

Louisiana Domestic Violence Prevention Commission 2014-15 Annual Report

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I. Introduction

Act 663 of the 2014 Louisiana Legislative Session established a new, state-wide Domestic Violence Prevention Commission, effective as of August 1, 2014. This new Commission was charged with seven primary responsibilities:

- (1) Assist local and state leaders in developing and coordinating domestic violence programs.
- (2) Conduct a continuing comprehensive review of all existing public and private domestic violence programs to identify gaps in prevention and intervention services and to increase coordination among public and private programs to strengthen prevention and intervention services.
- (3) Make recommendations with respect to domestic violence prevention and intervention.
- (4) Develop a state needs assessment and a comprehensive and integrated service delivery approach that meets the needs of all domestic violence victims.

- (5) Establish a method to transition domestic violence service providers toward evidence-based national best practices focusing on outreach and prevention.
- (6) Develop a plan that ensures state laws on domestic violence are properly implemented and provides training to law enforcement and the judiciary.
- (7) Develop a framework to collect and integrate data and measure program outcomes

The Commission is made up of a maximum of 20 members. A full list of the current Commission members is available in Appendix I. The Commission was charged to issue a report annually of its findings and recommendations to the Governor, the Speaker of the House of Representatives and the President of the Senate. Act 663 provided that the report may include any recommendations for legislation it deems necessary and appropriate; however, such legislation requires a two-thirds vote of the Commission members present. In keeping with the mandates of Act 663, the Domestic Violence Prevention Commission provides this report of its initial findings and recommendations.

II. Process

The Commission began meeting this fall, with full commission meetings held monthly starting in September. Three subcommittees were established to utilize the expertise of commission members and community members to look further into specific priority areas the Commission identified. These three subcommittees are the Data, Needs Assessment & Best Practices subcommittee, the Law Review subcommittee, and the Law Implementation and Training subcommittee. Appendix I contains the full list of subcommittee participants.

The Commission utilized multiple resources in the preparation of this report, including: commission member experience; current state and federal legislation; third-party presentations; the 2013 Domestic Violence Study Group Report; the Louisiana Women's Policy and Research Commission 2013 Report to the Governor; the 2014 Center for American Progress' "Protecting Women from Gun Violence" report; the 2014 "Everytown for Gun Safety Guns and Violence Against Women" report; the 2014 Violence Policy Center's "When Men Murder Women" report; and the 2013 Children's Bureau Child Welfare Information Gateway "Definitions of Domestic Violence" report. The following organizations made presentations to the Commission: the Greater New Orleans Fair Housing Action Center and Louisiana Appleseed. All of the information received by the Commission served as the foundation for the Findings and Recommendations presented herein.

III. Overview

Louisiana has long grappled with high rates of domestic violence. Rates of domestic violence fatalities for Louisiana consistently rank among the highest in the nation. Utilizing 2012 Federal Bureau of Investigations supplemental homicide data (the most recent complete data set available), the Violence Policy Center found that Louisiana had ranked 4th highest in the country for the rate of women killed by a single male offender, the statistic most commonly used for tracking domestic violence-related homicides; there were 45 such homicides in Louisiana that year. This is up from being ranked 9th highest in the nation in 2011, with 39 homicides that year.ⁱ Nationally, the homicide rate for female victims murdered by males in single victim/single offender incidents was 1.16 per 100,000 females in 2012; in Louisiana it was 1.92.ⁱⁱ

These numbers only tell part of the story. They do not account for homicide cases where there were multiple victims (children, new partners, friends, relatives of the victim), or for cases where the victim and perpetrator were in a same-sex relationship. The Louisiana Coalition Against Domestic Violence's statistics indicate that there were 178 domestic violence homicides in Louisiana from 2010 through 2012, and that Louisiana has a higher than average rate of multiple death domestic violence incidents, which often include extended family and bystanders.

A review of the Louisiana Department of Children and Family Services' data, compiled by the 16 domestic violence programs funded by the Department, showed that 3,785 people received shelter services and 10,705 people received non-residential services. Over 90,880 nights of shelter were provided. Nonetheless, programs still counted 2,397 instances of unmet shelter requests in 2013. The following chart provides a breakdown of the services provided.

2013 Domestic Violence Service Data	
Women Served in Shelter	2,049
Men Served in Shelter	23
Children Served in Shelter	1,713
Women Served through Non Residential	7,824
Men Served through Non Residential	256
Children Served through Non Residential	2,625
Shelter Nights	90,880
Unmet Request for Shelter	2,397
Crisis\Hotline Calls	33,157

Source: La. Department of Children and Family Services

a. Source of Funding for Domestic Violence Services

Federal funds currently available in Louisiana for domestic violence-related services go to domestic violence shelters/service providers, law enforcement, and courts. The state currently designates some state general funds and money from certain fees specifically for shelters. Courts and law enforcement do not receive any state funds specifically for domestic violence-related activities, only federal funds. In an effort to provide a broader, more accurate sense of how much is being spent state-wide to combat domestic violence, the Commission collected information on different funding streams that domestic violence shelters/service providers, law enforcement, and courts utilize to pay for services.

Law Enforcement and Court Funds:

The Louisiana Commission on Law Enforcement (LCLE) provides funds to victim service providers as well as law enforcement, prosecution agencies, and courts. It administers funds from two federal sources:

the Victims of Crime Act (VOCA), Victim Assistance Program under the Office for Victims of Crime, Office of Justice Program (OJP), and the Violence Against Women Act's (VAWA) S.T.O.P. (Services – Training – Officers – Prosecutors) Violence Against Women Formula Grant Program under the Violence Against Women Program Office, Office of Justice Program (OJP).

VOCA funds' primary purpose is to support the provision of services to victims of crime, and requires programs to provide direct services to victims, while VAWA STOP funds' primary purpose is the reduction of violence by developing and strengthening effective law enforcement and prosecution strategies to combat crimes against women.

For the 2013 fiscal year, LCLE spent \$1,235,220 for STOP-funded programs and \$1,085,977 in VOCA-funded programs. Appendix II, "Louisiana Commission on Law Enforcement Funds and Grantees," provides a full list of the agency's domestic violence related expenditures for FY 2013, the most recent funding allotment figures available.

