

# Getting an Order of Protection

## WHERE DO I GO?

Arkansas Legal Services Partnership has a free form available at: [www.arlegalservices.org/orderofprotection](http://www.arlegalservices.org/orderofprotection). After completing the interactive interview, you will have all the forms that you need to file with the court.

You can also go to the county courthouse where you live, where the abuser lives, or where the abuse happened to file your petition for an Order of Protection. If you are in a shelter, you can go to the courthouse in the county where the shelter is.

**There is NO CHARGE to file the petition.**

You will complete a form or a "petition" asking the judge to issue an Order of Protection. Based on your statements in the petition and evidence you provide, the judge will decide whether to issue the order and what to include in the Order of Protection. Judges can issue an Order of Protection to:

- Keep the abuser away from you at your residence, place of employment, church children's schools, or any other address where you want protection.
- Make your abuser move out of the house if you are living together.
- Decide who will have temporary custody of your children and set up a temporary visitation schedule.
- Order your abuser to pay temporary support for your children and/or yourself.
- Stop the abuser from contacting you except in specific instances that court allows
- Order the abuser to stop from harming, harassing, or molesting you

**If your abuser violates the Order**, you can report it to the police and **the abuser can be arrested**.

**An Order of Protection is not a Restraining Order or No-Contact Order.** Many people are confused about the differences between an Order of Protection, a Restraining Order and a No-Contact Order. If you are being physically harmed or threatened, you

need an Order of Protection. With an Order of Protection, the police can arrest your abuser if he or she violates the order. You do not have to pay anything, and you don't need an attorney to get an Order of Protection.

If you are getting a divorce, your attorney will likely ask the judge to issue a **Restraining Order**, which prevents one spouse from selling the marital property in a divorce and from harassing or bothering the other. A restraining order does not adequately protect you if you are being physically harmed or threatened. The police cannot arrest your abuser for violating a restraining order.

You can have an Order of Protection and a Restraining Order at the same time. A criminal court issues a **No-Contact Order** in criminal cases against an abuser as a condition of release from jail.

## STEP 1: Filing the Petition

To get an Order of Protection, go to the Circuit Clerk's office at the county courthouse in the county where:

- You currently live;
- The abuser currently lives;
- The abuse happened; or
- The domestic abuse shelter you are staying at.

Tell the court clerk you want to apply for an Order of Protection. The clerk will give you a form to complete, called a petition. Fill the petition out as best you can. Victim Assistance Programs and domestic violence shelters have people that can help you complete a petition. You do not need a lawyer to file the petition for an Order of Protection.

### Completing a Petition for an Order of Protection

Where the Order of Protection form asks you to explain what acts the abuser has committed, you must explain what the abuser did to you *physically*. (For example, he or she hit you in the face with a fist or choked you or threw you against the wall.)

You should also describe *threats* of *physical* violence made against you. (For example, he or she threatened to kill you or hit you if you told. You should not explain how the argument started or what the argument was about.) The court will not accept mental abuse as a basis for awarding an Order of Protection so you must clearly describe what the abuser *physically did* or *threatened to do* to you.

You will not be asked to pay anything to file the petition for an Order of Protection or for the sheriff to serve your abuser with the order. The judge will decide later who will pay any fees. Generally, the judge will make the abuser pay. However, if you do not attend the hearing or provide false information, the judge may make you pay the costs of filing the petition and service. It is important to attend all scheduled hearings and tell the truth.

**Your petition must be notarized.** You will need picture identification to show the notary in the clerk's office.

## STEP 2: A Temporary Order

After you give your completed petition to the clerk to file, the clerk will give the petition to the judge to review it. This may happen while you wait or the clerk may tell you to come back later. If the judge decides that you have shown enough information in your petition, the judge will grant a Temporary Order of Protection (also called a Temporary Order or Ex Parte Order). Sometimes the judge will have questions about your petition.

The judge might say that you did not give enough information in your petition to grant an Order of Protection. If this happens, you have the right to have a hearing to explain to the judge in person why you need this order. You may have to ask the clerk to set the hearing. In some rural counties, you may have to go to another county for a hearing. In the meantime, you will not have an Order of Protection.

It is important to give the judge all of the information available in your written petition. Tell the judge what you need in your petition. You may ask that the judge:

- **Leave your home and business addresses off of the petition** that will be given to your abuser
- **Decide who will have custody of the children and set up a visitation** schedule while the Temporary Order of Protection is in effect
- **Order your abuser to pay child support** if he or she is the parent of your children (It is rare that judges will order child support in a temporary order)
- **Order temporary possession of the residence**
- **Allow you to get personal items** from your home
- **Order local law enforcement to go with you** to get personal items or tell your abuser to leave

If the judge gives you a Temporary Order of Protection, make several copies of the signed order. If the Order includes your children, take copies of the Order to their school or daycare. Keep a copy of the Order of Protection with you at all times. If you call the police because your abuser is violating the order, the police will ask to see the order.

