

-----FOR LPOR USE ONLY-----

PNO# _____

Date Entered: _____

Initials: _____ Verified by: _____

LOUISIANA UNIFORM ABUSE PREVENTION ORDER

Order of Protection

- Protective Order
- Modified** Protective Order

Docket No. _____

Court: _____ Div.: _____

City/Parish _____ State **Louisiana**

Filed: _____ Clerk: _____

PETITIONER

First Middle/Maiden Last

PETITIONER IDENTIFIERS

Date of birth

Race

Sex: F

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	

FOR JUDGE ONLY

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.

This order shall be effective through 11:59 PM on _____ (month/day/year)

NOTE: Some provisions of this order MAY NOT EXPIRE. See paragraphs 1-5.

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 pages 6-7 of this Order.

ONLY THE COURT CAN CHANGE THIS ORDER.

Docket No. _____

LOUISIANA UNIFORM ABUSE PREVENTION ORDER

PROTECTIVE 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)		
<input type="checkbox"/> Court Approved Consent Agreement		

PETITIONER _____ Protected person is: Petitioner other(s)

V.

DEFENDANT _____

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

<p>A</p> <input type="checkbox"/> 1. current or former spouse <input type="checkbox"/> 2. current or former intimate cohabitant <input type="checkbox"/> 3. child, stepchild, or foster child <input type="checkbox"/> 4. child of defendant's current or former intimate partner <input type="checkbox"/> 5. protected person and defendant have a child(ren) in common	<p>B</p> <input type="checkbox"/> 1. current or former dating partner <input type="checkbox"/> 2. parent, stepparent, or foster parent <input type="checkbox"/> 3. grandparent <input type="checkbox"/> 4. grandchild	<p>C <i>Select ONLY if statute 46:2171 or 46:2181 is marked above</i></p> <input type="checkbox"/> 1. stranger/no relationship <input type="checkbox"/> 2. acquaintance/co-worker/neighbor or other: _____
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D THIS ORDER WAS ISSUED AFTER ACTUAL NOTICE AND AN OPPORTUNITY TO PARTICIPATE IN A HEARING WAS PROVIDED TO THE DEFENDANT. THUS, THE COURT ISSUES THE FOLLOWING ORDERS:

ONLY ORDERS CHECKED AND INITIALED BY A JUDGE SHALL APPLY

E THE COURT FINDS THAT THE DEFENDANT REPRESENTS A CREDIBLE THREAT TO THE PHYSICAL SAFETY OF A FAMILY MEMBER, HOUSEHOLD MEMBER, OR DATING PARTNER. THEREFORE, PURSUANT TO R.S. 46:2136.3, THE DEFENDANT IS PROHIBITED FROM POSSESSING A FIREARM FOR THE DURATION OF THIS ORDER.

F THE DEFENDANT IS HEREBY ORDERED TO TRANSFER ANY AND ALL FIREARMS OWNED OR POSSESSED; ANY CONCEALED HANDGUN PERMIT IS HEREBY SUSPENDED, PURSUANT TO LA. C.CR.P. ARTICLE 1001 ET SEQ. See timeframes and details on page 7 of this Order.

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

FOR JUDGE ONLY

Docket. No. _____

FOR JUDGE ONLY

___ 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.

___ 13. THE DEFENDANT IS ORDERED TO pay:
 all court costs, payable to _____
_____ no later than _____ (date)

attorney fees, payable to _____
_____ in amt. of \$ _____ no later than _____ (date)

evaluation fees, payable to _____
_____ in amt. of \$ _____ no later than _____ (date)

expert witness fees, payable to _____
_____ in amt. of \$ _____ no later than _____ (date)

cost of medical and/or psychological care for the petitioner, the minor child(ren), and/or alleged incompetent, necessitated by the domestic abuse, dating violence, stalking or sexual assault : _____

___ 14. THE DEFENDANT IS ORDERED TO seek professional counseling and/or complete a court-monitored domestic abuse intervention program.

___ 15. THE DEFENDANT IS ORDERED TO submit to a:
 medical evaluation, no later than _____ (date) _____

AND/OR

mental health evaluation, no later than _____ (date) _____

DOMESTIC ABUSE, DATING VIOLENCE ONLY
ONLY ORDERS CHECKED AND INITIALED BY A JUDGE SHALL APPLY

___ 16. THE COURT GRANTS TEMPORARY CUSTODY of the following child(ren) or alleged incompetent to the petitioner: *(name, date of birth, and relationship to petitioner)*

___ 17. 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.

Docket No. _____

FOR JUDGE ONLY

___ 18. THE COURT GRANTS THE DEFENDANT

unsupervised **supervised** visitation with minor child(ren) or alleged incompetent as follows:

The supervising person shall be: _____

(NOTICE: La. R.S. 9:362(6) - The supervising person shall not be any relative, friend, therapist, or associate of the parent perpetrating family violence.)

