

EX PARTE PROTECTION ORDER

(Protection from Abuse Act)
§ 30-5-1, et seq., Ala. Code 1975

Amended Order

For Cases Filed on or After January 1, 2016

Case No. _____

In the Circuit Court of _____ County, Alabama

PLAINTIFF (Victim)

First Middle Last
and any minor(s) on whose behalf the Petition
for Protection from Abuse was filed [List Name(s) and DOB(s)]:

Date of Birth (DOB) of Plaintiff (Victim)
Other Protected Persons(s) [List Name(s) and DOB(s)]:

DEFENDANT

First Middle Last

- Relationship to Victim: Spouse Former-Spouse
 Common-Law Marriage Former Common-Law Marriage
 Child in Common
 Current or Former Dating Relationship
 Current or Former Household Member
 Relative of Current or Former Household Member:
 Parent Stepparent
 Child Stepchild

SEX	RACE	DOB	HT	WT
EYES		HAIR	DISTINGUISHING FEATURES	
DRIVER'S LICENSE #		STATE	EXP. DATE	
VEHICLE			TAG#	

Defendant's Home Address & Telephone #: _____

CAUTION: WEAPONS INVOLVED: Firearm Knife Hands, Feet, Fist Other: _____
Weapon Present on the Property

THE COURT HEREBY FINDS (Check all that apply):

Pursuant to the sworn Affidavit/Petition and/or testimony of the Plaintiff seeking protection from abuse, the Court finds that it has jurisdiction over the parties and matter under the law of the State and the Defendant is being provided with sufficient notice, including notice of his right to request a hearing within 10 days of service, in order to protect his or her rights to due process.

- A temporary order is necessary to prevent abuse.
 The Defendant represents a credible threat to the physical safety of the: Plaintiff; and/or child(ren); and/or
 any designated person to wit: _____

THE COURT HEREBY ORDERS (Check all that apply):

- That the above-named Defendant be enjoined from threatening to commit or committing acts of abuse as defined in the Protection from Abuse Act.
 That the above-named Defendant be restrained from any contact with the Plaintiff, and/or child(ren); and/or any designated person, to wit: _____
 _____ Additional terms of this order follow on succeeding pages.

The terms of this order shall be effective until _____, _____; or further order of the Court. **THIS ORDER IS VALID AND ENFORCEABLE IN ALL COUNTIES IN THE STATE OF ALABAMA. LAW ENFORCEMENT OFFICERS MAY USE THEIR ARREST POWERS PURSUANT TO SECTION 15-10-3 TO ENFORCE THE TERMS OF THE INJUNCTION.**

NOTICE TO LAW ENFORCEMENT

This Order shall be enforced, even without registration, by courts and any law enforcement officer of any state, the District of Columbia, any U.S. territory, and may be enforced by Tribal lands (18 U.S.C.A. Section 2265).

WARNINGS TO DEFENDANT:

This Order shall be enforced, even without registration, by the courts and any law enforcement officer of any State, the District of Columbia, and any U. S. territory, and may be enforced by Tribal Lands (18 U.S.C.A. Section 2265). Crossing state, territorial or tribal boundaries to violate this Order may result in penalties, including federal imprisonment (18 U.S.C.A. Section 2262). Federal law provides penalties for possessing, transporting, shipping, or receiving any firearm or ammunition while subject to a qualified protection order or after being convicted of a misdemeanor crime of domestic violence [18 U.S.C.A. Sections 922(g)(8) and 922(g)(9)]. Section 13A-11-72(a) provides that it is a Class C felony for a person convicted in the State of Alabama or elsewhere of a misdemeanor offense of domestic violence or subject to a valid protection order for domestic abuse to own a firearm or have one in his or her possession or under his or her control. This Order is also enforceable on U.S. Department of Defense installations (10 U.S.C.A. Section 1561a). A violation of this ORDER is a Class A misdemeanor. Section 13A-6-142, Ala. Code 1975. The Defendant is notified the he or she has a right to request a final hearing prior to 10 days of perfection of service of the Petition for Protection from Abuse.

ONLY THE COURT CAN CHANGE THIS ORDER

Original-Court Record

Copy-Law Enforcement

Copy-Plaintiff

Copy-Defendant

Judge's Initials: _____

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Case No. _____

In the Circuit Court of _____ County, Alabama

THE COURT FURTHER ORDERS THAT (Check all that apply):

(1) The Defendant is enjoined from threatening to commit, or committing acts of abuse, as defined in the Protection from Abuse Act, against the: Plaintiff, and/or child(ren) of the Plaintiff; and/or any designated person, to wit: _____.

(2) The Defendant is restrained and enjoined from harassing, stalking, annoying, threatening or engaging in conduct that would place the following in reasonable fear of bodily injury, the: Plaintiff; and/or child(ren) of the Plaintiff; and/or any designated person, to-wit: _____ or from contacting the Plaintiff and/or children of the Plaintiff. .

(3) The Defendant is restrained and enjoined from having physical or violent contact with: the Plaintiff or the Plaintiff's property; place of employment; school; and/or the child(ren)'s: residence; place of employment; school; and/or any designated person's , to-wit: _____; residence; place of employment; school.

The Defendant is ordered to stay away from any specified place, as designated below which the court determines the Defendant has no legitimate reason to frequent, frequented by the Plaintiff; child(ren); and/or any designated person.
Name(s) and location(s) of the other specified place(s): _____.

The Defendant is ordered to not go within _____ feet (minimum of 300 feet) of the Plaintiff's residence (even if the residence is shared with the Plaintiff); school; and/or place of employment; and/or the child(ren)'s school; and/or place of employment; any designated person's, to-wit: _____ school and/or place of employment.

(4) Temporary custody of the child(ren) of the parties is hereby awarded to: _____.

(5)The Defendant is enjoined from interfering with the Plaintiff's efforts to remove any of the Plaintiff's child(ren) or from removing any children from the jurisdiction of the court. I direct the appropriate law enforcement officer to accompany the Plaintiff during this effort.

(6) The Defendant is enjoined from removing any child(ren) from the individual, to wit: _____, having legal custody of the child(ren), except as subsequently authorized by a custody or visitation order issued by a court of competent jurisdiction.

(7) The Defendant is removed and excluded from the residence of the Plaintiff, regardless of ownership of the residence.

(8) The possession and use of the automobile, _____, is awarded to _____ (Description, year, make) and other essential personal effects, _____ (Please specify) are awarded to _____.

The appropriate law enforcement officer shall accompany the Plaintiff to the residence of the parties and/or other specified locations, to-wit: _____ as necessary to protect the Plaintiff or any child(ren) from abuse.

(9) The Defendant is prohibited from: transferring; concealing; encumbering; or otherwise disposing of specified property mutually owned or leased by the parties, as follows : _____.

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Case No. _____

In The Circuit Court of _____ County, Alabama

(10) The Defendant is ordered to obey the following grant of relief deemed necessary to provide for the safety and welfare of the: Plaintiff; and/or any child(ren); and/or any designated person, as follows:

(11) Other (please specify) _____

This matter is set for a final hearing on _____ (date) at _____ (time) to be held at _____ (place).

The Defendant is advised that he or she has the right to counsel at this final hearing at his or her expense, but not counsel appointed by the court.

Date

Judge

RETURN ON SERVICE

Return receipt of certified mail received in this office on _____ (Date)

I certify that I personally delivered a copy of the Ex Parte Protection Order to _____
in _____ County, Alabama on _____ (Date)

Date

Server's Signature

Type of Process Server

Office Address of Server

Office Telephone Number of Server