

INSTRUCTIONS FOR COMPLETING PETITIONS FOR PROTECTION FROM ABUSE

The Domestic Abuse Assistance Acts (La. R.S. 46:2131, et seq. and Ch.C. Art. 1564, et seq.) and Protection from Dating Violence Act (La. R.S. 46:2151) enable victims of domestic violence to ask for court orders to protect them from further abuse. This protection includes ordering the abusive person to stay away from the victim, and may also include ordering temporary child custody, financial support, and use of property to the victim in order to ensure safety.

The **petition** is the form that begins the process. The petition is an application, or a request to the court for protection from the abusive person. The petition describes the abuse, and lists the kinds of protection the victim is seeking from the court. The person who files a petition for protection is called the **petitioner**; the person against whom the petition is filed (the abusive person) is called the **defendant**. The petitioner can fill out and file the petition without using an attorney. The necessary forms are available in the clerk of court's office in each parish.

You do not have to pre-pay the court costs in order to file. If the protective order is granted, the judge should hold the abuser responsible for the court costs. However, if you do not proceed with your petition once it has been filed and set for hearing (for example, if you don't show up for court, or if you dismiss the petition), you may be held responsible for the court costs.

These instructions can help you understand which forms to use, and how to fill them out. In some areas of the state, the clerk of court's office or the local battered women's program may be able to assist you in filling out the forms.

Who may apply for protection under the Domestic Abuse Assistance Acts/Protection from Dating Violence Act?

- ◆ Protective orders are available if you or someone in your family or household has experienced physical abuse, sexual abuse, or threats of abuse in a domestic or dating relationship. You can apply for protection for yourself, or you can apply on behalf of children or others in the home (see the relationships that are eligible for protection described below). You can file on behalf of an **incompetent** (also called an **alleged incompetent**) person, who is not capable of filing for him or herself due to a medical or mental disability.

- ◆ The abuser may be any of the following:
 - Spouse
 - Former spouse
 - A person of the opposite sex presently or formerly living in the residence as a spouse, whether married or not
 - Dating partner
 - Former dating partner
 - Parent
 - Child
 - Stepparent
 - Stepchild
 - Foster parent
 - Foster child
 - Adult child or grandchild

If the abuser does not fit one of the categories listed above, you may instead seek court protection under the laws which provide for general restraining orders, La. C.C.P. Art. 3601, et seq. Ask for the instructions (form LPOR Z) to fill out a petition (LPOR O) for a restraining order under that statute.

Where can you file your petition?

Venue means the place (parish) where you can apply for a protective order. There are several possibilities of where you can file the petition. You can apply to the court in the parish where the abuse happened, in the parish where the petitioner and defendant lived together, in the parish where the defendant is living now, or in the parish where the petitioner is living now. If those parishes are not the same, you must select one in which to file the petition. Once the order has been granted, it will be good throughout the state.

Which petition form should be used?

LPOR B: This petition offers protection from abuse under the Domestic Abuse Assistance Act (La. R.S. 46:2131, et seq.) or Protection from Dating Violence Act (La. R.S. 46:2151). You may use this petition if the relationship between you and the abuser is listed above under “Who may apply...” and if the parish you are filing in is one of the venue possibilities listed above under “Where can you file....”

LPOR B-R: This petition is the same as LPOR B except for the following circumstance. If the petitioner is married to the person that the petition is being filed against (the defendant), and if the defendant has filed for divorce but the divorce suit has not been finalized, OR if a petition for protection from abuse has been filed against you, use LPOR B-R. Because this protective order will be filed as a part of the legal action that has already been filed, and because the abuser is known as the “Petitioner” in the previously filed legal suit, in this protective order request the defendant (abuser) will now be known as the “Defendant-In-Reconvention” and you, the petitioner, will be known as the “Petitioner-In-Reconvention.” NOTE: This is only the case if the defendant is the one who first filed the divorce or protective order action. If you filed the divorce action, you may use LPOR B.

LPOR C: This petition offers protection from domestic abuse under a set of laws called the “Children’s Code ” (Ch. C. Art. 1564, et seq.), which uses slightly different definitions than those used for LPOR B. In courts that have jurisdiction over juvenile matters you may apply using this petition. It offers the same kinds of protection that are offered in LPOR B. You may use LPOR C for all the relationships between the defendant and petitioner that are described above under “Who may apply...,” EXCEPT:

- 1) If a petitioner and defendant are unmarried but living in the same residence as spouses, a minor child must also reside in that residence and the petitioner and defendant must be currently living together;
- 2) If a petitioner and defendant are related as grandparents and grandchild, only LPOR B or LPOR B-R may be used.

