

LOUISIANA CIVIL PROTECTION 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 Louisiana, there are 4 types of civil protection orders:

- ☐ **Domestic Abuse Assistance Act Orders** are available for individuals seeking protection from a family or household member, including a current or former spouse, immediate family member, or parent of their child (La. R.S. § 46:2131 et seq.).
- ☐ **Protection from Dating Violence Act Orders** are available for individuals seeking protection from a current or former dating partner (La. R.S. § 46:2151 et seq.).
- ☐ **Protection from Stalking Act Orders** are available for individuals seeking protection from someone who has stalked them, whether an acquaintance or stranger (La. R.S. § 46:2173 et seq.).
- ☐ **Protection for Victims of Sexual Assault Act Orders** are available for individuals seeking protection from someone who has sexually assaulted them, whether an acquaintance or stranger (La. R.S. § 46:2181 et seq.).

DOMESTIC ABUSE ASSISTANCE ACT

Who can apply?	Any family or household member who suffered domestic abuse by respondent. Domestic Abuse includes physical or sexual abuse and any offense against the person (physical or non-physical) that is in the criminal code of Louisiana committed by one family or household member, or dating partner, against another. <i>La. R.S. § 46:2132(3).</i> See "Who can be Restrained?" for the definition of family or household members.
Can minors apply?	No, the minor's parent, adult household member, or the district attorney will have to seek relief on the minor's behalf. <i>La. R.S. § 46:2133(D).</i>
Who can be restrained?	A family member, household member, or dating partner of petitioner who commits domestic abuse. <i>La. R.S. § 46:2132(3).</i> Family Member and Household Member includes: • Current or former spouses; • Parents, stepparents, or foster parents; • Children, stepchildren, or foster children; • Grandparents and grandchildren; • Other familial descendants or ascendants who have ever lived with defendant; or • Any person who has lived with respondent and was in a sexual or intimate relationship. <i>La. R.S. § 46:2132(4).</i>

DOMESTIC ABUSE ASSISTANCE ACT

What types of relief may a court order?	The court can issue a temporary order including any of the following provisions: • Prohibit respondent from abusing, harassing, or interfering with petitioner; • Exclude respondent from petitioner's home through eviction; • Prevent respondent from entering petitioner's home or place of employment; • Award petitioner possession of shared property, including a car; • Prohibit parties from transferring or interfering with jointly owned or leased property; • Award temporary custody of minor children; • Award (or restore) possession of personal property; and • Grant petitioner sole possession and control of household animals, including those belonging to minor children. <i>La. R.S. § 46:2135(A).</i> A final order can include any of the above, as well as: • Award temporary child or spousal support; • Award temporary custody or visitation; and • Require respondent participate in a medical or mental health evaluation by a court appointed DV expert and order counselling if recommended. <i>La. R.S. § 46:2136(A).</i>
How long does the order last?	A temporary order lasts up to 21 days, pending a hearing to show cause. <i>La. R.S. § 46:2135(B).</i> A final order generally lasts up to 18 months, but orders preventing defendant from abusing, harassing, assaulting, monitoring, stalking, or interfering with petitioner can be issued for an indefinite period. <i>La. R.S. § 46:2136(F).</i>

DOMESTIC ABUSE ASSISTANCE ACT

Can the order be renewed?	Yes, the court, in its discretion, may extend a protective order after conducting a hearing with both parties present. <i>La. R.S. § 46-2136(F)(1).</i> For orders effective for an indefinite period (those that direct the defendant to refrain from abusing, harassing, or interfering with petitioner), the court may modify that period on either party's motion and after conducting a hearing. <i>La. R.S. § 46-2136(D)(2).</i>
Is a hearing with the defendant required?	The defendant must be provided with notice and given an opportunity to be heard, but is not required to attend the hearing. <i>La. R.S. § 46-2135(B); La. R.S. § 46-2136(B)(2).</i> The court can issue temporary orders after conducting a hearing with only the petitioner present. The court must conduct a hearing, with notice to defendant, within 21 days after issuing those temporary orders. <i>La. R.S. § 46-2135(A-B).</i> If the court does not enter temporary orders, it must conduct a hearing, with notice to the defendant, within 10 days of the petition's filing. <i>La. R.S. § 46-2135(D).</i>

PROTECTION FROM DATING VIOLENCE ACT

Who can apply?	Any dating partner who suffered dating violence by defendant, regardless of whether that partner ever lived with defendant. Dating Violence includes physical or sexual abuse and any offense against the person (physical or non-physical) that is in the criminal code of Louisiana committed by a dating partner against another. <i>La. R.S. § 46:2151(C).</i> See “Who can be Restrained?” for the definition of dating partner.
Can minors apply?	No, the minor’s parent, adult household member, or the district attorney will have to seek relief on the minor’s behalf. <i>La. R.S. § 46:2133(D).</i>
Who can be restrained?	Any person currently or formerly in a dating relationship with petitioner, regardless of whether the two have ever lived together. <i>La. R.S. § 46:2151(B).</i> Dating Partner means anyone involved in a sexual or intimate relationship with the defendant who had an expectation of affection. <i>La. R.S. § 46:2151(B).</i>
What types of relief may a court order?	The court can issue a temporary order including any of the following provisions: • Prohibit respondent from abusing, harassing, or interfering with petitioner; • Exclude respondent from petitioner’s home through eviction; • Prevent respondent from entering petitioner’s home or place of employment; • Award petitioner possession of shared property, including a car; • Prohibit parties from transferring or interfering with jointly owned or leased property; <i>continued on next page</i>

