

PETITION FOR PROTECTION FROM ABUSE

Case Number

IN THE _____ COURT OF _____, ALABAMA
(Circuit or District) (Name of County)

V.
Plaintiff (your name) Defendant (person to be restrained)

Address _____
City _____ State _____ Zip Code _____
Date of Birth _____
Social Security Number _____

YOU MUST PROVIDE COMPLETE AND TRUTHFUL INFORMATION. IF YOU DO NOT, THE COURT MAY DISMISS ANY RESTRAINING ORDER AND MAY ALSO FIND YOU IN CONTEMPT OF COURT, WHICH IS PUNISHABLE BY A FINE AND/OR IMPRISONMENT.

I. Eligible Plaintiffs: (choose from A. or B.)

A. I am an adult seeking relief for myself and/or my minor child(ren) and/or another person prevented by physical or mental incapacities from seeking a protection order.

CHECK AND FILL OUT ONLY ONE SECTION (a, b, c, d, or e):

- a. Defendant is my spouse or former spouse. Date of marriage _____.
Date of Divorce (if applicable): _____.
- b. Defendant and I are adults related by blood, marriage, or adoption. What relation is the defendant to you?
_____.
- c. Defendant and I are common-law married and have been living together since _____ (date).
- d. Defendant and I are currently living in same household or are former household members.
- e. Defendant and I are the unmarried parents of a child;

OR

B. I am an adult relative, household member, guardian, or custodian seeking relief for;
 a minor child a person who is physically or mentally incapacitated from seeking a protection order.

Name of person(s) filing a petition for: _____
Relationship of abused person(s) to defendant: _____

I am the plaintiff and I state that the following is true and correct:

I am filing this petition: as an independent civil action to be joined with Civil Action No. _____.

to be a part of the preliminary, final, or post-judgment relief in Civil Action No. _____.

to be a part of Criminal Action No. _____.

I am a resident of _____ (County) in, _____ (State). Plaintiffs age is _____.

Due to abuse or threat of abuse, I am residing in _____ County, Alabama.

The defendant is a resident of _____ County, Alabama. Defendants age is _____.

Application is for: a protection order modification of a current protection order. I am am not involved in any civil litigation with the defendant. If plaintiff is involved in any litigation with the defendant, please state the county in which the litigation was brought:
_____ County, Alabama.

There are are not pending criminal charges arising from the alleged abuse. If criminal charges were brought against the defendant, they were brought in _____ County, Alabama.

II. To Be Eligible For A Protection Order, Defendant Must Have Done One Or More Of The Following: (Check all that apply).

- Caused me bodily injury Attempted to cause me bodily injury Threatened to cause me bodily injury
 Placed me in fear of serious bodily injury Caused me to engage in sexual relations by force or threat of force
 Abused a minor child Abused a physically or mentally incapacitated person

III. Explain The Abuse That Has Happened:

(Begin With The Most Current Act. You May Add Additional 8" x 11" Sheets of Paper If Necessary):

Date and location of the abuse: _____

Describe how the defendant hurt or threatened you, a minor, or a person for whom you are applying: _____

I am in fear of further abuse by the defendant because: _____

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

I, or the abused party for whom I am applying, have a current restraining order against the defendant:

YES NO. If YES, the county and state where it was issued: _____

Defendant has a current restraining order against me or the person for whom I am applying:

YES NO. If YES, The county and state where it was issued: _____

There are other legal actions filed between and defendant and me or the person for who I am applying (divorce, legal separation, annulment, modification of custody of visitation, criminal charges from the alleged abuse):

YES NO. If YES. In what county and state was it filed: _____

V. Children

The children of defendant and me, who are under 19 years old and have been living in my household:

Name: _____ Age: _____

Name: _____ Age: _____

Name: _____ Age: _____

Name: _____ Age: _____

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

C. For the last six months, the children have lived (in what state and with whom):

Child: _____ Lived with: _____ State: _____

Child: _____ Lived with: _____ State: _____

Child: _____ Lived with: _____ State: _____

Child: _____ Lived with: _____ State: _____

VI. Filing fees: I wish to be considered for a waiver of filing fees due to indigency. My Affidavit of Substantial Hardship, (Form C-10) is attached.

I receive: Aid to Dependent Children (ADC) Food Stamps Supplemental Security Income (SSI)

VII. Residence

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.

Residence is owned leased/rented by: _____

Plaintiff must notify the court of any change in address.

VIII. Ex Parte Relief Requested:

Plaintiff asks that the relief requested (as marked by me) and such other relief as the court thinks proper, be granted:

Enjoin the defendant from threatening to commit or committing any further act of abuse as defined in §30-5-2(a)(1).

Prohibit the defendant from harassing, annoying, telephoning, contacting, or otherwise communicating, directly or indirectly, with the plaintiff or minor children.

Order the defendant to stay away from the residence, school, or place of employment of the plaintiff or minor children, or any specified place frequented by the plaintiff, the minor children, or any designated family member which the defendant has no legitimate reason to frequent.

Name and location of any other specified place(s): _____

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- Award the plaintiff temporary custody of the minor children.
- Enjoin the defendant from interfering with the plaintiffs efforts to remove plaintiff's children from the home or school and direct the appropriate law enforcement officer to accompany the plaintiff during the effort to remove the plaintiffs children.
- Enjoin the defendant from removing the minor children from the individual having legal custody of the minor children, except as otherwise authorized by a custody or visitation order.
- Remove and exclude the defendant from the residence of the plaintiff.
- Direct the appropriate law enforcement officer to accompany the plaintiff to the residence of the parties to protect the plaintiff and minor children.
- Prohibit the defendant from transferring, concealing, encumbering, or otherwise disposing of specified property mutually owned or leased by the parties.
- Award any other relief deemed necessary to provide for the safety and welfare of the plaintiff or minor children and any designated family or household member.

XI. Relief requested for final hearing:

In addition to the relief requested above in, "VIII Ex Parte Requested", I request the following relief.

Visitation: Deny visitation Require supervision by a third party Specify the following: _____

- Order the defendant to pay attorney's fees and court costs.
- Grant possession of the residence to the plaintiff to the exclusion of the defendant.
- Order the defendant to pay temporary, reasonable child support in accordance with the Child Support Guidelines. (If this relief is sought, you must attach a copy of Form CS-41, Child Support Obligation Income Statement/Affidavit, and Form CS-42, Child Support Guidelines).
- Order the defendant to provide temporary possession of the vehicle _____ (vehicle description) to the plaintiff.

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 Court/Notary Public
(Notary: my commission expires _____).

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