You may use LPOR C for all the venues listed above under “Where can you file...,” EXCEPT if the parish in which you are applying is where you currently reside, and that parish is **not** the location of any of the other venue options above. You can still apply using LPOR C in that case, but you will not have the same types of protection **before** the date of the hearing, which are available if you file using LPOR B or B-R.

LPOR C-R: This petition is the same as LPOR C except for the following circumstance. If the petitioner is married to the person that the petition is being filed against (the defendant) and if the defendant has filed for divorce but the divorce suit has not been finalized, OR if a petition for protection from abuse has been filed against you, use LPOR C-R. Because this protective order will be filed as a part of the legal suit that has already been filed, and because the abuser is known as the “Petitioner” in the previously filed legal suit, in this protective order request the defendant (abuser) will now be known as the “Defendant-In-Reconvention” and you, the petitioner, will be known as the “Petitioner-In-Reconvention.” NOTE: This is only the case if the defendant is the one who first filed the divorce or protective order action. If you filed the divorce action, you may use LPOR C.

How can you get an order?

1. Fill out the forms using the instructions that follow (Petition and Information for Service of Process Form). As you will be swearing that what you have written in the forms is true and can be used as evidence in court, you must sign parts of the forms in the presence of a Notary Public. A Notary Public is a person who has the authority to certify that you signed a document. In most areas of the state, the clerk of court will provide the service of a Notary.
2. The clerk of court will direct your signed forms to the judge who will review your request. If the judge agrees that immediate protection is necessary, s/he will grant you a Temporary

Restraining Order (TRO) with a date to come back to court for a hearing. The TRO will contain some or all of the requests you made in the petition. The TRO will be in effect until the date of that court hearing, up to 30 days.

3. The clerk of court should provide you with a copy of the petition and a certified copy of the TRO, which you should keep with you at all times. (You may wish to make additional copies for your employer, as well as for schools, day care centers or sitters of any children listed in the petition.) The clerk of court should tell you the date and time of the hearing for your protective order (information which is also written on your TRO), and will give a copy of the petition and the order to the sheriff's office to serve the defendant. The defendant will be notified to be present in court on the date of the hearing. At the hearing the judge will decide whether to grant the requests made in the petition and issue a Protective Order (PO). It is not required that you have an attorney; you may represent yourself at the hearing. However, if you wish to be represented at the hearing, take your papers to an attorney, or contact the nearest family violence program, immediately after the petition is filed to find out whether legal representation can be provided.
4. On the date of the hearing, come to court with any witnesses you may have (people who know of or have observed the abuse you described in the petition). If you are representing yourself at the hearing, the judge may ask you to explain what orders you feel are necessary to protect you from further abuse. The abuser will be given an opportunity to respond. If you do not come to court on the date of the hearing, the temporary order (TRO) will expire, you will not be protected, and you may be charged for the court costs.
5. After the hearing, if the judge is satisfied that you need protection, s/he will sign the Protective Order (PO) which will now be in effect for up to 18 months if you filed LPOR B or LPOR B-R under La. R.S. 46:2131, et seq. or La. R.S. 46:2151, or up to 6 months if you filed LPOR C or LPOR C-R under the Children's Code. If LPOR C or LPOR C-R was filed on behalf of a minor child who was sexually abused, the order that is granted is in effect until the child reaches the age of 18. You should again ask the clerk of court for certified copies of the order, and keep a copy with you at all times.
6. ***If a hearing officer presides at the hearing***, the hearing officer will write his/her recommendations to the judge regarding whether you should be granted a Protective Order and what specific relief you should get. The hearing officer will give you a copy of these written recommendations and will also give a copy to the defendant. The hearing officer will give these recommendations to the judge also. If you do not agree with the hearing officer's recommendations, you must ask for a hearing before the judge within 3 days following your hearing before the hearing officer. The defendant can do the same if the defendant is unhappy with the hearing officer's recommendations. The hearing officer's recommendations to the judge is NOT a protective order - only the judge can issue a protective order. However, your temporary restraining order (TRO) should still be good for 15 days after the hearing or until the judge signs the protective order, whichever occurs last. Before you leave court, make sure that your temporary restraining order expiration date is a date at least 15 days beyond the hearing in which you just participated. If either you or the defendant has objected to the recommendations, a new hearing will be held before the judge and you will need to attend that hearing to prove your case again. If the defendant does not object to the hearing officer's recommendations and if you do not object either, the judge will sign a protective order no earlier than 3 days after the hearing before the hearing officer. Before you leave, find out who to call and when to check on whether a new hearing will occur or whether your Protective Order has been signed by the judge. Also, find out when and how you can get a certified copy of your Protective Order.
7. If you need to extend the Protective Order beyond the period the judge granted, you must file a form to modify the Protective Order before it expires. The court will set a hearing, and the defendant will be served with a copy of the papers and ordered to be present at the hearing. You must be present at the hearing to tell the Judge why you need the Protective Order to last for a longer period of time. These forms are available from the clerk of court. Be sure to get a new copy of the order if the Judge grants the extension.

