

PETITION FOR PROTECTION FROM ABUSE

Case Number

IN THE CIRCUIT COURT OF _____ COUNTY, ALABAMA
(Name of County)

Plaintiff (person to be protected) v. _____
Defendant (person to be restrained)

Plaintiff's Date of Birth Defendant's Address (Business or Home)

Ala. Code 1975, Section 30-5-5(e)(1) provides "[t]he following information shall not be contained on any court document made available to the public and the defendant by the circuit clerk's office: The plaintiff's home address and, if applicable, business address; a plaintiff's home telephone number and, if applicable, business telephone number; the home or business address or telephone number of any member of the plaintiff's family or household; or an address that would reveal the confidential location of a shelter for victims of domestic violence as defined in Section 30-6-1."

City State Zip Code

Defendant's Date of Birth

Defendant's Social Security Number

YOU MUST PROVIDE COMPLETE AND TRUTHFUL INFORMATION. IF YOU DO NOT, THE COURT MAY DISMISS THIS CASE, AND YOU MAY BE SUBJECT TO BEING CHARGED WITH PERJURY FOR KNOWINGLY PROVIDING FALSE INFORMATION.

I. ELIGIBLE PLAINTIFFS: CHECK ALL THAT APPLY

(Note: The word, "Plaintiff," is used throughout to describe you and/or the person(s) for whom you are applying):

- I am 18 years of age or older seeking protection from domestic violence for myself;
- I am a parent; a legal guardian; a legal custodian; or the State Department of Human Resources seeking this petition for protection from domestic violence on behalf of the Plaintiff who is: a minor, or any person prevented by physical or mental incapacity from seeking a protection order.
- I am under 18 years of age and am married; or emancipated, and seeking protection from domestic violence for myself.

CHECK AND FILL OUT ONLY ONE SECTION (1,2,3,4 OR 5):

- 1. The Defendant is the Plaintiff's spouse; or former spouse; common-law marriage
Date of Marriage: _____; Date of Divorce (if applicable): _____.
- 2. The Defendant is related to the Plaintiff by marriage.
- 3. The Defendant and the Plaintiff have a dating relationship* (A relationship means a recent frequent, intimate association, primarily characterized by the expectation of affectionate or sexual involvement within the last six months. A dating relationship does not include a casual or business relationship).
- 4. The Defendant is a current or former household member* (A household member is a person maintaining or having maintained a living arrangement with the Defendant where he/she is in or was engaged in, a romantic or sexual relationship).
- 5. The Defendant and the Plaintiff are unmarried parents of a child.

*If you select 3 or 4 you must briefly explain the relationship:

I state that the following is true and correct:

The Plaintiff is a resident of _____ in _____. The Plaintiff's age is: _____ years old.
(Name of County) (Name of State)

Is the Plaintiff involved in any other civil, domestic relations, child support, or juvenile case (for example, divorce, paternity or custody) with the Defendant? YES NO

If YES, please state the County and State in which the case was brought: _____ County,
_____ (State).

Are there any criminal charges against the Defendant because of abuse to the Plaintiff? YES NO
If YES, the charges were brought in _____ County, _____ (State).

(Note: If there are more civil or other cases with the Defendant or more criminal charges against the Defendant, please attach additional 8" x 11" sheets of paper, if necessary, stating the case number(s), County(ies), and States(s) in which these cases are being handled).

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(Check the box if the following statement applies to the Plaintiff):

- The Plaintiff left his or her home because of abuse or threat of abuse, and the Plaintiff is currently residing in _____ County, Alabama
- The Defendant lives in _____ County, _____ (State).
- The Defendant is _____ years old.
- I am requesting (check one of the following boxes): a protection order; OR a change in a current protection order; OR an emergency order; OR a change in an emergency order.

