

NOTICE TO ALL PERSONS APPLYING FOR A PROTECTIVE ORDER

PROTECTIVE ORDER COSTS

ALTHOUGH NO COURT COSTS ARE DUE AT THE TIME OF FILING, COURT COSTS ARE STILL INCURRED. PROTECTIVE ORDER COURT COSTS AVERAGE BETWEEN \$300.00 AND \$800.00. YOU MAY BE LIABLE FOR THESE COSTS. IF YOU DO NOT SHOW UP AND YOUR CASE IS DISMISSED AT THE TIME OF HEARING, YOU MAY BE CAST WITH COURT COSTS. IF THERE IS A CONTESTED HEARING HELD, THE COURT WILL DETERMINE WHO IS RESPONSIBLE FOR COSTS.

I HAVE READ THE ABOVE AND UNDERSTAND MY RESPONSIBILITY AS TO THE COURT COSTS OF THE PROTECTIVE ORDER.

SIGNATURE

DATE

=====

APPLICANT MUST READ AND INITIAL EACH ENUMERATED STATEMENT OF THIS FORM BEFORE APPLYING FOR A PROTECTIVE ORDER

____ 1) Has a protective order request been made involving any party listed in this protective order in any court? (circle one) YES NO
If yes, where _____, when _____ and status _____.

____ 2) By filing a petition for a protective order, you understand you are making a serious accusation to the court about the behavior and circumstances of another person.

____ 3) By signing the petition for a protective order, you are stating under oath to the court that the allegations contained in your petition are true and correct.

____ 4) The petition you are about to file is a legal document that may result in court action. As with all legal documents, you are advised to consult an attorney before filing.

____ 5) After filing this petition, the court may grant your request for a temporary restraining order. You will be required to come to court and prove the accusations made in your petition in order to obtain a protective order.

____ 6) It is your responsibility to present the evidence necessary to obtain the relief sought. You are strongly advised to have an attorney represent you when you come to court. If you do not have an attorney at the time, the judge WILL NOT act as your attorney.

____ 7) If you cannot prove the accusations you have made, the protective order will be dismissed.

____ 8) Any false statement under oath contained in the affidavit shall constitute perjury and shall be punishable by a fine of not more than one thousand dollars, or by imprisonment, with or without hard labor, for more than five years, or both. (La. R.S. 46:2134)

By signing this form, applicant certifies that she/he has read and understands the forgoing statements.

Signature of Applicant

PETITIONER

V.

DEFENDANT

Parent/Guardian name if defendant is a minor

COURT

PARISH/CITY OF _____

STATE OF LOUISIANA

DIVISION: _____ NUMBER: _____

FILED: _____ CLERK: _____

PETITION FOR PROTECTION FROM ABUSE

Pursuant to La. R.S. 46:2171 et seq. or La. R.S. 46:2181 et seq.

This petition is: Initial Petition Supplemental and Amending Petition

The petition of _____, born _____
your name month/day/year

a resident of the State of Louisiana, respectfully represents:

Paragraph 1: Petitioner/Protected Person(s)

Petitioner files this petition on behalf of:

- a. _____ Petitioner, and/or
- b. _____ Minor child(ren) as follows: (Name, Date of Birth, Relationship to Petitioner)

- c. _____ Alleged incompetent as follows: (Name, Date of Birth, Relationship to Petitioner)

Paragraph 2: Protected Person(s) Address

- a. _____ Petitioner requests that his/her address, or that of the minor child(ren) or alleged incompetent, remain confidential to the court and files the address pursuant to La. R.S. 46:2134(B).
(Ask clerk of court for the Confidential Address Form.)