8. It is a crime to violate a temporary restraining order or a protective order, unless issued under La. R.S. 46: 2151. You may call the police when the order has been violated. You may also inform the court that a violation has occurred by filing a “**Rule to Show Cause Why the Defendant Should Not Be Held in Contempt.**” These forms are available from the clerk of court. When the contempt forms are filed, the court will set a hearing and the defendant will be served with a copy of the papers and ordered to be present at the hearing. You must be present at that hearing to tell the judge what the defendant did to violate the order.
9. You may not change on your own the terms or conditions of the court order. If it is necessary to change the Protective Order, a motion to modify the order must be filed with the court. The court will set a hearing and the defendant will be served with a copy of the papers and ordered to be present at the hearing. You must be present at the hearing to tell the Judge why you need to change the terms of the Protective Order. Be sure to get a new copy of the order if the Judge grants a modification.

How do you fill out the forms?

Petition Form Instructions:

In the upper left corner, fill in your name on the top line as petitioner (or Petitioner-In-Reconviction if you are using LPOR B-R or C-R) and the abuser’s name as defendant (or Defendant-In-Reconviction in LPOR B-R or C-R). Leave the lines on the top right corner of the form blank. On the first line of the petition under the heading, fill in your name and date of birth.

Paragraph 1:

If you are filing this petition on your own behalf, check “a.” If you are filing on behalf of a minor child/children, check “b” and fill in their names, dates of birth, and relationship to you. If you are filing on behalf of someone in your care who you believe is incompetent, check “c” and fill in their name, date of birth, and relationship to you. **If you check “b” or “c,” be sure to include information in Paragraph 8 (Paragraph 7 in LPOR B-R and C-R) about the abuse of the child or incompetent person.**

Paragraph 2:

If you do not want the abuser to know your current address check “a.” If you choose “a” you must also ask for and fill out a form called “Confidential Address Form.” The clerk of court will file your address under seal and it will be kept confidential to the court. If you do not need to hide your current address, fill in “b” and/or “c.”

Paragraph 3:

Provide the information requested about the defendant.

Paragraph 4:

Check all of the places listed that describe the parish you are filing this form in, and write the parish name in the blank for every one that you check. If you are using LPOR B-R or C-R, notice that if you check ONLY the last entry, “The petitioner resides in____,” you will be limited to choosing from options “a,” “b,” “c,” “d,” and “f” listed in Paragraph 8. If you check the last entry, but also check any of the other entries, you are entitled to all the options listed in Paragraph 8.

Paragraph 5:

Place a check mark next to the relationship which best describes your relationship to the defendant (part “a”), and/or the relationship of the person needing protection (part “b”).

Paragraph 6:

Check whether or not there is a divorce pending between the petitioner and the abusive person. If a divorce is pending, please list the case number, court, and division. If you are filling out LPOR B or C, and there is a pending suit for divorce or order of protection that was filed **by the defendant**, you should use LPOR B-R or C-R instead.

Paragraph 7 of LPOR B or LPOR B-R:

Indicate whether you and the defendant have a child in common.

Paragraph 7 of LPOR C or LPOR C-R, Paragraph 8 of LPOR B or LPOR B-R:

In “a,” check all the forms of abuse that the defendant has used. In “b,” describe the most recent incident of abuse or threats of abuse which caused you to file this petition. Be specific; give the date and details about the abuse. If police were called, or if medical attention or other help was needed, include this information in your description. If you are filing on behalf of a child or incompetent person, describe the abuse to that person. In “c,” describe past incidents of abuse. This is especially important to include if the most recent abuse was a threat.

Paragraph 8 of LPOR C or LPOR C-R, Paragraph 9 of LPOR B or LPOR B-R:

This paragraph lists all the things you may ask the judge to grant immediately, before the hearing. Check “a” if you are asking that the defendant be ordered not to abuse, threaten, or follow you (or the protected person).

Check “b” if you are asking that the defendant not contact you (or the protected person) in any way.

Check “c” if you want the defendant to stay at least 100 yards away from where you (or the protected person) are staying, and fill in the address the defendant is to stay away from (**if you have asked the court to keep your address confidential, do not list your address, but insert “anywhere petitioner may reside.”**).

