_____ _____ COURT

PETITIONER

PARISH/CITY OF _____

V.

STATE OF LOUISIANA

_____

DIVISION: _____ NUMBER: _____

DEFENDANT

FILED: _____ CLERK: _____

_____

Parent/Guardian name if defendant is a minor

PETITION FOR PROTECTION FROM ABUSE

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/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:

_____

No. & Street *Apt. No.*

_____

City *State* *Zip Code*

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

_____

No. & Street *Apt. No.*

_____

City *State* *Zip Code*

Paragraph 3: Special Requests

a.____ Petitioner requests interpreter service, for:

☐ self/protected person, in following language: _____

☐ witness(es), in following language: _____

b.___ Petitioner requests criminal history record from sheriff for:

☐ defendant
☐ witness(es) (see information on Addendum, page 8)

Paragraph 4: Defendant Address

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

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

Paragraph 5: Venue

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 protected person(s) resides or is domiciled in _____ Parish.
(Do not fill this out if address is to remain confidential.)

Paragraph 6: Relationship

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

___ Current or former spouse
___ Current or former intimate cohabitant
___ Child, stepchild, or foster child
___ Child of defendant's current or former intimate partner
___ Child currently or formerly living with defendant
___ Current or former dating partner
___ Parent, stepparent, or foster parent
___ Grandparent or other ascendant
___ Grandchild or other descendant

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

Paragraph 7: Related legal action

___ 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")
NOTE: If you were NOT the petitioner in the divorce suit, instead use form LPOR B-R entitled "Petition for Protection From Abuse, (Filed by the Defendant in the Pending Action as Petitioner-in-reconvention)".

___ 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 8: Description of abuse

NOTE: Underlined items in (a) and all items in (b) below are indicators of increased potential for lethality.

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

___ Slapped protected person(s)
___ Punched protected person(s)
___ Choked/strangled protected person(s)
___ Shoved protected person(s)
___ Kicked protected person(s)
___ Stalked protected person(s)
___ Physically abused protected person while pregnant
___ Threatened protected person(s) with bodily harm
___ Threatened protected person(s)' life
___ Threatened protected person(s) with a weapon
___ Sexually abused protected person(s)
___ Abused petitioner's child(ren) or alleged incompetent
___ Abused or threatened to abuse pets or other animals
___ Other: _____

b. Other indicators of potential danger to protected person:

___ Abuse has happened more often over the past year.

___ Abuse has been more severe over the past year

___ Protected person has left during the past year

___ The defendant owns/possesses firearm(s).

___ The defendant has threatened/attempted suicide

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

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

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

Past incidents: _____

_____

_____

_____

_____

_____

_____

_____

_____

Paragraph 9: Requests for relief

Because of the immediate and present danger of abuse, 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 without the express written permission of this court.

____ 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:

_____

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

____ 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. 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:

_____

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

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 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 _____.

____ 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: _____

_____

_____

And ordering _____ (Sheriff's office) to accompany petitioner to where the above listed property is located to allow petitioner 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 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 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; 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 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.

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

Paragraph 10: Other Requests

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 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, minor child(ren), and/or alleged incompetent, necessitated by the domestic abuse or dating violence.
___ to vacate the residence or household, thereby granting petitioner possession thereof.
___ other: _____.

PRAYER

WHEREFORE, petitioner 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 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

_____ _____ _____

ATTORNEY Signature | Print Name | La. Bar Roll No.

_____ _____

Phone No. | Physical Address

_____

Alternate Address (for service)

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

_____ OR _____

_____ _____

_____ _____

AFFIRMATION

STATE OF LOUISIANA

PARISH OF _____

I am the petitioner in this Petition for Protection from 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 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 7 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: _____

LOUISIANA UNIFORM ABUSE PREVENTION ORDER

Order of Protection **Temporary Restraining Order** ☐ **Initial Order** ☐ **Modified/Amended Order**	Docket No. _____ Court: _____ Div._____ City/Parish: _____ State: **LOUISIANA** 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

_____ _____ _____
EYES HAIR SOCIAL SECURITY #

_____ _____ _____
DRIVER'S LICENSE # STATE EXP DATE

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 (18 U.S.C. Section 922[g][8]). See further notice on page 6 of this Order.

ONLY THE COURT CAN CHANGE THIS ORDER.

Docket No. _____

LOUISIANA UNIFORM ABUSE PREVENTION ORDER

TEMPORARY RESTRAINING ORDER

Pursuant to:

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

PETITIONER _____ **Protected person is:** ☐ **Petitioner** ☐ **other(s)**

V.

