

ARKANSAS CIVIL RESTRAINING ORDERS

Survivors across the country seek safety through civil protection orders. Courts use these vital orders to issue stay away orders, or order an abuser pay medical bills, and even make temporary custody decisions. The remedies are important, but jurisdictions often have several types of orders and the distinctions are not always clear. This resource provides a brief overview of the different types of civil protection orders in each jurisdiction, answering vital questions such as: who can apply; and who can be restrained? The orders included in this resource are limited to those where a survivor can apply themselves, other protective measures may exist in your jurisdiction—reach out to VRLC’s TA team if you have questions!

In Arkansas, there is 1 type of civil protection order:

- **Orders of Protection** are available for individuals who experienced unwanted sexual contact (Ark. Code § 9-15-201 et seq.).



ORDER OF PROTECTION

<p>Who can apply?</p>	<p>Anyone (1) in immediate and present danger of domestic abuse; or (2) in immediate and present danger of domestic abuse when the respondent (the abuser) is released from prison within 30 days. <i>Ark. Code § 9-15-206(a).</i></p> <p>Domestic abuse is:</p> <ul style="list-style-type: none"> • Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault between family or household members; or • Any sexual conduct between family or household members, whether minors or adults, that constitutes a crime under the laws of this state. <p><i>Ark. Code § 9-15-103(3).</i></p>
<p>Can minors apply?</p>	<p>A minor may not file a petition on their own behalf. Any adult family or household member, or employee/volunteer at a domestic violence shelter or organization may file on behalf of the minor. <i>Ark. Code § 9-15-201(d)(2)., (d)(4).</i></p> <p>A minor need not be the direct victim of abuse to qualify for an Order of Protection. Instead, a minor may qualify if they are residing in the household where the domestic abuse occurred. <i>Ark. Code § 9-15-103(4).</i></p>
<p>Who can be restrained?</p>	<p>Petitioner can seek relief from abuse committed by a family or household member.</p> <p>Family or household member is defined as:</p> <ul style="list-style-type: none"> • Spouse or former spouses; • Parents and children; <p style="text-align: right;"><i>continued on next page</i></p>



ORDER OF PROTECTION

<p>Who can be restrained?</p>	<ul style="list-style-type: none"> • Persons related by blood within four degrees; • In-laws; • Any children residing in the household; • Persons who have previously lived together; • Those with a child in common; • Those in a dating relationship, a romantic or intimate social relationship determined by the length and type of relationship and the frequency of interaction. <p><i>Ark. Code § 9-15-103(3-4).</i></p>
<p>What types of relief may a court order?</p>	<p>Abuser can be ordered:</p> <ol style="list-style-type: none"> 1. Not to commit any criminal acts against petitioner; 2. Not abuse, injure, mistreat, molest, harass or threaten petitioner; 3. Stay out of petitioner’s home, place of work, school or other place the petitioner goes; 4. Not to directly or indirectly contact petitioner. <p>The order can also include provisions on:</p> <ol style="list-style-type: none"> 1. Temporary custody or visitation for any shared children; 2. Temporary financial support if married; 3. Reasonable attorney’s fees awarded to the successful party; 4. Custody or care of a pet in the home; 5. Any cell phone accounts be transferred to petitioner’s name; 6. Anything else judge believes will keep petitioner safe. <p><i>Ark. Code §§ 9-15-206(b); 9-15-205(a).</i></p>



ORDER OF PROTECTION

<p>How long does the order last?</p>	<p>Upon the initial filing of the petition, a judge may grant a Temporary Order ex parte (without hearing from the respondent/abuser) that is effective until the date of the hearing on the petition.</p> <p>The court shall order a hearing on the petition for the order of protection not later than 30 days from the date of the petition filing, or at the next court date, whichever is later.</p> <p><i>Ark. Code § 9-15-204(a)(1).; Ark. Code § 9-15-206(c).</i></p> <p>After a full hearing with the abuser/respondent having the right to be heard, a Final Order of Protection will last at least 90 days, and not more than 10 years.</p> <p><i>Ark. Code § 9-15-205(b).</i></p>
<p>Can the order be renewed?</p>	<p>Yes, the judge may renew the order after it expires if they find that the threat of domestic abuse still exists.</p> <p><i>Ark. Code § 9-15-205(b).</i></p>
<p>Is a hearing with the respondent required?</p>	<p>A hearing with the respondent is not required to obtain a Temporary Order of Protection.</p> <p><i>Ark. Code § 9-15-204(a)(1).; Ark. Code § 9-15-206(c).</i></p> <p>A hearing with the respondent is required to obtain a Final Order of Protection, which may then last between 90 days and 10 years.</p> <p><i>Ark. Code § 9-15-205(b).</i></p>

HOW TO APPLY

Forms are available at the courthouse and online at: <https://arcourts.gov/forms-and-publications/court-forms>.

Petitioner files in the Circuit Clerk's office in the county courthouse where either (1) the petitioner resides; (2) the abuser lives; (3) the abuse happened; or (4) the domestic abuse shelter where the petitioner is staying.

SCAN ME!



For specific questions about how to use this guide, or if you have any other questions, VRLC is here to help!

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