Check “d” if you want the defendant to stay away from your (or the protected person’s) school or job.

Check “e” if you want the defendant evicted from the home so that you (or the protected person) may live there. NOTE: You can only check “e” if you can check one of the four descriptions in “e” to describe who owns or leases the house.

Check “f” if you want the defendant ordered not to damage your (or the protected person’s) property, and not to cut off your utilities, phone, or mail service.

Check “g” if you are (or the protected person is) married to the defendant and you want to have or to use certain community property. This is not intended to divide up all your shared property, but to grant you certain items that are important for you to have now for your safety or that of the protected person.

Check “h” to order both the protected person and the defendant not to give away, sell, or destroy any of the shared property.

Check “i” if you are asking that temporary custody of the children, or the incompetent person needing protection, be given to the petitioner. List the children’s or incompetent person’s names in the blanks, as well as whose custody they are in now.

Check “j” if you are asking for police to go with you to get the children or incompetent person.

Check “k” if you want the court to order the defendant not to interfere with custody of the children or incompetent person.

Check “l” if you (or the protected person) want to return to the residence with police one time to get personal belongings, and write “petitioner” or your name in the blank. If you (or the protected person) are staying in the residence that was once shared with the defendant, check “l” and write in “defendant” or the defendant’s name in the blank to allow him/her to return with police once ONLY to get personal belongings.

Check “m” to ask the court to order police to accompany the person listed in “l” to the residence to get his/her belongings.

Paragraph 9 of LPOR C or LPOR C-R, Paragraph 10 of LPOR B or LPOR B-R:

Check any of the items listed that you would like the judge to grant at the hearing. Unlike the things you have asked for in Paragraph 8 (LPOR C, or C-R) or Paragraph 9 (LPOR B, or B-R), these requests can **not** be granted until the hearing. Even though the judge signs your temporary order, these requests will not be in effect until the judge decides at the hearing whether s/he will grant them.

Paragraph 10 of LPOR C or LPOR C-R,

All of the options here are also listed in Paragraph 8. However, if you were limited in your choices in Paragraph 8 because of the venue, you have the opportunity in Paragraph 10 to ask for those things you could not ask for in Paragraph 8. The options in Paragraph 10 cannot be granted

BEFORE the hearing, as part of the TRO, but if you wish to have any of these options as part of the final protective order, check them here.

Prayer:

This section summarizes all that you are asking for. Place a check mark next to all items that apply. Sign your name on the line provided for the petitioner. Fill in the abuser's name and address on the line provided under "Please Serve Defendant." Make sure you give his/her home and/or work address (not a post office box) where s/he may be served in person.

Affidavit/Verification: This is the part of the form that must be signed in the presence of the Notary Public. By signing this form, you are swearing that all information you have given is true, that you believe that the defendant poses a threat to you, and that you understand that punishment (a fine and/or a jail sentence) can result from your giving false information in this petition.

Information for Service of Process Form Instructions:

The clerk of court should provide you with a copy of this form. The defendant must be served by the sheriff's office with a certified copy of the petition, the order, and notice to come to court on the assigned day of the hearing. To assist the sheriff's office in locating the defendant, fill out this form as completely as possible. List all the places the defendant may be found, times s/he may be in those places, and other people who may know of the defendant's whereabouts. If the defendant is not located, and has not received a copy of the order and notice of the hearing, the temporary restraining order is not enforceable.

Confidential Address Form Instructions:

If you checked "a" in Paragraph 2 of the petition, you must fill out this form, which is available from the clerk of court. Your address will be kept confidential by the court and the defendant will not receive notice of where you are currently living.

Paragraph 4

This Court is the proper venue for this action because:

- The marital domicile is located in _____ Parish.
- The household is located in _____ Parish.
- The defendant resides or is domiciled in _____ Parish.
- The abuse occurred in _____ Parish.
- The petitioner resides or is domiciled in _____ Parish. *(Do not fill this out if address is to remain confidential.)*

Paragraph 5

a. The protected person(s) is related to the defendant as:

- | | |
|--|---|
| <input type="checkbox"/> Current or former spouse | <input type="checkbox"/> Current or former dating partner |
| <input type="checkbox"/> Current or former unmarried cohabitant, of the opposite sex | <input type="checkbox"/> Parent, stepparent, or foster parent |
| <input type="checkbox"/> Child, stepchild, or foster child | <input type="checkbox"/> Grandparent or grandchild |
| <input type="checkbox"/> Child of defendant's current or former intimate partner | <input type="checkbox"/> Other: _____ |

b. If filing on behalf of a minor child(ren) or alleged incompetent, said minor child(ren) or alleged incompetent and defendant are related as follows:

