_____ PETITIONER-IN-RECONVENTION

V.

_____ DEFENDANT-IN-RECONVENTION

_____ Parent/Guardian name if defendant-in-reconvention is a minor

_____ COURT

PARISH/CITY OF _____

STATE OF LOUISIANA

DIVISION: _____ NUMBER: _____

FILE: _____ CLERK: _____

RULE TO SHOW CAUSE

Why Protective Order Should Not Issue, Pursuant to:

La. R.S. 46:2131 et seq., La. R.S. 46:2151, La. Ch. C. Article 1564 et seq., La. R.S. 46:2171 et seq., or La. R.S. 46:2181 et seq.

___ ☐ IT IS 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 following relief requested by petitioner-in-reconvention should not be made protective orders:

DOMESTIC ABUSE, DATING VIOLENCE, STALKING OR SEXUAL ASSAULT

☐ 1. WHY THE DEFENDANT-IN-RECOVENTION SHOULD NOT BE ORDERED NOT TO abuse, harass, assault, stalk, follow, track, monitor or threaten the protected person(s) in any manner whatsoever. Why this prohibition should not include the use, attempted use, or threatened use of physical force that would reasonably be expected to cause bodily injury.

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

_____

☐ 4. WHY THE DEFENDANT-IN-RECOVENTION SHOULD NOT BE ORDERED NOT TO go 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*

☐ 5. WHY THE DEFENDANT-IN-RECOVENTION SHOULD NOT BE ORDERED 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*

☐ 6. WHY THE DEFENDANT-IN-RECOVENTION SHOULD NOT BE ORDERED 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).

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☐ 7. WHY THE COURT SHOULD NOT GRANT THE PETITIONER-IN-RECOVENTION 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. Why the Court should not order the defendant-in-reconvention to surrender any keys to that residence to the petitioner-in-reconvention.

☐ 8. WHY THE COURT SHOULD NOT GRANT THE PETITIONER-IN-RECOVENTION 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:

_____

_____

_____

_____

_____

_____

_____

_____

_____

and why the court should not order _____ (Sheriff's office) to accompany petitioner-in-reconvention to where the afore-mentioned property is located to allow petitioner-in-reconvention to take possession.

☐ 9. WHY THE COURT SHOULD NOT PROHIBIT 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, the minor child(ren) and/or alleged incompetent.

☐ 10. WHY THE COURT SHOULD NOT 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, only if s/he is accompanied by a law enforcement officer to ensure the protection and safety of the parties. NO FORCED ENTRY ALLOWED.

☐ 11. WHY THE COURT SHOULD NOT ORDER a representative of _____ (Sheriff's office)

to accompany _____ to the residence located at _____

to recover her/his personal clothing and necessities.

☐ 12. WHY THE COURT SHOULD NOT ORDER THE DEFENDANT-IN-RECOVENTION to pay:

☐ all court costs ☐ attorney fees

☐ evaluation fees ☐ expert witness fees

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

☐ 13. WHY THE COURT SHOULD NOT ORDER THE DEFENDANT-IN-RECOVENTION to seek professional counseling and/or complete a court-monitored domestic abuse intervention program, submit to a medical evaluation and/or submit to a mental health evaluation.

DOMESTIC ABUSE, DATING VIOLENCE ONLY

☐ 14. WHY THE COURT SHOULD NOT GRANT TEMPORARY CUSTODY of the following minor child(ren) or alleged incompetent to the petitioner-in-reconvention: *(name, date of birth, and relationship to petitioner)*

_____

_____

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☐15. WHY THE COURT SHOULD NOT ORDER 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-in-reconvention obtaining physical custody of said child(ren) or alleged incompetent.

☐16. WHY THE DEFENDANT-IN-RECONVENTION SHOULD NOT BE ORDERED NOT TO interfere with the physical custody of the minor child(ren) or alleged incompetent.

☐17. WHY THE COURT SHOULD NOT ORDER THE DEFENDANT-IN-RECONVENTION to pay child support and/or spousal support (alimony) pursuant to Louisiana law.

STALKING, SEXUAL ASSAULT ONLY

☐18. WHY THE COURT SHOULD NOT ORDER THE DEFENDANT-IN-RECONVENTION NOT TO contact family members or acquaintances of the protected person(s).

DOMESTIC ABUSE, DATING VIOLENCE, STALKING OR SEXUAL ASSAULT

☐19. Other: _____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____ ☐ 20. **THE COURT HEREBY ORDERS THE DEFENDANT-IN-RECONVENTION** to produce at the hearing: most recent income tax returns AND pay stubs and/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.

Date of Order	_____ **SIGNATURE OF JUDGE**
_____ *month/day/year*	_____ **PRINT OR STAMP JUDGE'S NAME**

NOTICE TO DEFENDANT-IN-RECONVENTION – FIREARM <u>POSSESSION</u>
(*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 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.

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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 this order if the following conditions apply:

- Protected person(s) relationship to defendant 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.