If your abuser violates the Temporary Order of Protection by coming to your house, work, or any other address that is listed in the order, call the police and tell them you have an Order of Protection in effect. The police can arrest your abuser for violating the Order of Protection. The police cannot arrest your abuser for violating an Order of Protection until it has been served.

## STEP 3: Extending the Order

The Temporary Order of Protection is valid for no more than 30 days from the date it is issued. Your abuser will be served with a copy of the petition, the Order of Protection, and a summons that tells him or her when to come to court.

Within the 30 days, a hearing will be held so the judge can decide whether to extend the Temporary Order of Protection. **You must attend this hearing.** At the hearing, both sides will be allowed to tell their sides. Both you and your abuser will be allowed to present evidence and witnesses to support your story. Evidence may include medical records, police reports, and photographs of any visible marks left by the abuser. Both sides will have a chance to question each other or any witnesses.

When the judge has heard both sides, he or she will make a decision on whether to extend the Order of Protection. The judge may stop the Order of Protection granted on an emergency basis if he or she does not believe you have shown you are in danger of imminent physical abuse or the judge may extend it for up to two years (or a shorter period). At the end of this period, you may ask the court for another extension as long as you meet the requirements.

You do not have to have a lawyer to represent you at this hearing. However, if your abuser has an attorney, you may want an attorney to represent you.

If your abuser does not appear at the hearing, the court may enter the Order after you tell your story. Because your abuser knows you will be going to court for the hearing, you may want to call the judge's bailiff and ask him or her to escort you in and out of the courthouse.

If the judge decides to extend the Order of Protection, then other issues may also be addressed at the hearing.

- Decide who will have custody of the children and set up a visitation schedule while the extended Order of Protection is in effect
- Order your abuser to pay child support if he or she is the parent of your children, and possibly support to you, if you are married to him or her.
- Order temporary possession of the residence
- Allow you to get personal items like clothing and medications
- Order local law enforcement to go with you to your residence to get personal items or tell your abuser to move out
- Order your abuser to pay court costs/attorney's fees.

**Ask the clerk for a signed copy of the Order of Protection and keep it with you at all times.** You will need to provide copies to your children's school or daycare if they are included in the Order of Protection. Keep copies in places where you might need it.

## FREQUENTLY ASKED QUESTIONS

**Can the Order of Protection be enforced in a county other than where it was issued?** An Order of Protection issued in one county is enforceable in all other counties in Arkansas and throughout the U.S.

**Will my abuser see what I wrote in the petition?** Yes. When the abuser (also known as the respondent) is served with the Temporary Order of Protection, he or she will also receive a copy of the petition where you explained why you need an Order of Protection. You may ask the judge to remove your address from the petition.

**How much does it cost?** You will not have to pay anything to file the petition for an Order of Protection or have the Order of Protection served on your abuser. When the court has the final hearing on the Order of Protection, the judge may order fees to be paid for filing, service and court costs. The judge will order your abuser to pay all costs. There are only two situations when you could be charged any fees, service or court costs: (1) if the judge finds that you provided false information in the petition or (2) if you do not to attend the hearing.

**How will I know if the Order of Protection has been served?** You will need to stay in touch with the sheriff until the Order of Protection is served. If you keep the Temporary Order of Protection with you at all times, it can be served on the spot if your abuser is threatening you and you have to call the police.

**Am I allowed to have contact with my abuser prior to the hearing?** While the temporary order only applies to the abuser, initiating contact with your abuser may indicate to the court that you are not truly afraid for your safety. If you need to get personal items left behind, ask the court to order the police to go with you. If your minor children will visit their father, you may ask a third party do the exchange so you do not have to have contact with your abuser. If this is not possible, consider meeting at a safe location, such as the local police station.

**What if the abuser is not served with court papers prior to the hearing?** Even if the abuser is not served, you must still appear at the scheduled court date. The case will most likely be continued (or postponed), but your temporary order will remain in effect. If you do not appear, your temporary order will be dismissed and you may be ordered to pay court costs.

**How do I prepare for the hearing?** You need to be prepared to tell the court everything that has happened and why you need protection. You need to bring any witnesses or documents that support what you will say. If you can, bring:

- **Witnesses** who have seen violence or heard threats made by your abuser.
- **Police reports.** Report any domestic abuse incident to your local law enforcement as soon as possible and then get a copy of the police report. This is important because it backs up what you are saying and makes an official record of the abuse.
- **Pictures of any visible injuries.** Take pictures when you have visible injuries inflicted by your abuser. These give the court evidence to back up your side of the story.
- **Medical or hospital records** related to your abuse.
- **Wear formal clothes.** You should wear your best clothes for court. Do not wear shorts, tank tops, etc.

