Shelby County Circuit Clerk's Office	**DEPOSITION**	**Case Number**

IN THE CIRCUIT COURT OF SHELBY COUNTY ALABAMA

_____ v. _____

Plaintiff Defendant

INSTRUCTIONS: COMPLETE THE FOLLOWING INFORMATION ON THE ACCUSED

Name of Accused (or alias)					Telephone Number
Social Security Number	Driver's License Number	Date of Birth	Age	Race	Sex
Height	Weight	Hair		Eyes	
Address of Accused (or alias)		City	State		Zip Code
Name of Employer					Employer's Telephone Number
Address of Employer		City	State		Zip Code

INSTRUCTIONS: COMPLETE THE FOLLOWING INFORMATION ON THE ABUSE

Type of Abuse:

Date and Time of Abuse:

Place of Occurrence:

Did Accused Possess or Use a Weapon? ☐ Yes ☐ No | Type:

Injuries Received:

Any Law Enforcement Agency Contacted? ☐ Yes ☐ No | If Yes, which one?

Details of Abuse: _____

_____

_____

_____

_____

_____

I make this statement for the purpose of securing an Ex Parte Protection Order and have read the foregoing deposition and aver that the facts are true and correct.

Sworn to and Subscribed before me this
_____day of
_____ , 20___

_____
Judge / Clerk / Magistrate

_____
Complainant

_____
Social Security Number Phone Number

_____ _____ _____ _____
Mailing Address City State Zip

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IN THE CIRCUIT COURT OF_____COUNTY, ALABAMA
(Name of County)

☐ _____ V. _____
Plaintiff (victim) Defendant (person to be restrained)

☐ _____ _____
Plaintiff filing on behalf of Victim

_____
Defendant's Address (Business or Home)

_____
City State Zip Code

_____
Defendant's Date of Birth

_____
Defendant's Social Security Number

Section 30-5-5(f)(1), of Ala. Code 1975 provides " [t]he following information shall not be contained on any court document made available to the public and the defendant by the circuit clerk's office: The plaintiff's home address and, if applicable, business address; a plaintiff's home telephone number and, if applicable, business telephone number; the home or business address or telephone number of any member of the plaintiff's family or household; or an address thatwould reveal the confidential location of a shelter for victims of domestic violence as defined in Section 30-6-1."

YOU MUST PROVIDE COMPLETE AND TRUTHFUL INFORMATION. IF YOU DO NOT, THE COURT MAY DISMISS THIS CASE, AND YOU MAY BE SUBJECT TO BEING CHARGED WITH PERJURY FOR KNOWINGLY PROVIDING FALSE INFORMATION.

I. ELIGIBLE PLAINTIFFS (CHECK ALL THAT APPLY):
(Note: The word, "Plaintiff," is used in this block to describe the victim and/or the person(s) filing on behalf of the victim):

☐ I am 18 years of age or older and am a victim of abuse or have reasonable cause to believe I am in imminent danger of becoming the victim of any act of abuse.

☐ I am ☐ a parent; or ☐ a legal guardian; or ☐ next friend; or ☐ the State Department of Human Resources seeking protection from domestic violence on behalf of the victim who is: ☐ a minor child; or ☐ a person prevented by physical or mental incapacity from seeking a protection order.

☐ I am under 18 years of age, emancipated, and am a victim of abuse or have reasonable cause to believe I am in imminent danger of becoming the victim of any act of abuse.

CHECK THE BOXES WHICH ARE APPLICABLE:

☐ 1. The Defendant is the victim's ☐ spouse; or ☐ former spouse; or ☐ the Defendant is in or had a common-law marriage with the victim.
Date of Marriage: _____. Date of Divorce (if applicable):_____.

☐ 2. The Defendant and the victim has or had a dating relationship (A dating relationship means a significant relationship of a romantic or intimate nature characterized by the expectation of affectionate or sexual involvement over a period of time and on a continuing basis during the course of the relationship; includes the period of engagement to be married; and does not include a casual or business relationship or a relationship that ended more than 12 months prior to the filing of the petition for a protection order).