Domestic Violence Shelters/Service Provider Funds:

The Louisiana Commission on Law Enforcement (LCLE) and the Louisiana Department of Children and Family Services (DCFS) provide funds to domestic violence shelters/service providers around the state. DCFS administers Family Violence Prevention Services Act (FVPSA) and Temporary Assistance to Needy Families (TANF) federal funds for domestic violence service providers, as well as certain state fees and money from the state general fund. FVPSA provides funding and regulations for service providers and outlines the roles and responsibilities of the state and the coalition. Key components include required collaboration between the state and the coalition in determining who is eligible for funding, as well as planning and monitoring of the distribution of grants. FVPSA also specifies that the work of the coalition should include training and technical assistance. Appendix III, "La. Department of Children and Family Services Domestic Violence Funds FY 2014-2015," provides further details on the domestic violence-related funds DCFS administered in FY 2014-2015.

In the most recent funding year there was approximately \$16.8 million in total budgets for domestic violence service providers. Generally, state funds accounted for only approximately 14% of the total dollars spent on domestic violence. Federal funds account for roughly 36%. Service providers regularly engage in fundraising and grant writing activities to augment federal and state funds they receive. It is

important to note that while service providers receive both federal and state dollars, currently of the approximately \$16.8 million total spent in Louisiana for shelter and services, individual citizens and advocates in local communities are providing about 47% of the resources it takes to keep services available. The following is a chart with an overview of the different funding streams service providers utilized in calendar year 2014 and approximate amounts of funding. Please note: these are approximate figures, since different funding streams operate on different calendar and fiscal year timelines.

Overview of DV Funding in Louisiana – approx. \$16.8 million in total budgets
<p>Government Funds Administered through the State:</p> <ul style="list-style-type: none"> • LCLE - \$2,321,197 <ul style="list-style-type: none"> ○ VOCA - \$1,085,977 ○ VAWA STOP - \$1,235,220 • DCFS - \$6,638,388 <ul style="list-style-type: none"> ○ FVPSA Funds - \$1,371,388 ○ TANF Funds - \$2,350,000 ○ State General Funds - \$2,400,000 ○ Marriage License Fees - \$425,000* ○ Civil Fees - \$92,000*
<p>Funds Agencies Raised:</p> <ul style="list-style-type: none"> • Value of volunteer hours - \$700,000 • Donations - \$2,100,000 • Other Funds Raised by Programs – approx. \$5 million. This includes grants, fundraisers, local funds

* Collected locally and distributed to service provider in applicable parishes.

b. 2014 Legislation

Many new laws were passed in 2014 with the goal of providing further protections for victims of domestic violence, punishing abusers, and offering further prevention and education activities within communities. Particular emphasis during the 2014 session was placed on creating a procedure for an immediate divorce from abusers, making abuse a factor to be considered in the determination of interim and final periodic spousal support awarded to an abused spouse, and allowing a victim of abuse to be awarded punitive damages for serious injuries and emotional distress. Additional emphasis was placed on assuring expeditious transfers of protective orders to the Louisiana Protective Order Registry, prohibiting firearm possession during the pendency of a protective order and for 10 years following the completion of a sentence for Domestic Abuse Battery. Finally, the new laws created stricter penalties for Violation of Protective Orders and for Domestic Abuse Battery. A summary of these and other new laws which went into effect on August 1, 2014 follows:

La. C.C. Art. 103 – Immediate Divorce

There is no 180 day waiting period for a divorce if the other spouse has physically or sexually abused the spouse seeking divorce or a child of one of the spouses – prosecution is not a factor. Art. 103(4). There is no 180 day waiting period for a divorce if a protective order or injunction has been issued after a contradictory hearing to protect the spouse or child of one of the spouses from abuse. Art. 103(5).

La. C.C. Art. 113 – Interim Spousal Support

If a spouse is seeking final periodic support pursuant to a divorce under 103(4) or 103(5), interim spousal support must be awarded for at least 180 days from the judgment of divorce. Art. 113(C). Interim spousal support awards factor in the standard of living of the parties during the marriage. Art. 113(A).

La. C.C. Art. 112 – Final Periodic Support

Final periodic support will be awarded only to a spouse who is not at fault prior to filing a petition for divorce. Art. 112(A). A court must consider the existence, effect and duration of domestic abuse in determining the amount and duration of final periodic support. Art. 112(C)(9). A judge shall consider a domestic abuse conviction and may order an evaluation of the parties to assist the court in determining the existence and nature of the alleged domestic abuse and the appropriate amount and duration of final periodic support. La. R.S. 9:327. A faultless victim of domestic abuse committed during a marriage shall be awarded final periodic support. Art. 112(B). This support may be awarded in a lump sum. Art. 112(B). The support award may exceed an amount in excess of 1/3 of the abuser’s net income. Art. 112(D).

La. C.C. Art. 2315.8 - Exemplary Damages

In addition to general and special damages, exemplary damages may be awarded upon proof that the injuries on which the action is based were caused by a wanton and reckless disregard for the rights and safety of a family or household member, as defined in R.S. 46:2132, through acts of domestic abuse resulting in serious bodily injury or severe emotional and mental distress, regardless of whether the defendant was prosecuted for his or her acts. Upon motion of the defendant or upon its own motion, if the court determines that any action alleging domestic abuse is frivolous or fraudulent, the court shall award costs of court, reasonable attorney fees, and any other related costs to the defendant and any other sanctions and relief requested pursuant to Code of Civil Procedure Article 863.

Prohibitions on Possession of Firearm or Carrying Concealed Weapon (Pixie Gouaux Law)

Anyone convicted of domestic abuse battery cannot possess a firearm until 10 years after completion of their sentence, probation, parole or suspension of sentence, even if the conviction was for a misdemeanor under La. R.S. 14:35.3. La. R.S. 14:95.10. Anyone subject to an injunction or protective order (after a show cause hearing) to protect a family or household member may not possess a firearm for the duration of the injunction or protective order if the injunction or protective order includes a finding of a credible threat to the physical safety of the protected person and a statement that possession of a firearm is prohibited pursuant to federal and state laws. La. R.S. 46:2136.3.

