

**QUICK REFERENCE: Louisiana’s Civil Domestic Abuse, Dating Violence, Stalking and Sexual Assault Law and LPOR forms (v.12)**

Statute #/Name CIVIL ORDERS OF PROTECTION	Eligibility Who can file?	Court	Venue Where to file	Relief available	Duration	Penalties for violation
<p>La R.S. 46:2131 et seq.</p> <p><b>Domestic Abuse Assistance Act</b></p>	<ul style="list-style-type: none"> <li>➤ <b>family members:</b> spouses, former spouses, parents &amp; children, stepparents &amp; stepchildren, foster parents &amp; foster children, grandparents, grandchildren</li> <li>➤ <b>household members:</b> person presently or formerly living with defendant and is/was in sexual/intimate relationship</li> <li>➤ <b>dating partners:</b> as defined in R.S. 46:2151 (see pg 2)</li> <li>➤ <b>parent, adult household member or D.A.:</b> on behalf of minor child or alleged incompetent</li> </ul>	<p>Any court that hears family or juvenile matters:</p> <p>Family Court, Juvenile Court, District Court, some City or Municipal Courts</p>	<p>Must be one of following:</p> <ul style="list-style-type: none"> <li>➤ parish of the household or marital domicile</li> <li>➤ parish where defendant resides</li> <li>➤ parish where abuse occurred</li> <li>➤ parish where petitioner resides</li> <li>➤ parish where divorce or annulment can be brought (where petitioner is domiciled, where defendant is domiciled, and/or last matrimonial domicile)</li> </ul>	<p><b>Temporary Restraining Order (TRO):</b></p> <ul style="list-style-type: none"> <li>➤ prohibit abuse, harassment, assault, stalking, monitoring, contacting or interfering with protected person(s)</li> <li>➤ prohibit going near person, residence or employment of protected person(s)</li> <li>➤ award use or return of certain specific property/pets</li> <li>➤ award use of residence to petitioner, evict defendant (unless solely owned by defendant, or solely leased by defendant who has no duty to support petitioner or person on whose behalf petition is brought)</li> <li>➤ barring both parties from giving away, selling or destroying property mutually owned or leased</li> <li>➤ allows parties to return once with law enforcement escort to retrieve personal belongings</li> <li>➤ award temporary custody of children</li> <li>➤ order interpreter services</li> <li>➤ order criminal history records from sheriff</li> </ul> <p><b>Protective Order (PO):</b></p> <ul style="list-style-type: none"> <li>➤ relief as listed above</li> <li>➤ defendant evicted from separate property/residence &amp; petitioner awarded possession if petitioner is awarded custody of minor child(ren) of the parties</li> <li>➤ award temporary child/spousal support</li> <li>➤ establish temporary visitation</li> <li>➤ order counseling, court-monitored domestic abuse intervention, or medical/mental health evaluation/treatment</li> <li>➤ firearms restrictions (see LPOR Firearms Prohibition Guide)</li> </ul>	<p><b>TRO:</b> from judge’s signature to hearing, hearing to be set within 21 days</p> <p>Can be reissued if the hearing is continued (continuance shall not exceed 15 days, unless good cause is shown for further continuance)</p> <p>If the court does not grant the TRO, a hearing for the request on the PO shall be scheduled within 10 days from service of the petition</p> <p>Cannot be modified</p> <p>If a <b>hearing officer</b> presides at PO hearing, TRO may remain in effect for up to 15 days following the hearing or until the judge signs the PO, whichever occurs last.</p> <p><b>PO:</b> up to 18 mon., can be extended or modified after a hearing. Certain orders which direct the defendant to refrain from abusing, harassing, or interfering with the person protected (Paragraphs 1-5) can be issued for an indefinite period of time.</p>	<p><b>Civil:</b></p> <ul style="list-style-type: none"> <li>➤ held in contempt</li> <li>➤ parish jail up to 6 months, and/or</li> <li>➤ fine up to \$1,000</li> </ul> <p><b>Criminal:</b> arrest pursuant to R.S. 14:79 (on TRO, after served to defendant; on PO, after issued)</p>