- | | |
|--|--|
| <input type="checkbox"/> Child(ren) and parent | <input type="checkbox"/> Foster child(ren) and foster parent |
| <input type="checkbox"/> Stepchild(ren) and stepparent | <input type="checkbox"/> Grandchild(ren) and grandparent |

Paragraph 6

- A suit for divorce between the parties **is not** pending.
 - A suit for divorce between the parties **is** pending bearing number _____, in Court _____, Division _____.
- (If you were NOT the petitioner in the divorce suit, use form LPOR B-R entitled "Petition for Protection From Abuse, Petitioner in Reconvention" instead of this one.)*

Paragraph 7

- The protected person(s) and defendant have child(ren) in common.

Paragraph 8

a. Defendant abused petitioner in the following manner:

- | | |
|---|--|
| <input type="checkbox"/> Slapped petitioner | <input type="checkbox"/> Threatened petitioner with bodily harm |
| <input type="checkbox"/> Punched petitioner | <input type="checkbox"/> Threatened petitioner's life |
| <input type="checkbox"/> Choked petitioner | <input type="checkbox"/> Threatened petitioner with a weapon |
| <input type="checkbox"/> Shoved petitioner | <input type="checkbox"/> Abused petitioner's child(ren) or alleged incompetent |
| <input type="checkbox"/> Kicked petitioner | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Stalked petitioner | _____ |

- d. _____ ordering the defendant to stay away from petitioner’s place of employment/school and not to interfere in any manner with such employment/school or that of any person on whose behalf this petition is filed located at:

<i>Employment/School</i>	<i>Address</i>	<i>City</i>	<i>State</i>	<i>Zip Code</i>
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<i>Employment/School</i>	<i>Address</i>	<i>City</i>	<i>State</i>	<i>Zip Code</i>
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- e. _____ granting the petitioner the use of the residence located at:

<i>No. & Street</i>	<i>Apt. No.</i>	<i>City</i>	<i>State</i>	<i>Zip Code</i>
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to the exclusion of defendant by **evicting** defendant and ordering the defendant to surrender any keys to that residence to the petitioner, and ordering _____ (law enforcement agency) to **evict** the defendant.

Said residence is:

_____ jointly owned by defendant and petitioner or person on whose behalf this petition is brought.

_____ jointly leased by defendant and petitioner or person on whose behalf this petition is brought.

_____ solely leased by defendant who has a duty to support petitioner or person on whose behalf this petition is brought.

_____ solely owned or leased by petitioner or person on whose behalf this petition is brought.

Presently occupied by _____

- f. _____ ordering the defendant not to damage any belongings of the petitioner, not to shut off any utilities, telephone service, or mail delivery to the petitioner, or in any way interfere with the living conditions of the petitioner or person on whose behalf this petition is filed.

- g. _____ granting petitioner the use and possession of the following property (state location of each item by street address and who is presently in possession).

for the following reasons: _____

And ordering _____ (law enforcement agency) to accompany petitioner to where the above listed property is located to allow petitioner to take possession of the property.

- h. _____ prohibiting either party from transferring, encumbering, or otherwise disposing of property mutually owned or leased, except in the normal course of business or necessary for the support of the petitioner and/or the minor child(ren).

- i. _____ awarding the temporary custody of the minor child(ren) or person alleged to be incompetent, _____

to petitioner; the minor child(ren) or person alleged to be incompetent is currently in the physical custody of _____.

- j. _____ ordering a representative of _____ (law enforcement agency) to accompany petitioner to where the minor child(ren) mentioned above is/are currently and to effect petitioner obtaining physical custody of said child(ren).

- k. _____ prohibiting defendant from interfering with the custody of the minor child(ren).

- l. ___ allowing _____ to return to the residence at a date and time to be agreed upon by petitioner and law enforcement agency, to recover his/her personal clothing and necessities, only if s/he is accompanied by a law enforcement officer to ensure the protection and safety of the parties. NO FORCED ENTRY ALLOWED.
- m. ___ ordering a representative of _____ (law enforcement agency) to accompany _____ to the family residence to recover her/his personal clothing and necessities.

Paragraph 10

Petitioner desires that a rule issue herein ordering defendant to show cause why the orders requested in Paragraph 9 should not be made into protective orders, and why defendant should not also be ordered:

- ___ to pay petitioner a reasonable amount of child support in accordance with Louisiana Law.
- ___ to pay petitioner a reasonable amount of spousal support (alimony).
- ___ to seek professional counseling.
- ___ to pay costs of court in this matter.
- ___ to pay attorney fees.
- ___ to pay evaluation fees.
- ___ to pay expert witness fees.
- ___ to pay cost of medical and/or psychological care for the petitioner, minor child(ren), and/or alleged incompetent, necessitated by the domestic violence.
- ___ other: _____.