Protective Orders

All Uniform Abuse Prevention Orders must be sent to the Louisiana Protective Order Registry and to the local chief law enforcement officer by the clerk of the issuing court by fax or direct electronic input expeditiously and no later than the end of the next business day. All Uniform Abuse Prevention Orders must be amended to include the firearm possession prohibitions. Law enforcement officers shall, at a minimum, issue a summons to a person in violation of a Uniform Abuse Prevention Order. La. R.S. 14:79(E)(1). Law enforcement officers shall immediately arrest a person in violation of a Uniform Abuse Prevention Order if the officer has reason to believe the violator has abused a family or household member or a dating partner, defined in La. R.S. 46:2132 as physical or sexual abuse and any offense against the person as defined in the Criminal Code of Louisiana. La. R.S. 46:2140(A). Law enforcement officers maintain discretion regarding the arrest of an abuser if the abuser is not in violation of a protective order. La. R.S. 46:2140(B). When faced with conflicting accounts of domestic abuse or dating violence, law enforcement officers shall presume that the person in violation of a Uniform Abuse Prevention Order is the predominant aggressor and arrest the violator. La. R.S.46:2140(C)(2)(g); La. R.S.46:2140(C)(3)(b).

Domestic Abuse Battery

Domestic Abuse Aggravated Assault is a crime of violence. La. R.S.14:2(B)(45). This means an offender must serve at least 85% of the sentence imposed. A second conviction of Domestic Abuse Battery is a felony. La. R.S. 14:35.3(D). Anyone convicted of domestic abuse battery cannot possess a firearm until 10 years after completion of their sentence, probation, parole or suspension of sentence, even if the conviction was for a misdemeanor under La. R.S. 14:35.3. La. R.S. 14:95.10.

Domestic Abuse Intervention Program - New Definition

If a person is ordered to complete a treatment program pursuant to the Post Separation Family Violence Relief Act or the Domestic Abuse Battery statute, the program must be court-monitored and consist of a minimum of 26 in-person sessions. La. R.S. 14:35.3(B); La. R.S.9:362(7).

C.Cr.P. 334.2 – No Release On Recognizance Following Arrest

No personal recognizance bond is permitted for any crime of violence including:

- False imprisonment with firearm
- False imprisonment
- Domestic Abuse Battery
- Domestic Abuse Battery Aggravated Assault
- Crime of Violence
- Violation of Uniform Abuse Prevention Order

C.Cr.P. Art. 330.3 - Setting Bail for Felony Offenses Against a Family or Household Member or Dating Partners (Gwen's Law)

If a person is charged with a felony domestic or dating violence offense, the court shall order a contradictory bail hearing within 5 days. The court shall, with the consent of the prosecutor, perform an ex parte examination of the evidence against the accused. The court shall perform a risk assessment. Upon proof of clear and convincing evidence the accused might flee, poses a threat of danger to the victim, or a threat of danger to any other person, the court may hold the accused without bail pending trial. If bail is granted following the hearing, the court may require the accused to wear an electronic monitoring device as a condition of bail.

C.Cr.P. 890.1 No Waiver of Mandatory Minimum Sentences

Excludes domestic armed battery, rape, stalking, human trafficking, and other violent offenses from the list of crimes for which a minimum sentence can be waived.

La. R.S. 17:81 Dating Violence Education

Requires that all school employees working with grades 7-12 receive training at the beginning of each school year on the definition of dating violence, dating violence warning signs, and how to properly address suspected or reported dating violence involving students, including but not limited to counseling and notification of law enforcement, and provide information relative to dating violence to

the parents of students in such grades. Schools are now required to include dating violence in the student code of conduct, collect data and make a report to the school board on compliance and progress.

The Louisiana Domestic Violence Prevention Commission reviewed these and other laws, and their application, to identify further legal issues that could be addressed legislatively. In its first year, the Commission also focused on completing an initial assessment of what state-wide domestic violence data is available, what policy changes could be recommended, and what domestic violence-related topics the Commission would like to focus on long term.

IV. Findings and Recommendations

a. Data, Needs Assessment & Best Practices Subcommittee Findings

The Data, Needs Assessment & Best Practices subcommittee has made the collection of various domestic violence data sets its initial focus, attempting to identify what information is already being tracked and by whom, and what information would be most useful to the Commission. The subcommittee found that there is no uniform statewide collection of data by parishes to provide the following data elements:

1. Domestic Violence Homicide Rate:
 - a) Demographics;
 - b) Method of homicide (weapons, etc.);
 - c) Percentage that had a temporary restraining order or protective order in place; and
 - d) Percentage that had multiple victims (fatal and non-fatal; children killed or present at the scene).
2. Law Enforcement Response:
 - a) Calls for service – 911 calls for domestic violence disturbances;
 - b) Number and type of domestic violence arrests (misdemeanor and felony); and
 - c) Number of outstanding warrants.
3. Prosecution Response:
 - a) Number of cases screened (accept/reject ratio); and
 - b) Dispositions of cases (pleadings, diversion, convictions, sentences).
4. Civil Protection Orders:
 - a) Ratio of Temporary Restraining Orders converting to Protective Orders;
 - b) Number of TRO dismissals and reason for dismissals (dismissed by the judge, requested; and dismissal by petitioner, no service on the alleged perpetrator, no show at hearing, other).
5. Service Provision Across the State:
 - a) Types, range, and quality of services provided in each parish;
 - b) Funding allocations across the parishes;
 - c) Populations served, underserved populations, demographics; and

- d) Identification of the existence of a coordinated community response (CCR) or Family Justice Center model (co-located service delivery system) in each parish, defined as a coordinated system involving law enforcement, prosecution and advocacy services.
6. Public Health Impact of Violence on Families – Especially on Children:
- a) Rates and identification of homicides on pregnant females;
 - b) Mental health concerns and issues of exposure and incidence of violence on children; and
 - c) Healthcare response – screening and referrals for services for victims in the healthcare settings.