PROTECTION FROM DATING VIOLENCE ACT

What types of relief may a court order?	• Award temporary custody of minor children; • Award (or restore) possession of personal property; and • Grant petitioner sole possession and control of household animals, including those belonging to minor children. <i>La. R.S. § 46:2151(A); La. R.S. § 46:2135(A).</i> A final order can include any of the above, as well as: • Award temporary child or spousal support; • Award temporary custody or visitation; and • Require respondent participate in a medical or mental health evaluation by a court appointed DV expert and order counselling if recommended. <i>La. R.S. § 46:2151(A); La. R.S. § 46:2136(A).</i>
How long does the order last?	A temporary order lasts up to 21 days, pending a hearing to show cause. <i>La. R.S. § 46:2151(A); La. R.S. § 46:2135(B).</i> A final order generally lasts up to 18 months, but orders preventing defendant from abusing, harassing, assaulting, monitoring, stalking, or interfering with petitioner can be issued for an indefinite period. <i>La. R.S. § 46:2151(A); La. R.S. § 46:2136(F).</i>
Can the order be renewed?	Yes, the court, in its discretion, may extend a protective order after conducting a hearing with both parties present. <i>La. R.S. § 46:2151(A); La. R.S. § 46-2136(F)(1).</i> For orders effective for an indefinite period (those that direct the defendant to refrain from abusing, harassing, or interfering with petitioner), the court may modify that period on either party's motion and after conducting a hearing. <i>La. R.S. § 46:2151(A); La. R.S. § 46-2136(D)(2).</i>

PROTECTION FROM DATING VIOLENCE ACT

Is a hearing with the defendant required?

The defendant must be provided with notice and given an opportunity to be heard, but is not required to attend the hearing.

La. R.S. § 46:2151(A); La. R.S. § 46-2135(B); La. R.S. § 46-2136(B)(2).

The court can issue temporary orders after conducting a hearing with only the petitioner present. The court must conduct a hearing, with notice to defendant, within 21 days after issuing those temporary orders.

La. R.S. § 46:2151(A); La. R.S. § 46-2135(A-B).

If the court does not enter temporary orders, it must conduct a hearing, with notice to the defendant, within 10 days of the petition's filing.

La. R.S. § 46:2151(A); La. R.S. § 46-2135(D).

PROTECTION FROM STALKING ACT

Who can apply?	Any person who is a victim of stalking by defendant, regardless of whether the defendant is a stranger or acquaintance. Stalking is defined as intentional and repeated following or harassing of another person that would cause a reasonable person to feel alarmed, to suffer emotional distress, and includes cyberstalking. <i>La. R.S. § 46:2172.</i>
Can minors apply?	No, the minor's parent, adult household member, or the district attorney will have to seek relief on the minor's behalf. <i>La. R.S. § 46:2133(D).</i>
Who can be restrained?	Any person regardless of relationship to the petitioner. <i>La. R.S. § 46:2173.</i>
What types of relief may a court order?	The court can issue a temporary order including any of the following provisions: • Prohibit respondent from abusing, harassing, or interfering with petitioner; • Exclude respondent from petitioner's home through eviction; • Prevent respondent from entering petitioner's home or place of employment; • Award petitioner possession of shared property, including a car; • Prohibit parties from transferring or interfering with jointly owned or leased property; • Award temporary custody of minor children; • Award (or restore) possession of personal property; and • Grant petitioner sole possession and control of household animals, including those belonging to minor children. <i>La. R.S. § 46:2173; La. R.S. § 46:2135(A).</i> <i>continued on next page</i>