PRAYER

WHEREFORE, petitioner prays that service and citation issue herein, and: *(check all that apply)*

- ___ that *ex parte* orders requested in Paragraph 9 be granted.
- ___ a rule issue to show cause why protective orders as requested in Paragraph 10 should not be granted.
- ___ defendant be cast with costs.
- ___ defendant be advised of penalties for violating Abuse Prevention Orders.
- ___ all other equitable relief as the court deems proper and necessary.

Respectfully submitted by,

PETITIONER, IN PROPER PERSON

PLEASE SERVE DEFENDANT:

_____ personally at his/her home or place of employment at the following address:

 or

AFFIDAVIT/VERIFICATION

STATE OF LOUISIANA

PARISH OF _____

BEFORE ME, the undersigned Notary Public, duly commissioned and qualified in and for the state and parish aforesaid, personally came and appeared _____, Petitioner in the foregoing Petition for Protection from Abuse, who, after being duly sworn by me, did depose and say that s/he has read the allegations contained therein and declared them to be true and correct to the best of her/his knowledge, information, and belief.

Petitioner further said that s/he believes that the defendant poses a threat to petitioner's safety and/or to the child(ren) or to others for whom petitioner has requested relief.

Petitioner further said that s/he is aware that any false statement made under oath contained in the foregoing petition and this affidavit shall constitute perjury and shall be punishable by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment, with or without hard labor, for not more than five (5) years, or both.

PETITIONER

SWORN TO AND SUBSCRIBED before me, Notary Public, on the _____ day of _____, 200 __, at _____, Louisiana.

NOTARY PUBLIC

LOUISIANA UNIFORM ABUSE PREVENTION ORDER

COURT NAME AND PARISH/CITY:

DIVISION: _____ DOCKET NO. _____

FILED: _____ CLERK: _____

TEMPORARY RESTRAINING ORDER

Pursuant to: **G** La. R. S. 46:2131, et seq. or La. R.S. 46:2151 **G** La. Ch. C. Art. 1564, et seq.

PETITIONER'S NAME: _____

_____ *First* _____ *Maiden/Middle* _____ *Last*
Date of Birth _____/_____/_____ Sex: **G** F **G** M Race: _____
mo./ day /yr.

G On behalf of (*name, date of birth, and relationship to petitioner*) _____

V.

DEFENDANT'S NAME: _____

Alias: _____ Date of Birth: _____/_____/_____ Sex: **G** F **G** M Race: _____
mo./ day /yr.

Address: _____

No. & Street _____ *Apt. No.* _____ *City* _____ *State* _____ *Zip Code* _____
Social Security #: _____ Dr. Lic. # _____ State _____ Exp. ____/____/____

The protected person(s) is related to the defendant as:

- G** current or former spouse
- G** current or former unmarried intimate cohabitant of opposite sex
- G** child, stepchild, or foster child
- G** child of defendant's current or former intimate partner
- G** current or former dating partner
- G** parent, stepparent, or foster parent
- G** grandparent or grandchild
- G** other: _____

G The protected person and the defendant have a child(ren) in common.

IT IS ORDERED THAT THE DEFENDANT BE SERVED WITH A COPY OF THIS ORDER.

THE COURT FINDS THAT THE ALLEGATIONS PRESENTED CONSTITUTE AN IMMEDIATE AND PRESENT DANGER OF ABUSE, THAT THE PETITIONER HAS GOOD AND REASONABLE GROUNDS TO FEAR FOR HER/HIS SAFETY OR THAT OF A CHILD OR ALLEGED INCOMPETENT, THUS THE COURT ISSUES THE FOLLOWING ORDERS, WITHOUT A HEARING: (only orders checked and initialed shall apply)

- ___ **G** 1. THE DEFENDANT IS ORDERED NOT TO abuse, harass, stalk, follow, or threaten the petitioner or person on whose behalf this petition is filed in any manner whatsoever. This prohibition includes the use, attempted use, or threatened use of force or physical violence that would reasonably be expected to cause bodily injury.
- ___ **G** 2. THE DEFENDANT IS ORDERED NOT TO contact the petitioner, or person on whose behalf this petition is filed, personally, electronically, by phone, in writing, or through a third party, without the express written permission of this court.
- ___ **G** 3. THE DEFENDANT IS ORDERED NOT TO go within one hundred (100) yards of the residence, apartment complex, or multiple family dwelling of the petitioner or any person on whose behalf this petition is filed located at:

