_____
PETITIONER

V.

_____
DEFENDANT

_____
Parent/Guardian name if defendant is a minor

COURT _____

PARISH/CITY OF _____

STATE OF LOUISIANA

DIVISION: _____ NUMBER: _____

FILED: _____ CLERK: _____

PETITION FOR PROTECTION FROM STALKING OR SEXUAL ASSAULT

Pursuant to La. R.S. 46:2171 et seq. or La. R.S. 46:2181 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.* *State* *Zip Code*

Paragraph 5: Venue

This Court is the proper venue for this action because:

___ The defendant resides in _____ Parish.

___ The stalking/sexual assault occurred in _____ Parish.

___ The protected person(s) resides in _____ Parish.
(Do not fill this out if address is to remain confidential.)

Paragraph 6: Relationship

The defendant is an acquaintance of or stranger/unknown to the protected person(s).

Paragraph 7: Description of stalking/sexual assault

a. **Stalking (**La. R.S. 46:2171 et seq.)**:** Defendant intentionally and repeatedly engaged in the following behavior(s) which caused the protected person to feel alarmed or to suffer emotional distress:

___ Followed protected person(s)
___ Harassed protected person(s)
___ Uninvited presence at protected person(s)' home
___ Uninvited presence at protected person(s)' workplace
___ Uninvited presence at protected person(s)' school
___ Uninvited presence at other places
___ Made/sent telephone calls, texts, emails or other electronic communications to protected person(s)
___ Sent messages via a third party, letters, pictures, public posts to social media
___ Sent unwanted gifts to protected person(s)
___ Other:_____

___ Implied or threatened protected person(s) with bodily injury
___ Implied or threatened protected person(s)' life
___ Used tracking device to monitor protected person(s)
___ Stalked, harmed/threatened to harm protected person(s) or member of protected person(s)' family or acquaintance of protected person(s)
___ Implied or threatened protected person(s) with kidnapping
___ Implied or threatened protected person(s) with sexual assault
___ Possessed a dangerous weapon during any of the foregoing behaviors
___ Threatened protected person(s) with a dangerous weapon

_____

b. **Sexual assault (**La. R.S. 46:2181 et seq.)**:** Defendant intentionally assaulted the protected person in the following manner:

___ Touched the protected person's genitals, anus, breasts or buttocks (either directly or through clothing) using defendant's body part(s) or other objects, without consent.

___ Forced the protected person to touch the defendant's genitals, anus, breasts or buttocks (either directly or through clothing) using protected person's body part(s) or other objects.

___ Penetrated the protected person's vagina or anus using defendant's body part(s) or other objects, without consent.

___ Forced the protected person to penetrate the defendant's vagina or anus, using protected person's body part(s) or other objects.

___ Displayed genitals, anus, and/or female breast nipples to protected person without consent, in a public place or prison/jail.

___ Deceived the protected person into engaging in anal, oral or vaginal intercourse with the defendant by misrepresenting themselves as someone else known to the protected person.

___ Sent an electronic communication, letter, photograph, or drawing containing sexually explicit materials or content to the protected person without consent.

___ Exposed the protected person to the HIV/AIDS virus through sexual contact without the knowing and lawful consent of the protected person.

☐ Viewed or spied on the protected person at a private residence without consent for defendant's sexual gratification.

☐ Used an image or video recording device to view or observe the protected person without consent for a lewd or lascivious purpose.

☐ Electronically transferred an image or video of the protected person obtained by the above without the consent of the protected person.

☐ Gave a drug, narcotic, anesthetic, intoxicant agent or other controlled dangerous substance to the protected person without her/his consent.

☐ Possessed a dangerous weapon at the time of any of the foregoing behaviors.

☐ Threatened the protected person with a dangerous weapon during any of the foregoing behaviors.

☐ Other:

_____

_____

c. The facts and circumstances of stalking or sexual assault are as follows:

The most recent incident of stalking or sexual assault which caused petitioner to file this petition happened on or about _____ *(date)* at which time the defendant did:

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

Past incidents: _____

_____

_____

_____

_____

_____

_____

_____

_____

Paragraph 8: Requests for relief

Because of the immediate and present danger of stalking, or sexual assault, 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, or sending gifts to the protected person(s).

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 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.☐ prohibiting the defendant from contacting protected person(s)' family members, or individuals with whom protected person(s) is acquainted.

Paragraph 9: Other Requests

Petitioner desires that a rule issue herein ordering defendant to show cause why the orders requested in Paragraph 8 should not be made into protective orders, and why defendant should not also be ordered:

☐ to seek professional counseling
☐ to submit to a medical evaluation and/or a mental health evaluation
☐ 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 / psychological care for the protected person(s), necessitated by the stalking or sexual assault
☐ to vacate the residence or household, thereby granting petitioner possession thereof
☐ other: _____

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 8 be granted *ex parte*.
☐ a rule issue to show cause why protective orders as requested in Paragraph 9 should not be granted.
☐ defendant be cast with costs.
☐ defendant be advised of penalties for violating Stalking or Sexual Assault 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. Physical 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 Stalking or Sexual 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