<p><b>LPOR FORMS</b></p> <p>Instructions Petition Confidential Address (optional) Service of Process Firearms Information and Firearms Declaration of Non-Possession Temporary Restraining Order (TRO) Protective Order (PO) Order of protection, multi-statute Modify PO - Motion Modify PO - Order Dissolve PO - Motion Dissolve PO - Order Judgment of Dismissal Rule to show cause, contempt of court Rule to show cause, when TRO denied <i>If filing in reconvention use indicated forms, with –R ending, i.e. LPOR B-R</i></p>	<p>LPOR A LPOR B LPOR F LPOR H LPOR G</p> <p>LPOR 1 LPOR 3 LPOR 20 LPOR P LPOR 5 LPOR P LPOR 5 LPOR 7 LPOR K LPOR M</p>	<p><b>Costs</b></p> <p>Court cannot require petitioner to prepay or be cast with court costs, cost of service or subpoena, filing, or dismissal of petition or issuance or dissolution of TRO or PO.</p> <p>If court finds the filing was frivolous, may order petitioner to pay court costs &amp; reasonable attorney fees for other party.</p> <p><b>TRO:</b> Court may cast defendant for all costs if issued</p> <p><b>PO:</b> defendant required to pay court costs, including appeals, other fees (see R.S. 46:2136.1).</p>	<p><i>If a suit for divorce is pending, the petition for domestic abuse assistance must be filed in that proceeding.</i></p>			

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<p>La. R.S. 46:2151</p> <p><b>Protection from Dating Violence Act</b></p>	<p><b>dating partner:</b> person who is or has been in a sexual or intimate relationship with offender characterized by the expectation of affectionate involvement independent of financial considerations, regardless of whether the person presently lives or formerly lived in the same residence with the offender; shall not include a casual relationship or ordinary association between persons in a business or social context.</p>	<p>District Court, Family Court</p>	<p>Must be one of following:</p> <ul style="list-style-type: none"> <li>➤ parish where defendant resides</li> <li>➤ parish where abuse occurred</li> <li>➤ parish where petitioner resides</li> </ul>	<p><b>Temporary Restraining Order (TRO):</b></p> <ul style="list-style-type: none"> <li>➤ prohibit abuse, harassment, assault, stalking, monitoring, contacting or interfering with protected person(s)</li> <li>➤ prohibit going near person, residence or employment of protected person(s)</li> <li>➤ award use or return of certain specific property/pets</li> <li>➤ award use of residence to petitioner, evict defendant (unless solely owned by defendant, or solely leased by defendant who has no duty to support petitioner or person on whose behalf petition is brought)</li> <li>➤ barring both parties from giving away, selling or destroying property mutually owned or leased</li> <li>➤ allows the parties to return once with law enforcement escort to retrieve personal belongings</li> <li>➤ award temporary custody of children</li> <li>➤ order interpreter services</li> <li>➤ order criminal history records from sheriff</li> </ul> <p><b>Protective Order (PO):</b></p> <ul style="list-style-type: none"> <li>➤ relief as listed above</li> <li>➤ defendant evicted from separate property/residence &amp; petitioner awarded possession if petitioner is awarded custody of minor child(ren) of the parties</li> <li>➤ award temporary child support</li> <li>➤ establish temporary visitation</li> <li>➤ order counseling, court-monitored domestic abuse intervention, or medical/mental health evaluation/treatment</li> <li>➤ firearms restrictions (see LPOR Firearms Prohibition Guide)</li> </ul>	<p><b>TRO:</b> from judge's signature to hearing, hearing to be set within 21 days</p> <p>Can be reissued if the hearing is continued (continuance shall not exceed 15 days, unless good cause is shown for further continuance)</p> <p>If the court does not grant the TRO, a hearing for the request on the PO shall be scheduled within 10 days from service of the petition</p> <p>Cannot be modified</p> <p>If a <b>hearing officer</b> presides at the PO hearing, the TRO may remain in effect for up to 15 days following the hearing or until the judge signs the PO, whichever occurs last.