LOUISIANA UNIFORM ABUSE PREVENTION ORDER

Order of Protection
Temporary Restraining Order

☐ **Initial Order**

☐ **Modified/Amended Order**

Docket No. _____

Court: _____ Div._____

City/Parish: _____ State: **LOUISIANA**

Filed: _____ Clerk: _____

PETITIONER-IN-RECONVENTION

_____
First Middle Last

PETITIONER-IN-RECONVENTION IDENTIFIERS

_____
Date of birth Race Sex: Fe Sex: M

Protected person is: ☐ Petitioner-in-reconvention ☐ Other(s) *List other(s) name & date of birth:*

_____ _____
_____ _____
_____ _____
_____ _____

ADV.

DEFENDANT-IN-RECONVENTION NAME & ADDRESS

_____
First Middle Last

_____
Name of minor defendant-in-reconvention's parent or guardian

Defendant-in-reconvention's Alias: _____

_____
No. & Street Apt. No.

_____
City State Zip Code

DEFENDANT-IN-RECONVENTION 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-in-reconvention 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-in-reconvention 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.

EXPIRATION: **This order shall be effective through 11:59 PM on**

_____
(month/day/year)

ENFORCEMENT:

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-IN-RECONVENITON:

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.

Docket No. _____

LOUISIANA UNIFORM ABUSE PREVENTION ORDER

TEMPORARY RESTRAINING ORDER

Pursuant to:

☐ **La. R.S. 46:2131 et seq. (Domestic Abuse)**	☐ **La. R.S. 46:2171 et seq. (Non-intimate stalking)***
☐ **La. R.S. 46:2151 (Dating Violence)**	☐ **La. R.S. 46:2181 et seq. (Non-intimate sexual assault)***
☐ **La. Ch. C. Article 1564 et seq. (Children's Code Domestic Abuse)**	***La. R.S. 46:2171 and La. R.S. 46:2181 valid for relationships in Box C below ONLY***

PETITIONER-IN-RECONVENTION_____

Protected person is: ☐ **Petitioner-in-reconvention** ☐ **other(s)**

ADV.

DEFENDANT-IN-RECONVENTION _____

The protected person(s) is related to the defendant-in-reconvention 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-in-reconvention's current or former intimate partner
- ☐ 5. protected person and defendant-in-reconvention 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-in-reconvention

C ***Select ONLY if R.S. 46:2171 or 46:2181 is marked above***
- ☐ 1. stranger/no relationship
- ☐ 2. acquaintance

D ☐ **FINDING: Domestic Abuse or Dating Violence**

THE COURT FINDS THAT THE ALLEGATIONS PRESENTED CONSTITUTE AN IMMEDIATE AND PRESENT DANGER TO THE PHYSICAL SAFETY OF THE PROTECTED PERSON(S).

☐ **FINDING: Stalking**

THE COURT FINDS THAT THE ALLEGATIONS PRESENTED CONSTITUTE AN IMMEDIATE AND PRESENT DANGER OF STALKING.

☐ **FINDING: Sexual Assault**

THE COURT FINDS THAT THE ALLEGATIONS PRESENTED CONSTITUTE A SEXUAL ASSAULT.

THUS, THE COURT ISSUES THE FOLLOWING ORDERS, WITHOUT A HEARING:

E ☐ **The court orders interpreter services**	☐ **The court orders the sheriff to provide criminal history records of Defendant-in-reconvention and/or witnesses**

IT IS ORDERED THAT THE DEFENDANT-IN-RECONVENTION BE SERVED WITH A COPY OF THIS ORDER.

Docket No. _____

DOMESTIC ABUSE, DATING VIOLENCE, STALKING OR SEXUAL ASSAULT

ONLY ORDERS INITIALED BY A JUDGE, HEARING OFFICER, OR COMMISSIONER SHALL APPLY

_____ ☐ 1. THE DEFENDANT-IN-RECONVENTION 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.

_____ ☐ 2. THE DEFENDANT-IN-RECONVENTION 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):_____
_____
_____

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

_____ ☐ 4. THE DEFENDANT-IN-RECONVENTION 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*

_____ ☐ 5. THE DEFENDANT-IN-RECONVENTION 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*

_____ ☐ 6. THE DEFENDANT-IN-RECONVENTION 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).

_____ ☐ /. THE COURT GRANTS THE PETITIONER-IN-RECONVENTION or protected person(s) the use of the residence located at:

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

to the exclusion of defendant-in-reconvention by **evicting** defendant-in-reconvention. The Court orders the defendant-in-reconvention to surrender any keys to that residence to the petitioner-in-reconvention.

_____ (Sheriff's office) is ordered to **evict** the defendant-in-reconvention.

_____ ☐ 8. THE COURT GRANTS THE PETITIONER-IN-RECONVENTION 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-in-reconvention 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-in-reconvention 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-in-reconvention 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.

DOMESTIC ABUSE, DATING VIOLENCE ONLY

ONLY ORDERS INITIALED BY A JUDGE, HEARING OFFICER, OR COMMISSIONER SHALL APPLY

_____☐13. THE COURT GRANTS TEMPORARY CUSTODY of the following child(ren) or alleged incompetent to the petitioner-in-reconvention: *(name, date of birth, and relationship to petitioner-in-reconvention)*

_____

_____

_____☐14. THE COURT ORDERS a representative of _____ (Sheriff's office) to accompany petitioner-in-reconvention 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 DEFENDANT-IN-RECONVENTION IS ORDERED NOT TO interfere with the physical custody of the minor child(ren) or alleged incompetent.