If you have children under age 18 and are asking for child support, also bring any available information you have about the abuser's income (for example, a pay stub or last year's tax returns).

It is likely that the court will give visitation rights to the respondent. If you have concerns about your children's safety, you should come to court with an alternate plan for visitation. The court usually will not divide property at the hearing, other than the return of personal items.

**Is it absolutely necessary for me to go to the court hearing?** Yes. If you do not appear, your temporary order will be dismissed and you will no longer have protection. In addition if you fail to appear, the court can make you pay for filing, service and other cost.

**What if my abuser violates the Order of Protection?** Violation of the Order of Protection is a crime. If your abuser does anything that the Order of Protection says he is not supposed to do, you can call the police. Tell them about the Order of Protection and have your copy ready to show them.

The police can arrest your abuser for violation of the Order of Protection. If convicted, the abuser can be sent to jail for up to one (1) year and/or fined up to one thousand dollars (\$1000.00).

You may have to go to court to testify about what the abuser did to violate the Order of Protection. The Order of Protection is not a mutual order. You are not prohibited from going to any location or from participating in any certain conduct.

The order does not become "null" or "void" if you and the abuser reconcile after the final Order of Protection or by any conduct on your behalf. Only a court can dismiss the final Order of Protection once you have filed a petition.

**What if I am getting a divorce or filing criminal charges?** The Order of Protection is different from a divorce, legal separation, or criminal charges. You can get an Order of Protection even if you are filing for divorce or decide to press criminal charges against your abuser.

**What if I get back together with my abuser?** If you and your abuser decide to work things out and you do not want the court to grant a final Order of Protection, you still must attend your scheduled court date to tell the judge that you want the court to dismiss your petition for an Order of Protection. The court may ask you questions about your reasons for wanting to dismiss your petition so that he or she can make sure you are safe and not being forced by your abuser to dismiss the action.

**BE SAFE!** An Order of Protection does not guarantee your safety. Never face your abuser alone. If you do not feel safe in your home, stay with a friend, family member, or at a local shelter.

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*The ALSP Law Series is produced by the Arkansas Legal Services Partnership, a collaboration of the Center for Arkansas Legal Services and Legal Aid of Arkansas, Inc. These nonprofit organizations provide free legal services to eligible Arkansans who meet income, asset, and other guidelines. Legal services may include advice and counsel, brief services, or full representation depending on the situation. Additional information can be found at: [www.arlegalservices.org](http://www.arlegalservices.org). To apply for services, call 1-800-9LAW AID.*

*The information and statements of law in this fact sheet should not be considered legal advice. This fact sheet is provided as a broad guide to help you understand how certain legal matters are handled in general. Courts may interpret the law differently. Before you take action, talk to an attorney and follow his or her advice. **Always do what the court tells you to do.***

[www.arlegalservices.org](http://www.arlegalservices.org)

# ATTENTION:

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Legal Aid of Arkansas receives a grant to represent Petitioners in Order of Protection cases free of charge.\*

Legal Aid of Arkansas is prohibited from contacting you directly without your permission. If you would like Legal Aid of Arkansas to represent you in your Order of Protection case:

1) Please call to apply for services at:

1-800-952-9243  
Monday-Thursday 9-11 a.m. and 1-3 p.m.  
Tuesday evening 5:15 p.m. - 7:15 p.m.  
and/or

2) Complete the following:

I \_\_\_\_\_ (printed name) would like Legal Aid of Arkansas to contact me about representation in my order of Protection case. I can be reached at (\_\_\_\_) - \_\_\_\_ - \_\_\_\_

I understand that by requesting that Legal Aid of Arkansas contact me that Legal Aid will try to have an attorney at court, but may not contact me before my court date. I also understand that if I do not call to apply for services before my court date that Legal Aid of Arkansas cannot guarantee that an attorney will be at court to represent me.

Signed: \_\_\_\_\_

\*In some cases Legal Aid of Arkansas may not be able to represent a Petitioner because of certain ethical rules.

DEFENDANT INFORMATION PROTECTION ORDERS

PLEASE PRINT

FULL NAME OF DEFENDANT \_\_\_\_\_

SEX \_\_\_\_ RACE \_\_\_\_ SKIN TONE \_\_\_\_\_

HAIR COLOR \_\_\_\_\_ EYE COLOR \_\_\_\_\_ HETGHT \_\_\_\_\_ WEIGHT \_\_\_\_\_

DATE OF BIRTH \_\_\_\_\_ PLACE OF BIRTH \_\_\_\_\_

SCARS, MARKS AND TATTOOS

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MEDICAL CONDITIONS

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VEHICLE DESCRIPTION

VEHICLE ID NUMBER (VIN) \_\_\_\_\_

MAKE \_\_\_\_\_ MODEL \_\_\_\_\_ STYLE \_\_\_\_\_ COLOR \_\_\_\_\_

YEAR \_\_\_\_\_ LICENSE PLATE NUMBER \_\_\_\_\_ AND STATE \_\_\_\_\_

LAST KNOWN ADDRESS

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PLACE OF EMPLOYMENT \_\_\_\_\_