</p> <p><b>PO:</b> up to 18 mon., can be extended or modified after a hearing. Certain orders which direct the defendant to refrain from abusing, harassing, or interfering with the person protected (Paragraphs 1-5) can be issued for an indefinite period of time.</p>	<p><b>Civil:</b></p> <ul style="list-style-type: none"> <li>➤ held in contempt</li> <li>➤ parish jail up to 6 months, and/or</li> <li>➤ fine up to \$1,000</li> </ul> <p><b>Criminal:</b></p> <p>arrest pursuant to R.S. 14:79 (on TRO, after served to defendant; on PO, after issued)</p>
<p><b>LPOR FORMS</b></p> <p>Instructions Petition Confidential Address (optional) Service of Process Firearms Information and Firearms Declaration of Non-Possession Temporary Restraining Order (TRO) Protective Order (PO) Order of protection, multi-statute Modify PO - Motion Modify PO - Order Dissolve PO - Motion Dissolve PO - Order Judgment of Dismissal Rule to show cause, contempt of court Rule to show cause, when TRO denied</p> <p><i>If filing in reconvention use indicated forms, with -R ending, i.e. LPOR B-R</i></p>	<p>LPOR A LPOR B LPOR F LPOR H LPOR G</p> <p>LPOR 1 LPOR 3 LPOR 20 LPOR P LPOR 5 LPOR P LPOR 5 LPOR 7 LPOR K LPOR M</p>	<p><b>Costs</b></p> <p>Court cannot require petitioner to prepay or be cast with court costs, cost of service or subpoena, filing, or dismissal of petition or issuance or dissolution of TRO or PO.</p> <p>If court finds the filing was frivolous, may order petitioner to pay court costs &amp; reasonable attorney fees for other party.</p> <p><b>TRO:</b> Court may cast defendant for all costs if issued.</p> <p><b>PO:</b> defendant required to pay court costs, including appeals, other fees (see R.S. 46:2136.1)</p>				

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<p>La. R.S. 46:2171 et seq.</p> <p><b>Protection from Stalking Act</b></p> <p>OR</p> <p>La. R.S. 46:2181 et seq.</p> <p><b>Protection for Victims of Sexual Assault Act</b></p>	<p>victim of stalking or cyberstalking by <u>stranger or acquaintance</u></p> <p>victim of sexual assault by <u>stranger or acquaintance</u></p>	<p>District Court</p> <p>Any court that hears family or juvenile matters</p>	<p>Must be one of following:</p> <ul style="list-style-type: none"> <li>➤ parish where defendant resides</li> <li>➤ parish where petitioner resides</li> <li>➤ parish where stalking or sexual assault occurred</li> </ul>	<p><b>Temporary Restraining Order (TRO):</b></p> <ul style="list-style-type: none"> <li>➤ prohibit abuse, harassment, assault, stalking, monitoring, contacting or interfering with protected person(s)</li> <li>➤ prohibit going near person, residence or employment of protected person(s)</li> <li>➤ award use or return of certain specific property/pets</li> <li>➤ award use of residence to petitioner, evict defendant (unless solely owned by defendant, or solely leased by defendant )</li> <li>➤ barring both parties from giving away, selling or destroying property mutually owned or leased</li> <li>➤ allows the parties to return once with law enforcement escort to retrieve personal belongings</li> <li>➤ prohibit contact with protected person(s)' family or acquaintances</li> <li>➤ order interpreter services</li> <li>➤ order criminal history records from sheriff</li> </ul> <p><b>Protective Order (PO):</b></p> <ul style="list-style-type: none"> <li>➤ relief as listed above</li> <li>➤ order counseling, or medical/mental health evaluation/treatment</li> </ul>	<p><b>TRO:</b> from judge's signature to hearing, hearing to be set within 21 days</p> <p>Can be reissued if the hearing is continued (continuance shall not exceed 15 days, unless good cause is shown for further continuance)</p> <p>If the court does not grant the TRO, a hearing on the request for the PO shall be scheduled within 10 days from service of the petition</p> <p>Cannot be modified</p> <p>If a <b>hearing officer</b> presides at the PO hearing, the TRO may remain in effect for up to 15 days following the hearing or until the judge signs the PO, whichever occurs last.