

Orders of Protection

Information Sheet

Who can file

The Petition for an Order of Protection may be filed by an adult family or household member on behalf of himself or herself; or on behalf of another family or household member who is a minor. The definition of “**Family or Household Member**” is shown below.

Where to file

The Petition for an Order of Protection is filed in the Circuit Court and shall be filed in the county where the petitioner resides, where the alleged incident of abuse occurred, or where the respondent may be served.

Contents of Petition

The Petition for an Order of Protection must be verified under oath, and allege the existence of domestic abuse, which is defined below. It should state the specific facts and circumstances of the domestic abuse, including the dates that said abuse occurred. It is important to list as much detail as possible including the Who, What, Where and When of the abuse. The Petition should disclose any pending litigation between the parties and any prior filings for an Order of Protection.

The Petition is not proper if it only alleges a child custody dispute, the return of property, or harassing phone or text messages. It should not be used solely to gain an advantage in a pending domestic relations case.

Definition of Domestic Abuse and Family or Household Member

Arkansas law defines “**domestic abuse**” as follows:

(A) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault between family or household members; or

(B) Any sexual conduct between family or household members, whether minors or adults, that constitutes a crime under the laws of this state; and

“Family or household members” means spouses, former spouses, parents and children, persons related by blood within the fourth degree of consanguinity, in-laws, any children residing in the household, persons who presently or in the past have resided or cohabited together, persons who have or have had a child in common, and persons who are presently or in the past have been in a dating relationship together. (Ark. Code Ann. 9-15-103)

Temporary Order of Protection

A Temporary Order of Protection shall be entered if the Petition alleges that there is an immediate and present danger of domestic abuse, and the Judge finds sufficient evidence to support it.

The Order may exclude the respondent from the petitioner's dwelling or one that is shared; and from the place of business or employment, school, or other location of the petitioner or victim. The Order can also award temporary custody, establish visitation rights and order temporary child support. The relief granted may also include enjoining the abusing party from doing, attempting to do, or threatening to do an act injuring, mistreating, molesting, or harassing the petitioner.

The Ex Parte Temporary Order of Protection is effective until the date of the hearing.

If the court does not find sufficient evidence for a temporary order, a hearing date will be set.

Hearing on Petition and Final Order

A hearing on a Final Order of Protection will be set within 30 days of the filing of the Petition, or at the next court date, whichever is later. The parties may testify and call witnesses on their behalf. The petitioner has the burden of proof, by a preponderance of the evidence, to show domestic abuse.

If the Court finds domestic abuse, a Final Order of Protection may be entered for a period of time not less than ninety (90) days nor more than 10 years.

Court Costs and Fees

There are no initial filing fees or service costs; however, if a Final Order of Protection is entered, the Respondent may be assessed filing fees to the Circuit Clerk (currently \$165) and service costs to the Sheriff's Office (currently \$50). **If the allegations are determined to be false, the Court may assess fees and costs to the petitioner.**

Legal Representation

The Petitioner and Respondent should seek legal advice if there are questions regarding a pending case. Either party may have an attorney represent them at any hearing.

The Judge and Court Clerks cannot give legal advice.

**IN THE CIRCUIT COURT OF BAXTER COUNTY, ARKANSAS
DOMESTIC RELATIONS DIVISION**

Petitioner

Date of Birth

Vs. No. DR- _____

Respondent

Date of Birth

Petitioner's Home Address

Petitioner's Work Address

Respondent's Home Address

Respondent's Work Address

PETITION FOR ORDER OF PROTECTION

- I am the Petitioner and at least 18 years of age or under 18 but emancipated
- I am filing on behalf of myself.
- I am filing on behalf of a family or household member who is:
 - a minor(s): (List) _____
 - an adjudicated incompetent person(s): (List) _____
- The Respondent is at least 18 years of age or under 18 but emancipated
- I am an employee or volunteer of a domestic violence shelter or program, and I am filing on behalf of a minor.

The Respondent and Petitioner (or Victim if filing on behalf of a minor or incompetent person):

(Check all that apply)

- are spouses
- are parent and child
- are former spouses
- have or have had a child or children in common
- are related by blood
- currently reside together or cohabit
- formerly resided together or cohabited
- are presently or in the past have been in dating relationship

If an Order of Protection of children is requested:

Child's Name	Date of Birth	Address	Relationship to Parties

The Respondent has committed domestic abuse to the Petitioner or victim by the acts described in the **attached affidavit**.

I am afraid of the Respondent based upon the facts and circumstances in the **attached affidavit**.

