

Instructions on filling out the petition and affidavit for Order of Protection

Please Complete the Petition and Affidavit if you would like to file for an Order of Protection. Please read all of the information provided before filling out the form and also call to speak to one of our advocates (479-271-1030 Ext. 2) so they can help walk you through the process and answer any questions you have. Based on your statements in the petition and affidavit and evidence you provide, the judge will decide whether or not to issue the order and what to include in the Order of Protection.

Terminology

Petitioner or Plaintiff: Person that is asking for the protection order

Respondent or Defendant: Person that is being filed against

Completing a Petition for an Order of Protection

- First Page titled: **Cover Sheet State of Arkansas Circuit Court: Domestic Relations**
 - You will only fill in Plaintiff's & Defendant's Last & First Names
 - Plaintiff is the person filing, put your Last Name & First Name only
 - Defendant is the person you are filing against, put their Last Name & First Name only.
 - You can leave the rest blank

- Second Page titled: **Confidential Information**
 - You will only fill in this page if you are including children on your petition and if you share those children with the Respondent
 - Fill in as much information as possible and be sure to print your name at the very bottom

- Third Page titled: **In the Circuit Court of Benton County Arkansas**
 - This is the starting page of the Petition for Order of Protection
 - #1 & # 2- fill in all requested information including Home Address, Workplace and Address- for both Petitioner and Respondent and a date of birth for both parties. We cannot file the petition without an address for Respondent, whether it is home or work, since he will have to be served in person. A correct date of birth is also required for both parties or we cannot file the petition.
 - If you do not want the Respondent to have your address and you want that information to remain private, please put "WITHHELD" in the address space for Petitioner. The same will go for your workplace, schools, etc that you do not want Respondent to have knowledge of. (We will require your address and contact information for our purposes, you can include it on the email to us or when speaking over the phone)
 - #3- Please check mark the spaces that apply. You do have to be at least 18 years of age to file paperwork requesting an order of protection. You can have an adult file on your behalf if the situation qualifies.
 - If you mark that you are filing on behalf of a family or household member who is a minor or who is an adjudicated incompetent person, please include all of the names on the spaces provided.
 - #4- Please check mark the relationship(s) that apply between the Petitioner and the Respondent (you must be able to mark at least one of the relationships listed)
 - #5- Please list all children and their information that you want to be included under the protection order, these children must be under the age of 18. You will also list any pets you want protected under this order, in this space. We just need their name and breed listed.
 - We must have correct spellings of all names and correct dates of births to be able to file the petition.

➤ Fourth Page: **(#6 - #14)**

- #6 - #10: Please answer the questions by marking the boxes that apply
- #11- #13- Please mark the boxes that apply and fill in as much information as possible regarding any legal civil cases you currently have or previously have had.
- #14-Please check YES or NO, If you require an interpreter for court. If YES, please list the language you will need an interpreter for.

➤ Fifth Page: **(#15 - #22)**

- Please read #15 - #22 and initial beside each one stating you have read the information sheet that is provided on the website and that you understand each statement.
- **DO NOT SIGN** where it asks for your signature at the bottom of this page, you will need to sign this in front of a notary.

➤ Sixth & Seventh Pages Titled: **In the Circuit Court of Benton County Arkansas (This is the Affidavit)**

- Petitioner will write their name in the first blank space, then vs. Respondent's name in the second blank space
- Petitioner will print their name in the blank space provided in the paragraph and read #1 - #3.
- The space provided on this page and the next page is where Petitioner will explain what acts the Respondent has committed, you must explain what the Respondent has done to you physically. (For example, they hit you in the face with a fist, choked you, or threw you against a wall.) You should also describe threats of physical violence made against you. (For example, they threatened to kill you or hit you if you told. You should not explain how the argument started or what the argument was about.) Include dates or time periods of when these things occurred. The most important incident will be the most recent incident that occurred. Remember, the court will not necessarily accept mental, emotional, or financial abuse as a basis for awarding an Order of Protection, so you must clearly describe what the abuser physically did or threatened to do to you.
- You can only write in the space provided, you cannot attach additional pages and you cannot write on the back.
- You can start out explaining your relationship, (Example: Petitioner and Respondent have been married for 10 years and have been separated for approx. 2 months, we share two children together). Then you can bullet point a history of any violence that has occurred, with time periods. Follow up with the most recent incident that has occurred (why you are filing this now) and any fear you are feeling for you or anyone else.
- Please keep your information contained to the spaces provided and do not add additional pages or write on the back of any documents.
- Remember, once signed the petition acts as a sworn affidavit and if you intentionally provide false information, you may be held liable financially and/or criminally. The statements you make in the affidavit must be true according to your best knowledge and belief.