</p> <p><b>PO:</b> up to 18 mon., can be extended or modified after a hearing. Certain orders which direct the defendant to refrain from abusing, stalking, assaulting, harassing, or interfering with the person protected (Paragraphs 1-5) can be issued for an indefinite period of time.</p>	<p><b>Civil:</b></p> <ul style="list-style-type: none"> <li>➤ held in contempt</li> <li>➤ parish jail up to 6 months, and/or</li> <li>➤ fine up to \$1,000</li> </ul> <p><b>Criminal:</b></p> <p>arrest pursuant to R.S. 14:79 (on TRO, after served to defendant; on PO, after issued)</p>	
<p><b>LPOR FORMS</b></p> <p>Instructions Petition Confidential Address (optional) Service of Process Temporary Restraining Order (TRO) Protective Order (PO) Modify PO - Motion Modify PO - Order Dissolve PO - Motion Dissolve PO - Order Judgment of Dismissal Rule to show cause, contempt of court Rule to show cause, when TRO denied</p>		<p>LPOR Y LPOR D LPOR F LPOR H LPOR 1 LPOR 3 LPOR P LPOR 5 LPOR P LPOR 5 LPOR 7 LPOR K LPOR M</p>	<p>Court cannot require petitioner to prepay or be cast with court costs, cost of service or subpoena, filing, or dismissal of petition or issuance or dissolution of TRO or PO.</p> <p>If court finds the filing was frivolous, may order petitioner to pay court costs &amp; reasonable attorney fees for other party.</p> <p><b>TRO:</b> Court may cast defendant for all costs if issued.</p> <p><b>PO:</b> Defendant required to pay court costs, including appeals, other fees (see R.S. 46:2136.1).</p>				

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<p>La. Children's Code Art. 1564 et seq.</p> <p><b>Domestic Abuse Assistance Act</b></p>	<p>➤ <b>family or household member:</b> spouses, former spouses, parents &amp; children, stepparents &amp; stepchildren, foster parents &amp; foster children, or person living with defendant as spouse if minor child(ren) live in household</p> <p>➤ <b>parent, adult household member, local child protection unit of the Dept. of Children and Family Services, or D.A.:</b> on behalf of minor child or alleged incompetent adult</p>	<p>Any court with juvenile jurisdiction:</p> <p>District Court, Juvenile Court, City Court with juvenile jurisdiction</p>	<p>Must be one of following:</p> <ul style="list-style-type: none"> <li>➤ parish of the household or marital domicile</li> <li>➤ parish where defendant resides</li> <li>➤ parish where abuse occurred</li> <li>➤ parish where petitioner resides</li> </ul> <p><i><b>NOTE:</b> If this is the only venue option, limited relief is available ex parte. Relief not available until hearing is indicated by asterisks.</i></p> <ul style="list-style-type: none"> <li>➤ parish where divorce or annulment can be brought (where petitioner is domiciled, where defendant is domiciled, and/or last matrimonial domicile)</li> </ul> <p><i>If a suit for divorce is pending, the petition for domestic abuse assistance must be filed in that proceeding.</i></p>	<p><b>Temporary Restraining Order (TRO):</b></p> <ul style="list-style-type: none"> <li>➤ prohibit abuse, harassment, assault, stalking, monitoring, contacting or interfering with protected person(s)</li> <li>➤ prohibit going near person, residence or employment of protected person(s)</li> <li>➤ award use or return of certain specific property/pets*</li> <li>➤ award use of residence to petitioner, evict defendant (unless solely owned by defendant, or solely leased by defendant who has no duty to support petitioner or person on whose behalf petition is brought)*</li> <li>➤ barring both parties from giving away, selling or destroying property mutually owned or leased*</li> <li>➤ allows the parties to return once with law enforcement escort to retrieve personal belongings</li> <li>➤ award temporary custody