ADDITIONAL INFORMATION HELPFUL IN LOCATING SUBJECT

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PLAINTIFF INFORMATION PROTECTION ORDER

PLEASE PRINT

FULL NAME OF PROTECTED PERSON \_\_\_\_\_

SEX \_\_\_\_\_ RACE \_\_\_\_\_ DATE OF BIRTH \_\_\_\_\_

ADDRESS \_\_\_\_\_

\_\_\_\_\_

PHONE NUMBER \_\_\_\_\_

#1 MINOR CHILD

NAME \_\_\_\_\_

SEX \_\_\_\_\_ RACE \_\_\_\_\_ DATE OF BIRTH \_\_\_\_\_

#2 MINOR CHILD

NAME \_\_\_\_\_

SEX \_\_\_\_\_ RACE \_\_\_\_\_ DATE OF BIRTH \_\_\_\_\_

#3 MINOR CHILD

NAME \_\_\_\_\_

SEX \_\_\_\_\_ RACE \_\_\_\_\_ DATE OF BIRTH \_\_\_\_\_

#4 MINOR CHILD

NAME \_\_\_\_\_

SEX \_\_\_\_\_ RACE \_\_\_\_\_ DATE OF BIRTH \_\_\_\_\_

#5 MINOR CHILD

NAME \_\_\_\_\_

SEX \_\_\_\_\_ RACE \_\_\_\_\_ DATE OF BIRTH \_\_\_\_\_

\_\_\_\_\_

SIGNATURE OF PLAINTIFF

**IN THE CIRCUIT COURT OF MISSISSIPPI, COUNTY ARKANSAS  
CHICKASAWBA DISTRICT  
DOMESTIC RELATIONS DIVISION**

1. \_\_\_\_\_

PETITIONER

VS. 47BDR-17- \_\_\_\_\_

2. \_\_\_\_\_

RESPONDENT

**3. PETITIONER INFORMATION**

RACE \_\_\_\_\_ SEX \_\_\_\_\_ D.O.B. \_\_\_\_\_

**4. RESPONDENT INFORMATION**

RACE \_\_\_\_\_ SEX \_\_\_\_\_ D.O.B. \_\_\_\_\_

( )- -

Phone

\_\_\_\_\_  
Home Address

\_\_\_\_\_  
Work Address

**PETITION FOR ORDER OF PROTECTION**

5. I am the Petitioner and (check one)

I am at least 18 years of age, or

I under 18 years of age but emancipated.

6. I am filing on behalf of myself

7. I am filing on behalf of a family or household member who is:

a minor whose name is

an adjudicated incompetent person whose name is

8. I am an employee or volunteer of a domestic violence shelter or program, and I am filing on behalf of a minor.

9. The Respondent is: (check one)

at least 18 years of age, or

under 18 but emancipated



10. The Respondent is a resident of the State of \_\_\_\_\_
11. I am a resident of the State of \_\_\_\_\_
12. The Petitioner and Respondent (or victim if filing on behalf of a minor or incompetent person):  
(check all that apply)

are spouses

are former spouses

I are parent and child

are related by blood

currently reside together or cohabit      have children in common

formerly resided together or cohabited; but separated on \_\_\_\_\_

are presently or in the past have been in a dating relationship

13. Have you previously filed for an Order of Protection?
- Yes No. If yes, state the approximate date and the county in which the Petition was filed: \_\_\_\_\_
14. Has an Order of Protection or No Contact Order been entered against you?
- Yes No. If yes, state the approximate date and the county in which the Order was entered: \_\_\_\_\_
15. Is the Respondent a convicted felon?
- Yes No Unknown. If yes, state the approximate date and the county in which the convictions were entered: \_\_\_\_\_
16. Is the Respondent employed by one or more of the following organizations:
- Check all that apply:
- Police Department
- Fire Department
- Military (Active, Reserve, or National Guard)
- Other organization that requires the use of firearms, please explain:

17. I am requesting (check all that apply):
- An Order of Protection for the children:
- Temporary custody of the children:
- Please list each child, their date of birth and the person with current physical custody of the children: \_\_\_\_\_
- | NAME | D.O.B. | RACE | CUSTODY |
|------|--------|------|---------|
|------|--------|------|---------|


18. Is there and outstanding court order awarding custody, either temporary or permanent, of the child(ren)?    Yes;    No. if Yes, were you awarded custody of the child(ren) by that order?  
Yes;    No

19. The Respondent has committed domestic abuse to the Petitioner or victim by the following acts: (describe in detail, and provide date of such acts):


20.    a) I am afraid of the Respondent and there is an immediate and present danger of domestic abuse to me; or  
      b) The Respondent is scheduled to be released from incarceration within 30 days, an( . upon Respondent's release there will be an immediate and danger of domestic abuse to me.