To truly have a sense of the prevalence of domestic violence and any service gaps within the state, collecting this data is key. It can help us identify the best way to utilize our resources, and would greatly inform future recommendations from this Commission.

Temporary Restraining Orders and Protective Orders

The subcommittee reviewed the existing state-wide data on protective orders and temporary restraining orders provided by the La. Protective Order Registry to determine how many domestic violence victims were accessing existing civil legal remedies available through Temporary Restraining Orders (TRO) against their perpetrator, and how many of these TROs were later converted to a more permanent Protective Order, which typically covers an 18 month period of time.

During the calendar year of 2013, a total of 12,122 statewide temporary restraining orders were issued by the civil courts. These are ex parte civil orders that are temporary and cover a period of 21 days. It should be noted that in the event the temporary restraining order is extended for whatever reason, it is filed as a new TRO, thus there may be significant numbers of duplications for one victim who is filing. For this reason it is difficult to determine the percentage of TROs that are filed that actually convert to a longer term Protective Order.

In 2013, there were 3,324 Civil Protective Orders issued across the state, and 39 Permanent Injunctions issued. From the criminal system in 2013 there were 3,704 bail restrictions issued, 270 peace bonds, 669 combined bail and peace bonds, and 1,178 combined sentencing and probation orders.

Perpetrator Risk Assessments

Because of Louisiana's consistent high rate of domestic violence-related homicides, national best practices that directly work to decrease such homicides were a primary focus of the subcommittee. The subcommittee identified the need for law enforcement across the state to be trained in effective and research-based risk assessment as it relates to the risk of re-offending at the time of arrest and in subsequent bail hearings. National re-offender risk assessment tools, like the Ontario Domestic Abuse Risk Assessment tool (ODARA), were reviewed and studied as a possible option to be used in our state.

Coordinated Community Response

The subcommittee also determined that national best practices promote effective and comprehensive coordinated community responses (CCR or Family Justice Center) models that promote coordinated systems to respond to this type of family and community violence. National data and research confirms that victims are killed when systems are not sharing information and are not coordinated to maintain victim safety and to hold perpetrators accountable.

Enhanced Training

Additional best practices support enhanced training for law enforcement, prosecution and advocacy services in the effective screening and identification of established high risk factors for potential lethality such as the existence of stalking, incidences of strangulation or choking, existence and potential violations of TROs or protective orders, presence of documented lethal threats against victims or victims extended family members, access or possession of firearms, excessive use of alcohol or illegal drugs, and involvement of children from a previous marriage.

Domestic Abuse Intervention Programs (DAIP)

The subcommittee also determined that the state is currently incapable of determining the existence of, and the effectiveness of, services that are designed to hold batterers accountable and are identified as Domestic Abuse Intervention Programs (DAIP). There is no statewide certification or registration of programs that promote best practices or appropriate standards that would promote high quality and effectiveness. The intention would be that all courts across the state would clearly be aware of the certified programs that are in existence in their areas and that only referrals would be made to programs that have demonstrated an ability to meet minimum state standards.

b. Data, Needs Assessment & Best Practices Subcommittee Recommendations to the Commission

1. ***A comprehensive, state-wide needs assessment be developed and instituted*** to determine the needs of domestic violence victims and their families and to determine how well the state is responding to the needs of victims in keeping them safe and alive.
2. ***Development of a uniform system for tracking the criminal justice response to domestic violence crimes.*** This would include, at a minimum, the data identified in sections 1-3 listed previously in this report (domestic violence homicide rate, law enforcement response, and prosecution response).
3. ***Creation of a system for tracking TROs and Protective Orders by victim to determine the percentage of TROs which convert to a more Permanent Protective Order*** in order to compare this percentage to national averages.
4. ***A review of existing protective order data to create a parish by parish report of the reasons for denials of Protective Orders.***
5. ***On-going evaluation and assessment of public health data*** be collected and evaluated which would result in potential correlations with other health risk factors, such as deaths during pregnancy, the physical and mental health impacts on victims and exposed children of violence, and the early screening and identification of domestic violence when victims are seeking medical services in the healthcare system.
6. ***A state-wide risk assessment tool for assessing the risk of re-offending by the perpetrator that is an evidence-based, validated actuarial tool that does not require clinical background or expertise to administer be instituted.*** The subcommittee recommends that a tool be adapted that is specifically designed for use for law enforcement such as the Ontario Domestic Abuse Risk Assessment tool (ODARA) and not one designed to help assess victim safety or lethality. Additionally, the subcommittee recommends that all police officers responding to domestic violence calls for service be trained to use the instrument and that this risk assessment be used by the courts and prosecutors in determining bail and any bail restrictions, and in determining whether this person poses any future risk to the victim or other family members.
7. ***Development of statewide standards and a certification program that would regulate and promote effective practice for DAIP (Domestic Abuse Intervention Programs).*** Additionally, the subcommittee recommends that courts across the state make referrals only to state-certified DAIPs.
8. ***A comprehensive assessment of the issues identified for 'service provision across the state' be instituted.*** The assessment would compare the actual level of service capacity to the actual need as

supported by criminal justice, community and public health data. Additionally, all funding allocations should be assessed to determine effectiveness of each region's coordinated community response and its relationship to incidence of domestic violence and particularly homicide rates.

9. ***A statewide assessment that would result in recommendations for a) effective screening tools to be used in emergency rooms, physician offices or health care settings; b) directories of all available service providers across the state*** to be made available to all healthcare providers for appropriate referrals and follow-up; ***and c) identification of best practices and interventions*** that would be developed for all systems currently providing any type of physical or mental health services to potential victims of domestic violence or their children.

c. Law Review Subcommittee Findings

The Law Review subcommittee spent considerable time reviewing the current legislation focused on domestic violence, domestic abuse, dating violence and family violence. In discussions with legislators, service providers, law enforcement, judges and attorneys, the subcommittee was informed of the need for clarification of several of these laws and for additional legislation to make these and other laws more effective and to provide further protection for victims of domestic abuse.