➤ **Eight Page: (#4 - #13)**

- Please read #4 & #5
- #6- Here you can ask to exclude the Respondent from a shared residence. Please check the box and put the residential address that you would like Respondent excluded from, on the space provided.
- #7-Check this box instead of #6 if you want your address “WITHHELD” from Respondent
- #8- Check this box if you want to request Respondent be withheld from going to your place of employment, schools for you or your children or “other”.
- #9- Check this box to agree that you want to prevent Respondent from contacting you
- #10- If you share children with the Respondent and you are including them in the protection order (listed on the third page), you can ask for the judge to award you temporary custody here by checking this box, listing the children’s names and putting your name as the person to receive custody. (If custody is granted, it is temporary so if you need to file a separate case for custody, please consult an attorney for legal advice).
- #11- Check this box and add the names and breeds if you included pets on the third page. This is for you to receive care and custody of those pets.
- #12 - #13- You can check these boxes if they apply

➤ **Ninth Page: (#14 - #17)**

- #14- If you need to retrieve items from a shared residence or if you need to request that Respondent be able to retrieve items from a shared residence, you can mark this box so that a Sheriff’s Office Deputy can escort the party to the listed address to retrieve the belongings. You will need to list the address where you are wanting the civil standby at.
- #15-Read and mark if you are requesting for the Respondent to be ordered pay any associated attorney’s fees
- #16- If you share a phone plan with Respondent and he is the primary account holder, you can request that he be ordered to not turn off yours and/or your children’s phones. Please list phone numbers in the spaces provided.
- #17 - #18- Please read
- **DO NOT SIGN** where it asks for your signature at the bottom of this page, you will need to sign this in front of a notary.

➤ **Tenth Page titled: Benton County Sheriff’s Office**

- This page is what the Sheriff’s deputies will use to try to locate Respondent and serve him with the order. Remember, the Order of Protection cannot be enforced by police until after Respondent is served so fill in as much information as possible to help them locate Respondent.
- If Respondent has access to weapons or is known to carry or possess weapons, please mark the box at the top and write what weapons he might have. This is to ensure officer safety

Your Petition & Affidavit Must Be Notarized. You will need current picture identification to show the notary.

Submitting your paperwork over the email address on our website does not mean it is finalized and will be filed. Our Advocates will receive your packet to review and determine if you will need to make any changes or amendments to your petition/affidavit. To ensure your packet gets filed, please contact our Advocates to follow through with any change requests they may have and to ensure your packet is submitted for filing with the Clerk’s Office.

FREQUENTLY ASKED QUESTIONS

*Can the Order of Protection be enforced in a county other than where it was issued?

An Order of Protection issued in one county is enforceable in all other counties in Arkansas and throughout the U.S.

*Will my abuser see what I wrote in the petition?

Yes. When the abuser (also known as the Respondent) is served with the Temporary Order of Protection, they will also receive a copy of the petition and affidavit where you explained why you need an Order of Protection. You may withhold your address from the petition.

*How much does it cost?

You will not have to pay anything to file the petition for an Order of Protection or have the Order of Protection served on your abuser.

When the court has the final hearing on the Order of Protection, the judge may order fees to be paid for filing, service, and court costs. The judge may order your abuser to pay all costs. There are only few situations when you could be charged any fees, service, or court costs: (1) the judge finds that you provided false information in the petition, (2) you do not attend the hearing, or (3) upon your request to dismiss.

*How will I know if the Order of Protection has been served?

You will need to stay in touch with the sheriff until the Order of Protection has been served. If you keep the Temporary Order of Protection with you at all times, it can be served on the spot if your abuser is threatening you and you have to call the police.

*Am I allowed to have contact with my abuser prior to the hearing?

While the temporary order only applies to the abuser, initiating contact with your abuser may indicate to the court that you are not truly afraid for your safety. If you need to get personal items left behind, ask the court to order the police to go with you. If your minor children will visit their father, you may ask that a third party do the exchange so you do not have to have contact with your abuser.

*What if the abuser is not served with court papers prior to the hearing?

Even if the abuser is not served, you must still appear at the scheduled court date. The case will most likely be continued (or postponed), but your temporary order will remain in effect. If you do not appear, your temporary order will be dismissed and you may be ordered to pay court costs, also the judge can issue a bench warrant for your arrest if you fail to appear.

*Is it absolutely necessary for me to go to the court hearing?

Yes. If you do not appear, your temporary order will be dismissed and you will no longer have protection. In addition, if you fail to appear, the court can make you pay for filing, service, and other cost. Some counties will issue a warrant for your failure to appear.

*What if my abuser violates the Order of Protection?

Violation of the Order of Protection is a crime. If your abuser does anything that the Order of Protection says they are not supposed to do, you can call the police. Tell them about the Order of Protection and have your copy ready to show them.

The police can arrest your abuser for violation of the Order of Protection. If convicted, the abuser can be sent to jail for up to one year or fined up to \$1,000.

You may have to go to court to testify about what the abuser did to violate the Order of Protection. The Order of Protection is not a mutual order. You are not prohibited from going to any location or from participating in any certain conduct.

The order does not become “null” or “void” if you and the abuser reconcile after the final Order of Protection or by any conduct on your behalf. Only a court can dismiss the final Order of Protection once you have filed a petition.

*What if I am getting a divorce or filing criminal charges?

The Order of Protection is different from a divorce, legal separation, or criminal charges. You can get an Order of Protection even if you are filing for divorce or decide to press criminal charges against your abuser.

*What if I get back together with my abuser?

If you and your abuser decide to work things out and you do not want the court to grant a final Order of Protection, you still must attend your scheduled court date to tell the judge that you want the court to dismiss your petition for an Order of Protection. The court may ask you questions about your reasons for wanting to dismiss your petition so that they can make sure you are safe and not being forced by your abuser to dismiss the action.