

State of Arkansas  
86th General Assembly  
Regular Session, 2007

# A Bill

SENATE BILL 857

By: Senator Luker

## For An Act To Be Entitled

AN ACT TO REQUIRE DISCLOSURE OF CERTAIN  
INFORMATION IN A PETITION FOR AN ORDER OF  
PROTECTION; AND FOR OTHER PURPOSES.

## Subtitle

AN ACT TO REQUIRE DISCLOSURE OF CERTAIN  
INFORMATION IN A PETITION FOR AN ORDER  
OF PROTECTION.

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

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

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

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

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

(d) A petition may be filed by:

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

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

(3) Any adult family or household member on behalf of another  
family or household member who has been adjudicated an incompetent; or



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

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

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

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

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

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

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

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

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

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

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

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

Petition for Order of Protection

Case No. \_\_\_\_\_

Petitioner's home address:

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
\_\_\_\_\_

1  
2 \_\_\_\_\_  
3 Date of Birth

4  
5 Petitioner's work address:

6 vs.

7 \_\_\_\_\_  
8  
9 Respondent's home address:

10 Respondent

11 \_\_\_\_\_  
12 \_\_\_\_\_  
13 \_\_\_\_\_  
14 Date of Birth,

15 if known

16 Respondent's work address:

17 \_\_\_\_\_  
18 \_\_\_\_\_  
19 \_ I am the petitioner and \_ at least 18 years of age \_ under 18 but  
20 emancipated.

21 \_ I am filing on behalf of myself.

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

23 \_ a minor(s): (list) \_\_\_\_\_

24 \_ an adjudicated incompetent person: (list) \_\_\_\_\_

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

26 \_ I am an employee or volunteer of a domestic violence shelter or program,  
27 and I am filing on behalf of a minor.

28  
29 The respondent and petitioner (or victim if filing on behalf of a minor or  
30 incompetent person): (check all that apply)

31 \_ Are spouses;

32 \_ Are related by blood;

33 \_ Are parent and child;

34 \_ Currently reside together or cohabit;

35 \_ Are former spouses;

36 \_ Formerly resided together or cohabited;

- 1    \_ Have or have had a child in common; or  
 2    \_ Are presently or in the past have been in a dating relationship.

3  
 4    If order of protection of children is requested:

5  
 6    Children           Date of Birth           Address           Relationship to Parties

7    \_\_\_\_\_  
 8    \_\_\_\_\_  
 9    \_\_\_\_\_  
 10    \_\_\_\_\_

11  
 12    The respondent has committed domestic abuse to the petitioner or victim by  
 13    the following acts: (describe)

14    \_\_\_\_\_  
 15    \_\_\_\_\_  
 16    \_\_\_\_\_  
 17    \_\_\_\_\_  
 18    \_\_\_\_\_  
 19    \_\_\_\_\_  
 20    \_\_\_\_\_  
 21    \_\_\_\_\_  
 22    \_\_\_\_\_

23  
 24    I am afraid of the respondent and: (describe)

25    \_\_\_\_\_  
 26    \_\_\_\_\_  
 27    \_\_\_\_\_  
 28    \_\_\_\_\_  
 29    \_\_\_\_\_  
 30    \_\_\_\_\_

- 31  
 32    \_ (1) There is an immediate and present danger of domestic abuse to me; or  
 33    \_ (2) The respondent is scheduled to be released from incarceration within  
 34    thirty (30) days and upon the respondent's release there will be an immediate  
 35    and present danger of domestic abuse to me.

The reasons are as follows: (describe)

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\_\_ 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:

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

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\_\_ 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:

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\_\_ 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 child per month

☐ Requiring the respondent to pay spousal support in the amount of \$\_\_\_\_\_ per month

☐ Excluding the petitioner's address from notice to the respondent

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

☐ Excluding the respondent from the shared residence or from the residence of the petitioner or victim. Address of the 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): \_\_\_\_\_

☐ 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 child 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.

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

Case No.: \_\_\_\_\_

Circuit or District 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 Judge: \_\_\_\_\_

County: \_\_\_\_\_

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

\_\_\_\_\_

Petitioner's signature

STATE OF ARKANSAS

COUNTY OF \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_

Notary Public

My Commission Expires:

\_\_\_\_\_