember that you can return to the Adult Abuse Office within thirty days and seek to set aside the dismissal. Also, if the respondent commits another act of abuse or stalking after the dismissal has been granted, you may return to the Adult Abuse Office and re-file later today, tomorrow, next week and/or anytime beyond that to file for a new order of protection. This request can be made at any time.
- Without an Order of Protection, it may be more difficult for the police to address future acts of stalking or violence. Missouri law provides that the police must prioritize alleged acts of abuse that are in violation of Orders of Protection. Furthermore, the police officer also has the right to arrest a respondent who has committed an act of abuse in violation of the Order of Protection, regardless of whether or not the violation occurred in the officer’s presence. These advantages are not given to domestic violence victims without pending Orders of Protection.
- If you dismiss your case in court or prior to the court date, please note that the person against whom the Order is filed may still be notified that you had sought to obtain an order against them.
- If a full Order of Protection is dismissed, please note that the case will still appear on the respondent’s record in the Missouri Case Net System.
- There is no limit on the number of times you may file for an Order of Protection. Furthermore, there is never a fee associated with filing for an Order of Protection.
- For questions concerning Orders of Protection, you should contact the Adult Abuse Office at (314) 615-4725.
- For information about domestic violence and available resources, please obtain the Domestic Violence Resource Sheet in Tray #2 in the Adult Abuse Office.