Please check all that apply:

- (1) There is an immediate and present danger of domestic abuse to me.
- (2) 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 to me.
- Petitioner requests that the Court issue an **Ex Parte Order of Protection** and a **Final Order of Protection** with the specific relief set out in the **attached Affidavit**, which is incorporated by reference herein.
- I am involved in pending litigation with the Respondent in the case of:

Case No.: _____

Type of Case: _____

Circuit or District Court Judge: _____

County or City: _____

- I have previously filed a petition for an Order of Protection against the Respondent in the following case or cases:

Case No.: _____

Circuit or District Court Judge: _____

County or City: _____

VERIFICATION

The Petitioner under oath states that the facts stated in the above Petition are true according to the Petitioner's best knowledge and belief.

Date: _____ Petitioners Signature: _____

State of Arkansas

County of Baxter

On this _____ day of _____, 202__, before me, _____, the undersigned officer, personally appeared _____, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that ____ he has executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

My Commission Expires:

Notary Public

4. These facts, together 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 request that an **Ex-Parte Temporary Order of Protection** and a **Final Order of Protection** be entered granting me the following relief: (check all that apply)

Excluding the Respondent from a shared residence or from the residence of the Petitioner or victim. Address of residence: (Leave vacant if address to be excluded) _____
_____.

Excluding the Respondent from the place of business, employment, school or other location of the Petitioner or victim.

Place of Business: _____

Employment: _____

School: _____

Other: (Identify) _____

Awarding temporary custody of minor children as follows:

Child's Name	Person to Receive Custody

Requiring the Respondent to pay child support in the amount of \$ _____ per month.

Requiring the Respondent to pay spousal support in the amount of \$ _____ per month.

Requiring the Respondent to pay filing fees, service fees, Court costs and Petitioner's attorney fees.

Direct the care, custody, or control of the following pets: _____

Prohibit the respondent, directly or through an agent, from contacting the petitioner or victim, except under the following conditions: _____

Exclude the Petitioner's address from notice to the Respondent.

6. I further request any other relief as the Court deems necessary or appropriate pursuant to Arkansas Law.
7. I request that a hearing be set on this matter and that Notice be issued and served upon the Respondent.

PETITIONER

DATE

State of Arkansas

County of Baxter

On this _____ day of _____, 2021, before me, _____, the undersigned officer, personally appeared _____, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that _____ he has executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

My Commission Expires:

Notary Public

(SEAL)

RESPONDENT'S CONTACT INFORMATION

Date: _____ Case Number: _____

Respondent's Name: _____

Respondent's physical address: _____

Respondent's place of employment: _____

Employment Address: _____

Work Phone: # _____ Home Phone # _____

Respondent's Description:

Sex: M or F Race: _____ Date of Birth: _____ Height: _____ Weight: _____

Eyes: _____ Hair: _____ Cell phone # _____ DL# _____

Does the Respondent possess a firearm? Yes or No What type?: _____

Does the Respondent have a history of extreme violence? Yes or No

List any scars, birthmarks or tattoo's the Respondent has: _____

Year, Make and Model of Respondent's Vehicle: _____

List any contact names and numbers where the Respondent may be located: _____

Additional Information that will assist law enforcement in getting the Respondent served:

CONFIDENTIAL INFORMATION
FOR USE ONLY BY THOSE AUTHORIZED BY
Arkansas Code Annotated 9-14-205

Custodial Parent/Custodian: _____

Residential Address: _____

Mailing Address: _____

Phone Numbers: (Home) _____ (Cell) _____

Social Security Number _____ DOB: _____

Driver's License Number: (State) _____ (Number) _____

Employer's Name or Business: _____

Address: _____ City: _____

State: _____ Zip Code: _____

Non-Custodial Parent: _____

Residential Address: _____

Mailing Address: _____

Phone Numbers: (Home) _____ (Cell) _____

Social Security Number: _____ DOB: _____

Driver's License Number: (State) _____ (Number) _____

Employer's Name or Business: _____

Address: _____ City: _____

State: _____ Zip Code: _____

Children's Names and Birth Dates:

Name: _____ DOB: _____ SSN: _____

Print or Type preparer's name: _____

IN THE CIRCUIT COURT OF _____ COUNTY, ARKANSAS

**NOTICE OF RIGHT TO CONSENT
TO DISPOSITION OF CASE BY A STATE DISTRICT COURT JUDGE**

In accordance with Administrative Order Number 18, you are hereby notified that upon the consent of all the parties in a case, a State District Court Judge may be authorized to conduct all proceedings, including trial of the case and entry of a final judgment. Copies of appropriate consent forms are available from the Circuit Clerk.

You should be aware that your decision to consent or not to consent to the disposition of your case before a State District Court Judge is entirely voluntary, **and by consenting to the reference of this matter to a State District Court Judge, the parties waive their right to a jury trial**, and any appeal in the case shall be taken directly to the Arkansas Supreme Court or Court of Appeals as authorized by law.

You should communicate your consent by completing the Form -- **CONSENT TO PROCEED BEFORE A STATE DISTRICT COURT JUDGE** -- and return to the Circuit Clerk.