OR

- b. _____ Petitioner's current address:

<i>No. & Street</i>	<i>Apt. No.</i>	
<i>City</i>	<i>State</i>	<i>Zip Code</i>

- c. _____ The minor child's or alleged incompetent's current address:

<i>No. & Street</i>	<i>Apt. No.</i>	
<i>City</i>	<i>State</i>	<i>Zip Code</i>

Paragraph 3: Special Requests

- a. _____ Petitioner requests interpreter service, for:
 - self/protected person, in following language: _____
 - witness(es), in following language: _____

Paragraph 8: Requests for relief

Because of the immediate and present danger of stalking, or sexual assault, petitioner requests that an *ex parte* Temporary Restraining Order be issued immediately without bond:

- _____ a. prohibiting defendant from abusing, harassing, assaulting, stalking, following, tracking, monitoring, or threatening the protected person(s) in any manner whatsoever. This prohibition includes the use, attempted use, or threatened use of physical force that would reasonably be expected to cause bodily injury.
- _____ b. prohibiting the defendant from contacting the protected person(s) personally, through a third party, or via public posting, by any means, including written, telephone, or electronic (text, email, messaging, or social media) communication, or sending gifts to the protected person(s).
- _____ c. prohibiting defendant from going within one hundred (100) yards of the residence, apartment complex, or multiple family dwelling of the protected person(s) located at:
- _____ d. ordering the defendant to stay away from the protected person(s)' place of employment/school and not to interfere in any manner with such employment/school 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. ordering the defendant not to damage any belongings of the protected person(s), not to shut off any utilities, telephone service, or mail delivery to the protected person(s), or in any way interfere with the living conditions of the protected person(s).
- _____ f. granting the petitioner or protected person(s) 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 _____ (Sheriff's office) to **evict** the defendant.

Said residence is:

- _____ jointly owned by defendant and petitioner or protected person(s).
- _____ jointly leased by defendant and petitioner or protected person(s).
- _____ solely owned or leased by petitioner or protected person(s).

Presently occupied by _____.

- _____ g. granting petitioner or protected person(s) possession of the following property (including pets or other animals) **solely owned or leased by petitioner or protected person(s)** (state location of each by street address and who is presently in possession).

granting petitioner or protected person(s) the exclusive use and possession of the following property (including pets or other animals) **jointly owned or leased by petitioner or protected person(s)** (state location of each by street address and who is presently in possession).

for the following reasons: _____

AFFIRMATION

STATE OF LOUISIANA

PARISH OF _____

I am the petitioner in this Petition for Protection from Stalking or Sexual Abuse; I have read the allegations contained therein and declared them to be true and correct to the best of my knowledge, information, and belief. Further I believe that the defendant poses a threat to my safety and/or to the child(ren) or to others for whom I have requested relief.

I am aware that any false statement made under oath contained in the foregoing petition and this affirmation may constitute perjury pursuant to R.S. 14:123.

I have made this affirmation before the witness who signed below on _____ (Date).

PETITIONER SIGNATURE

PRINTED NAME OF WITNESS: _____

WITNESS SIGNATURE

ADDENDUM

Fill out the following ONLY if requesting an order for witness criminal history records in Paragraph 3 on page 1 of this petition:

Identifying information for witness criminal history record:

Full legal name	Date of birth	Address*	Race*	Sex*	Other identifiers*

*optional

LOUISIANA UNIFORM ABUSE PREVENTION ORDER

Order of Protection

Temporary Restraining Order

Docket No.

Court: _____ Div.: _____

City/Parish State

Filed: _____ Clerk: _____

PETITIONER

First Middle Last

PETITIONER IDENTIFIERS

Date of birth Race Sex: Fe Sex: M

Protected person is: Petitioner Other(s) *List other(s) name & date of birth:*

V.

DEFENDANT NAME AND ADDRESS

First Middle Last

Name of minor defendant's parent or guardian

Defendant's Alias: _____

No. & Street Apt. No.

City State Zip Code

DEFENDANT IDENTIFIERS

SEX	RACE	DOB	HT	WT
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
EYES	HAIR	SOCIAL SECURITY #		
<input type="text"/>	<input type="text"/>	<input type="text"/>		
DRIVER'S LICENSE #		STATE	EXP DATE	
<input type="text"/>		<input type="text"/>	<input type="text"/>	

THE COURT HEREBY FINDS:

That it has jurisdiction over the parties and subject matter, and the defendant has been or will be provided with reasonable notice and opportunity to be heard. Additional findings of this court are as set forth on the following pages.

THE COURT HEREBY ORDERS:

That the above-named defendant be restrained from committing further acts of abuse or threats of abuse, stalking or sexual assault. Additional terms of this order are as set forth on the following pages.