_____☐16. THE DEFENDANT-IN-RECONVENTION IS ORDERED TO show cause on the below hearing date why s/he should not be evicted from the solely owned residence or household and the petitioner-in-reconvention granted possession.

_____☐17. THE DEFENDANT-IN-RECONVENTION IS ORDERED TO show cause on the below hearing date why s/he should not be ordered to pay child support and/or spousal support (alimony) pursuant to Louisiana Law. **The court further orders the defendant-in-reconvention to produce at the hearing: most recent income tax returns AND pay stubs or an employer statement documenting gross income to date for the CURRENT year. If the defendant-in-reconvention is self-employed, income and expense statements shall be produced.**

STALKING, SEXUAL ASSAULT ONLY

ONLY ORDERS INITIALED BY A JUDGE, HEARING OFFICER, OR COMMISSIONER SHALL APPLY

_____☐18. THE DEFENDANT-IN-RECONVENTION IS ORDERED NOT TO contact family members or acquaintances of the protected person(s).

DOMESTIC ABUSE, DATING VIOLENCE, STALKING OR SEXUAL ASSAULT

ONLY ORDERS INITIALED BY A JUDGE, HEARING OFFICER, OR COMMISSIONER SHALL APPLY

_____☐19. THE DEFENDANT-IN-RECONVENTION IS ORDERED TO show cause on the below hearing date why s/he should not be ordered to pay the following:

☐ all court costs ☐ attorney fees

☐ evaluation fees ☐ expert witness fees

☐ cost of medical and/or psychological care for the petitioner-in-reconvention, the minor child(ren), alleged incompetent, and/or other protected person(s) necessitated by the domestic abuse, dating violence, stalking or sexual assault.

_____☐20. THE DEFENDANT-IN-RECONVENTION IS ORDERED TO show cause on the below hearing date why s/he should not be ordered to seek professional counseling, complete a court-monitored domestic abuse intervention program, submit to a medical evaluation and/or submit to a mental health evaluation.

Docket No. _____

____ ☐ 21. Other:

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

IT IS FURTHER ORDERED THAT DEFENDANT-IN-RECONVENTION show cause on _____ *(month/day/year)* at ____ o'clock ____. M. in Courtroom No. _____ of the _____ Court, located at _____ in _____, La., why the above Temporary Restraining Order and other relief requested should not be made Protective Orders.

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-in-reconvention 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-in-reconvention 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-in-reconvention'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	**Time of Order**	**Order effective through 11:59 PM on**	**JUDGE / HEARING OFFICER / COMMISSIONER:**
_____ *month/day/year*	_____ ☐AM ☐PM	_____ *month/day/year*	_____ **SIGNATURE** ☐ Order issued *ex parte* ☐ Order issued after notice and opportunity for hearing given to defendant-in-reconvention _____ **PRINT OR STAMP 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-IN-RECONVENTION - 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 OR BY CONFINEMENT IN JAIL FOR AS LONG AS 6 MONTHS, OR BOTH, AND 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-IN-RECONVENTION – FIREARM POSSESSION (*Domestic abuse or dating violence ONLY*):

IF A PROTECTIVE ORDER IS ISSUED AGAINST YOU, 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 THE PROTECTIVE 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-in-reconvention from purchasing, possessing, shipping, transporting, or receiving firearms or ammunition* for the duration of a protective order if the following conditions apply:

- Protected person(s) relationship to defendant-in-reconvention 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.*

NOTICE TO DEFENDANT-IN-RECONVENTION – FIREARM TRANSFER AND SUSPENSION OF CONCEALED HANDGUN PERMIT (*Domestic abuse or dating violence ONLY*)

IF A PROTECTIVE ORDER IS ISSUED AGAINST YOU, YOU MAY BE REQUIRED TO TRANSFER ANY AND ALL FIREARMS OWNED OR POSSESSED BY YOU AND SURRENDER YOUR CONCEALED HANDGUN PERMIT. AS YOU MAY ALSO BE REQUIRED TO STATE UNDER OATH THE NUMBER OF FIREARMS YOU POSSESS, THE TYPE AND LOCATION OF EACH AND COMPLETE A FIREARMS INFORMATION FORM VERIFYING SUCH, BRING THIS INFORMATION TO THE HEARING. THE INFORMATION MAY BE REQUIRED EVEN IF YOU TRANSFERRED THE FIREARMS PRIOR TO THE TRANSFER ORDER.

Louisiana law: C.Cr.P. Art. 1001 et seq. 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.

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-in-reconvention 's family member, household member, or dating partner, the officer shall make a CUSTODIAL arrest.

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-IN-RECONVENTION 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 lporders@lasc.org

Copies to: 1) Court file 2) Petitioner-in-reconvention/protected person(s) 3) Defendant-in-reconvention 4) Chief Law Enforcement Official of the parish where the protected person(s) resides 5) Louisiana Protective Order Registry