No. & Street _____ *Apt. No.* _____ *City* _____ *State* _____ *Zip Code* _____

___ **G 4.** THE DEFENDANT IS ORDERED TO STAY AWAY from petitioner’s place of employment/school and not to interfere in any manner with such employment/school or that of any person on whose behalf this petition is filed located at:

Employment/School Address City State Zip Code

Employment/School Address City State Zip Code

___ **G 5.** THE COURT GRANTS THE PETITIONER or person on whose behalf this petition is filed the use of the residence located at:

No. & Street Apt. No. City State Zip Code

to the exclusion of defendant by **evicting** defendant. The Court orders the defendant to surrender any keys to that residence to the petitioner.

_____ (law enforcement agency) is ordered to **evict** the defendant.

___ **G 6.** THE COURT GRANTS THE PETITIONER or person on whose behalf this petition is filed the use and possession of the following property: _____

___ **G 7.** THE COURT ORDERS a representative of _____ (law enforcement agency) to accompany petitioner to obtain property listed in Order No. 6 above.

___ **G 8.** THE COURT PROHIBITS EITHER PARTY from transferring, encumbering, or otherwise disposing of property mutually owned or leased, except in the normal course of business or that which is necessary for the support of the petitioner and/or the minor child(ren).

___ **G 9.** THE DEFENDANT IS ORDERED NOT TO damage any belongings of the petitioner, not to shut off any utilities, telephone service, or mail delivery to the petitioner, or in any way interfere with the living conditions of the petitioner or person on whose behalf this petition is filed.

___ **G10.** THE COURT GRANTS TEMPORARY CUSTODY of the following child(ren) to the petitioner: *(name, date of birth, and relationship to petitioner)*

___ **G11.** THE COURT ORDERS a representative of _____ (law enforcement agency) to accompany petitioner to where the minor child(ren) mentioned in paragraph above is/are currently, and to effect petitioner obtaining physical custody of said child(ren).

___ **G12.** THE DEFENDANT IS ORDERED NOT TO interfere with the physical custody of the minor child(ren).

___ **G13.** THE COURT WILL allow _____ to return to the residence at a date and time to be agreed upon by petitioner and law enforcement agency to recover his/her personal clothing and necessities, provided that s/he is accompanied by a law enforcement officer to ensure the protection and safety of the parties. **NO FORCED ENTRY ALLOWED.**

___ **G14.** THE COURT ORDERS a representative of _____ (law enforcement agency) to accompany _____ to the residence located at _____ to recover her/his personal clothing and necessities.

___ **G15.** THE COURT ORDERS THE DEFENDANT to show cause on the below hearing date why s/he should not be ordered to pay child support and/or spousal support (alimony) pursuant to Louisiana Law. **The court further orders the defendant to produce at the hearing: most recent income tax returns, AND pay stubs or an employer statement documenting gross income to date for the CURRENT year. If the defendant is self-employed, income and expense statements shall be produced.**

___ **G16.** THE COURT ORDERS THE DEFENDANT to show cause on the below hearing date why s/he should not be ordered to pay the following:

- G** all court costs **G** attorney fees
- G** evaluation fees **G** expert witness fees
- G** cost of medical and/or psychological care for the petitioner, minor child(ren), and/or alleged incompetent, necessitated by the domestic violence

___ **G17.** THE COURT ORDERS THE DEFENDANT to show cause on the below hearing date why s/he should not be ordered to seek professional counseling.

___ **G18.** Other: _____

G IT IS FURTHER ORDERED that defendant show cause on the _____ day of _____, 200____, at ____ o'clock ____ M. in Courtroom No. ____ of the _____ Court, located at _____, in _____, La., why above Temporary Restraining Order and other relief requested should not be made Protective Orders.

Date of Order ____/____/____ <i>mo./ day /yr.</i>	Time of Order ____ G AM G PM	Expiration Date of Order ____/____/____ <i>mo./ day /yr.</i>	_____ SIGNATURE OF JUDGE _____ PRINT OR STAMP JUDGE'S NAME
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NOTICE: C.C.P. Art. 3603.1 - Any person against whom such an order is issued shall be entitled to a court-appointed attorney if the applicant has likewise been afforded a court-appointed attorney.

NOTICE TO DEFENDANT:

PURSUANT TO LA. R.S. 14:79, A PERSON WHO VIOLATES THIS ORDER, IF ISSUED UNDER LA. R.S. 46:2131, ET SEQ. OR LA. CH. C. ART. 1564, ET SEQ., MAY BE ARRESTED, JAILED, AND PROSECUTED.

