



DOMESTIC ABUSE PROTECTION ORDERS Miss. Code Ann. § 93-21-1, et seq.

Ex Parte DAPOs

Step One: Petitioner files a petition alleging abuse in the appropriate jurisdiction and venue. Venue shall be proper in any county or municipality where 1) the respondent resides or 2) where the alleged abuse occurred. Miss. Code Ann. § 93-21-5(2).

Note: Courts must consider all Ex Parte Emergency DAPO petitions filed within their court in an expedited manner and **shall not** refer or direct the matter to another court. Miss. Code Ann. § 93-21-13(1)(a). If a petition for a DAPO is filed in the court lacking proper venue, the court, upon objection by the respondent, may transfer the action to the appropriate venue pursuant to other applicable law. Miss. Code Ann. § 93-21-5(3).

Step Two: If the petition requests emergency relief, the Municipal, Justice, County or Chancery Court (although Chancery Courts are not required to hear petitions requesting emergency relief), may issue an Ex Parte DAPO without prior notice to the respondent, based on the petitioner's showing of **good cause** for issuance of the DAPO. Good cause is shown when there is immediate and present danger of abuse to petitioner, any minor children, or alleged incompetent person. Miss. Code Ann. § 93-21-13(1)(a).

Note: In order for any DAPO to be issued, **there must be a qualifying relationship** present between the petitioner/victim and respondent: 1) spouse or former spouse, 2) person currently living or formerly lived as a spouse, 3) current or former dating partner, 4) person related by blood or marriage and currently residing or formerly resided together, or 5) persons that have child(ren) in common. Miss. Code Ann. § 93-21-3(a).

Step Three: If good cause is shown for emergency relief and there is a qualifying relationship present, the Ex Parte DAPO may be issued by the Judge. The Ex Parte DAPO **shall be effective for 10 days or until a hearing may be held**, whichever occurs first. Miss. Code Ann. § 93-21-13(1)(c).

Note: The Ex Parte DAPO may be extended, and the hearing continued for up to 20 days. Miss. Code Ann. § 93-21-13(1)(c). An extension may often occur when service has not been perfected or obtained on the respondent.

Step Four: The court clerk shall enter the Ex Parte DAPO in the Protection Order Registry (POR) within 24 hours of issuance and provide a copy to the sheriff's department. This copy may be provided electronically. Miss. Code Ann. § 93-21-25(2); Miss. Code Ann. § 93-21-13(3).

Step Five: The court clerk prepares a Notice of Entry of Ex Parte Domestic Abuse Protection Order, a Summons, and attaches the Ex Parte DAPO issued by the judge.

Step Six: The court clerk sends the Notice of Entry of Ex Parte Domestic Abuse Protection Order along with the Summons stating the date, time and place set for a hearing, and the Ex Parte DAPO to the appropriate law enforcement agency or other process server so they can **personally serve** the respondent. Miss. Code Ann. § 93-21-13(1)(a).

Temporary and Final DAPOs

Step One: The court shall hold a hearing within 10 days of the petition filing date. Miss. Code Ann. § 93-21-11(1). This hearing may be conducted in respondent's absence after ensuring the

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respondent was properly noticed of the hearing date, time, and place by personal service of process. Miss. Code Ann. § 93-21-11(2).

Step Two: Following notice and opportunity to be heard and upon finding that the petitioner has proved the abuse occurred by a preponderance of the evidence at the hearing, Municipal and Justice Courts shall be empowered to grant a Temporary DAPO. Miss. Code Ann. § 93-21-15(1)(a). A Temporary DAPO is **valid for up to 30 days if the parties share minor children or up to 1 year if the petitioner and respondent do not share minor children**. Miss. Code Ann. § 93-21-15(1)(b).

Step Three: The court clerk shall enter the Temporary DAPO into the Protection Order Registry (POR) within 24 hours of issuance and provide a copy to the sheriff's department. This copy may be provided electronically. Miss. Code Ann. § 93-21-25(2).

Step Four: If a victim/petitioner wishes to have a Temporary DAPO extended for longer than 30 days (or longer than 1 year), **they may file in the County or Chancery Court for a Final DAPO**. Miss. Code Ann. § 93-21-15(2)(b). **Only County and Chancery Courts may issue Final DAPOs.**

Step Five: After a full hearing, the Chancery and County Courts shall be empowered to grant a Final DAPO. Miss. Code Ann. § 93-21-15(2)(a). The **duration of Final DAPOs** shall be **for as long as the court deems necessary** to protect the abused person(s). Miss. Code Ann. § 93-21-15(2)(b). However, temporary provisions within the Final DAPO addressing custody, visitation, or child support automatically expire after 180 days. Miss. Code Ann. § 93-21-15(2)(c).

Step Six: The court clerk shall enter the Final DAPO into the Protection Order Registry (POR) within 24 hours of issuance and provide a copy to the sheriff's department. This copy may be provided electronically. Miss. Code Ann. § 93-21-25(2); Miss. Code Ann. § 93-21-15(5).

A Note on Violations of DAPOs: The person who violates a DAPO issued by a court of Mississippi or a tribunal of another state or jurisdiction, a similar order, or a bond condition is committing a misdemeanor punishable by imprisonment in county jail for up to six (6) months or a fine of up to \$1,000.00 for the violation. Miss. Code Ann. § 93-21-21(1). Charges are brought by law enforcement or the victim in the jurisdiction where the violation occurred.

Alternatively, the court that issues the DAPO may hold the person violating the order or their bond condition in contempt, punishable by applicable law. A person **cannot be both held in contempt and convicted of a misdemeanor for the same violation or bond condition**. Miss. Code Ann. § 93-21-21(2).

Contact Bureau of Victim Assistance (601) 359-6766 victimassistance@ago.ms.gov

Resources DAPO Petition, order forms, and service of process forms can be found on the AGO website at <https://attorneygenerallynnfitch.com/divisions/bureau-of-victim-assistance/> under the "Court Clerk Forms" tab.

The Protection Order Registry (POR) website may be accessed at <https://por.ago.ms.gov/>. The POR User Guide may be found under the "Resources" tab on the POR website.

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