☐ 3. The Defendant is a current or former household member of the victim (A household member is a person maintaining or having maintained a living arrangement with the Defendant where he/she is in, or was engaged in, a romantic or sexual relationship).

☐ 4. The Defendant and the victim have a child in common regardless of whether the victim and Defendant have ever been married and regardless whether they are currently residing or have in the past resided together in the same household.

☐ 5. The victim is a relative of a current or former household member who also lived with the Defendant.

☐ 6. The victim is an individual who is a parent, stepparent, child, or stepchild who is in or has maintained a living arrangement with the Defendant.

☐ 7. The victim is related by marriage, including a common law marriage, to the Defendant.

(NOTE: The word "Plaintiff" in the remainder of this form refers to the victim for whom protection is being sought.)

I state that the following is true and correct:

The Plaintiff is a resident of _____in_____. The Plaintiff's age is _____ years old.
(Name of County) (Name of State)

Is the Plaintiff involved in any other civil, domestic relations, child support, or juvenile case (for example, divorce, paternity or custody) with the Defendant? ☐ YES ☐ NO

If YES, please state the County and State in which the case was brought: _____ County, _____(State).

Are there any criminal charges against the Defendant because of abuse to the Plaintiff? ☐ YES ☐ NO
If YES, the charges were brought in _____County, _____(State).

(Note: If there are more civil or other cases with the Defendant or more criminal charges against the Defendant, please attach additional 8" x11" sheets of paper, if necessary, stating the case number(s), County(ies), and States(s) in which these cases are being handled).

Original-Court Record Copy-Law Enforcement Copy-Plaintiff Copy-Defendant

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(Check the box if the following statement applies to the Plaintiff):

☐ The Plaintiff left his or her residence to avoid further abuse or threat of abuse, and the Plaintiff is temporarily located in _____ County, Alabama.

☐ The Defendant lives in _____County, _____(State).

☐ The abuse occurred in _____ County, Alabama.

☐ The Defendant is _____years old.

☐ I am requesting ☐ a protection order; ☐ a change in a current protection order; ☐ an emergency order; ☐ a change in an emergency order .

II. To Get a Protection Order, the Defendant Must Have Done One or More of the Following (Check all that apply):

☐ Threatened to confine the Plaintiff

☐ Made the Plaintiff afraid that the Plaintiff would be seriously injured Made the

☐ Plaintiff have sex by force or threat of force

☐ Kidnapped the Plaintiff or his or her child(ren)

☐ Trespassed on the Plaintiff's property

☐ Tortured or willfully abused the Plaintiff's child(ren)

☐ Stole from the Plaintiff

☐ Recklessly engaged in conduct which risked serious injury to the Plaintiff

☐ Tortured or willfully abused the Plaintiff's child(ren) multiple times

☐ Exposed the Plaintiff's child(ren) to drugs

☐ Injured the Plaintiff

☐ Tried to do one or more of the acts in this section

☐ Threatened to injure/hurt the Plaintiff

☐ Stalked the Plaintiff

☐ Set fire to the Plaintiff's house

☐ Restrained the Plaintiff

☐ Other (please specify):_____

_____

III. Explain the Abuse That Has Happened (Begin With the Most Recent Act. You May Add Additional 8" x 11" Sheets of Paper, If Necessary):

Date and place where the abuse occurred:

_____.

Describe how the Defendant hurt or threatened the Plaintiff or how the Plaintiff is in imminent danger of becoming a victim:

_____

_____.

I genuinely fear the Defendant will cause further abuse because:

_____

_____.

(NOTE: If a parent, legal guardian, or next friend is seeking a protection order on behalf of a minor child who is living at home, the parent, legal guardian, or next friend must have been an eyewitness to, or have direct evidence or affidavits of eyewitnesses of, the specific facts and circumstances that form the basis upon which the relief is sought, OR have reasonable cause to believe that the minor child is a victim of abuse to form the basis upon which relief is sought, if the party against whom the protection order is sought is also a parent, stepparent, or legal guardian of the minor child.)