EXPIRATION:

This order shall be effective through 11:59 PM on

(month/day/year)

ENFORCEMENT:

This order shall be enforced, even without registration, by the courts of any state, the District of Columbia, any U.S. Territory, and may be enforced by Tribal Lands (18 U.S.C. Section 2265).

WARNINGS TO DEFENDANT:

Crossing state, territorial, or tribal boundaries to violate this order may result in federal imprisonment (18 U.S.C. Section 2262).

Federal law provides penalties for possessing, transporting, shipping, or receiving any firearm or ammunition (19 U.S.C. Section 922[g][8]). See further notice on page 6 of this Order.

ONLY THE COURT CAN CHANGE THIS ORDER.

LOUISIANA UNIFORM ABUSE PREVENTION ORDER

TEMPORARY RESTRAINING ORDER

Pursuant to:

<input type="checkbox"/> La. R.S. 46:2131 et seq. (Domestic Abuse)	<input type="checkbox"/> La. R.S. 46:2171 et seq. (Non-intimate stalking)	46:2171 and 46:2181 valid for relationships in Box C below ONLY
<input type="checkbox"/> La. R.S. 46:2151 (Dating Violence)	<input type="checkbox"/> La. R.S. 46:2181 et seq. (Non-intimate sexual assault)	
<input type="checkbox"/> La. Ch. C. Article 1564 et seq. (Children's Code Domestic Abuse)		

PETITIONER _____ Protected person is: Petitioner other(s)

V.

DEFENDANT _____

The protected person(s) is related to the defendant as: *(check all that apply)*

A	<input type="checkbox"/> 1. current or former spouse	B	<input type="checkbox"/> 1. current or former dating partner
	<input type="checkbox"/> 2. current or former intimate cohabitant		<input type="checkbox"/> 2. parent, stepparent, or foster parent
	<input type="checkbox"/> 3. child, stepchild, or foster child		<input type="checkbox"/> 3. grandparent or other ascendant
	<input type="checkbox"/> 4. child of defendant's current or former intimate partner		<input type="checkbox"/> 4. grandchild or other descendant
	<input type="checkbox"/> 5. protected person and defendant have a child(ren) in common		<input type="checkbox"/> 5. child currently or formerly living with defendant
		C	Select ONLY if statute 46:2171 or 46:2181 is marked above
			<input type="checkbox"/> 1. stranger/no relationship
			<input type="checkbox"/> 2. acquaintance

D

FINDING: Domestic Abuse or Dating Violence
THE COURT FINDS THAT THE ALLEGATIONS PRESENTED CONSTITUTE AN IMMEDIATE AND PRESENT DANGER TO THE PHYSICAL SAFETY OF THE PROTECTED PERSON(S).

FINDING: Stalking
THE COURT FINDS THAT THE ALLEGATIONS PRESENTED CONSTITUTE AN IMMEDIATE AND PRESENT DANGER OF STALKING.

FINDING: Sexual Assault
THE COURT FINDS THAT THE ALLEGATIONS PRESENTED CONSTITUTE A SEXUAL ASSAULT.

THUS, THE COURT ISSUES THE FOLLOWING ORDERS, WITHOUT A HEARING:

E	<input type="checkbox"/> The court orders interpreter services	<input type="checkbox"/> The court orders the sheriff to provide criminal history records of defendant and/or witnesses
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IT IS ORDERED THAT THE DEFENDANT BE SERVED WITH A COPY OF THIS ORDER.

**DOMESTIC ABUSE, DATING VIOLENCE, STALKING OR SEXUAL ASSAULT
ONLY ORDERS INITIALED BY A JUDGE SHALL APPLY**

___ 1. THE DEFENDANT IS ORDERED NOT TO abuse, harass, assault, stalk, follow, track, monitor, or threaten the protected person(s) in any manner whatsoever. This prohibition includes the use, attempted use, or threatened use of physical force that would reasonably be expected to cause bodily injury.

