



# Practice Alert

## Ex Parte Orders of Protection no Longer Available on Case.net

Ex parte orders of protection are no longer listed on Case.net. This change went into effect January 1, 2010. Not being listed on Case.net was the result of a revision to the Supreme Court Operating Rule 2.04(b), which states in part that orders of protection. "...shall ( not) be publicly available electronically... unless a full order of protection has been granted by the court." This rule revision, regarding ex parte orders, only applies to Internet access. It does not make the record itself confidential.

Ex parte orders are issued by a court based on the allegations of one party. Best practice, from a legal standpoint, is to wait to see whether a full order of protection is issued. A full order of protection would not be granted until after a hearing or after the defendant has agreed to the issuance of a full order of protection and is bound by the court's findings. However, per Missouri Revised Statute 455.035, "An ex parte order of protection entered by the court shall take effect when entered and shall remain in effect until there is valid service of process and a hearing is held on the motion." Therefore, ex parte orders of protection shall be taken seriously until the final outcome is determined by a hearing of the court.

When completing the background checks for licensure and re-licensure of resource homes, the licensing worker may make a request to local law enforcement regarding any ex parte orders of protection. Ex parte orders are made available to law enforcement and are required to be posted in MULES. Law enforcement will not be able to provide a copy of the ex parte order of protection. However, having a copy of the ex parte order is not necessary.

The information from law enforcement that an ex parte order of protection exists provides a very important topic for discussion by the licensing worker with the applicant, or renewal applicant, during the renewal Home Assessment process. Exploration and determination of the reason for the existence of an ex parte order of protection needs to be completed before the issuance or renewal of a foster home license.

When conducting the licensing process, policy only requires that ex parte information be obtained when completing ICPC assessments/home studies when the applicant is a birth parent, to determine if an ex parte order or dissolution of marriage order exists which limits or denies custody or visitation rights. [http://www.dss.mo.gov/cd/info/cwmanual/section6/ch3/sec6ch3attacha.htm](http://www.dss.mo.gov/cd/info/cwmanual/section6/ch3/sec6ch3attach.htm) .

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