Consistent Definitions Needed

Specifically, the subcommittee found that there are no consistent definitions of domestic abuse or domestic violence and no consistent definitions of persons (family members, household members, dating partners, cohabitants, etc.) who may avail themselves of the assistance provided or remedies available to domestic abuse victims in civil or criminal proceedings in Louisiana statutes.

The subcommittee found that the term "domestic abuse" is used in 58 statutes; and the term "domestic violence" is used in 50 statutes. Additionally, the term "family violence" is used in 32 statutes; and the term "dating violence" is used in 17 statutes.

"Domestic abuse" as defined in the Domestic Abuse Assistance Act (La. R.S. 46:2132) "includes but is not limited to physical or sexual abuse and any offense against the person as defined in the Criminal Code of Louisiana, except negligent injury and defamation, committed by one family or household member against another". "Dating violence" as defined in the Protection from Dating Violence Relief Act (La. R.S. 46:2151), "includes but is not limited to physical or sexual abuse and any offense against the

person as defined in the Criminal Code of Louisiana, except negligent injury and defamation, committed by one dating partner against the other”.

"Family violence", as defined in the Protection from Family Violence Act (La. R.S. 46:2121), “means any assault, battery, or other physical abuse which occurs between family or household members, who reside together or who formerly resided together”. "Family violence", as defined in the Post Separation Family Violence Relief Act (La. R.S.9:362), “includes but is not limited to physical or sexual abuse and any offense against the person as defined in the Criminal Code of Louisiana, except negligent injuring and defamation, committed by one parent against the other parent or against any of the children. Family violence does not include reasonable acts of self-defense utilized by one parent to protect himself or herself or a child in the family from the family violence of the other parent. ... The court may find a history of perpetrating family violence if the court finds that one incident of family violence has resulted in serious bodily injury or the court finds more than one incident of family violence.”

“Domestic Abuse Battery”, as defined in the Criminal Code (La. R.S. 14:35.3), is “the intentional use of force or violence committed by one household member upon the person of another household member”. This same statute also states that “any crime of violence, as defined in R.S. 14:2(B), against a person committed by one household member against another household member, shall be designated as an act of domestic abuse for consideration in any civil or criminal proceeding”.

The Domestic Abuse Battery statute also defines “serious bodily injury” as “bodily injury that involves unconsciousness, extreme physical pain, or protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty, or a substantial risk of death”. Without reference to the Criminal Code, La. C.C. Art. 2315.8, which addresses liability for damages caused by domestic abuse, provides that “in addition to general and special damages, exemplary damages may be awarded upon proof that the injuries on which the action is based were caused by a wanton and reckless disregard for the rights and safety of a family or household member, as defined in R.S. 46:2132, through acts of domestic abuse resulting in serious bodily injury or severe emotional and mental distress, regardless of whether the defendant was prosecuted for his or her acts”.

The Law Review subcommittee further found that until there are consistent definitions of domestic violence and/or domestic abuse, application of the laws will remain subjective and inconsistent,

particularly in the civil context. For instance, an immediate divorce shall be granted upon proof that the other spouse has “physically or sexually abused” the spouse seeking divorce or a child of one of the spouses, regardless of whether the other spouse was prosecuted for the act of abuse. La. C.C. art. 103. Final periodic support shall be awarded to a faultless victim of “domestic abuse committed during the marriage” and a court shall consider the existence, effect, and duration of “any act of domestic abuse” committed by the other spouse upon the claimant, regardless of whether the other spouse was prosecuted for the act of domestic violence. La. C.C. art. 112. Moreover, in the absence of a criminal conviction, the court may order an evaluation of both parties that may be used to assist the court in determining the existence and nature of the alleged domestic abuse. La. R.S. 9:327. It is apparent that a clear definition of “abuse” is necessary.

Immediate Divorce Issues

Regarding the 2014 “immediate divorce” legislation, the Subcommittee found that while an immediate divorce is available, effective August 1, 2014, to victims of physical or sexual abuse by a spouse and also when a protective order or injunction has been issued to protect a spouse or child of a spouse from abuse, La. C.C. art. 103 does not clearly stipulate the date, if any, when a qualifying act of physical or sexual abuse must have occurred or when a protective order must have been obtained prior to seeking the divorce. The subcommittee found that it was the intention of the drafters to effect a procedural change in the law to assist victims in escaping an abusive marital relationship as soon as possible. To require the qualifying abuse or an order of protection to occur after August 1, 2014 and not at any point occurring during the marriage would fail to take into account this manifest purpose.

The subcommittee also found inconsistencies in the obligation to pay attorney fees depending on whether the abused victim was seeking relief pursuant to a La. C.C. art. 103 immediate divorce, the Post Separation Family Violence Relief Act or the Domestic Abuse Assistance Act. La. C.C. art. 2362.1. provides that an obligation incurred before the date of a judgment of divorce for attorney fees and costs in an action for divorce and in incidental actions is deemed to be a community obligation. On the other hand, the Post Separation Family Violence Relief Act (La. R.S. 9:367) provides that “in any family violence case, all court costs, attorney fees, evaluation fees, and expert witness fees incurred in furtherance of this Part shall be paid by the perpetrator of the family violence, including all costs of medical and psychological care for the abused spouse, or for any of the children, necessitated by the family violence.” The PSFVRA goes on to say in La. R.S. 9:368 that the court, in any case brought under [the

Domestic Abuse Assistance Act] La. R.S. 46:2131 et seq., may impose the remedies provided herein. Accordingly, except in the case of an immediate divorce based on physical or sexual abuse based on a protective order or injunction issued to protect the spouse or a child of one of the spouses from abuse, the abuser shall pay all costs, including attorney fees, necessitated by the violence.