DEFENDANT _____

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

A
- ☐ 1. current or former spouse
- ☐ 2. current or former intimate cohabitant
- ☐ 3. child, stepchild, or foster child
- ☐ 4. child of defendant's current or former intimate partner
- ☐ 5. protected person and defendant have a child(ren) in common

B
- ☐ 1. current or former dating partner
- ☐ 2. parent, stepparent, or foster parent
- ☐ 3. grandparent or other ascendant
- ☐ 4. grandchild or other descendant
- ☐ 5. child currently or formerly living with defendant

C ***Select ONLY if R.S. 46:2171 or 46:2181 is marked above***
- ☐ 1. stranger/no relationship
- ☐ 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 ☐ **The court orders interpreter services**	☐ **The court orders the sheriff to provide criminal history records of defendant and/or witnesses**

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

Docket No. _____

DOMESTIC ABUSE, DATING VIOLENCE, STALKING OR SEXUAL ASSAULT

ONLY ORDERS INITIALED BY A JUDGE, HEARING OFFICER, OR COMMISSIONER 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*

_____ ☐ 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).

_____ ☐ /. THE COURT GRANTS THE PETITIONER or protected person(s) 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.

_____ (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 including but not limited to telephones/other communication equipment, computers, medications, clothing, toiletries, social security cards, birth certificates/other forms of identification, tools of the trade, checkbooks, keys, automobiles, photographs, jewelry, or any other items or personal effects of protected person:
_____
_____
_____
_____
_____
_____
_____
_____

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

_____ ☐10. 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).

_____ ☐11. 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.

_____ ☐12. THE COURT ORDERS a representative of _____ (Sheriff's office) to accompany _____ to the residence located at _____ to recover her/his personal clothing and necessities.

DOMESTIC ABUSE, DATING VIOLENCE ONLY

ONLY ORDERS INITIALED BY A JUDGE, HEARING OFFICER, OR COMMISSIONER SHALL APPLY

_____☐13. THE COURT GRANTS TEMPORARY CUSTODY of the following child(ren) or alleged incompetent to the petitioner: *(name, date of birth, and relationship to petitioner)*

_____

_____

_____☐14. THE COURT ORDERS a representative of _____ (Sheriff's office) 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.

_____☐15. THE DEFENDANT IS ORDERED NOT TO interfere with the physical custody of the minor child(ren) or alleged incompetent.

_____☐16. THE DEFENDANT IS ORDERED TO show cause on the below hearing date why s/he should not be evicted from the solely owned residence or household and the petitioner granted possession.

_____☐17. THE DEFENDANT IS ORDERED 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.**

STALKING, SEXUAL ASSAULT ONLY

ONLY ORDERS INITIALED BY A JUDGE, HEARING OFFICER, OR COMMISSIONER SHALL APPLY

_____☐18. THE DEFENDANT IS ORDERED NOT TO contact family members or acquaintances of the protected person(s).

DOMESTIC ABUSE, DATING VIOLENCE, STALKING OR SEXUAL ASSAULT

ONLY ORDERS INITIALED BY A JUDGE, HEARING OFFICER, OR COMMISSIONER SHALL APPLY

_____☐19. THE DEFENDANT IS ORDERED TO show cause on the below hearing date why s/he should not be ordered to pay the following:

☐ all court costs ☐ attorney fees

☐ evaluation fees ☐ expert witness fees

☐ cost of medical and/or psychological care for the petitioner-in-reconvention, the minor child(ren), alleged incompetent, and/or other protected person(s) necessitated by the domestic abuse, dating violence, stalking or sexual assault.

_____☐20. THE DEFENDANT IS ORDERED TO show cause on the below hearing date why s/he should not be ordered to seek professional counseling, complete a court-monitored domestic abuse intervention program, submit to a medical evaluation and/or submit to a mental health evaluation.

Docket No. _____

____ ☐ 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.

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

This Order meets all requirements of the Violence Against Women Act (VAWA)**18 U.S.C. Section 2265**. This court has jurisdiction over the parties and the subject matter under the laws of the State of Louisiana; 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.

Date of Order	**Time of Order**	**Order effective through 11:59 PM on**	**JUDGE / HEARING OFFICER / COMMISSIONER:**
_____ *month/day/year*	_____ ☐AM ☐PM	_____ *month/day/year*	_____ **SIGNATURE** ☐ Order issued *ex parte* ☐ Order issued after notice and opportunity for hearing given to defendant _____ **PRINT OR STAMP NAME**

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.

Docket No. _____

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

IF A PROTECTIVE ORDER IS ISSUED AGAINST YOU, 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 THE PROTECTIVE 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 a protective 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.

NOTICE TO LAW ENFORCEMENT

Pursuant to La. R.S. 14:79 - the crime of violation of protective orders – you shall use every reasonable means to enforce this order. La. Code of Criminal Procedure Article 211 provides that when you have reasonable grounds to believe a person committed the offense of domestic abuse battery, battery of a dating partner, violation of protective orders, stalking, or any other offense involving the use or threatened use of force or a deadly weapon upon the defendant's family member, household member, or dating partner, the officer shall make a CUSTODIAL arrest.

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 _____

COMPLETED ORDERS FAXED to 888-568-4558 or EMAILED to lporders@lasc.org

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

_____ PETITIONER

V.

