

My Child is in Danger with My Ex; How Do I Stop the Visits?

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When a child is in danger with a parent, the other parent has two options to ask the court to keep the other parent away from the child: a Child Order of Protection, or a Temporary Restraining Order. A Child Order of Protection can be requested when there is no custody order in place; if there is a custody order in place (like a parenting plan issued as part of a divorce), you have to file a Temporary Restraining Order asking the court to suspend the court's current custody order.

The process of filing a Child Order of Protection in Missouri is to either go to the courthouse, a police station, or apply online. A judge then reviews the request for an "ex parte" Child Order of Protection and either grants the order immediately and sets a court date, or issues a summons for the parties to appear in court. The other parent is then served with the paperwork by the police or sheriff, and the parties appear on the court date on that requested Order.

A Temporary Restraining Order is a document filed with the court, typically with a motion to modify the current custody order. That paperwork is either presented to the court with "no notice" given to the other parent if there is immediate danger, or the paperwork is provided to the other parent with an order to appear at a court date, usually within 24 to 48 hours.

The issues surrounding the safety of children, and the court processes provided to help parents, can be difficult to maneuver. Talking to a family law attorney, like one of the family law attorneys at Sandberg Phoenix, is a good way to help guide you through the process.