LOUISIANA UNIFORM ABUSE PREVENTION ORDER

SERVICE NOT REQUIRED FOR ENFORCEMENT OF THIS ORDER (LA. R.S. 14:79).

Order of Protection

☐ Preliminary Injunction

☐ Permanent Injunction

☐ Protective Order

☐ **Modified** Preliminary or Permanent Injunction/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**	

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. 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)*

Some parts of this order may be NON-EXPIRING. See page 3 of this Order.

ENFORCEMENT: **SERVICE NOT REQUIRED FOR ENFORCEMENT OF THIS ORDER (LA. R.S. 14:79).**
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 7 of this Order.

ONLY THE COURT CAN CHANGE THIS ORDER.

Docket No. _____

LOUISIANA UNIFORM ABUSE PREVENTION ORDER

ORDER OF PROTECTION, Pursuant to: *(list applicable statutes)*

_____

☐ 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)*

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

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 INITIALED BY A JUDGE SHALL APPLY

D

____ ☐ **THIS ORDER IS ISSUED AS A PRELIMINARY INJUNCTION. THE COURT FINDS THAT THE DEFENDANT REPRESENTS A CREDIBLE THREAT TO THE PHYSICAL SAFETY OF A FAMILY OR HOUSEHOLD MEMBER, OR DATING PARTNER.**

E

____ ☐ **1. THIS ORDER IS ISSUED AS A PROTECTIVE ORDER. THE COURT FINDS THAT THE DEFENDANT REPRESENTS A CREDIBLE THREAT TO THE PHYSICAL SAFETY OF A FAMILY OR 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.**

OR

____ ☐ **2. THIS ORDER IS ISSUED AS A PERMANENT INJUNCTION. THE COURT FINDS THAT THE DEFENDANT REPRESENTS A CREDIBLE THREAT TO THE PHYSICAL SAFETY OF A FAMILY OR 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.

ONLY ORDERS INITIALED BY A JUDGE SHALL APPLY.

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____ ☐ 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.

☐ **Does not expire**

____ ☐ 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): _____

_____

☐ **Does not expire**

____ ☐ 3. THE DEFENDANT IS ORDERED NOT TO go within _____ *(distance)* of the protected person, without the express written permission of this court.
Exceptions (if any): _____

_____

☐ **Does not expire**

____ ☐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*

☐ **Does not expire**

____ ☐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*

☐ **Does not expire**

____ ☐ 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).

____ ☐ 7. 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.

____ ☐ 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 COURT GRANTS THE DEFENDANT
☐ **supervised** ☐ **unsupervised** 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:

_____

_____

_____

_____

_____

____ ☐ 16. 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.

____ ☐ 17. THE COURT ORDERS that the foregoing supervised visitation is conditioned upon:
☐ the defendant's participation in
☐ the defendant's participation in and completion of
a court-monitored domestic abuse intervention program designed specifically for perpetrators of family violence and conducted by a licensed mental health professional with current and demonstrable training and experience working with perpetrators and victims of family violence.

____ ☐ 18. THE DEFENDANT IS ORDERED NOT TO interfere with the physical custody of the child(ren) or alleged incompetent.

____ ☐ 19. 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

____ ☐ 20. 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 or dating violence: _____

_____

____ ☐ 21. THE DEFENDANT IS ORDERED TO seek professional counseling and/or complete a court-monitored domestic abuse intervention program.

_____

_____

____ ☐ 22. THE DEFENDANT IS ORDERED TO participate in and successfully complete a treatment program designed for sexual abusers conducted by: _____

_____

____ ☐ 23. THE DEFENDANT IS ORDERED TO submit to a:

☐ medical evaluation, no later than _____(date)_____

_____

AND/OR

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

_____

____ ☐ 24. Other: _____

_____

_____

_____

_____

_____

_____

_____

_____

_____

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____ ☐ 25. THE COURT ORDERS THE DEFENDANT 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_____

_____

_____

_____

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	**Order effective through 11:59 PM on**	
	_____ *month/day/year*	_____ **SIGNATURE OF JUDGE**
_____ *month/day/year*	Some provisions of this order **MAY NOT EXPIRE**. See paragraphs 1-5.	_____ **PRINT OR STAMP JUDGE'S 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 $1,000.00 OR BY IMPRISONMENT OF NOT MORE THAN 6 MONTHS, OR BOTH. FURTHER, ANY VIOLATION OF THIS ORDER MAY RESULT IN TERMINATION OF ALL COURT-ORDERED CHILD VISITATION. A PERSON WHO VIOLATES THIS ORDER 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 <u>POSSESSION</u>

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.

<u>Federal law: 18 U.S.C. 922 (g)(8)</u> prohibits a defendant from purchasing, possessing, shipping, transporting, 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 **C** on page 2 of this order)

AND

- **EITHER** Judicial finding of credible threat (Box **D** or Box **E** on page 2 of this order)
  <u>OR</u> 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*

<u>Louisiana law: R.S. 46:2136.3</u> prohibits the possession of a firearm* for the duration of a <u>Protective Order</u> or <u>Permanent Injunction</u> 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-1** **<u>OR</u>** Box **E-2** on page 2 of this order) and the protected person(s) is a family or household member, or dating partner (Box **A** **<u>OR</u>** 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 <u>TRANSFER</u> AND <u>SUSPENSION OF CONCEALED HANDGUN PERMIT</u>

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

<u>Louisiana law: C.Cr.P. Art. 1001 et seq.</u> 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.

_____ _____

PETITIONER DEFENDANT

Docket No. _____

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.

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 lpororders@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 resides 5) Sheriff of the parish where the defendant resides 6) Louisiana Protective Order Registry.