Supervised visitation between the defendant and the child(ren) shall occur in the immediate presence of the supervising person under conditions which shall prevent any physical abuse, threat, intimidation, abduction, or humiliation of either the petitioner or the child(ren).

Exchange of child(ren) or alleged incompetent is to be effected as follows:

___ 19. THE DEFENDANT IS PROHIBITED FROM removing the child(ren) from the jurisdiction of the court except for good cause shown and with the prior approval of the court.

___ 20. THE DEFENDANT IS ORDERED NOT TO interfere with the physical custody of the minor child(ren) or alleged incompetent.

___ 21. THE DEFENDANT IS ORDERED TO pay support for:

the petitioner at the rate of \$ _____ per week month other: _____
beginning _____ (date)

the child(ren) at the rate of \$ _____ per week month other: _____
beginning _____ (date), made payable directly to the petitioner

other: _____

Payment by mail to:

OR By direct deposit to:

No. & Street

Apt. No.

City

State Zip Code

Name of bank

STALKING, SEXUAL ASSAULT ONLY
ONLY ORDERS CHECKED AND INITIALED BY A JUDGE SHALL APPLY

___ 22. THE DEFENDANT IS ORDERED NOT TO contact family members or acquaintances of the protected person(s).

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

____ 23. Other:

____ 24. THE DEFENDANT IS ORDERED TO appear at hearing(s) on:

1) _____ (month/day/year) at _____ o'clock ____ M. in Courtroom No. _____ of the _____ Court, located at _____ in _____, La., to review _____

AND

2) _____ (month/day/year) at _____ o'clock ____ M. in Courtroom No. _____ of the _____ Court, located at _____ in _____, La., to review _____

FOR JUDGE ONLY

<p>Date of Order</p> <p>_____</p> <p><i>month/day/year</i></p>	<p>Order effective through 11:59 PM on</p> <p>_____</p> <p><i>month/day/year</i></p> <p>Some provisions of this order MAY NOT EXPIRE See paragraphs 1-5.</p>	<p>_____</p> <p>SIGNATURE OF JUDGE</p> <p>_____</p> <p>PRINT OR STAMP JUDGE'S NAME</p>
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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 (Box **D** on page 2 of this order).
AND
- **EITHER** Judicial finding of credible threat (Box **E** on page 2 of this order is initialed), **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.*

Louisiana law: R.S. 46:2136.3 prohibits the possession of a firearm* for the duration of this order if both of the following occur:

- The order includes a finding that the person subject to the order represents a credible threat to the physical safety of the protected person(s) (Box **E**, on page 2 of this order is initialed) and the protected person(s) is a family member, household member, or dating partner (Box **A** **OR** Box **B** on page 2 of this order is checked).
AND
- The order informs the person subject to the order that the person is prohibited from possessing a firearm pursuant to the provisions of 18 U.S.C. 922(g) (8) and R.S. 46:2136.3.

**Under this statute, "firearm" means any pistol, revolver, rifle, shotgun, machine gun, submachine gun, black powder weapon, or assault rifle which is designed to fire or is capable of firing fixed cartridge ammunition or from which a shot or projectile is discharged by an explosive.*

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

AS A RESULT OF THIS ORDER, YOU MAY BE REQUIRED TO TRANSFER ANY AND ALL FIREARMS OWNED OR POSSESSED BY YOU AND SURRENDER YOUR CONCEALED HANDGUN PERMIT

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.

Firearms transfer shall occur within 48 hours, exclusive of legal holidays. If firearms are sold or transferred prior to issuance of transfer order, you must provide a proof of transfer form signed by the receiver and a witness, within 10 days.

Docket. No. _____

FOR JUDGE

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

PETITIONER

DEFENDANT

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.

FOR CLERK

DEFENDANT WAS SERVED AT CLOSE OF HEARING.
Date _____ Clerk _____

FAXED or ELECTRONICALLY TRANSMITTED TO LOUISIANA PROTECTIVE ORDER REGISTRY
Date _____ Clerk _____

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) Sheriff of the parish where the defendant resides 6) Louisiana Protective Order Registry.