Qualification as a Victim

Regarding victims of physical or sexual abuse or violence, Louisiana recognizes the crime of Domestic Abuse Battery only if the victim and perpetrator live or formerly lived together in the same residence. As such, dating partners who have not cohabitated cannot be charged with Domestic Abuse Battery. Moreover, persons of the same sex, even if they do cohabit, do not qualify as “household” members. Accordingly, a same sex perpetrator cannot be charged with Domestic Abuse Battery. In either situation, a non-cohabitant dating partner or a same sex partner is not prohibited from possessing a firearm following a conviction for battery or any other act of violence perpetrated against their dating or same sex partner. Additionally, a non-cohabitant dating partner or same sex partner who commits a strangulation that does not result in serious bodily injury or loss of consciousness cannot be adequately charged under Louisiana’s criminal statutes because the strangulation provisions under the Domestic Abuse Battery statute do not apply to persons not meeting the statute’s relationship requirements and there is no parallel strangulation provision that applies.

In the civil statutes, a same sex victim does not qualify “directly” for any protections under the Domestic Abuse Assistance Act. It appears, however, that same sex victims who qualify as a “dating partner” under the Protection from Dating Violence Act, which contains no specific language regarding “opposite sex” eligibility, may indirectly receive all services, benefits and other forms of assistance provided by Chapter 28 which includes the Domestic Abuse Assistance Act and the Protection from Stalking Act.

Non-Physical Acts

The subcommittee also found that definitions of domestic violence and/or domestic abuse did not clearly encompass non-physical acts of abuse or, rather, abuse which did not knowingly or intentionally cause bodily injury. Examples of domestic abuse which do not involve bodily injury include: threats of physical or sexual violence; threats to harm children or family pets; cyberstalking; destruction of personal property; and workplace harassment. Review of federal and Louisiana case law indicates that judges have struggled with defining acts showing an “immediate and present danger of abuse” justifying

an ex parte temporary restraining order (La. R.S. 9:2135) and sometimes improperly impose a “recency” standard for physical abuse that is not required under the law and is not, standing alone, an appropriate standard for determining danger. The subcommittee also found that there is a need to define the types of abuse which would qualify for the granting of, or approval of a consent judgment for, a protective order pursuant to La. R.S. 9:2136 “to bring about a cessation of abuse of a party” and the time frame during which the abuse occurred.

Protective Orders

Each time new legislation is passed with regard to the Domestic Abuse Assistance Act, the Louisiana Abuse Prevention Order Forms (Protective Orders) are updated to include these changes as it relates to relief available. Each version is then replaced with the updated version. Each professional discipline who utilizes these forms receives the updated or new version of the forms, and is invited to attend one of the registry’s Regional Legal Seminars to receive the proper instruction on the changes to the forms in response to the new legislation.

The registry also transmits qualifying data to the National Crime Information Center (NCIC), and is the point of contact for the state of Louisiana to the FBI/NICS Operations Center which conducts background checks on defendants attempting to purchase firearms who may be prohibited by the existence of a qualifying protective order. For these reasons, the Registry works very closely with the federal agencies to ensure that each current version of the form is in compliance with federal law with regard to firearms prohibition. Since the state legislature passed the new legislation of 2014 which includes a state firearm prohibition, the registry has worked to ensure that the current revisions of the forms are in compliance with state and federal law.

With regard to the number of forms in each version, the registry creates each form in response to the relief available as provided by each statute. The current version 8 (v.8) of the forms issued in 2015 includes twenty-two (22) courtesy forms, (i.e. instructions, petitions, confidential address forms, information for service of process, motions, rules for cause, etc). These courtesy forms are made available to assist abuse victims who are filing pro se, and may not have access to an attorney or advocate. The current version contains twenty-five (25) actual order forms, nine (9) of which are provided as “in reconvention” order forms.

The Registry is committed to the statewide work of domestic abuse prevention, and toward simplification of the process of developing forms to aid in the protection of domestic abuse victims.

The subcommittee expressed concern that Code of Judicial Conduct may impede the ability of a judge to access criminal histories when determining whether or not to grant stay away orders, particularly ex parte Temporary Restraining Orders. Moreover, the subcommittee found that a review of the reasons for denials of petitions for temporary restraining orders and protective orders would be beneficial. Appendix IV, "2015 Louisiana Domestic Violence & Stalking Statutes and LPOR Forms," provides a full description of the variety of protective order forms available in Louisiana for domestic violence victims.

The subcommittee also found that violations of protective orders require stricter penalties under La. R.S. 14:79. According to the research and as cited on the Louisiana Protective Order Registry website, while most abusers do violate protective orders in some way, these orders generally deter repeated incidents of physical abuse. In 40% of the cases surveyed in one study, there were no reported violations in the year after the order was issued. However, in 60% of these cases, violations were reported in that same period. In 29% of the cases in which a violation occurred, the victim indicated that the violation involved one or more acts of severe violence. Currently, a person can be convicted three or more times of a violation of a protective order (which does not include a battery or act of violence to a protected person) with a maximum sentence of six months and without ever being charged with a felony. Only if a person has a prior conviction of a violation of a protective order within five years of a second violation and the second violation includes a battery or act of violence to a protected person can the violator be charged with a felony. Creating a seamless network among the courts, law enforcement officials, prosecutors, legal service providers and victim advocates is the most effective way to ensure that orders of protection are enforced. This requires ongoing communication, a shared belief that violence against an intimate partner or family member is a serious matter and not to be tolerated, a commitment to protect the victim, and a willingness to create consequences for the abuser.

Exemplary Damages

Regarding La. C.C. article 2315.8 allowing for the award of exemplary damages in certain cases of domestic abuse, the subcommittee found that the new law fails to consider that tort actions are barred between spouses due to interspousal immunity. La. R.S. 9:291. As stated in *Duplechin v. Toce*, 497 So.2d 763 (La. App. 3 Cir., 1986:

“unless judicially separated, spouses may not sue each other except for causes of action arising out of a contract or the provisions of Title VI, Book III of the Civil Code restitution of separate property; for divorce, separation from bed and board, and causes of action pertaining to the custody of a child or alimony for his support while the spouses are living separate and apart, although not judicially separated.” ... It is well settled that the interspousal immunity created by this statute does not destroy any cause of action which one spouse might have against the other. The effect of this statute is to bar the right of action which one spouse has against the other for any such cause of action. ... Suits between spouses have traditionally been prohibited on the theory that such suits disrupt domestic tranquility. However, once the marriage is ended, this would no longer seem to be a valid policy. ... we find that it is the time of the judicial proceedings which controls the application of the Doctrine of Interspousal Immunity rather than the time of the occurrence of the tort. Further, since prescription is suspended as between spouses during the marriage, the plaintiff has both a cause and a right of action against her former husband.”