The reasons are as follows : (please be specific)


21    Petitioner requests that the court issue an ex-parte order of protection with the following provisions: (check all that are being requested)

a)    excluding Respondent from a shared residence or from the residence of the Petitioner or victim at

b)    excluding Respondent from the Petitioner's place of employment, business, school, or other location of Petitioner or victim.

Address of Place of Employment: \_\_\_\_\_

Address of School: \_\_\_\_\_

- c) awarding the Petitioner the temporary custody of the minor child(ren) named in paragraph 17.
- d) requiring Respondent to pay:
  - 1) child support in the amount of \$\_\_\_\_\_.
  - 2) Spousal support in the amount of \$\_\_\_\_\_.
- e) excluding Petitioner's address from any Notice.
- f) prohibiting the Respondent, directly or through an agent, from contacting Petitioner or victim, except under the following conditions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

22. It is further requested that upon hearing, the court issue a full order of protection to include a restraining order excluding Respondent from the place of employment, business, residence or school, awarding custody of children and requiring Respondent to pay child support and/or spousal support, and in addition, to pay filing fees, service fees, and Petitioner's attorney's fees.]

The Petitioner, under oath and penalty of perjury, states that the facts stated in the above petition are true according to Petitioner's best knowledge and belief.

\_\_\_\_\_  
Petitioner

STATE OF ARKANSAS

COUNTY OF \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_ 20

\_\_\_\_\_  
Notary Public or Clerk

My Commission Expires:  
\_\_\_\_\_

IN THE CIRCUIT COURT OF MISSISSIPPI COUNTY, ARKANSAS  
DOMESTIC RELATIONS DIVISION

PETITIONER

CASE NO.47BDR-T7-\_\_\_\_\_

RESPONDENT

**AFFIDAVIT ACCOMPANYING PETITION FOR DOMESTIC ORDER OF**  
**PROTECTION**

I, \_\_\_\_\_, Petitioner in the above named Order of Protection Case having been duly sworn, depose and state the following under penalty of perjury:

1. I am the Petitioner in the above-captioned case for a Petition for an Order of Protection against the named Respondent.
2. In good faith, I believe I am entitled to an Order of Protection against the Respondent, and I submit this Affidavit in accordance with Arkansas Code Annotated § 9-15-201(e) (2).

3. The specific facts and circumstances that have led to the filing of this Order of Protection are as follows (additional attached pages, if any, are incorporated by reference as if laid out herein word for word):

[illegible]

4. These facts, along with the facts alleged in my accompanying Petition constitute my request for an Ex-Parte Order of Protection and Final Order of Protection.

5. I am requesting that an Ex-Parte Temporary Order of Protection and a Final Order of Protection be entered granting me the relief set out in my accompanying Petition.

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PETITIONER

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DATE

STATE OF ARKANSAS

COUNTY OF MISSISSIPPI

SUBSCRIBED AND SWORN to before me, the below named officer, this \_\_\_\_\_

day of \_\_\_\_\_ 20

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NOTARY PUBLIC

MY COMMISSION EXPIRES:

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(SEAL)

1. The intent of this form is to provide a degree of privacy to the parties, and to help deter and prevent identity theft.
2. The form must be used in all Domestic Relations cases in which minor children are involved. The form must be filed with the Domestic Relations Cover sheet at initial filing. Additionally, a copy of this form must be filed with the Office of Child Support Enforcement (P.O. Box 8128, Little Rock, AR 72203). The parties in each case should update and re-file this form with the Circuit Clerk and the Office of Child Support Enforcement whenever either parties' information changes.
3. The parties or their attorney should provide the information available to the clerk at the initial filing.
4. If any of the designated information is unavailable, please so indicate by marking the appropriate field (s) with N/A (not available). With this documentation, the clerk must accept a partially completed form.
5. The clerk will **not** file this form in the case file. It should be maintained in a separate file, folder or book. Access to this form is limited to the Office of Child Support Enforcement, attorneys of record, parties appearing Pro Se, or persons authorized in writing by the circuit court.
6. The custodial parent or custodian of the children should be entered in the top section of the form. If custody has not been determined, the person who has physical custody of the children should be entered in the top section. If the parties are dividing the care of the child, enter one in this section and one in the non-custodial section.
7. Enter all children with their dates of birth and Social Security numbers in the bottom section of the form.
8. If there are more than four children, make a second copy of this sheet to add the remaining children.
9. The OCSE Case number is to be used **only** by the Office of Child Support Enforcement.
10. The preparer's line should be completed by the person providing the information. Please type or print the name of the preparer.
11. The instructions are based upon Act 1877 of 2005 which amends Arkansas Code § 9-14-205.
12. The clerk if reporting by paper form should send a copy of the Domestic Relations Cover sheet and a copy of the Confidential Data sheet to the Administrative Office of the Courts. For clerks reporting by floppy diskette, please contact your AOC regional auditor for instructions to report by email. If the clerk provides a copy of the DR Cover sheet or court order to OCSE, a Confidential Data sheet must be provided also.

