

FILING FOR A PROTECTIVE ORDER
(FAMILY VIOLENCE ONLY)

IN ORDER TO QUALIFY FOR FILING, YOU MUST BE A VICTIM OF DOMESTIC (FAMILY) VIOLENCE AND YOU FEAR FOR YOUR SAFETY

Under the Domestic Abuse Assistance procedure, the Clerk of Court provides forms for making application for protective orders. Protective orders are used in situations of domestic abuse. Domestic abuse includes but is not limited to physical abuse or sexual abuse, committed by one **FAMILY** or **HOUSEHOLD MEMBER** against another. You must be in a situation where you feel that your safety or well being is threatened due to the other person's abuse.

WHO QUALIFIES:

- | | |
|---|-------------------------|
| -Spouse | -Parent |
| -Former spouse | -Child |
| -A person of the opposite sex presently or formerly living in the residence as a spouse, whether married or not | -Stepparent |
| -Dating partner | -Stepchild |
| -Former dating partner | -Foster parent |
| | -Foster child |
| | -Adult child/grandchild |

IMPORTANT: IF THE PERSON YOU ARE FILING AGAINST DOES NOT FIT INTO ANY OF THE CATEGORIES ABOVE, YOU MUST SEE AN ATTORNEY TO FILE

WHERE TO FILE:

Must be one of the following:

- Parish of the household or marital domicile
- Parish where defendant resides
- Parish where abuse occurred
- Parish where petitioner resides

PROCEDURE:

It will take approximately two (2) hours to obtain the protective order. Within the protective order, there are different types of temporary restraining orders that you can request the Judge to grant you. The temporary restraining orders may be obtained on the same day the Judge signs it. This order becomes effective at the time the Judge signs it and it is filed with the Clerk of Court's office.

After the protective order has been processed, you will receive a certified copy of the Temporary Restraining Order. This order covers the specific protection that is granted to you and also states the date and time of your hearing. Keep this order with you at all times. If the defendant violates the protective order, you should call the police. You may need to show a copy of the Order to the police.

COSTS:

There is no charge for filing the Protective Order, but if you change your mind and would like to drop it, you will need to appear on your court date and ask the Hearing Office to dismiss your

case. Also, if you dismiss your case, you may be responsible for court costs.

SERVICE:

You must provide a service address where the Sheriff can serve the defendant. The Sheriff will serve the defendant with a copy of the Temporary Restraining Order. This order will also include notification of the hearing date. The defendant must be served before a hearing can take place. Service gives the defendant the opportunity to appear at the hearing.

COURT APPEARANCE:

- The Temporary Restraining Orders remain in effect until the court appearance/hearing date. You must appear in open court whether or not service has been made on the defendant. If you fail to appear on your assigned court date, your case will be dismissed by the Court and you may be required to pay court costs.
- If service has not been made on the defendant by the court date, you must appear in open court and the Court will grant you an extension of your Temporary Restraining Order until the defendant can be served. If you have a new address for the defendant, please provide that information to the Court at that time so that the Clerk's Office can reattempt service.
- At the hearing, you will need to explain to the Court or present evidence of your abusive situation. At the hearing, the Court will determine whether or not a Protective Order will be granted that will extend your protection for up to 18 months. If you have any police or medical documentation in reference to the abuse, bring this to the hearing.
- At the hearing, a Hearing Officer will conduct the hearing and make a recommendation for the Judge. If neither party objects to the recommendation, a Judge will sign the order and make it a judgment of the Court. If either party objects to the recommendation, an exception to the ruling may be filed and a hearing by a Judge will follow. The Judge will then render a judgment.
- For other relief (child support, custody, division of property, etc.) you will need to obtain private counsel for legal advice.
- A copy of the Protective Order Judgment will be mailed to you.

**NOTICE TO ALL PERSONS APPLYING FOR A
PROTECTIVE ORDER:**

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

- _____ 1) By filing a petition for a protective order, you are making a serious accusation to the court about the behavior and circumstances of another person.
- _____ 2) 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.
- _____ 3) 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.
- _____ 4) After filing this petition, the court may grant your request for a protective order. If a protective order is granted, you will be required to come to court and prove all of the accusations made in your petition.
- _____ 5) 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.
- _____ 6) If you cannot prove the accusations you have made, the protective order will be dismissed.
- _____ 7) 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 for, applicant certified that she/he has read and understands the foregoing statements.

Signature of Applicant

PETITIONER

V.

