

ORDER OF PROTECTION

TEMPORARY DOMESTIC ABUSE PROTECTIVE ORDER

PETITIONER

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First Middle Last

**NAME & DOB OF PERSONS TO BE
PROTECTED:** (include petitioner, if applicable)

RESPONDENT

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First Middle Last

Relationship of protected person(s) to Respondent:

(check all that apply)

- ☐ current or former spouse
- ☐ person currently living or who formerly lived as spouse
- ☐ current or former dating partner
- ☐ person(s) having child(ren) in common
- ☐ parent or child
- ☐ other blood or marriage relative currently residing or who formerly resided with Respondent

Respondent's Address: _____

CAUTION: ☐ WEAPONS INVOLVED

STATE OF MISSISSIPPI

COURT

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COUNTY

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CAUSE NO.

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Petitioner's Identifiers:

DOB: _____

Sex: _____ Race: _____

**OTHER PERSONS TO BE PROTECTED
NAME AND DOB:**

RESPONDENT IDENTIFIERS:

SEX	RACE	DOB	HT	WT
EYES	HAIR	SOCIAL SECURITY #		
DRIVERS LICENSE #			STATE	EXP DATE
ALIASES				
DISTINGUISHING FEATURES				

THE COURT HEREBY FINDS:

- The Court has jurisdiction over the parties and subject matter under the laws of the State of Mississippi.
- Respondent has been provided with reasonable notice and an opportunity to be heard as prescribed by law.
- Petitioner has proven the allegations of his/her petition by a preponderance of the evidence and is entitled to relief.
- Respondent shall be restrained from committing, further acts of abuse or threats of abuse against the protected person(s).
- Pursuant to 18 U.S.C. § 2265, This Order shall be presumed to be valid and enforceable in all 50 states, the District of Columbia, Tribal Lands, U.S. Territories and Commonwealths.
- Additional terms of this Order are set forth on the following pages.

THIS ORDER SHALL BE EFFECTIVE UNTIL:

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THE COURT MAKES THE FOLLOWING SPECIFIC FINDINGS: (initial and check all that apply)

The Petitioner has provided sufficient evidence of abuse of the protected person(s) by the Respondent,

_____, to wit:

- _____ ☐ the Petitioner has proved that the Respondent attempted to cause or intentionally, knowingly or recklessly caused bodily injury to the protected person(s);
- _____ ☐ the Petitioner has proved that the Respondent placed, by physical menace, the protected person(s) in fear of imminent serious bodily injury;
- _____ ☐ the Petitioner has proved that the Respondent perpetrated criminal sexual conduct against a minor as defined in M.C.A. § 97-5-23;
- _____ ☐ the Petitioner has proved that the Respondent has engaged in stalking as defined in M.C.A. § 97-3-107 and/or cyberstalking as defined in M.C.A. § 97-45-15 against the protected person(s); and/or
- _____ ☐ the Petitioner has proved that the Respondent committed sexual battery or rape of the protected person(s)

by committing the following acts: _____

THE COURT ORDERS AS FOLLOWS: (check and initial all that apply)

- _____ ☐ Respondent is prohibited from abusing, harassing, stalking, following or threatening the protected person(s) in any manner whatsoever, including by electronic means. This also includes the use, attempted use of force or physical violence that would reasonably be expected to cause bodily injury.
- _____ ☐ Respondent is prohibited from contacting the protected person(s) either in person, by phone, electronic communication, or through a third party, except such contact as may be necessary for the purposes set forth below.
- _____ ☐ Respondent is prohibited from going within _____ yards of the protected person(s) (to include place of employment, school, etc.), except for the purposes set forth below.
- _____ ☐ Exceptions to the contact and/or distance prohibition(s):
 - _____ ☐ To exchange the minor child(ren) for visitation.
 - _____ ☐ During medical emergencies involving the minor children.
 - _____ ☐ To attend special events involving the minor children (sporting events, school functions, etc.) as deemed appropriate by the Court.
 - _____ ☐ Other (be specific): _____
 - _____ ☐ No exceptions.

____ ☐ Respondent is prohibited from transferring or disposing of property mutually owned by the parties.

____ ☐ Petitioner is granted the use of the residence located at _____ to the exclusion of the Respondent and Respondent shall surrender any keys to said residence to Law Enforcement or the Court.

____ ☐ The Court will allow _____ to return to the residence at a date and time to be agreed upon by petitioner and law enforcement to recover his/her personal clothing and necessities, provided that he/she is accompanied by a law enforcement officer to ensure the protection and safety of the parties. NO FORCED ENTRY ALLOWED.

____ ☐ The Court orders a representative of _____ (law enforcement agency) to accompany _____ to the residence located at _____ to recover his/her personal clothing and necessities.

____ ☐ Respondent shall pay all costs of the proceedings before this Court pursuant to M.C.A. § 93-21-7(2). Said costs are as follows: \$_____ (court costs); \$_____ (attorney's fees).

____ ☐ Other: _____

THE COURT FURTHER ORDERS:

- All parties shall be provided with a certified copy of this Order.
- If Respondent was not present at the hearing on this matter, a copy of this Order shall be provided to Law Enforcement/Constable for immediate service upon the Respondent.
- A copy of this Order shall be submitted to the Office of the Attorney General to be maintained in the Mississippi Protection Order Registry.
- Only the Court can amend, change or dismiss the provisions of this Order. Petitioner CANNOT waive the terms of this Order or give Respondent permission to violate the Order.

NOTICE TO RESPONDENT

PURSUANT TO M.C.A. § 99-3-7(3) and § 93-21-21 A PERSON WHO VIOLATES THIS ORDER MAY BE ARRESTED, JAILED, AND PROSECUTED. A PERSON WHO VIOLATES THIS ORDER MAY BE FOUND GUILTY OF A MISDEMEANOR AND PUNISHED BY A FINE OF NOT MORE THAN \$1000.00 OR BY CONFINEMENT IN JAIL FOR AS LONG AS 6 MONTHS, OR BOTH. THIS ORDER SHALL BE ENFORCED BY ALL LAW ENFORCEMENT OFFICERS AND COURTS OF THE STATE OF MISSISSIPPI.

PURSUANT TO 18 U.S.C. § 922(g)(8), AFTER NOTICE AND OPPORTUNITY FOR A HEARING, THE RESPONDENT IN A PROTECTIVE ORDER THAT INCLUDES A FINDING BY THE JUDGE OR BY ITS TERMS EXPLICITLY PROHIBITS CERTAIN BEHAVIOR MAY BE PROHIBITED FROM RECEIVING, POSSESSING, OR TRANSPORTING FIREARMS OR AMMUNITION FOR THE DURATION OF THE ORDER IF PROTECTED PERSON(S) IS RELATED TO RESPONDENT AS A CURRENT OR FORMER SPOUSE, CURRENT OR FORMER COHABITING INTIMATE PARTNER, HAS A CHILD IN COMMON WITH THE RESPONDENT, OR IS THE CHILD OF A CURRENT OR FORMER INTIMATE PARTNER.

SO ORDERED AND ADJUDGED, this the _____ day of _____, 20____.

Judge/Family Master