PROTECTION FROM STALKING ACT

What types of relief may a court order?	A final order can include any of the above, as well as: • Award temporary child or spousal support; • Award temporary custody or visitation; and • Require respondent participate in a medical or mental health evaluation by a court appointed DV expert and order counselling if recommended. <i>La. R.S. § 46:2173; La. R.S. § 46:2136(A).</i>
How long does the order last?	A temporary order lasts up to 21 days, pending a hearing to show cause. <i>La. R.S. § 46:2173; La. R.S. § 46:2135(B).</i> A final order generally lasts up to 18 months, but orders preventing defendant from abusing, harassing, assaulting, monitoring, stalking, or interfering with petitioner can be issued for an indefinite period. <i>La. R.S. § 46:2173; La. R.S. § 46:2136(F).</i>
Can the order be renewed?	Yes, the court, in its discretion, may extend a protective order after conducting a hearing with both parties present. <i>La. R.S. § 46:2173; La. R.S. § 46-2136(F)(1).</i> For orders effective for an indefinite period (those that direct the defendant to refrain from abusing, harassing, or interfering with petitioner), the court may modify that period on either party's motion and after conducting a hearing. <i>La. R.S. § 46:2173; La. R.S. § 46-2136(D)(2).</i>
Is a hearing with the defendant required?	The defendant must be provided with notice and given an opportunity to be heard, but is not required to attend the hearing. <i>La. R.S. § 46:2173; La. R.S. § 46-2135(B); La. R.S. § 46-2136(B)(2).</i> <i>continued on next page</i>

PROTECTION FROM STALKING ACT

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The court can issue temporary orders after conducting a hearing with only the petitioner present. The court must conduct a hearing, with notice to defendant, within 21 days after issuing those temporary orders.

La. R.S. § 46:2173; La. R.S. § 46-2135(A-B).

If the court does not enter temporary orders, it must conduct a hearing, with notice to the defendant, within 10 days of the petition's filing.

La. R.S. § 46:2173; La. R.S. § 46-2135(D).

PROTECTION FOR VICTIMS OF SEXUAL ASSAULT ACT

Who can apply?	Any person who is a victim of sexual assault by defendant, regardless of whether the defendant is a stranger or acquaintance. Sexual Assault means any nonconsensual sexual contact. <i>La. R.S. § 46:2184.</i>
Can minors apply?	No, the minor's parent, adult household member, or the district attorney will have to seek relief on the minor's behalf. <i>La. R.S. § 46:2133(D).</i>
Who can be restrained?	Any person regardless of relationship to the petitioner. <i>La. R.S. § 46:2183.</i>
What types of relief may a court order?	The court can issue a temporary order including any of the following provisions: • Prohibit respondent from abusing, harassing, or interfering with petitioner; • Exclude respondent from petitioner's home by eviction; • Prevent respondent from entering petitioner's home or place of employment; • Award petitioner possession of shared property, including a car; • Prohibit parties from transferring or interfering with jointly owned or leased property; • Award temporary custody of minor children; • Award (or restore) possession of personal property; and • Grant petitioner sole possession and control of household animals, including those belonging to minor children. <i>La. R.S. § 46:2183(A); La. R.S. § 46:2135(A).</i> <i>continued on next page</i>

PROTECTION FOR VICTIMS OF SEXUAL ASSAULT ACT

What types of relief may a court order?	A final order can include any of the above, as well as: • Award temporary child or spousal support; • Award temporary custody or visitation; and • Require respondent participate in a medical or mental health evaluation by a court appointed DV expert and order counselling if recommended. <i>La. R.S. § 46:2183(A); La. R.S. § 46:2136(A).</i>
How long does the order last?	A temporary order lasts up to 21 days, pending a hearing to show cause. <i>La. R.S. § 46:2183(A); La. R.S. § 46:2135(B).</i> A final order generally lasts up to 18 months, but orders preventing defendant from abusing, harassing, assaulting, monitoring, stalking, or interfering with petitioner can be issued for an indefinite period. <i>La. R.S. § 46:2183(A); La. R.S. § 46:2136(F).</i>
Can the order be renewed?	Yes, the court, in its discretion, may extend a protective order after conducting a hearing with both parties present. <i>La. R.S. § 46:2183(A); La. R.S. § 46-2136(F)(1).</i> For orders effective for an indefinite period (those that direct the defendant to refrain from abusing, harassing, or interfering with petitioner), the court may modify that period on either party's motion and after conducting a hearing. <i>La. R.S. § 46:2183(A); La. R.S. § 46-2136(D)(2).</i>
Is a hearing with the defendant required?	The defendant must be provided with notice and given an opportunity to be heard, but is not required to attend the hearing. <i>La. R.S. § 46:2183(A); La. R.S. § 46-2135(B); La. R.S. § 46-2136(B)(2).</i> <i>continued on next page</i>

PROTECTION FOR VICTIMS OF SEXUAL ASSAULT ACT

Is a hearing with the defendant required?

The court can issue temporary orders after conducting a hearing with only the petitioner present. The court must conduct a hearing, with notice to defendant, within 21 days after issuing those temporary orders.

La. R.S. § 46:2183(A); La. R.S. § 46-2135(A-B).

If the court does not enter temporary orders, it must conduct a hearing, with notice to the defendant, within 10 days of the petition's filing.

La. R.S. § 46:2183(A); La. R.S. § 46-2135(D).

HOW TO APPLY

Petitioner files petition in a relevant court where petitioner currently resides, where defendant currently resides, or where the relevant conduct occurred.

La. R.S. § 46:2133(B).

Forms are available at courthouse and online: <https://www.lasc.org/LPOR-Forms>.

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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