

_____ COURT
 PETITIONER _____
 V. _____
 PARISH/CITY OF _____
 STATE OF LOUISIANA
 DEFENDANT _____
 DIVISION: _____ NUMBER: _____
 FILED: _____ CLERK: _____
 Parent/Guardian name if defendant is a minor

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/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:
- | | | |
|-------------------------|-----------------|-----------------|
| _____ | | |
| <i>No. & Street</i> | <i>Apt. No.</i> | |
| _____ | | |
| <i>City</i> | <i>State</i> | <i>Zip Code</i> |

- c. _____ The minor child's or alleged incompetent's current address:
- | | | |
|-------------------------|-----------------|-----------------|
| _____ | | |
| <i>No. & Street</i> | <i>Apt. No.</i> | |
| _____ | | |
| <i>City</i> | <i>State</i> | <i>Zip Code</i> |

Paragraph 3: Special Requests

- d. _____ Petitioner requests interpreter service, for:
 self/protected person, in following language: _____

- witness(es), in following language: _____
- e. _____ 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.	City	State	Zip Code
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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) 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 6: Relationship

- a. The protected person(s) is related to the defendant 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	_____ Grandchild
_____ Child of defendant's current or former intimate partner	
- 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, 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 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)	_____ Threatened protected person(s) with bodily harm
_____ Punched protected person(s)	_____ <u>Threatened protected person(s)' life</u>
_____ <u>Choked/strangled protected person(s)</u>	_____ <u>Threatened protected person(s) with a weapon</u>
_____ Shoved protected person(s)	_____ <u>Sexually abused protected person(s)</u>
_____ Kicked protected person(s)	_____ <u>Abused petitioner's child(ren) or alleged incompetent</u>
_____ <u>Stalked protected person(s)</u>	_____ Abused or threatened to abuse pets or other animals
_____ <u>Physically abused protected person while pregnant</u>	

___ 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).

_____ 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 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: Requests at hearing

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

- ___ a. use of the residence located at:

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

- ___ 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)*

- ___ 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 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

ATTORNEY Signature

Print Name

La. Bar Roll No.

Phone No.

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 page 1 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: _____