**COVER SHEET**  
**STATE OF ARKANSAS**  
**CIRCUIT COURT: DOMESTIC RELATIONS**

The domestic relations reporting form and the information contained herein shall not be admissible as evidence in any other court proceeding or replace or supplement the filing and service of pleadings, orders, or other papers as required by law of Supreme Court Rule. This form is required pursuant to Administrative Order Number 8. Instructions are located at [www.courts.arkansas.gov](http://www.courts.arkansas.gov).

**County:** \_\_\_\_\_ **District:** \_\_\_\_\_ **Filing Date:** \_\_\_\_\_

**Judge:** \_\_\_\_\_ **Division:** \_\_\_\_\_ **Case ID:** \_\_\_\_\_

**Type of Case (select only one):**

- |  |  |
|--|--|
| (AN) Annulment (marriage date: _____)    | (PT) Paternity                                   |
| (CT) Contempt-Domestic Relations         | (SM) Separate Maintenance (marriage date: _____) |
| (CS) Custody                             | (SS) Support (OCSE)                              |
| (DV) Divorce (marriage date: _____)      | (ST) Support-Private (non-OCSE)                  |
| (FJ) Foreign Judgment-Domestic Relations | (SU) Support-UIFSA                               |
| (DA) Order of Protection                 | (VI) Visitation                                  |

**Does this case involve the custody or support of minor children?**      Yes      No

*If yes, also file the completed Confidential Information Sheet.*

Plaintiff		Defendant	
<b>Last Name</b>		<b>Last Name</b>	
Suffix		Suffix	
<b>First Name</b>		<b>First Name</b>	
DL/State ID		DL/State ID	
Address		Address	
City, State, ZIP		City, State, ZIP	
Phone		Phone	
Email		Email	
Self-represented	Yes      No	Self-represented	Yes      No
DOB		DOB	
Interpreter needed?	Yes: _____ No (language)	Interpreter needed?	Yes: _____ No (language)

**Attorney of Record:** \_\_\_\_\_ **Bar #:** \_\_\_\_\_

For the:      Plaintiff      Defendant      **Email Address:** \_\_\_\_\_

**Related Case(s):** Judge: \_\_\_\_\_ Case ID(s): \_\_\_\_\_

**Manner of filing:**      (MFO) Original      (MFR+case type) Re-open  
   (MFT) Transfer      (MFF) Reactivate



# Ex Parte Order of Protection

☐ Amended Order

Case No.

Circuit Court, Div.

County:

, Arkansas

## Petitioner/Plaintiff

First

Middle

Last

Petitioner's Date of Birth (mm/dd/yyyy)

Race

Sex

## Minor Children Protected under this Order

	d.o.b.
	d.o.b.
	d.o.b.
	d.o.b.
	d.o.b.

## Versus

## Respondent/Defendant

First

Middle

Last

<b>Address:</b>	

**CAUTION:** Respondent possesses a firearm  
Respondent has history of extreme violence

## This Order is Effective Until:

*Pursuant to Federal law, this Order shall be enforced by law enforcement officers in all states, territories, districts and tribal lands regardless of whether this Order of Protection is registered locally.*

## Respondent Identifiers

Sex	Race	DOB mm/dd/yyyy	Ht.	Wt.

Eyes	Hair	SS#
Phone #		DL # or other ID #

**Relationship Identifiers:** ☐ Current or former spouses ☐ Parents of child(ren) in common

☐ Live together ☐ Current or past dating relationship ☐ Other Relative (Explain) \_\_\_\_\_

## THE COURT HEREBY FINDS AND OFFERS:

That there is jurisdiction over the parties and subject matter, and the Petitioner has presented sufficient evidence to show: 1.) that the victim(s) is (are) in immediate and present danger of domestic abuse or 2.) that the Respondent is scheduled to be released from incarceration within thirty(30) days, and upon the Respondent's release there will be an immediate and present danger of domestic abuse.

That Ex Parte Temporary Order of Protection is hereby granted pursuant to the terms herein.

The Respondent is ordered to appear before the Court on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ a.m./p.m. in the Courthouse located at: \_\_\_\_\_, \_\_\_\_\_, AR.

If you fail to appear, the Court will likely make this Order permanent without further notice to you. The Respondent is hereby restrained from committing any criminal act against the victim(s) including, but not limited to: acts of violence or Domestic Abuse, A.C.A. §9-15-103(3); Harassment A.C.A. §5-71-208; Harassing Communications A.C.A. §5-71-209; Stalking A.C.A. §5-71-229; or Terroristic Threatening A.C.A. §5-13-301.