DEFENDANT

COURT: 26th Judicial District Court

PARISH OF BOSSIER

STATE OF LOUISIANA

DIVISION: _____ NUMBER _____

FILED: _____ CLERK: _____

PETITION FOR PROTECTION FROM ABUSE

Pursuant to La. R.S. 46:2131 et seq. or La. R.S. 46:2151

The petition of _____, born ____ / ____ a resident
of the State of Louisiana, respectfully represents:

Paragraph 1

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:

Name:

Date of Birth:

Relationship to Petitioner:

Paragraph 2

a. _____ Petitioner requests that his/her address, or that of the minor child(ren) or alleged incompetent, remain confidential to the court and file 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:

No. & Street

Apt. No.

City

State

Zip Code

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

No. & Street

Apt. No.

City

State

Zip Code

Paragraph 3

Abuser's Name, defendant, resides in _____ Parish at

No. & Street

Apt. No.

City

State

Zip Code

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

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

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

Paragraph 6

- A suit for divorce between the parties is not pending.
 - A suit for divorce between the parties is pending.
- (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.)*
- There is a suit for custody pending involving children named in this petition (fill out page 7 of this form "Addendum").
 - There is a custody order in effect involving children named in this petition (fill out page 7 of this form "Addendum", or attach a copy of the order if available).

Paragraph 7

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

Paragraph 8

a. Defendant abused protected person(s) in the following manner:

- Slapped protected person(s)
- Punched protected person(s)
- Choked protected person(s)
- Shoved protected person(s)
- Kicked protected person(s)
- Stalked protected person(s)
- Threatened protected person(s) with bodily harm
- Threatened protected person(s)' life
- Threatened protected person(s) with a weapon
- Abused petitioner's child(ren) or alleged incompetent
- Other _____

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:

Employment/school	Address	City	State	Zip Code
Employment/school	Address	City	State	Zip Code

e. ___ granting 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 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 the defendant and petitioner or protected person(s).

___ jointly leased by the defendant and petitioner or protected person(s).

___ solely leased by defendant who has a duty to support petitioner or protected person(s).

(NOTE: If solely owned by defendant AND petitioner is awarded custody of child(ren) of the parties, check appropriate item in Paragraph 10.)

___ solely owned or leased by petitioner or protected person(s).

Presently occupied by _____

f. ___ 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)

g. ___ granting petitioner or protected person(s) the use and possession of the following property jointly or solely owned or leased by petitioner or protected person(s).
(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 jointly owned or leased, except in the normal course of business or necessary for the support of the petitioner and/or child(ren).

i. ___ awarding the temporary custody of the minor child(ren) or alleged incompetent,

to petitioner; the minor child(ren) or alleged 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) or alleged incompetent mentioned above is/are currently and to effect petitioner obtaining physical custody of said child(ren) or alleged incompetent.

k. ___ prohibiting defendant from interfering with the custody of the minor child(ren) or alleged incompetent.

- 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.
- _____ to vacate the residence or household, thereby granting petitioner possession thereof.
- _____ 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 Bossier

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 Benton, Louisiana.

NOTARY PUBLIC

LOUISIANA DOMESTIC VIOLENCE PREVENTION ORDER

Order of Protection

- T.R.O.
- P.O./Preliminary or Permanent Injunction
- Modified P.O./Preliminary or Permanent Injunction

Case No.

Court: 26th Judicial District Court

City/Parish: State:

Benton / Bossier Louisiana

PETITIONER

First Maiden/Middle Last

PETITIONER IDENTIFIERS

Date of Birth

Petitioner seeks protection for: self other(s) List other(s) name & date of birth:

V.

DEFENDANT

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

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

DEFENDANT IDENTIFIERS

SEX	RACE	DOB	HT	WT
EYES	HAIR	SOCIAL SECURITY #		
DRIVERS LICENSE #		STATE	EXP DATE	

Defendant's Address:

THE COURT HEREBY FINDS:

That it has jurisdiction over the parties and the 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 below.

THE COURT HEREBY ORDERS:

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

The terms of this order shall be effective until (mm/dd/yy)

WARNINGS TO DEFENDANT:

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). Crossing state, territorial, or tribal boundaries to violate this order may result in federal imprisonment (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 last page of this order.

Only the court can change this order.

