

REQUEST FOR SHREVEPORT

PRO BONO

PROTECTIVE ORDER ASSISTANCE

I request legal assistance from the Shreveport Bar Association Pro Bono Project.

(Client Signature)

(Client Name – *printed*)

(Client current phone number)

For Clerk of Court use only

DOCKET # _____

ATTACHED: Petition: _____

Current Order: _____

Minutes: _____

SENT (via facsimile) to Heidi – PRO BONO PROJECT @ 221-8115 (mm/dd/yyyy) _____

**NOTE: If this information is being sent via facsimile, please contact Nellie Walton,
Coordinator of the SBF Pro Bono Project at 318-221-8107 or email
nwalton@shreveportbar.com to confirm receipt.

_____ COURT
 PETITIONER
 V.

 DEFENDANT

 Parent/Guardian name if defendant is a minor

PARISH/CITY OF _____
 STATE OF LOUISIANA
 DIVISION: _____ NUMBER: _____
 FILED: _____ CLERK: _____

PETITION FOR PROTECTION FROM ABUSE

Pursuant to La. Children’s Code Article 1564 et seq.

This petition is: Initial Petition Supplemental and Amending Petition

The petition of _____, born _____
your name month/day/year
 a resident of the State of Louisiana, respectfully represents:

Paragraph 1

Petitioner 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

- 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. Ch. Code Article 1568(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

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

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

- | | |
|--|---|
| <input type="checkbox"/> Current or former spouse | <input type="checkbox"/> Current or former dating partner |
| <input type="checkbox"/> Current or former intimate cohabitant | <input type="checkbox"/> Parent, stepparent, or foster parent |
| <input type="checkbox"/> Child, stepchild, or foster child | <input type="checkbox"/> Grandparent |
| <input type="checkbox"/> Child of defendant's current or former intimate partner | <input type="checkbox"/> Grandchild |

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")
NOTE: If you were NOT the petitioner in the divorce suit, use form LPOR C-R entitled "Petition for Protection From Abuse, (Filed by the Defendant in the Pending Action as Petitioner-in-reconvention)" instead of this one.
- 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 have child(ren) in common.

Paragraph 8

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

<input type="checkbox"/> Slapped protected person(s)	<input type="checkbox"/> Threatened protected person(s) with bodily harm
<input type="checkbox"/> Punched protected person(s)	<input type="checkbox"/> Threatened protected person(s)' life
<input type="checkbox"/> Choked protected person(s)	<input type="checkbox"/> Threatened protected person(s) with a weapon
<input type="checkbox"/> Shoved protected person(s)	<input type="checkbox"/> Sexually abused protected person(s)
<input type="checkbox"/> Kicked protected person(s)	<input type="checkbox"/> Abused petitioner's child(ren) or alleged incompetent
<input type="checkbox"/> Stalked protected person(s)	<input type="checkbox"/> Other: _____

- b. 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:

_____ 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).
- _____ 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) **solely owned or leased by petitioner or protected person(s)** (state location of each item 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) **jointly 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 _____ (Sheriff's office) 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 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

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 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.
- ___ other: _____.

Paragraph 11

Petitioner desires that after a contradictory hearing s/he be granted:

_____ a. use of the residence located at:

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

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

Presently occupied by _____.

_____ b. granting petitioner or protected person(s) possession of the following property (including pets) **solely owned or leased by petitioner or protected person(s)** (state location of each item 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) **jointly 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 _____ (Sheriff's office) to accompany petitioner to where the above listed property is located to allow petitioner to take possession of the property.

____ c. 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.

____ d. 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.

____ e. ordering a representative of _____ (Sheriff's office) to accompany _____ to the family residence to recover her/his personal clothing and necessities.

____ f. 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 _____

____ g. 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.

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

PRAYER

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

- ___ *ex parte* orders requested in Paragraph 9 be granted.
- ___ a rule issue to show cause why protective orders as requested in Paragraphs 10 and 11 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 _____

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 _____ (month/day/year),
at _____, Louisiana.

NOTARY PUBLIC

ADDENDUM

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: _____

**INFORMATION FOR SERVICE OF PROCESS
PROVIDED BY PETITIONER/PETITIONER-IN-RECONVENTION**

PLEASE PROVIDE AS MUCH INFORMATION AS POSSIBLE. THIS INFORMATION WILL HELP LAW ENFORCEMENT LOCATE DEFENDANT (or DEFENDANT-IN-RECONVENTION) TO SERVE A COPY OF THE PETITION AND TEMPORARY RESTRAINING ORDER (IF ISSUED). THE FOLLOWING INFORMATION IS NEEDED ON THE **DEFENDANT** (or **DEFENDANT-IN-RECONVENTION**).

NAME _____

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

OTHER NAMES USED _____

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

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

HOME ADDRESS _____

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

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

WORK ADDRESS _____

Name of employer _____

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

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

TEL NO. _____ **WORK DAYS/HOURS** _____

PHYSICAL DESCRIPTION: MALE FEMALE **RACE** _____

EYE COLOR _____ **HAIR COLOR** _____ **HEIGHT** _____ **WEIGHT** _____

DISTINGUISHING FEATURES (scars, tattoos, facial hair, etc.) _____

MOTOR VEHICLE:

LICENSE PLATE # _____ **YEAR** _____ **MAKE** _____ **COLOR** _____

DOES THE DEFENDANT (or DEFENDANT-IN-RECONVENTION):

HAVE A HISTORY OF VIOLENCE TOWARDS OTHERS (OTHER THAN VICTIM)? YES NO

HAVE A HISTORY OF USING/ABUSING DRUGS OR ALCOHOL? YES NO

CARRY A WEAPON? YES NO

IF YES, WHAT KIND OF WEAPON? _____

OTHER PLACES AND TIMES S/HE MAY BE FOUND: (Friends, relatives, bars, hangouts)

DEFENDANT/DEFENDANT-IN-RECONVENTION CURRENTLY INCARCERATED

Where: _____

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

Probation or parole officer/department: _____

ANY OTHER INFORMATION WHICH MAY BE HELPFUL: _____

Date

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

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

PNO# _____

Date Entered: _____

Initials: _____ Verified by: _____

LOUISIANA UNIFORM ABUSE PREVENTION ORDER

Order of Protection

- Temporary Restraining Order
- Protective Order/Preliminary or Permanent Injunction
- Modified** Protective Order/ Preliminary or Permanent Injunction

Case No.

Court: _____

City/Parish

State

PETITIONER

First Middle/Maiden Last

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

PETITIONER IDENTIFIERS

Date of birth

V.

DEFENDANT

First Middle Last

Name of minor defendant's parent or guardian

Defendant's Address:

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.

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

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.

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

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

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

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

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

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

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

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

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

SIGNATURE OF JUDGE

PRINT OR STAMP JUDGE’S NAME

NOTICE TO LAW ENFORCEMENT

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

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

When issued as a temporary restraining order, 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 _____

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.