Accordingly, a spouse may only sue another spouse in tort within one year following divorce, but these post-divorce actions may encompass any injurious act which occurred during the marriage. As written, article 2315.8 prohibits an abused spouse from recovering exemplary damages for serious physical or mental injuries which occurred during the marriage unless those injuries occurred following August 1, 2014. A review of hearing testimony supports the Commission’s finding that this was not the intent of the new law, and that spouses who divorce, effective August 1, 2014, should be able to recover exemplary damages for any proven act of serious bodily injury or severe emotional and mental distress which occurred during the marriage.

Gwen’s Law

There are pending legal challenges to Gwen’s Law (La. C.Cr.P. 330.3) which claim the mandatory five-day holding period infringes on a suspect's rights, creates unnecessary paperwork, and slows down the court system. The subcommittee is concerned that any required involvement of the victim in the bail process might jeopardize federal STOP (Services-Training-Officers-Prosecutors) funding. The STOP Violence Against Women Grant Program is awarded to states and territories, enhances the capacity of local communities to develop and strengthen effective law enforcement and prosecution strategies to combat violent crimes against women and to develop and strengthen victim services in cases involving violent crimes against women. Each state and territory must allocate 25 percent for law enforcement, 25 percent for prosecutors, 30 percent for victim services (of which at least 10 percent must be distributed to culturally specific community-based organizations), 5 percent to state and local courts, and 15 percent for discretionary distribution. A recipient of STOP funding may not require victims to

report sexual assault, stalking, or domestic violence crimes to law enforcement or force victims to participate in criminal proceedings.

Stalking

The subcommittee found that current law (La. R.S. 14:95.10) prohibits persons subject to a protective order for stalking from possessing a firearm, but does not prohibit anyone convicted of stalking from possessing a firearm. According to La. R.S. 14:40.2:

“Stalking is the intentional and repeated following or harassing of another person that would cause a reasonable person to feel alarmed or to suffer emotional distress. Stalking shall include but not be limited to the intentional and repeated uninvited presence of the perpetrator at another person's home, workplace, school, or any place which would cause a reasonable person to be alarmed, or to suffer emotional distress as a result of verbal or behaviorally implied threats of death, bodily injury, sexual assault, kidnaping, or any other statutory criminal act to himself or any member of his family or any person with whom he is acquainted”.

The subcommittee further noted that “notwithstanding any other sentencing provisions, any person convicted of stalking shall undergo a psychiatric evaluation” and “that imposition of the sentence shall not be suspended unless the offender is placed on probation and participates in a court-approved counseling which could include but shall not be limited to anger management, abusive behavior intervention subcommittees, or any other type of counseling deemed appropriate by the courts”. It appears contradictory to allow a person who shall receive psychiatric care and court-approved counseling following a conviction of stalking to possess a firearm. The subcommittee had concerns as to why misdemeanor stalking convictions would be treated any differently than misdemeanor domestic abuse battery convictions as regards possession of a firearm.

Surrender of Firearms

As noted above, effective August 1, 2014, the possession of firearms during protective orders and for 10 years following completion of a sentence for any conviction of Domestic Abuse Battery is prohibited; however, there are no procedures in place to provide for the seizure, surrender or third party transfer of firearms which can be tracked and enforced by the criminal justice system. The subcommittee found that numerous states and several Louisiana parishes have adopted procedures to assure that perpetrators surrender any firearms they own once they become prohibited. The subcommittee finds it imperative to expeditiously and properly inform persons subject to protective orders and/or convicted of Domestic Abuse Battery of both the federal and Louisiana restrictions on possession of a firearm and also to create effective and enforceable laws and policies for prohibited domestic abusers to relinquish

their guns. The subcommittee identified five specific concerns in relation to firearms involved in domestic violence cases:

1. **Identification of prohibited possessors.** This is a two-fold issue: identifying individuals subject to a qualifying domestic protective order, and identifying persons convicted of domestic abuse battery. With respect to the protective order group, the agency that seems to be the most likely one equipped to identify these perpetrators and maintain a uniform record of them is the Louisiana Protective Order Registry (LPOR). This could go hand in hand with the standardization of the protective order form and a specific designation on the order by the Court. With respect to convictions, this is a bit more complicated and could be an opportunity to expand LPOR's role to flag prohibited possessors. Moreover, the Courts/Clerks of Courts would have to be mandated to transmit these records to the Registry.
2. **Weapon ownership/possession.** The next logical issue is to have protocols to determine if in fact a person has weapons that they must dispose of during the time that the possession of these weapons is no longer legal. At the point of the qualifying order or the moment of conviction, law enforcement needs to know if in fact the person is in possession of firearms. Aside from voluntary disclosure, law enforcement needs to have investigative protocols to verify weapon possession to include questioning of the victim/household members, gun registration information, hunting license possession, etc. At a minimum, there should be a declaration of weapons possessed or lack of weapons by the prohibited possessor under oath in court which not only impresses upon them the seriousness of the matter, but could form the basis for an additional future charge of false swearing.
3. **Third party transfer.** Essentially there are two possible transfers of firearms. The first is a legal transfer (sale, donation) and the other is simply physical possession transfer, more along the lines of safekeeping. In this situation, some effort needs to be directed to making sure that the transferee is legally authorized to possess. Equally important, it must be verified and documented that the transferee knows and agrees that they must legitimately take custody of the weapons, and not simply take possession in name only, as this collusion could result in the transferee being charged as a principal to the crime of illegal possession.
4. **Law enforcement safekeeping.** This may require specific legislation as some agencies may not do this on a purely voluntary basis. To properly address this, questions regarding venue, disposal and return of weapons must be considered. For example, is the weapon surrendered to the police department/sheriff's office where the offender resides, where the crime occurred, where the protective order was issued, etc.