LOUISIANA UNIFORM ABUSE PREVENTION ORDER

COURT NAME AND PARISH/CITY: 26 Judicial District Court Bossier Parish / Benton DIVISION: DOCKET NO.: FILED: CLERK:

TEMPORARY RESTRAINING ORDER

Pursuant to: [] La. R.S. 46:2131, et seq. [] La. R.S. 46:2151 [] La. Ch. C. Art. 1564, et seq.

PETITIONER'S NAME: First Maiden/Middle Last Date of Birth Sex: Race: On behalf of (name, date of birth, and relationship to petitioner):

V.

DEFENDANT'S NAME: Alias: Date of Birth Sex: Race: Address: Social Security #: Dr. Lic. #: State: Exp.

- The protected person(s) is related to the defendant as: [] current or former spouse [] current or former dating partner [] current or former intimate cohabitant [] parent, stepparent, or foster parent [] child, stepchild, or foster child [] grandparent or grandchild [] child of defendant's current or former intimate partner [] other:

[] The protected person and defendant have a child(ren) in common.

IT IS ORDERED THAT 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 HIS/HER 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)

- [] 1. THE DEFENDANT IS ORDERED NOT TO abuse, harass, stalk, follow, or threaten the protected person(s) 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. [] 2. THE DEFENDANT IS ORDERED NOT TO contact the protected person(s), personally, electronically, by phone, in writing, or through a third party, without the express written permission of this court. [] 3. 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) located at:

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

DOCKET No. _____

4. THE DEFENDANT IS ORDERED TO STAY AWAY from the protected person(s) place of employment/school and to not interfere in any manner with such employment/school located at:

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

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

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

_____ 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.

6. THE COURT GRANTS THE PETITIONER or protected person(s) the use and possession of the following property:

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

8. THE COURT PROHIBITS EITHER PARTY from transferring, encumbering, or otherwise disposing of property jointly 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).

9. THE DEFENDANT IS ORDERED 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).

10. THE COURT GRANTS TEMPORARY CUSTODY of the following child(ren) or alleged incompetent to the petitioner: *(name, date of birth, relationship to petitioner)*

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

12. THE DEFENDANT IS ORDERED NOT TO interfere with the physical custody of the minor child(ren) or alleged incompetent.

13. THE COURT WILL allow _____ to return to the residence at a date and time 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.

DOCKET No. _____

NOTICE TO DEFENDANT:

PURSUANT TO LA. R.S. 14:79, A PERSON WHO VIOLATES THIS ORDER 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 [e][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, IF THE PROTECTED PERSON(S) IS RELATED TO THE DEFENDANT AS A CURRENT OR FORMER SPOUSE, CURRENT OR FORMER COHABITING INTIMATE PARTNER, DEFENDANT'S CURRENT OR FORMER INTIMATE PARTNER.

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

DEFENDANT WAS SERVED AT CLOSE OF HEARING

Date _____ Clerk _____

FAXED 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

PETITIONER: _____ SUITE # _____
HOME # _____ WORK # _____ CELL # _____

INFORMATION FOR SERVICE

Please provide as much information as possible. This information will help Law Enforcement locate defendant to serve a copy of the Petition and Temporary Restraining Order. The following information is needed on the Defendant.

DEFENDANT: _____ ALIAS: _____
DATE OF BIRTH _____ SOCIAL SECURITY # _____
TEL. # _____ CELL # _____

EMPLOYER: _____
WORK ADDRESS _____
DEPT. _____
TEL. # _____ WORK DAYS/HRS _____

PHYSICAL DESCRIPTION:
EYE COLOR _____ HAIR COLOR _____ HEIGHT _____ WEIGHT _____
SCARS/TATTOOS, FACIAL HAIR, ETC. _____

DRIVER VEHICLE:
YEAR _____ MAKE _____ MODEL _____ COLOR _____

QUESTIONS THE DEFENDANT:
HAS A HISTORY OF VIOLENCE TOWARDS OTHERS (OTHER THAN VICTIM)? _____
HAS A HISTORY OF USING/ABUSING DRUGS OR ALCOHOL? _____
CARRIES A WEAPON? _____ WHAT KIND? _____
OTHER PLACES & TIMES SHE/HE MAY BE FOUND: (Friends, relatives, hangouts)

IS DEFENDANT CURRENTLY INCARCERATED? _____ WHERE? _____

IS DEFENDANT CURRENTLY ON PROBATION? _____ DEPT? _____

ANY OTHER INFORMATION WHICH MAY BE HELPFUL? _____

Signature _____
Petitioner's Signature _____