

PETITIONER-IN-RECONVENTION

V.

DEFENDANT-IN-RECONVENTION

Parent/Guardian name if defendant-in-reconvention is a minor

COURT

PARISH/CITY OF

STATE OF LOUISIANA

DIVISION: NUMBER:

FILED: CLERK:

PETITION FOR PROTECTION FROM ABUSE, In-reconvention

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

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-in-reconvention files this petition on behalf of:

- a. _____ Petitioner-in-reconvention, and/or

b. _____ Minor child(ren) as follows: (Name, Date of Birth, Relationship to Petitioner-in-reconvention)

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

Paragraph 2

- a. _____ Petitioner-in-reconvention 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-in-reconvention's current address:

No. & StreetApt. No.

CityStateZip Code

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

No. & StreetApt. No.

CityStateZip Code

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

- e. _____ Petitioner-in-convention requests criminal history record from sheriff for:
- ☐ defendant-in-reconvention
- ☐ witness(es) (see information on Addendum, page 8)

Paragraph 3

_____, defendant-in-reconvention, resides in _____ Parish at

Abuser's Name

No. & Street	Apt. No.	City	State	Zip Code
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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-in-reconvention resides or is domiciled in _____ Parish.
- _____ The abuse occurred in _____ Parish.
- _____ The protected person(s) 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-in-reconvention as: *(check all that apply)*

- | | |
|---|--|
| _____ 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 other ascendant |
| _____ Child of defendant-in-reconvention's current or former intimate partner | _____ Grandchild or other descendant |
| _____ Child currently or formerly living with defendant | |

Paragraph 6

- _____ A suit for divorce between the parties **is not** pending.
- _____ A suit for divorce between the parties **is** pending (fill out page 8 of this form, "Addendum")
- _____ There is a suit for custody pending involving children named in this petition (fill out page 8 of this form, "Addendum").
- _____ There is a custody order in effect involving children named in this petition (fill out page 8 of this form, "Addendum", or attach a copy of the order if available).

Paragraph 7

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

Paragraph 8

- a. Defendant-in-reconvention abused protected person(s) in the following manner:
- | | |
|-----------------------------------|--|
| _____ Slapped protected person(s) | _____ Threatened protected person(s) with bodily harm |
| _____ Punched protected person(s) | _____ Threatened protected person(s)' life |
| _____ Choked protected person(s) | _____ Threatened protected person(s) with a weapon |
| _____ Shoved protected person(s) | _____ Sexually abused protected person(s) |
| _____ Kicked protected person(s) | _____ Abused petitioner-n-reconvention's child(ren) or alleged incompetent |
| _____ Stalked protected person(s) | _____ Abused or threatened to abuse pets or other animals |
| _____ Other: _____ | |

b. The facts and circumstances of this abuse are as follows:

The most recent incident of abuse which caused petitioner-in-reconviction to file this petition happened on or about _____ (month/day/year), at which time the defendant-in-reconviction did:

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and extend across the width of the page. There are no margins, text, or other markings on the paper.

Past incidents: _____

[illegible]

Paragraph 9

Because of the immediate and present danger of abuse, petitioner-in-reconvention requests that an *ex parte* Temporary Restraining Order be issued immediately without bond:

- _____ a. prohibiting defendant-in-reconviction 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-in-reconviction 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 without the express written permission of this court.
- _____ c. prohibiting defendant-in-reconviction from going 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
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_____ d. ordering the defendant-in-reconvencion 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>
<i>Employment/School</i>	<i>Address</i>	<i>City</i>	<i>State</i>	<i>Zip Code</i>

_____ e. ordering the defendant-in-reconvencion 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-in-reconvencion 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-in-reconvencion by **evicting** defendant-in-reconvencion and ordering the defendant-in-reconvencion to surrender any keys to that residence to the petitioner-in-reconvencion, and ordering _____ (Sheriff's office) to **evict** the defendant-in-reconvencion.

