

PETITIONER-IN-RECONVENTION

V.

DEFENDANT-IN-RECONVENTION

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

COURT

PARISH/CITY OF

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

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-Reconvension/Protected Person(s)

Petitioner-in-reconvension files this petition on behalf of:

- a. _____

Petitioner-in-reconvension, and/or
- b. _____

Minor child(ren) as follows: (Name, Date of Birth, Relationship to petitioner-in reconvension)
- c. _____

Alleged incompetent as follows: (Name, Date of Birth, Relationship to Petitioner-in reconvension)

Paragraph 2: Protected Person(s) Address

- a. _____

Petitioner-in-reconvension 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-reconvension’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-in-reconvension requests interpreter service, for:

☐ self/protected person, in following language: _____

☐ witness(es), in following language: _____

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

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

Apt. No.

State

Zip Code

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-reconviction 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.)***

a. The protected person(s) is related to the defendant-in-reconviction 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 or other ascendant |
| <input type="checkbox"/> Child of defendant-in-reconviction's current or former intimate partner | <input type="checkbox"/> Grandchild or other descendant |
| <input type="checkbox"/> Child currently or formerly living with defendant-in-reconviction | |

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

_____ 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).

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

- a. Defendant-in-reconvention 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"/> <u>Threatened protected person(s)' life</u> |
| <input type="checkbox"/> <u>Choked/strangled protected person(s)</u> | <input type="checkbox"/> <u>Threatened protected person(s) with a weapon</u> |
| <input type="checkbox"/> Shoved protected person(s) | <input type="checkbox"/> <u>Sexually abused protected person(s)</u> |
| <input type="checkbox"/> Kicked protected person(s) | <input type="checkbox"/> <u>Abused petitioner-in-reconvention's child(ren) or</u> |
| <input type="checkbox"/> <u>Stalked protected person(s)</u> | <input type="checkbox"/> <u>alleged incompetent</u> |
| <input type="checkbox"/> <u>Physically abused protected person while pregnant</u> | <input type="checkbox"/> Abused or threatened to abuse pets or other animals |
| <input type="checkbox"/> Other: _____ | |

- ☐ Abuse has happened more often over the past year ☐ Defendant-in-reconviction owns/possesses firearm(s)
☐ Abuse has been more severe over the past year ☐ Defendant-in-reconviction has threatened/attempted suicide
☐ Protected person has left during the past year

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

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

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 the 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-reconvention 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-reconvention 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-reconvention 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
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Employment/School	Address	City	State	Zip Code
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- _____ e. ordering the defendant-in-reconvention 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-reconvention 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-in-reconvention by **evicting** defendant-in-reconvention and ordering the defendant-in-reconvention to surrender any keys to that residence to the petitioner-in-reconvention, and ordering _____ (Sheriff's office) to **evict** the defendant-in-reconvention.

Said residence is:

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

Presently occupied by _____.

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

granting petitioner-in-reconvention 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-reconvention 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-reconvention to where the above listed property is located to allow petitioner-in-reconvention 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-reconvention 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 minor child(ren) or alleged incompetent.

Paragraph 6: Other Requests

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

AFFIRMATION

STATE OF LOUISIANA
PARISH OF _____

I am the petitioner-in-reconvention 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-in-reconvention 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-IN-RECONVENTION 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: _____