

**Stricken language would be deleted from and underlined language would be added to the law as it existed
prior to this session of the General Assembly.
Act 314 of the Regular Session**

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

A Bill

SENATE BILL 857

5 By: Senator Luker
6
7

For An Act To Be Entitled

9 AN ACT TO REQUIRE DISCLOSURE OF CERTAIN
10 INFORMATION IN A PETITION FOR AN ORDER OF
11 PROTECTION; AND FOR OTHER PURPOSES.
12
13

Subtitle

15 AN ACT TO REQUIRE DISCLOSURE OF CERTAIN
16 INFORMATION IN A PETITION FOR AN ORDER
17 OF PROTECTION.
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19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Arkansas Code § 9-15-201 is amended to read as follows:
23 9-15-201. Petition - Requirements generally.

24 (a) All petitions under this chapter shall be verified.

25 (b) The petition shall be filed in the county where the petitioner
26 resides, where the alleged incident of abuse occurred, or where the
27 respondent may be served.

28 (c) A petition for relief under this chapter shall be filed in the
29 circuit court.

30 (d) A petition may be filed by:

31 (1) Any adult family or household member on behalf of himself or
32 herself;

33 (2) Any adult family or household member on behalf of another
34 family or household member who is a minor, including a married minor;

35 (3) Any adult family or household member on behalf of another



1 family or household member who has been adjudicated an incompetent; or

2 (4) An employee or volunteer of a domestic-violence shelter or
3 program on behalf of a minor, including a married minor.

4 (e)(1) A petition for relief shall:

5 (A) ~~allege~~ Allege the existence of domestic abuse;

6 (B) Disclose the existence of any pending litigation
7 between the parties; and

8 (C) Disclose any prior filings of a petition for an order
9 of protection under this chapter.

10 (2) ~~and~~ The petition shall be accompanied by an affidavit made
11 under oath ~~stating that states~~ the specific facts and circumstances of the
12 domestic abuse and the specific relief sought.

13 (f) The petition may be filed regardless of whether there is any
14 pending litigation between the parties.

15 (g) A person's right to file a petition, or obtain relief hereunder
16 shall not be affected by his or her leaving the residence or household to
17 avoid abuse.

18
19 SECTION 2. Arkansas Code § 9-15-203 is amended to read as follows:
20 9-15-203. Petition - Form.

21 (a) The circuit clerk shall provide simplified forms and clerical
22 assistance to help petitioners with the writing and filing of a petition
23 under this chapter if the petitioner is not represented by counsel.

24 (b) The petition form shall not require or suggest that a petitioner
25 include his or her social security number or the social security number of
26 the respondent in the petition.

27 (c) The petition may be in substantially the following form:

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29 Petition for Order of Protection

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32 Case No. _____

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34 _____ Petitioner's home address:

35 Petitioner
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Date of Birth

Petitioner's work address:

vs.

Respondent's home address:

Respondent

Date of Birth,
if known

Respondent's work address:

I am the petitioner and at least 18 years of age 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: (list) _____

The respondent is at least 18 years of age 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 related by blood;

Are parent and child;

Currently reside together or cohabit;

Are former spouses;

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The reasons are as follows: (describe)

_ Petitioner requests that the court issue an ex parte order of protection with the following provisions: (check all that apply)

_ Excluding the respondent from a shared residence or from the residence of the petitioner or victim. Address of residence:

_ Excluding the respondent from the place of business, employment, school, or other location of the petitioner or victim. Address of residence:

_ Excluding the respondent from the place of business, employment, school, or other location of the petitioner or victim. Address of:

Place of business: _____

Employment: _____

School: _____

Other (identify): _____

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

_ Awarding temporary custody of minor children as follows:

Child's Name	Person to Receive Custody
_____	_____
_____	_____
_____	_____

1 _____
2 _____

3 Requiring the respondent to pay child support in the amount of \$ _____
4 per child per month

5 Requiring the respondent to pay spousal support in the amount of
6 \$ _____ per month

7 Excluding the petitioner's address from notice to the respondent
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9 It is further requested that upon hearing, the court issue a full order of
10 protection with the following provisions: (check all that apply)

11 Excluding the respondent from the shared residence or from the residence
12 of the petitioner or victim. Address of the residence:

13 _____
14 _____

15
16 Excluding the respondent from the place of business, employment, school,
17 or other location of the petitioner or victim. Address of:

18 Place of business: _____

19 Employment: _____

20 School: _____

21 Other (identify): _____

22

23 Awarding temporary custody of minor children as follows:

24

25 Child's Name Person to Receive Custody

26 _____

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32 Requiring the respondent to pay child support in the amount of \$ _____
33 per child per month

34 Requiring the respondent to pay spousal support in the amount of
35 \$ _____ per month

36 Requiring the respondent to pay filing fees, service fees, court costs

1 and petitioner's attorney fees.

2
3 I am involved in pending litigation with the respondent in the case of:

4 Case No.:

5 Circuit or District Judge:

6 County or City:

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8 I have previously filed a petition for an order of protection against the
9 respondent in the following case or cases:

10 Case No.:

11 Circuit Judge:

12 County:

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14 The petitioner under oath states that the facts stated in the above petition
15 are true according to the petitioner's best knowledge and belief.

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17 _____

18 Date

Petitioner's signature

19
20 STATE OF ARKANSAS

21 COUNTY OF _____

22
23 Subscribed and sworn to before me this _____ day of _____,
24 20____.

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28 _____
29 Notary Public

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31 My Commission Expires:

32 _____

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34 APPROVED: 3/19/2007