IV. Legal Information Required (Check all that apply):

There is a current restraining or protection order against the Defendant:

☐ YES; ☐ I don't know; ☐ NO. If YES, the County and State where it was issued:_____County, _____ (State).

The Defendant has a current restraining or protection order against the Plaintiff:

☐ YES; ☐ No. If YES, the County and State where it was issued:_____ County,_____ (State).

(Note: If there are more current restraining or protection orders against the Defendant or against the Plaintiff, please attach additional 8" x 11" sheets of paper, if necessary, stating the case number(s), County(ies), and State(s) in which these Orders were issued).

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V. Child(ren)

A.The name(s) and age(s) of any child(ren) of the Defendant and the Plaintiff, who are under 19 years old.

Name:_____ Age:_____.

Name:_____ Age:_____.

Name:_____ Age:_____.

Name:_____ Age:_____.

B. Is there a custody order concerning any of the above children? ☐ YES ☐ NO

C. For the last six months, the child(ren) (has) have lived (in what State with whom):

Child:_____ Lived with:_____ State:_____.
Child:_____ Lived with:_____ State:_____.
Child:_____ Lived with:_____ State:_____.
Child:_____ Lived with:_____ State:_____.

VI. Residence

THE DEFENDANT MAY BE REQUIRED TO MOVE FROM THE PLAINTIFF'S RESIDENCE IF THE RESIDENCE IS IN THE SOLE NAME OF THE PLAINTIFF, IF IT IS JOINTLY OWNED OR RENTED BY THE PLAINTIFF AND THE DEFENDANT, OR IF THE PARTIES ARE MARRIED TO EACH OTHER.

The place where the Plaintiff lives is: **Owned by:** ☐ the Plaintiff; or ☐ the Defendant; or ☐ both the Plaintiff and the Defendant.

Rented by: ☐ the Plaintiff; or ☐ the Defendant; or ☐ both the Plaintiff and the Defendant.

The Plaintiff must notify the Court of any change(s) in address.

VII. Ex Parte Relief Requested (Please Check the Boxes To Show What is Requested):

I am asking the Court for the following for myself and/or the person(s) for whom I am applying:

☐ (1) Enjoin the Defendant 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) Restrain and enjoin the Defendant from:

☐ Annoying; ☐ Harassing; ☐ Stalking; ☐ Threatening;
☐ Engaging in conduct that would place the following in reasonable fear of bodily injury:

☐ The Plaintiff; and/or
☐ Minor(s); and/or
☐ Child(ren) of the Plaintiff; and/or

☐ Any designated person, to wit:
_____
_____.

Or ☐ restrain and enjoin the Defendant from contacting ☐ the Plaintiff and/or ☐ children of the Plaintiff

* "Contacting" includes, but is not limited to, communicating with the victim verbally or in any written form, either in person, telephonically, electronically, or in any other manner, either directly or indirectly through a third person.

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☐ (3) Restrain and enjoin the Defendant 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 other designated person's [to wit: _____] ☐ residence; ☐ place of employment; ☐ school or, ☐ order the Defendant to stay away from any specified place, which the court determines the Defendant has no legitimate reason to frequent, as designated below, frequented by ☐ the Plaintiff, and/or ☐ child(ren); and or ☐ any designated person. Name(s) and location(s) of the other specified place(s): _____. The Defendant shall not go within _____ feet (a minimum of 300 feet) of the Plaintiff's residence even if the residence is shared with the Plaintiff.

