

# **WHAT TO DO IF YOUR FULL ORDER OF PROTECTION HAS BEEN VIOLATED**

- 1. IF YOU ARE IN DANGER, CALL “911” IMMEDIATELY.**
- 2. CALL THE POLICE IF THE RESPONDENT (THE PERSON YOU FILED AGAINST) HAS DONE ANY OF THE FOLLOWING AFTER THE ORDER WAS GRANTED:**

- Physically harmed you (hit, kicked, choked, sexually assaulted, etc...);
- Threatened to hurt you;
- Stalked you (for example, followed you, watched your house, waited for you at school/work, harassed you);
- Communicated with you (in person, by phone, by letter, by e-mail/social media, by text message, through another person, etc.);
- Entered your home or come onto your property; or
- Owned/used a gun and/or ammunition if they were ordered not to.

***Tell the police that you have a Full Order of Protection. Tell them the details of the violation(s), such as dates, times, or locations. Give the police as much information as possible (including the Order of Protection case number and places where the Respondent lives and works).***

- 3. GO TO THE COURTHOUSE TO FILE A “MOTION FOR AN APPOINTMENT OF A SPECIAL PROSECUTING ATTORNEY.”** If the Special Prosecuting Attorney believes that your claims are a qualifying violation of the Order of Protection, they will file a “MOTION FOR CONTEMPT” on your behalf.

- **WHAT IS A MOTION FOR CONTEMPT?** A Motion for Contempt is a request for the court to address a person’s violation(s) of the Full Order of Protection. By filing a “MOTION FOR AN APPOINTMENT OF A SPECIAL PROSECUTING ATTORNEY”, you are asking an attorney to review your case and file a Motion for Contempt on your behalf. When the Special Prosecuting Attorney files a Motion for Contempt, they are asking the Judge to hold the Respondent “in contempt of court” for violating the Order of Protection. If a judge finds that the Respondent is in contempt of court, the judge may fine the Respondent or send them to jail, or other consequences.
- **FOR WHAT VIOLATIONS CAN A PERSON BE HELD IN CONTEMPT?** The judge can hold the other person in contempt of court for violating terms of a Full Order of Protection, including the violations listed above in the second paragraph (such as harming you, threatening you, stalking you, communicating with you, etc).

**CRIMINAL CONTEMPT:** For the above violations (harming you, threatening you, stalking you, communicating with you, etc.), **you have the option to both call the police and file a “Motion to Appoint a Special Prosecuting Attorney”**. For any of these violations, you need to file a “MOTION FOR AN APPOINTMENT OF A SPECIAL PROSECUTING ATTORNEY.” The special prosecutor will then review your motion and consider filing a “Motion for Contempt.” More information about how to file this motion can be found on the back page.

**CIVIL CONTEMPT:** You may also file a Motion for Civil Contempt if the Respondent violates other terms of the Full Order of Protection, such as: failure to return property; failure to pay medical bills, child support, rent; or other financial orders. For these types of violations, you need to file a “**MOTION for CIVIL CONTEMPT.**”

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- **WHERE DO I GO TO FILE?** You can file a motion to start the contempt process at the St. Louis County Adult Abuse Office, located on the street level of the St. Louis County Courthouse. The Courthouse address is 105 S. Central Ave. in Clayton, MO 63105. The Adult Abuse Office phone number is (314) 615-4725.
- **WHEN CAN I FILE?** The Adult Abuse Office is open for the filing of Motions for the Appointment of a Special Prosecuting Attorney on Monday through Friday, from 8:00 a.m. to 4:00 p.m.
- **DO I NEED TO PAY ANYTHING TO FILE?** No, there is no cost for filing these motions.
- **WHAT SHOULD I BRING?** You are not required to bring anything; however, if you have proof of the violations of your Order, like photographs, video tapes, police reports, medical records or other documents, you should bring copies of those documents with you. Since the Respondent must be served with a copy of your Motion, you should try to have his/her current address (home and/or work, preferably both) when you arrive at the Adult Abuse Office. **Having no current address for the Respondent will make the contempt process very challenging.**
- **WHAT WILL I HAVE TO DO?** You will be given a “Motion for the Appointment of a Special Prosecuting Attorney” form that you will need to complete. On this form, you will need to write down the details of what happened and how the Respondent violated the Order of Protection. **For each violation that you allege, you should try to include dates, times and locations as much as possible.** Shortly after you file your Motion, the court will notify you through the mail of your court date if the judge decided to hold a hearing on your case.
- **WHO CAN HELP ME?** Volunteer advocates may be available – free of charge – at the Adult Abuse Office to assist you in completing the necessary forms. You may want to call ahead of time to be sure that an advocate is scheduled to be there when you come in to file. The staff at the Adult Abuse Office will also be able to help you if you have any questions. To reach an advocate, you can call either (314) 615-3210 or (314) 615-4463.
- **DO I NEED A LAWYER?** The Special Prosecuting Attorney will prosecute the case but will not act as your personal lawyer. You do not need a lawyer and your case can proceed if you represent yourself. However, you have the right to get legal representation. The Respondent, however, should obtain an attorney because he/she would be facing jail time. If he/she cannot afford an attorney, the judge will appoint him/her one.

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