**II. To Get a Protection Order, the Defendant Must Have Done One or More of the Following:
(Check all that apply):**

- | | |
|--|--|
| <input type="checkbox"/> Made the Plaintiff afraid that the Plaintiff would be seriously injured | <input type="checkbox"/> Injured the Plaintiff |
| <input type="checkbox"/> Made the Plaintiff have sex by force or threat of force | <input type="checkbox"/> Tried to hurt the Plaintiff |
| <input type="checkbox"/> Kidnapped the Plaintiff or his or her child(ren) | <input type="checkbox"/> Threatened to injure/hurt the Plaintiff |
| <input type="checkbox"/> Trespassed on the Plaintiff's property | <input type="checkbox"/> Stalked the Plaintiff |
| <input type="checkbox"/> Abused the Plaintiff's child(ren) | <input type="checkbox"/> Set fire to the Plaintiff's house |
| <input type="checkbox"/> Stole from the Plaintiff | <input type="checkbox"/> Restrained the Plaintiff |

III. Explain the Abuse That Has Happened (Begin With the Most Recent Act. You May Add Additional 8" x 11" Sheets of Paper, If Necessary):

Date and place where the abuse occurred:

Describe how the Defendant hurt or threatened the Plaintiff:

I fear the Defendant will cause further abuse because:

IV. Legal Information Required (Check all that apply):

There is a current restraining or protection order against the Defendant:

- YES; I don't know; NO. If YES, the County and State where it was issued: _____ County, _____ (State).

The Defendant has a current restraining or protection order against the Plaintiff:

- YES; No. If YES, the County and State where it was issued: _____ County, _____ (State).

(Note: If there are more current restraining or protection orders against the Defendant or against the Plaintiff, please attach additional 8" x 11" sheets of paper, if necessary, stating the case number(s), County(ies), and State(s) in which these Orders were issued).

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V. Child(ren)

The name(s) and age(s) of any child(ren) of the Defendant and the Plaintiff, who are under 19 years old AND have been living in the Plaintiff's household.

Name: _____ Age: _____

Name: _____ Age: _____

Name: _____ Age: _____

Name: _____ Age: _____

B. Is there a custody order concerning any of the above children? YES NO

C. For the last six months, the child(ren) (has) have lived (in what State with whom):

Child: _____ Lived with: _____ State: _____

Child: _____ Lived with: _____ State: _____

Child: _____ Lived with: _____ State: _____

VI. Residence

THE DEFENDANT MAY BE REQUIRED TO MOVE FROM THE PLAINTIFF'S RESIDENCE IF THE RESIDENCE IS IN THE SOLE NAME OF THE PLAINTIFF, IF IT IS JOINTLY OWNED OR RENTED BY THE PLAINTIFF AND THE DEFENDANT, OR IF THE PARTIES ARE MARRIED TO EACH OTHER.

The place where the Plaintiff lives is: **Owned by:** the Plaintiff; the Defendant; or both the Plaintiff and the Defendant.

Rented by: the Plaintiff; the Defendant; or both the Plaintiff and the Defendant.

The Plaintiff must notify the Court of any change(s) in address.

VII. Ex Parte Relief Requested (Please Check the Boxes To Show What is Requested):

I am asking the Court for the following for myself and/or the person(s) for whom I am applying

(1) Enjoin the Defendant from threatening to commit, or committing acts of abuse, as defined in the Protection from Abuse Act, against the:
 Plaintiff; and/or child(ren) of the Plaintiff; and/or any designated person to wit: _____.

(2) Restrain and enjoin the Defendant from:

- | | | |
|--------------------------------------|------------------------------------|---|
| <input type="checkbox"/> Telephoning | <input type="checkbox"/> Harassing | <input type="checkbox"/> Engaging in conduct that would place in reasonable fear of bodily injury |
| <input type="checkbox"/> Contacting | <input type="checkbox"/> Stalking | <input type="checkbox"/> Or otherwise communicating, directly or indirectly, with: |
| <input type="checkbox"/> Threatening | <input type="checkbox"/> Annoying | |

- | | |
|---|---|
| <input type="checkbox"/> The Plaintiff and/or | <input type="checkbox"/> Any designated person, to wit: |
| <input type="checkbox"/> Minor(s) and/or | _____ |
| <input type="checkbox"/> Child(ren) of the Plaintiff and/or | _____ |