PURSUANT TO LA. R.S. 46:2137 AND LA. CH. C. ART. 1571, A PERSON WHO VIOLATES THIS ORDER MAY BE PUNISHED FOR CONTEMPT OF COURT BY A FINE OF NOT MORE THAN \$500 OR BY CONFINEMENT IN JAIL FOR AS LONG AS 6 MONTHS, OR BOTH, AND MAY BE FURTHER PUNISHED UNDER CRIMINAL LAWS OF THE STATE OF LOUISIANA. THIS ORDER SHALL BE ENFORCED BY ALL LAW ENFORCEMENT OFFICERS AND COURTS OF THE STATE OF LOUISIANA.

PURSUANT TO 18 U.S.C. § 922 [g][8], AFTER NOTICE AND OPPORTUNITY FOR A HEARING, THE DEFENDANT IN A PROTECTIVE ORDER THAT EITHER INCLUDES A FINDING BY THE JUDGE OR BY ITS TERMS EXPLICITLY PROHIBITS CERTAIN BEHAVIOR MAY BE PROHIBITED FROM RECEIVING, POSSESSING, OR TRANSPORTING FIREARMS OR AMMUNITION FOR THE DURATION OF THE ORDER.

FULL FAITH AND CREDIT pursuant to 18 U.S.C. § 2265

The issuing court certifies that it had jurisdiction over the parties and the subject matter under the laws of the State of Louisiana, and although the order was issued *ex parte*, the court has ordered that the defendant be given reasonable notice and an opportunity to be heard within the time required by the laws of the State of Louisiana.

THIS ORDER SHALL BE PRESUMED TO BE VALID AND ENFORCEABLE IN ALL 50 STATES, THE DISTRICT OF COLUMBIA, TRIBAL LANDS, U.S. TERRITORIES, AND COMMONWEALTHS.

SIGNATURE OF JUDGE

G DEFENDANT WAS SERVED AT CLOSE OF HEARING.

Date _____ Clerk _____

G FAXED **G** MAILED TO LOUISIANA PROTECTIVE ORDER REGISTRY

Date _____ Clerk _____

Copies to: 1) Court file 2) Petitioner 3) Defendant 4) Chief Law Enforcement Official of the parish where the protected person resides 5) Louisiana Protective Order Registry.

**INFORMATION FOR SERVICE OF PROCESS
PROVIDED BY PETITIONER/PETITIONER-IN-RECONVENTION**

PLEASE PROVIDE AS MUCH INFORMATION AS POSSIBLE. THIS INFORMATION WILL HELP LAW ENFORCEMENT LOCATE DEFENDANT (or DEFENDANT-IN-RECONVENTION) TO SERVE A COPY OF THE PETITION AND TEMPORARY RESTRAINING ORDER (IF ISSUED). THE FOLLOWING INFORMATION IS NEEDED ON THE DEFENDANT (or DEFENDANT-IN-RECONVENTION).

NAME _____

OTHER NAMES USED _____

DATE OF BIRTH ____/____/____ SOCIAL SECURITY # _____

DRIVERS LICENSE # _____ STATE _____ EXP. DATE ____/____/____

HOME ADDRESS _____
No. & Street *Apt. No.*

_____ TEL. NO. _____
City *State* *Zip Code*

WORK ADDRESS _____
Name of employer

_____ *No. & Street* *Apt. No.*

_____ DEPARTMENT _____
City *State* *Zip Code*

TEL NO. _____ WORK DAYS/HOURS _____

PHYSICAL DESCRIPTION: MALE FEMALE RACE _____

EYE COLOR _____ HAIR COLOR _____ HEIGHT _____ WEIGHT _____

DISTINGUISHING FEATURES (scars, tattoos, facial hair, etc.) _____

MOTOR VEHICLE:

LICENSE PLATE # _____ YEAR _____ MAKE _____ COLOR _____

DOES THE DEFENDANT (or DEFENDANT-IN-RECONVENTION):

HAVE A HISTORY OF VIOLENCE TOWARDS OTHERS (OTHER THAN VICTIM)? YES NO

HAVE A HISTORY OF USING/ABUSING DRUGS OR ALCOHOL? YES NO

CARRY A WEAPON? YES NO

IF YES, WHAT KIND OF WEAPON? _____

OTHER PLACES AND TIMES S/HE MAY BE FOUND: (Friends, relatives, bars, hangouts)

ANY OTHER INFORMATION WHICH MAY BE HELPFUL: _____

Date

Petitioner's / Petitioner-in-Reconvension's Signature