_____ DEFENDANT

_____ Parent/Guardian name if defendant is a minor

_____ COURT

PARISH/CITY OF _____

STATE OF LOUISIANA

DIVISION: _____ NUMBER: _____

FILE: _____ CLERK: _____

RULE TO SHOW CAUSE

Why Protective Order Should Not Issue, Pursuant to:

La. R.S. 46:2131 et seq., La. R.S. 46:2151, La. Ch. C. Article 1564 et seq., La. R.S. 46:2171 et seq., or La. R.S. 46:2181 et seq.

___ ☐ IT IS 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 following relief requested by petitioner should not be made protective orders:

DOMESTIC ABUSE, DATING VIOLENCE, STALKING OR SEXUAL ASSAULT

☐ 1. WHY THE DEFENDANT SHOULD NOT BE ORDERED NOT TO abuse, harass, assault, stalk, follow, track, monitor or threaten the protected person(s) in any manner whatsoever. Why this prohibition should not include the use, attempted use, or threatened use of physical force that would reasonably be expected to cause bodily injury.

☐ 2. WHY THE DEFENDANT SHOULD NOT BE 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. WHY THE DEFENDANT SHOULD NOT BE ORDERED NOT TO go within _____ *(distance)* of the protected person(s), without the express written permission of this court.
Exceptions (if any): _____

_____

☐ 4. WHY THE DEFENDANT SHOULD NOT BE 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*

☐ 5. WHY THE DEFENDANT SHOULD NOT BE ORDERED 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*

☐ 6. WHY THE DEFENDANT SHOULD NOT BE 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).

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☐ 7. WHY THE COURT SHOULD NOT GRANT THE PETITIONER or protected person(s) the use of the residence located at:

_____

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

to the exclusion of defendant by **evicting** defendant. Why the Court should not order the defendant to surrender any keys to that residence to the petitioner.

☐ 8. WHY THE COURT SHOULD NOT GRANT 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:

_____

_____

_____

_____

_____

_____

_____

_____

_____

and why the court should not order _____ (Sheriff's office) to accompany petitioner to where the afore-mentioned property is located to allow petitioner to take possession.

☐ 9. WHY THE COURT SHOULD NOT PROHIBIT 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, the minor child(ren) and/or alleged incompetent.

☐ 10. WHY THE COURT SHOULD NOT 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, only if s/he is accompanied by a law enforcement officer to ensure the protection and safety of the parties. NO FORCED ENTRY ALLOWED.

☐ 11. WHY THE COURT SHOULD NOT ORDER a representative of _____ (Sheriff's office)

to accompany _____ to the residence located at _____

to recover her/his personal clothing and necessities.

☐ 12. WHY THE COURT SHOULD NOT ORDER THE DEFENDANT to pay:

- ☐ all court costs
- ☐ attorney fees
- ☐ evaluation fees
- ☐ expert witness fees
- ☐ cost of medical and/or psychological care for the petitioner, minor child(ren),and/or alleged ncompetent, necessitated by the domestic abuse, dating violence, stalking or sexual assault.

☐ 13. WHY THE COURT SHOULD NOT ORDER THE DEFENDANT to seek professional counseling and/or complete a court-monitored domestic abuse intervention program, submit to a medical evaluation and/or submit to a mental health evaluation.

DOMESTIC ABUSE, DATING VIOLENCE ONLY

☐ 14. WHY THE COURT SHOULD NOT GRANT TEMPORARY CUSTODY of the following minor child(ren) or alleged incompetent to the petitioner: *(name, date of birth, and relationship to petitioner)*

_____

_____

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☐15. WHY THE COURT SHOULD NOT ORDER a representative of _____ (Sheriff's office) 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.

☐16. WHY THE DEFENDANT SHOULD NOT BE ORDERED NOT TO interfere with the physical custody of the minor child(ren) or alleged incompetent.

☐17. WHY THE COURT SHOULD NOT ORDER THE DEFENDANT to pay child support and/or spousal support (alimony) pursuant to Louisiana law.

STALKING, SEXUAL ASSAULT ONLY

☐18. WHY THE COURT SHOULD NOT ORDER THE DEFENDANT NOT TO contact family members or acquaintances of the protected person(s).

DOMESTIC ABUSE, DATING VIOLENCE, STALKING OR SEXUAL ASSAULT

☐19. Other: _____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____ ☐ 20. **THE COURT HEREBY ORDERS THE DEFENDANT** to produce at the hearing: most recent income tax returns AND pay stubs and/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.

Date of Order	_____ **SIGNATURE OF JUDGE**
_____ *month/day/year*	_____ **PRINT OR STAMP JUDGE'S NAME**

NOTICE TO DEFENDANT – FIREARM <u>POSSESSION</u>
(*Domestic abuse or dating violence ONLY*):

IF A PROTECTIVE ORDER IS ISSUED AGAINST YOU, 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.

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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.