- ☐ The Respondent is prohibited from initiating any contact with the victim(s) including but not limited to physical presence, telephonic, electronic, oral, written, visual, or video. Respondent also shall not use a third party to contact the victim(s) except by legal counsel or as authorized by law or court order.
- ☐ The Respondent is excluded from the Petitioner's residence and the immediate vicinity thereof.

**Petitioner's Address:** \_\_\_\_\_ (or)

- ☐ The Petitioner's address is excluded from notice to the Respondent.
- ☐ The Respondent is prohibited from the following places:

**Petitioner's Workplace:** \_\_\_\_\_

**School:** \_\_\_\_\_

**Other (Identify):** \_\_\_\_\_

☐ \_\_\_\_\_ is awarded temporary custody of minor child(ren).

**(Names)** \_\_\_\_\_

- ☐ Any law enforcement officer with jurisdiction is ordered to assist the Petitioner in gaining possession of the dwelling and/or to otherwise assist in execution or service of the Order of Protection

☐ **Other Orders:** \_\_\_\_\_

- ☐ Respondent is temporarily prohibited from terminating the account(s) associated with the following telephone number(s):

If the parties (or other persons named herein) are subject to the jurisdiction of another court (i.e. through a divorce or paternity action), upon proper notice and the opportunity to be heard, said court may amend the terms of this Order as appropriate.

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, IT IS ORDERED.

\_\_\_\_\_  
CIRCUIT JUDGE

Office of the Circuit Clerk, \_\_\_\_\_ County, \_\_\_\_\_ Phone: \_\_\_\_\_

## **WARNINGS TO RESPONDENT**

-Pursuant to A.C.A. §9-15-207, a violation of an Order of Protection is a Class A misdemeanor carrying a maximum penalty of one year imprisonment in the county jail or a fine of up to \$2,500, or both. A violation of an Order of Protection under this section within five (5) years of a previous conviction for violation of an Order of Protection is a Class D felony punishable by up to six years in prison or up to a \$10,000 fine or both.

-It is a federal offense for an individual who is subject to a Final Order of Protection or convicted of a misdemeanor of domestic violence to ship, transport, or possess a firearm or ammunition pursuant to U.S.C. §922(g)(8) and (9).

-Crossing state, territorial, or tribal boundaries to violate this Order may result in federal imprisonment pursuant to 18 U.S.C. §2262.

## **NOTICE TO LAW ENFORCEMENT**

-This Order of Protection is enforceable in every county of this state by any court or law enforcement officer. See A.C.A. §9-15-207(g).

## **PROOF OF SERVICE**

Case #: \_\_\_\_\_ Court Date: \_\_\_\_\_

SERVED: Date: \_\_\_\_\_ Time: \_\_\_\_\_ Place: \_\_\_\_\_

Attempts Made: List only date and time

1) \_\_\_\_\_ 2) \_\_\_\_\_ 3) \_\_\_\_\_

---

Served On (Print Name)

Manner of Service

---

Served By (Print Name)

Title

Badge #

## **DECLARATION OF SERVER**

I declare, under penalty of perjury under the laws of the State of Arkansas that the foregoing information contained in the proof of service is true and correct.

Executed on \_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Server

\_\_\_\_\_  
Address of Server

# Final Order of Protection

☐ Amended Order

Case No.

Circuit Court, Div.

County:

, Arkansas

## Petitioner/Plaintiff

First

Middle

Last

Petitioner's Date of Birth (mm/dd/yyyy)

Race

Sex

## Minor Children Protected under this Order

	d.o.b.
	d.o.b.
	d.o.b.
	d.o.b.
	d.o.b.

## This Order is Effective Until:

**Pursuant to Federal law, this Order shall be enforced by law enforcement officers in all states, territories, districts and tribal lands regardless of whether this Order of Protection is registered locally.**

## Versus

## Respondent/Defendant

First

Middle

Last

Address:

Employer:

**CAUTION:** ☐ Respondent possesses a firearm  
☐ Respondent has history of extreme violence

## Respondent Identifiers

Sex	Race	DOB mm/dd/yyyy	Ht.	Wt.

Eyes	Hair	SS#
Phone #	DL # or other ID #	

Distinguishing Characteristics: \_\_\_\_\_

**Relationship Identifiers:** ☐ Current or former spouses ☐ Parents of child(ren) in common

☐ Live together ☐ Current or past dating relationship ☐ Other Relative (Explain) \_\_\_\_\_

## THE COURT HEREBY FINDS AND OFFERS:

That there is jurisdiction over the parties and subject matter, and the Respondent has been provided with proper notice and the opportunity to be heard. That the victim(s) is (are) in immediate and present danger of domestic abuse and therefore an Order of Protection is hereby granted pursuant to the terms herein.

