

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

# A Bill

HOUSE BILL 1736

5 By: Representative Parks  
6  
7

## For An Act To Be Entitled

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

### Subtitle

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

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.