LOUISIANA UNIFORM ABUSE PREVENTION ORDER

Order of Protection

☐ **Temporary Restraining Order**
☐ **Preliminary Injunction** ☐ **Permanent Injunction**

☐ Initial Order/Injunction
☐ Modified/Amended Order/Injunction

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

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)*

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:

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.

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LOUISIANA UNIFORM ABUSE PREVENTION ORDER

☐ **Temporary Restraining Order** ☐ **Preliminary Injunction**
☐ **Permanent Injunction**

Pursuant to: ☐ **La. R.S. 9:372 or** ☐ **La. R.S. 9:361 et seq.**

☐ Court Approved Consent Agreement

PETITIONER _____ **Protected person is:** ☐ **Petitioner** ☐ **other(s)**

V.

DEFENDANT _____

A	**The protected person(s) is related to the defendant as spouse, former spouse, child, or has a child in common with the defendant.**

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

B	**____ ☐ THE COURT FINDS THAT THE DEFENDANT REPRESENTS AN IMMEDIATE AND PRESENT DANGER TO THE PHYSICAL SAFETY OF THE PROTECTED PERSON(S), THUS THE COURT ISSUES THE FOLLOWING ORDERS, WITHOUT A HEARING:**
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:**

D	**____ ☐ THE COURT FINDS THAT THE DEFENDANT REPRESENTS A CREDIBLE THREAT TO THE PHYSICAL SAFETY OF THE PROTECTED PERSON(S), THUS THE COURT ISSUES THE FOLLOWING ORDERS:**
E	**____ ☐ 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 6 of this Order.**

G	☐ **The court orders interpreter services**	☐ **The court orders the sheriff to provide criminal history records of defendant and/or witnesses**

IT IS ORDERED THAT THE DEFENDANT BE SERVED WITH A COPY OF THIS TEMPORARY RESTRAINING ORDER OR INJUNCTION.

Docket No. _____

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

____ ☐ 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.

____ ☐ 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, except for communications expressly dealing with the education, health, and welfare of the child(ren) or for any other purpose expressly agreed to by the petitioner as follows:

_____

_____

____ ☐ 3. THE DEFENDANT IS ORDERED NOT TO intentionally go within fifty (50) yards of the home, school, place of employment, or person of the protected person(s) without the express consent of the petitioner. THE DEFENDANT IS FURTHER ORDERED NOT TO go within fifty (50) feet of the automobiles of the protected person(s). These prohibitions do not apply when they conflict with court ordered visitation or except as otherwise necessitated by circumstances considering the proximity of the parties' residences or places of employment.

____ ☐ 4. THE COURT GRANTS CUSTODY of the following child(ren) to the petitioner: *(name, date of birth, and relationship to petitioner)*

_____

_____

____ ☐ 5. THE COURT GRANTS DEFENDANT supervised visitation with the child(ren) 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:

_____

_____

_____

_____

____ ☐ 6. 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.

____ ☐ 7. 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.

____ ☐ 8. THE DEFENDANT IS ORDERED TO participate in and complete a court-monitored domestic abuse intervention program conducted by: _____

_____

____ ☐ 9. THE DEFENDANT IS ORDERED TO participate in and successfully complete a treatment program designed for sexual abusers conducted by: _____

_____

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___ ☐ 10. 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)

☐ supervised visitation fees, payable to _____
_____

☐ cost of medical and/or psychological care for the petitioner, the minor child(ren), and/or alleged incompetent, necessitated by the family violence: _____
_____

____ ☐11. Other: _____
_____
_____
_____
_____
_____
_____
_____
_____

____ ☐12. THE DEFENDANT IS ORDERED 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_____
_____
_____
_____

Docket No. _____

IT IS FURTHER ORDERED THAT THE DEFENDANT show cause on _____, *(month/day/year)*, at _____ o'clock ___. M. in courtroom number ____ of the _____ Court, located at _____, in _____ , La., why the foregoing Temporary Restraining Order should not be made a Preliminary Injunction or why the foregoing Preliminary Injunction should not be made permanent.

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	**Time of Order**	**Order effective through 11:59 PM on**	**JUDGE / HEARING OFFICER / COMMISSIONER:**
_____ *month/day/year*	_____ ☐ AM ☐ PM	_____ *month/day/year*	_____ **SIGNATURE** ☐ If TRO, issued *ex parte* ☐ If TRO, issued after notice and opportunity for hearing given to defendant _____ **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 - 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, 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. ANY VIOLATION OF THIS ORDER MAY RESULT IN TERMINATION OF ALL COURT-ORDERED CHILD VISITATION. THIS ORDER SHALL BE ENFORCED BY ALL LAW ENFORCEMENT OFFICERS AND COURTS OF THE STATE OF LOUISIANA.

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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, or receiving firearms or ammunition* for the **duration** of this order if the following conditions apply:

- Protected person(s) relationship to defendant is described 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 is checked)
  AND
- **EITHER** Judicial finding of credible threat (either Box **D** or Box **E** on page 2 of this order is checked)
  <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 this order (if a <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** on page 2 of this order is checked) and the protected person(s) is a family or household member or dating partner (Box **A** on page 3 of this order).
  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>

IF A <u>PERMANENT INJUNCTION</u> 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.

<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.

When issued as a temporary restraining order, 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 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(s) resides 5) Sheriff of the parish where the defendant resides 6) Louisiana Protective Order Registry.