of children*</li> <li>➤ order interpreter services</li> <li>➤ order criminal history records from sheriff</li> </ul> <p><b>Protective Order (PO):</b></p> <ul style="list-style-type: none"> <li>➤ relief as listed above</li> <li>➤ defendant evicted from separate property/residence &amp; petitioner awarded possession if petitioner is awarded custody of minor child(ren) of the parties</li> <li>➤ award temporary child support</li> <li>➤ establish temporary visitation</li> <li>➤ order counseling, court-monitored domestic abuse intervention, or medical evaluation/treatment</li> <li>➤ firearms restrictions (see LPOR Firearms Prohibition Guide)</li> </ul>	<p><b>TRO:</b> from judge's signature to hearing, hearing to be set within 21 days</p> <p>Can be reissued if the hearing is continued (continuance shall not exceed 15 days, unless good cause is shown for further continuance)</p> <p>If the court does not grant the TRO, a hearing for the request on the PO shall be scheduled within 10 days from service of the petition</p> <p>Cannot be modified</p> <p><b>PO:</b> up to 6 mon., (unless protected person is minor child who was sexually abused, then until child reaches age 18).</p> <p>Can be extended or modified after a hearing</p>	<p><b>Civil:</b></p> <ul style="list-style-type: none"> <li>➤ held in contempt</li> <li>➤ parish jail up to 6 months, and/or</li> <li>➤ fine up to \$500</li> </ul> <p><b>Criminal:</b> arrest pursuant to R.S. 14:79 (on TRO, after served to defendant; on PO, after issued)</p>
<p><b>LPOR FORMS</b></p> <p>Instructions Petition Confidential Address (optional) Service of Process Firearms Information and Firearms Declaration of Non-Possession Temporary Restraining Order (TRO) Protective Order (PO) Order of protection, multi-statute Modify PO - Motion Modify PO - Order Dissolve PO - Motion Dissolve PO - Order Judgment of Dismissal Rule to show cause, contempt of court Rule to show cause, when TRO denied</p> <p><i>If filing in reconvention use indicated forms, with -R ending, i.e. LPOR C-R</i></p>	<p>LPOR A LPOR C LPOR F LPOR H LPOR G</p> <p>LPOR 1 LPOR 3 LPOR 20 LPOR P LPOR 5 LPOR P LPOR 5 LPOR 7 LPOR K LPOR M</p>	<p><b>Costs</b></p> <p>Court cannot require petitioner to prepay or be cast with court costs, cost of service or subpoena, filing, or dismissal of petition or issuance or dissolution of TRO or PO.</p> <p>If court finds the filing was frivolous, may order petitioner to pay court costs &amp; reasonable attorney fees for other party.</p> <p><b>TRO:</b> Court may cast defendant for all costs if issued.</p> <p><b>PO:</b> Defendant required to pay court costs, including appeals, other fees (see Ch. C. Art. 1570.1).</p>				

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<p>La. R.S. 9:361 et seq.</p> <p><b>Post Separation Family Violence Relief Act</b></p>	<p>abused parent, or parent on behalf of abused child(ren)</p>	<p>any court empowered to hear family matters, or La. R.S. 46:2131 et seq.</p>	<p>Must be one of following:</p> <p>If filed in conjunction with divorce, where divorce can be filed (where petitioner or defendant is domiciled or parish of last matrimonial domicile)</p> <p>If filed in conjunction with custody, where that action may be filed</p>	<ul style="list-style-type: none"> <li>➤ prohibit contact with abused parent or child(ren) except as approved by court and agreed to by abused parent</li> <li>➤ bar defendant from going within 50 yards of home, school, employment, or person of abused parent or child(ren)</li> <li>➤ bar defendant from going within 50 feet of automobile of abused parent or child(ren)</li> <li>➤ order only supervised visitation of child(ren), see R.S. 9:341.</li> <li>➤ supervisor must not be relative, friend, therapist or associate of abusive parent</li> <li>➤ order abusive parent to pay costs of supervision</li> <li>➤ bar defendant from visitation overnight or in defendant's home</li> <li>➤ bar sole or joint custody of child(ren) by abusive parent until completion of a court- monitored domestic abuse intervention program/sexual abusers intervention, not abusing alcohol/using illegal substances, best interest of child pursuant to C.C. Art. 134.