___ 2. THE DEFENDANT IS ORDERED NOT TO contact the protected person(s) personally, through a third party, or via public posting, by any means, including written, telephone, or electronic (text, email, messaging, or social media) communication without the express written permission of this court.
 Exceptions (if any): _____

___ 3. THE DEFENDANT IS ORDERED NOT TO go within _____ (distance) of the protected person(s), without the express written permission of this court.
 Exceptions (if any): _____

___ 4. THE DEFENDANT IS ORDERED NOT TO go within one hundred (100) yards of the residence, apartment complex, or multiple family dwelling of the protected person(s).

No. & Street	Apt. No.	City	State	Zip Code
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___ 5. THE DEFENDANT IS ORDERED TO STAY AWAY from protected person(s)' place of employment/school and not to interfere in any manner with such employment/school.

Employment/School	Address	City	State	Zip Code
Employment/School	Address	City	State	Zip Code

___ 6. THE DEFENDANT IS ORDERED NOT TO damage any belongings or property of the protected person(s) and not to shut off any utilities, telephone service, or mail delivery to the protected person(s) or in any way interfere with the living conditions of the protected person(s).

___ 7. THE COURT GRANTS THE PETITIONER or protected person(s) the use of the residence located at:

No. & Street	Apt. No.	City	State	Zip Code
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to the exclusion of defendant by **evicting** defendant. The Court orders the defendant to surrender any keys to that residence to the petitioner.

_____ (Sheriff's office) is ordered to **evict** the defendant.

___ 8. THE COURT GRANTS THE PETITIONER or protected person(s) the use and possession of the following property (including pets or other animals) and/or the return of protected person(s) property:

___ 9. THE COURT ORDERS a representative of _____ (Sheriff's office) to accompany petitioner to obtain property listed in Order No. 8 above.

___ 21. Other:

IT IS FURTHER ORDERED THAT DEFENDANT show cause on _____ (month/day/year)
 at ___ o'clock ___. M. in Courtroom No. ___ of the _____ Court, located
 at _____ in _____, La., why the
 above Temporary Restraining Order and other relief requested should not be made Protective Orders.

Date of Order _____ <i>month/day/year</i>	Time of Order <input type="checkbox"/> AM <input type="checkbox"/> PM	Order effective through 11:59 PM on _____ <i>month/day/year</i>	_____ SIGNATURE OF JUDGE <input type="checkbox"/> Order issued <i>ex parte</i> <input type="checkbox"/> Order issued after notice and opportunity for hearing given to defendant _____ PRINT OR STAMP JUDGE'S NAME
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NOTICE: C.C.P. Article 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 - VIOLATION OF ORDER:

PURSUANT TO LA. R.S. 14:79, A PERSON WHO VIOLATES THIS ORDER MAY BE ARRESTED, JAILED, AND PROSECUTED.

PURSUANT TO LA. R.S. 13:4611 AND LA. CH. C. ARTICLE 1571, A PERSON WHO VIOLATES THIS ORDER MAY BE PUNISHED FOR CONTEMPT OF COURT BY A FINE OF NOT MORE THAN \$1,000 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.

NOTICE TO DEFENDANT – FIREARM POSSESSION (Domestic abuse or dating violence ONLY):

AS A RESULT OF THIS ORDER, IT MAY BE UNLAWFUL FOR YOU TO POSSESS, RECEIVE, SHIP, TRANSPORT OR PURCHASE A FIREARM, INCLUDING A RIFLE, PISTOL, OR REVOLVER, OR AMMUNITION, FOR THE DURATION OF THIS ORDER PURSUANT TO STATE AND/OR FEDERAL LAWS. See below.

If you have any questions whether these laws make it illegal for you to possess or purchase a firearm or ammunition, consult an attorney.

