_____ COURT _____

PETITIONER

V.

PARISH/CITY OF _____

STATE OF LOUISIANA

_____ DIVISION: _____ NUMBER: _____

DEFENDANT

_____ 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:

_____

No. & Street *Apt. No.*

_____

City *State* *Zip Code*

c.____ The minor child's or alleged incompetent's current address:

_____

No. & Street *Apt. No.*

_____

City *State* *Zip Code*

Paragraph 3: Special Requests

a. ____ Petitioner requests interpreter service, for:

☐ self/protected person, in following language: _____

☐ witness(es), in following language: _____

b.___ 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*

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 intimate cohabitant
___ Child, stepchild, or foster child
___ Child of defendant's current or former intimate partner
___ Current or former dating partner
___ Parent, stepparent, or foster parent
___ Grandchild

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)
___ Punched protected person(s)
___ Choked/strangled protected person(s)
___ Shoved protected person(s)
___ Kicked protected person(s)
___ Stalked protected person(s)
___ Physically abused protected person while pregnant
___ Other:_____
___ Threatened protected person(s) with bodily harm
___ Threatened protected person(s)' life
___ Threatened protected person(s) with a weapon
___ Sexually abused protected person(s)
___ Abused petitioner's child(ren) or alleged incompetent
___ Abused or threatened to abuse pets or other animals

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) **<u>solely</u> 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) **<u>jointly</u> 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

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: _____