

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4

A Bill

Act 662 of 1999
HOUSE BILL 1736

5 By: Representative Parks
6
7

For An Act To Be Entitled

8 "AN ACT CONCERNING ORDERS OF PROTECTION AND NO CONTACT
9 ORDERS; AND FOR OTHER PURPOSES."
10

Subtitle

11 "AN ACT CONCERNING ORDERS OF PROTECTION
12 AND NO CONTACT ORDERS."
13
14

15
16
17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
18

19 SECTION 1. Arkansas Code 9-15-203 is amended to read as follows:
20 "9-15-203. Petition - Form.

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

24 (b) The petition may be in substantially the following form:
25

26 Petition for Order of Protection

27 Case No. _____

28 _____Petitioner's home address:
29

30 Petitioner _____
31 _____

32 Social Security Number

33 Petitioner's work address:
34

35 Vs. _____
36 _____

1 _____ Respondent's home address:
2 Respondent _____
3 _____
4 _____

5 Social Security Number,
6 if known

7 Respondent's work address:
8 _____
9 _____

10

11 _ I am the petitioner and _ at least 18 year of age _ under 18 but
12 emancipated.

13 _ I am filing on behalf of myself.

14 _ I am filing on behalf of a family or household member who is:

15 _ a minor(s): (list) _____

16 _ an adjudicated incompetent person: (list) _____

17 _ The respondent is _ at least 18 years of age _ under 18 but emancipated.

18 The respondent and petitioner (or victim if filing on behalf of a minor or
19 incompetent person): (check all that apply)

20 _ are spouses _____ _ are related by blood _____

21 _ are parent and child _____ _ currently reside together or cohabit ate _____

22 _ are former spouses _____ _ formerly resided together or cohabitated _____

23 If order of protection of children is requested:

24 Children	Date of Birth	Address	Relationship to Parties
25 _____	_____	_____	_____
26 _____	_____	_____	_____
27 _____	_____	_____	_____
28 _____	_____	_____	_____
29 _____	_____	_____	_____

30 The respondent has committed domestic abuse to the petitioner or victim by the
31 following acts: (describe)

32 _____

33 _____

34 _____

35 _____

36 _____

1 I am afraid of the respondent and:

2 (1) ~~there~~ There is an immediate and present danger of domestic abuse to
3 me because; or

4 (2) The respondent is scheduled to be released from incarceration within
5 thirty (30) days and upon the respondent's release there will be an immediate
6 and present danger of domestic abuse to me. The reasons are as follows:
7 (describe)

8 _____
9 _____
10 _____
11 _____
12 _____

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

15 excluding the respondent from a shared residence or from the residence
16 of the petitioner or victim. Address of residence:

17 _____

18 excluding the respondent from the place of business, employment,
19 school or other location of the petitioner or victim. Address of residence:

20 _____

21 excluding the respondent from the place of business, employment, school
22 or other location of the petitioner or victim. Address of:

23 place of business: _____

24 employment: _____

25 school: _____

26 other (identify): _____

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

29 _____
30 _____
31 _____

32 awarding temporary custody of minor children as follows:

33 Child's name Person to receive custody

34 _____
35 _____
36 _____

1 _____

2 requiring the respondent to pay child support in the amount of \$_____
 3 per child per month

4 requiring the respondent to pay spousal support in the amount of
 5 \$_____ per month

6 excluding the petitioner's address from notice to the respondent

7 It is further requested that upon hearing the court issue a full order of
 8 protection with the following provisions: (check all that apply)

9 excluding the respondent from the shared residence or from the residence
 10 of the petitioner or victim. Address of the residence:

11 _____

12 excluding the respondent from the place of business, employment, school
 13 or other location of the petitioner or victim. Address of:

14 place of business: _____

15 employment: _____

16 school: _____

17 other (identify): _____

18 awarding temporary custody of minor children as follows:

19 Child's name Person to receive custody

20 _____

21 _____

22 _____

23 _____

24 _____

25 requiring the respondent to pay child support in the amount of \$_____
 26 per child per month

27 requiring the respondent to pay spousal support in the amount of
 28 \$_____ per month

29 requiring the respondent to pay filing fees, service fees, court costs
 30 and petitioner's attorney fees.

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

33 _____

34 Date Petitioner's signature

35 STATE OF ARKANSAS

36 COUNTY OF _____

1 Subscribed and sworn to before me this _____ day of _____,
2 19____.

3 _____
4 Notary Public

5 My Commission Expires:
6 _____"

8 SECTION 2. Arkansas Code 9-15-205 is amended to read as follows:

9 "9-15-205. Relief generally - Duration.

10 (a) At the hearing on the petition, the court may provide the following
11 relief:

12 (1) Exclude the abusing party from the dwelling which the parties
13 share or from the residence of the petitioner or victim;

14 (2) Exclude the abusing party from the place of business or
15 employment, school, or other location of the petitioner or victim;

16 (3) Award temporary custody or establish temporary visitation
17 rights with regard to minor children of the parties;

18 (4) Order temporary support for minor children or a spouse, with
19 such support to be enforced in the manner prescribed by law for other child
20 support and alimony awards;

21 (5) Allow the prevailing party a reasonable attorney's fee as
22 part of the costs; ~~and~~

23 (6) Prohibiting the abusing party directly or through an agent
24 from contacting the petitioner or victim except under specific conditions
25 named in the order; and

26 ~~(6)~~ (7) Order such other relief as the court deems necessary or
27 appropriate for the protection of a family or household member.

28 (b) Any relief granted by the court for protection under the provisions
29 of this chapter shall be for a fixed period of time not less than ninety (90)
30 days nor more than one (1) year in duration, and may be renewed at a
31 subsequent hearing upon proof and a finding by the court that the threat of
32 domestic abuse still exists."

33
34 SECTION 3. Arkansas Code 9-15-206 (a) is amended to read as follows:

35 "(a) When any petition under this chapter alleges an immediate and
36 present danger of domestic abuse or that the respondent is scheduled to be

1 released from incarceration within thirty (30) days, and upon the respondent's
2 release there will be an immediate and present danger of domestic abuse, and
3 the court finds sufficient evidence to support the petition, the court shall
4 grant a temporary order of protection pending a full hearing."

5
6 SECTION 4. A no contact order shall prohibit the person from making
7 contact, directly or through an agent, except under such conditions as may be
8 provided in the order.

9
10 SECTION 5. All provisions of this act of a general and permanent nature
11 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
12 Revision Commission shall incorporate the same in the Code.

13
14 SECTION 6. If any provision of this act or the application thereof to
15 any person or circumstance is held invalid, such invalidity shall not affect
16 other provisions or applications of the act which can be given effect without
17 the invalid provision or application, and to this end the provisions of this
18 act are declared to be severable.

19
20 SECTION 7. All laws and parts of laws in conflict with this act are
21 hereby repealed.

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24 APPROVED: 3/17/1999

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