</li> <li>➤ bar all contact with child(ren) for parent found to have sexually abused child(ren) until successful completion of a treatment program designed specifically for such perpetrators</li> <li>➤ firearms restrictions (see LPOR Firearms Prohibition Guide)</li> <li>➤ order interpreter services</li> <li>➤ order criminal history records from sheriff</li> </ul>	<p><b>TRO</b> 2-10 days (unless requested in a suit for divorce, then TRO lasts until the hearing on the request for the preliminary injunction)</p> <p>Can be modified, can be reissued if hearing continued</p> <p><b>Preliminary injunction</b> until trial on permanent injunction</p> <p>Can be modified, can be reissued if hearing continued</p> <p><b>Permanent Injunction</b> does not expire</p> <p>Can be modified</p>	<p><b>Civil:</b></p> <ul style="list-style-type: none"> <li>➤ contempt of court</li> <li>➤ parish jail up to 6 mon. and/or</li> <li>➤ fine up to \$1,000</li> <li>➤ termination of court ordered visitation</li> </ul> <p><b>Criminal:</b> arrest pursuant to R.S. 14:79 (on TRO, after served to defendant; on preliminary and permanent injunctions, after issued)</p>
		<p><b>Costs</b></p>				
		<p>Petitioner cannot be required to prepay or be cast with court costs, cost of service or subpoena, filing, or dismissal of petition or issuance or dissolution of TRO, preliminary or permanent injunction, or PO.</p> <p>Defendant required to pay court costs, including appeals, other fees (see R.S. 9:367).</p>				
<p><b>LPOR FORMS</b></p> <p>Temporary Restraining Order (TRO) Preliminary Injunction Permanent Injunction Firearms Information and Firearms Declaration of Non-Possession Modify - Motion Modify - Order Dissolve - Motion Dissolve - Order Rule to show cause - contempt of court Order of protection, multi-statute</p> <p><i>If filing in reconvention use indicated forms, with -R ending, i.e. LPOR 9-R</i></p>	<p>LPOR 9 LPOR 9 LPOR 9 LPOR G</p> <p>LPOR P LPOR 5 LPOR P LPOR 5 LPOR K LPOR 20</p>					

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La. R.S. 9:372  <b>Injunction against abuse</b> (filed in conjunction with a divorce)	Spouses, on own behalf or on behalf of abused child(ren)	any court that hears family matters: District Court Family Court	Must be one of following:  ➤ where petitioner is domiciled  ➤ where defendant is domiciled  ➤ parish of last matrimonial domicile	➤ order prohibiting physical or sexual abuse of spouse or child(ren) of either party ➤ firearms restrictions (see LPOR Firearms Prohibition Guide) ➤ order interpreter services ➤ order criminal history records from sheriff	<b>TRO</b> until hearing on preliminary injunction  Can be modified, can be reissued if hearing continued  <b>Preliminary Injunction</b> until trial on permanent injunction  Can be modified  <b>Permanent Injunction</b> does not expire  Can be modified	<b>Civil:</b> ➤ held in contempt ➤ parish jail up to 6 months, and/or ➤ fine up to \$1,000  <b>Criminal:</b> arrest pursuant to R.S. 14:79 (on TRO, after served to defendant; on preliminary and permanent injunctions, after issued)
<b>LPOR FORMS</b>  Temporary Restraining Order (TRO) Preliminary Injunction Permanent Injunction Firearms Information and Firearms Declaration of Non-Possession Modify - Motion Modify - Order Dissolve - Motion Dissolve - Order Rule to show cause - contempt of court Order of protection, multi-statute  <i>If filing in reconvention use indicated forms, with -R ending, i.e. LPOR 9-R</i>		<b>Costs</b>  Petitioner cannot be required to prepay or be cast with court costs, cost of service or subpoena, filing, or dismissal of petition or issuance or dissolution of TRO, preliminary or permanent injunction, or PO.  Court can order abusive parent to pay costs of court, including appeals, and other fees. (see R.S. 9:314).				