A hearing on this matter was held on the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

- ☐ The Petitioner appeared pro se. \_\_\_\_\_
- ☐ The Petitioner was represented by counsel \_\_\_\_\_
- ☐ The Respondent appeared pro se. \_\_\_\_\_
- ☐ The Respondent was represented by counsel \_\_\_\_\_
- ☐ The Respondent failed to appear despite proper notice. \_\_\_\_\_

- 
- ☐ The Respondent is restrained from committing any criminal act against the victim(s) including, but not limited to: acts of violence or Domestic Abuse, A.C.A. §9-15-103(3); Harassment A.C.A. §5-71-208; Harassing Communications A.C.A. §5-71-209; Stalking A.C.A. §5-71-229; or Terroristic Threatening A.C.A. §5-13-301.
  - ☐ The Respondent is prohibited from initiating any contact with the victim(s) including but not limited to physical presence, telephonic, electronic, oral, written, visual, or video. Respondent also shall not use a third party to contact the victim(s) except by legal counsel or as authorized by law or court order.
  - ☐ The Respondent is excluded from the Petitioner's residence and the immediate vicinity thereof  
**Petitioner's Address:** \_\_\_\_\_  
  
(or) ☐ The Petitioner's address is excluded from notice to the Respondent.
  - ☐ The Respondent is prohibited from the following places:

**Petitioner's Workplace:** \_\_\_\_\_

**School:** \_\_\_\_\_

**Other (Identify):** \_\_\_\_\_

- ☐ is awarded temporary custody of the minor child(ren) for the duration of this order or until future orders shall be issued from a Court with jurisdiction over the parties:

(Children's Names) \_\_\_\_\_

☐ Visitation with regard to the minor child(ren) is established as follows \_\_\_\_\_

- ☐ \_\_\_\_\_ is ordered to pay child support to \_\_\_\_\_ through the Circuit Clerk's Office in the amount of \$ \_\_\_\_\_ per \_\_\_\_\_, plus any Clerk fees as they come due with said payments to begin on \_\_\_\_\_. This amount is according to the Child Support Chart based upon the payor's income of \_\_\_\_\_ per \_\_\_\_\_.

This amount ☐ does/ ☐ does not (check one) deviate from the Child Support Chart.

(If the amount deviates from the Chart, the justification below in the "Other Order's" section.)

- ☐ \_\_\_\_\_ is ordered to pay spousal support in the amount of \$ \_\_\_\_\_ per \_\_\_\_\_, beginning on \_\_\_\_\_. The spousal support shall be paid until \_\_\_\_\_. Method of payment shall be: \_\_\_\_\_

**Note: as there is an expiration date on all Orders of Protection, future matters regarding Child Support, Alimony and Visitation should be handled through another Domestic Relations case (i.e. divorce, paternity, or through the Office of Child Support Enforcement).**

- ☐ A law enforcement officer with jurisdiction is ordered to assist the Petitioner in gaining possession of the dwelling, and/or to otherwise assist in execution or service of the Order of Protection.
- ☐ A law enforcement officer with jurisdiction is ordered to assist the Respondent in obtaining their personal effects from the dwelling upon proper and timely request of the Respondent.





On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, IT IS SO ORDERED.

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**CIRCUIT JUDGE**

### **WARNINGS TO RESPONDENT**

-Pursuant to A.C.A. §9-15-207, a violation of an Order of Protection is a Class A misdemeanor carrying a maximum penalty of one year imprisonment in the county jail or a fine of up to \$2,500, or both. A violation of an Order of Protection under this section within five (5) years of a previous conviction for violation of an Order of Protection is a Class D felony punishable by up to six years in prison or up to a \$10,000 fine or both.

-It is a federal offense for an individual who is subject to a Final Order of Protection or convicted of a misdemeanor of domestic violence to ship, transport, or possess a firearm or ammunition pursuant to U.S.C. §922(g)(8) and (9).

-Crossing state, territorial, or tribal boundaries to violate this Order may result in federal imprisonment pursuant to 18 U.S.C. §2262.

### **NOTICE TO LAW ENFORCEMENT**

-In the event that any law enforcement officer has probable cause to believe that the Respondent named in the above Order has violated this Order and has verification of this Order the officer, may, without a warrant arrest the violator whether the violation was in or outside the officer's presence. See A.C.A. §9-15-207(f).

-A law enforcement officer SHALL NOT arrest a Petitioner for the violation of an Order of Protection issued against a Respondent. See A.C.A. §9-15-207(e).

-This Order of Protection is enforceable in every county of this state by any court or law enforcement officer. See A.C.A. §9-15-207(g).

-This Order is entitled to full faith and credit in any jurisdiction of the United States. See 18 U.S.C. §2265.