Said residence is:

- _____ jointly owned by defendant-in-reconvencion and petitioner-in-reconvencion or protected person(s).
- _____ jointly leased by defendant-in-reconvencion and petitioner-in-reconvencion or protected person(s).
- _____ solely leased by defendant who has a duty to support petitioner-in-reconvencion or protected person(s).
(NOTE: If solely owned by defendant-in-reconvencion AND petitioner-in-reconvencion is awarded custody of child(ren) of the parties, check appropriate item in Paragraph 10.
- _____ solely owned or leased by petitioner-in-reconvencion or protected person(s).

Presently occupied by _____.

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

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

for the following reasons: _____

And ordering _____ (Sheriff's office) to accompany petitioner-in-reconvencion to where the above listed property is located to allow petitioner-in-reconvencion to take possession.

_____ 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-in-reconvencion and/or the minor child(ren) or alleged incompetent.

- _____ i. allowing _____ to return to the residence at a date and time to be agreed upon by petitioner-in-reconvention 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.
- _____ j. ordering a representative of _____ (Sheriff's office) to accompany _____ to the family residence to recover her/his personal clothing and necessities.
- _____ k. awarding the temporary custody of the minor child(ren) or alleged incompetent,

_____ to petitioner-in-reconvention; the minor child(ren) or alleged incompetent is currently in the physical custody of _____
- _____ l. ordering a representative of _____ (Sheriff's office) to accompany petitioner-in-reconvention to where the minor child(ren) or alleged incompetent mentioned above is/are currently and to effect petitioner-in-reconvention obtaining physical custody of said child(ren) or alleged incompetent.
- _____ m. prohibiting defendant-in-reconvention from interfering with the custody of the minor child(ren) or alleged incompetent.

Paragraph 10

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

- _____ to pay petitioner-in-reconvention a reasonable amount of child support in accordance with Louisiana Law.
 _____ to pay petitioner-in-reconvention a reasonable amount of spousal support (alimony).
 _____ to seek professional counseling or complete a court-monitored domestic abuse intervention program.
 _____ to submit to a medical evaluation and/or a mental health evaluation
 _____ 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-in-reconvention, minor child(ren), and/or alleged
 incompetent, necessitated by the domestic abuse or dating violence.
 _____ to vacate the residence or household, thereby granting petitioner-in-reconvention possession thereof.
 _____ other:

PRAYER

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

- _____ orders appointing an interpreter be granted *ex parte*.
 _____ orders authorizing criminal history records be granted *ex parte*.
 _____ orders requested in Paragraph 9 be granted *ex parte*.
 _____ a rule issue to show cause why protective orders as requested in Paragraph 10 should not be granted.
 _____ defendant-in-reconvention be cast with costs.
 _____ defendant-in-reconvention 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-RECONVENTION, IN PROPER PERSON

ATTORNEY Signature

Print Name

La. Bar Roll No.

Phone No.

Physical Address

Alternate Address (for service)

PLEASE SERVE DEFENDANT-IN-RECONVENTION: _____

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

Petitioner-in-reconvention 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 ten thousand dollars (\$10,000.00), or by imprisonment, with or without hard labor, for not more than five (5) years, or both.

PETITIONER-IN-RECONVENTION

SWORN TO AND SUBSCRIBED before me, Notary Public, on _____ (month/day/year),
at _____, Louisiana.

NOTARY PUBLIC

ADDENDUM

Fill out the following ONLY if requesting an order for witness criminal history records in Paragraph 2 on page1 of this petition:

Identifying information for witness criminal history record:

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

*optional

Fill out the following ONLY if directed to do so in Paragraph 6 on page 2 of this petition:

Divorce suit pending between parties:

Suit Name: _____

Suit Number:_____ Division: _____

Court: _____

Date of last hearing: _____ Date of next hearing:_____

Custody suit pending involving children named in this petition:

Suit Name: _____

Suit Number:_____ Division: _____

Court: _____

Involving children (names): _____

Date of last hearing: _____ Date of next hearing:_____

Custody order in effect involving children named in this petition (attach copy if available):

Suit Name: _____

Suit Number:_____ Division: _____

Court: _____

Involving children (names): _____

Custody terms/assignment: _____

Date Order Signed by Court: _____