Federal law: 18 U.S.C. 922 (g)(8) prohibits a defendant from purchasing, possessing, shipping, transporting, or receiving firearms or ammunition* for the **duration** of this order if the following conditions apply:

- Protected person(s) relationship to defendant is checked in Box **A** on page 2 of this order
- AND**
- Notice and opportunity for a hearing provided
- AND**
- **EITHER** Judicial finding of credible threat, **OR** Certain behaviors are prohibited (item 1 on page 3 of this order is initialed)

**Under 18 U.S.C. 921 the term "firearm" means (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm. The term "ammunition" means ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any firearm.*

NOTICE TO DEFENDANT – FIREARM TRANSFER AND SUSPENSION OF CONCEALED HANDGUN PERMIT (Domestic abuse or dating violence ONLY)

IF A PROTECTIVE ORDER IS ISSUED AGAINST YOU, YOU MAY BE REQUIRED TO TRANSFER ANY AND ALL FIREARMS OWNED OR POSSESSED BY YOU AND SURRENDER YOUR CONCEALED HANDGUN PERMIT. AS YOU MAY ALSO BE REQUIRED TO STATE UNDER OATH THE NUMBER OF FIREARMS YOU POSSESS, THE TYPE AND LOCATION OF EACH AND COMPLETE A FIREARMS INFORMATION FORM VERIFYING SUCH, BRING THIS INFORMATION TO THE HEARING. THE INFORMATION MAY BE REQUIRED EVEN IF YOU TRANSFERRED THE FIREARMS PRIOR TO THE TRANSFER ORDER.

Louisiana law: C.Cr.P. Art. 1001 et seq. requires the transfer of all firearms owned or possessed and the suspension of a concealed handgun permit:

- When a person is subject to a permanent injunction or a protective order pursuant to a court-approved consent agreement or pursuant to the provisions of R.S. 9:361 et seq., R.S. 9:372, R.S. 46:2136, 2151, or 2173, Children's Code Article 1570, Code of Civil Procedure Article 3607.1, or C.Cr.P. Articles 30, 320, or 871.1.
- OR**
- When a person is subject to a Uniform Abuse Prevention Order that includes terms prohibiting possession of a firearm or carrying a concealed weapon.

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

The issuing court certifies that it has jurisdiction over the parties and the subject matter under the laws of the State of Louisiana; that the defendant was given reasonable notice and an opportunity to be heard sufficient to protect the defendant's right to due process before this order was issued; or if the order was issued *ex parte*, the court 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, and in any event, within a reasonable time after the order was issued, sufficient to protect the defendant's due process rights.

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

SIGNATURE OF JUDGE

PRINT OR STAMP JUDGE'S NAME

NOTICE TO LAW ENFORCEMENT

Pursuant to La. R.S. 14:79, the crime of violation of protective orders – you shall use every reasonable means, including but not limited to immediate arrest of the violator, to enforce this order. Further, you shall at a minimum issue a summons to the person in violation.

Pursuant to La. R.S. 46:2140(A), if you have reason to believe that a family or household member or dating partner has been abused AND the abusing party is in violation of this order, you SHALL immediately arrest the abusing party.

If the expiration date of this order falls on or within five (5) days of the conclusion of a declared state of emergency, this order/injunction shall be enforced throughout that time period.

DEFENDANT WAS SERVED AT CLOSE OF HEARING.

Date _____ Clerk _____

FAXED or ELECTRONICALLY TRANSMITTED TO LOUISIANA PROTECTIVE ORDER REGISTRY

Date _____ Clerk _____

FAX COMPLETED ORDERS TO 888-568-4558

Copies to: 1) Court file 2) Petitioner/protected person(s) 3) Defendant 4) Chief Law Enforcement Official of the parish where the protected person(s) 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 _____

Name of minor defendant's (or defendant-in-reconvension's) parent or guardian: _____

OTHER NAMES USED _____

DATE OF BIRTH _____ (month/day/year) **SOCIAL SECURITY #** _____

DRIVERS LICENSE # _____ **STATE** _____ **EXP. DATE** _____

HOME ADDRESS _____

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

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

WORK ADDRESS _____

Name of employer _____

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

City _____ *State* _____ *Zip Code* _____ **DEPARTMENT** _____

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)

DEFENDANT/DEFENDANT-IN-RECONVENTION CURRENTLY INCARCERATED

Where: _____

DEFENDANT/DEFENDANT-IN-RECONVENTION CURRENTLY ON PROBATION/PAROLE

Probation or parole officer/department: _____

ANY OTHER INFORMATION WHICH MAY BE HELPFUL: _____

_____ Date

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