☐ (4) Award temporary custody of the child(ren) to _____.
(Please specify the name of the person to whom custody should by given)

☐ (5)Enjoin the Defendant 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 and ☐ direct the appropriate law enforcement officer to accompany the Plaintiff during the effort to remove any of the Plaintiff's child(ren) as necessary to protect the Plaintiff or any children from abuse or child abuse.

☐ (6)Enjoin the Defendant from removing any child(ren) from _____ [the individual 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)Remove and exclude the Defendant from the residence of the Plaintiff, regardless of ownership of the residence.

☐ (8)Order possession and use of an ☐ automobile; and/or ☐ other essential personal effects regardless of ownership, and direct the appropriate law enforcement officer to accompany the Plaintiff to the residence of the parties or to other specified locations as necessary to protect the Plaintiff or any children from abuse.

☐ (9)Prohibit the Defendant from ☐ transferring; ☐ concealing; ☐ encumbering; or ☐ otherwise disposing of specified property mutually owned or leased by the parties, _____. (Please describe property) _____.

☐ (10) Order other 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:_____.

VIII. Additional relief requested for final hearing (permanent order):

In addition to the relief requested above in "VII. Ex Parte Relief Requested," I request the following relief for myself and/or the person(s) for whom I am applying:

☐ (11) Order the Defendant to comply with the following visitation arrangements of any child(ren):

☐ Visitation; ☐ Deny visitation; ☐ Require supervision by a third party

(Please specify visitation arrangements of any child(ren) below giving primary consideration to the safety of the Plaintiff or any child(ren) or both):
_____.

☐ (12) Order the Defendant to pay attorney's fees and court costs.

☐ (13) Grant possession of the residence or household to the Plaintiff to the exclusion of the Defendant by ☐ evicting the Defendant; ☐ restoring possessions to the Plaintiff; or ☐ both; or ☐ agreeing to allow the Defendant to provide suitable alternate housing.

☐ (14) Order the Defendant to pay temporary reasonable child support for the Plaintiff and/or any child(ren) in the Plaintiff's custody, or both, in accordance with the Child Support Guidelines. (If this relief is sought, you must Attach COMPLETED copies of Form CS-41, Child Support Obligation Income Statement/Affidavit, Form CS-42, Child Support Guidelines, and Form CS-47, Child Support Information Sheet).

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☐ (15) Order the Defendant to provide temporary possession of the vehicle (description):
_____to the Plaintiff because the Plaintiff has no other means of transportation of his or her own and the Defendant ☐ has control of more than one vehicle; or ☐ has alternate means of transportation.

☐ (16) Incorporate another ☐ custody order (Case Number, County, State: _____); or ☐ visitation order (Case Number, County, State:_____); and/or ☐ support order (Case Number, County, State: _____) into this Order.

☐ (17) Order the Defendant to surrender all firearms.

☐ (18) Direct the appropriate law enforcement office to accompany the Plaintiff to☐ the residence of the parties; and/or another location, _____ (description of location), as necessary to enforce any of the terms of this Order.

☐ (19) Order other relief not requested above (describe):_____

_____.

Before me, the undersigned authority, personally appeared the Plaintiff, who is known to me or presented an identification card to me, and who being duly sworn, deposes and says that he/she has read the foregoing Petition for Protection from Abuse and that the facts herein are true and correct.

Sworn to and subscribed before this, the _____day of _____, _____.

_____
Plaintiff (Please print)

_____
Plaintiff (Signature)

_____
Judge/Clerk of Court/Notary Public
(Notary:My commission expires _____).

_____

_____

_____
Business Address and Telephone Number of Judge/Clerk of Court/Notary Public

NOTICE TO DEFENDANT

The Defendant is advised that (1) he or she has the right to counsel at his or her own expense at the final hearing on this Petition but not counsel appointed by the court; and (2) he or she has a right to request a final hearing prior to 10 days of perfection of Service of this Petition.

Original-Court Record Copy- Law Enforcement Copy-Plaintiff Copy-Defendant