Original-Court Record

Copy-Law Enforcement

Copy-Plaintiff

Copy-Defendant

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- (3) Order the Defendant to stay away from: the Plaintiff's residence; place of employment; school; and/or the child(ren)'s: residence; place of employment; school; and/or any other designated person's to wit: _____; residence; place of employment; school; any specified place, which the court determines the Defendant has no legitimate reason to frequent, as designated below, frequented by the Plaintiff, and/or child(ren); and/or any designated person. Name(s) and location(s) of the other specified places(s): _____.
- (4) Award temporary custody of the child(ren) to _____.
(Please specify the name of the person to whom custody should be given)
- (5) Enjoin the Defendant from interfering with the Plaintiff's efforts to remove any of the Plaintiff's child(ren) and direct the appropriate law enforcement officer to accompany the Plaintiff during the effort to remove any of the Plaintiff's child(ren).
- (6) Enjoin the Defendant from removing any child(ren) from _____
(the individual having legal custody of the child(ren), except as subsequently authorized by a custody or visitation order issued by a court of competent jurisdiction).
- (7) Order possession and use of an automobile and/or other essential personal effects regardless of ownership, and direct the appropriate law enforcement officer to accompany the Plaintiff to the residence of the parties or to other specified locations as necessary to protect the Plaintiff or any children from abuse.
- (8) Remove and exclude the Defendant from the residence of the Plaintiff, regardless of ownership of the residence.
- (9) Prohibit the Defendant from transferring; concealing; encumbering; or otherwise disposing of specified property mutually owned or leased by the parties (Please describe property).
- (10) Order other relief deemed necessary to provide for the safety and welfare of the: Plaintiff; and/or any child(ren); and/or Any designated person as follows:

VIII. Additional relief requested for final hearing:(permanent order)

In addition to the relief requested above in "VII. Ex Parte Relief Requested," I request the following relief for myself and/or the person(s) for whom I am applying:

- (11) Order the Defendant to comply with the following visitation arrangements of any child(ren):
 Visitation; Deny visitation; Require supervision by a third party
(Please specify visitation arrangements of any children below giving primary consideration to the safety of the Plaintiff or any child(ren) or both).
- (12) Order the Defendant to pay attorney's fees and court costs.
- (13) Grant possession of the residence or household to the Plaintiff to the exclusion of the Defendant by: evicting the defendant; restoring possessions to the Plaintiff; or both; or agreeing to allow the Defendant to provide suitable alternate housing.
- (14) Order the Defendant to pay temporary reasonable child support for the Plaintiff and/or any child(ren) in the Plaintiff's custody, or both, in accordance with the Child Support Guidelines. (If this relief is sought, you must Attach COMPLETED copies of Form CS-41, Child Support Obligation Income Statement/Affidavit, Form CS-42, Child Support Guidelines, and form CS-47, Child Support Information Sheet).

Original-Court Record

Copy-Law Enforcement

Copy-Plaintiff

Copy-Defendant

(15) Order the Defendant to provide temporary possession of the vehicle (description): _____ to the Plaintiff because the Plaintiff has no other means of transportation of his or her own and the Defendant has control of more than one vehicle: or has alternate means of transportation.

(16) Incorporate another custody order (Case Number, County, State: _____); or visitation order (Case Number, County, State: _____); support order (Case Number, County, State: _____) into this Order.

(17) Order the Defendant to surrender all firearms.

(18) Direct the appropriate law enforcement office to accompany the Plaintiff to: the residence of the parties; and/or another location, _____ (description of location), as necessary to enforce any of the terms of this Order.

(19) Order other relief not requested above (describe): _____

Before me, the undersigned authority, personally appeared the Plaintiff, who is known to me or presented an identification card to me, and who being duly sworn, deposes and says that he/she has read the foregoing Petition for Protection from Abuse and that the facts herein are true and correct.

Sworn to and subscribed before this, the _____ day of _____, _____.

Plaintiff (Please print)

Plaintiff (Signature)

Judge/Clerk of County/Notary Public
(Notary: my commission expires _____).

Business Address and Telephone Number of Judge/Clerk
Of Court/Notary Public

NOTICE TO DEFENDANT

The Defendant is advised that (1) he or she has the right to counsel at his or her own expense at the final hearing on this Petition but not counsel appointed by the court; and (2) he or she has a right to request a final hearing prior to 10 days of perfection of Service of this Petition.

Original-Court Record

Copy- Law Enforcement

Copy-Plaintiff

Copy-Defendant