5. ***Return and release of firearm.*** With respect to possession and disposal, other questions exist: can the firearm be legally transferred to the agency, can a fee be charged to maintain possession, when is it considered abandoned, must the agency hold it for the 10 year duration, etc. The subcommittee found that the King County Sheriff's Office in Washington state has excellent protocols that merit consideration. Finally, specific protocols will need to be established to allow for the return/release of the weapon. The preference would be a court order regardless if it is returned/released to the owner or to a third party who might subsequently acquire ownership.

Seizure

Current law does not provide for the seizure of a dangerous weapon at the scene of a domestic abuse incident. Review of a debate during the 2014 legislative committee hearing wherein a "seizure" provision was stripped from a proposed bill convinced the subcommittee that this is an issue that needs more study.

Intervention Programs

The subcommittee found that much effort was put into defining a Domestic Abuse Intervention Program during the 2014 legislative session; however, this definition does not stipulate that the minimum 26 session program cannot be accelerated. Moreover, recent news reports indicate that some non-state courts do not feel obligated to follow state laws regarding DAIPs and are offering programs which do not conform to those recommended guidelines. The commission also found that there is no certification requirement for DAIP providers.

Housing

Housing and eviction problems persist for victims of domestic violence in private rental properties. The full Commission heard presentations from representatives of the Louisiana Fair Housing Authority regarding the eviction of domestic violence victims in privately owned rental properties. La. R.S. 40:506 provides that the local public housing authority may not terminate the tenancy of a household or a resident for reasons of domestic abuse, dating violence, or family violence committed against the head of a household, a member of a household or a resident; however, the local housing authority may terminate the tenancy of the perpetrator of domestic abuse, dating violence, or family violence.

Law Enforcement Certification

The subcommittee discussed disparities in law enforcement procedures for responding to domestic abuse in their communities. The subcommittee found that a state-wide certification process for domestic abuse first responders is worthy of consideration.

d. Law Review Subcommittee Recommendations to the Commission

1. **Adoption of the term “domestic abuse” in Louisiana statutes** with the understanding that domestic violence is a physical manifestation of domestic abuse.
2. **A clinical or behavioral definition of domestic abuse** which could be used by courts and court-appointed mental health experts assisting the court in determining the existence and nature of alleged domestic abuse and the appropriate amount and duration of final spousal support: “a pattern of assaultive and/or coercive behaviors, including physical, sexual, and psychological attacks, as well as economic coercion that adults or adolescents use against their intimate partners.”ⁱⁱⁱ
3. **A definition of domestic abuse** which could be used in civil laws which provide protection, assistance and other services to victims and **which could include the occurrence of any of the following acts: Causing or attempting to cause physical or mental harm to a family or household member; placing a family or household member in fear of physical or mental harm; causing or attempting to cause a family or household member to engage in voluntary sexual activity by force, threat of force, or duress; and engaging in any activity toward a family or household member that would cause a reasonable person to feel terrorized, frightened, intimidated, harassed or molested.**
4. **A definition of domestic abuse which could be used in criminal laws which can lead to arrest and misdemeanor or felony prosecution.** One recommended definition is “any criminal offence, involving violence or physical harm or threat of violence or physical harm committed by one family or household member against another.” Another recommendation is the addition of a “domestic” modifier in criminal statutes, such as “domestic abuse assault”.
5. Regarding persons included in the definitions of domestic abuse, **that domestic abuse laws protect all persons who share a qualified “personal” relationship.** The most common personal relationships included in domestic abuse statutes are those of spouses and former spouses, persons who are currently living together, persons who have previously lived together, persons involved or previously involved in a dating or intimate relationship or who have a child in common whether or not they have ever lived together. Protected persons should include children, grandchildren and foster children within the household or a child or either adult in a protected relationship.

6. ***An immediate divorce be granted to any person seeking a La. C.C. art. 103 (4) or (5) divorce post August 1, 2014 without regard to when the qualifying act of physical or sexual abuse occurred and without regard to when an order of protection was obtained.***
7. ***A spouse against whom a La. C.C. art. 103 (4) or (5) divorce is granted pay all costs, including attorney fees, for the divorce proceedings and for any fees and costs necessitated by the abuse.***
8. ***Consolidation of Uniform Abuse Protective Orders as is practical and amendment of language regarding dispossession of firearms which clearly conforms to federal and state laws.***
9. ***Judges be allowed access to criminal and civil histories of persons against whom a temporary restraining order or protective order is requested.***
10. ***Further study of the reasons for the denial of temporary restraining orders and protective orders.***
11. ***Enhanced and stricter penalties for violations of an order of protection from abuse.***
12. ***Exemplary damages be recoverable by any spouse filing for divorce after August 1, 2014 for any proven act of serious bodily injury or severe emotional distress which occurred during the marriage since actions between married persons are barred by interspousal immunity.***
13. ***Challenges to Gwen's Law be closely monitored and that the law is reviewed to assure any required victim participation in the bail process does not jeopardize federal STOP grant funding.***
14. ***Persons convicted of stalking be prohibited from possessing a firearm for 10 years following completion of the sentence.***
15. ***Further study of law enforcement procedures which would provide for the seizure, surrender or third party transfer of firearms from or by persons subject to protective orders and following a conviction of domestic abuse battery and stalking. This should include, but is not limited to, adding a "flag" to a person's LA Criminal History to identify them as a prohibited firearm possessor. This is critical from an enforcement standpoint because it would alert a law enforcement officer who comes into contact with someone (traffic stop, drug arrest, etc.) that they are/may be a prohibited possessor. Assuming that this person is in possession of a firearm, the officer would then know that there is reason to verify and charge accordingly as well as confiscate the weapon.***
16. ***Adoption of law enforcement procedures which would provide guidance to law enforcement officers regarding the presence and seizure of dangerous weapons in domestic violence situations.***
17. ***Define a Domestic Abuse Intervention Program to prohibit accelerated completion of the required minimum 26 sessions and require that all courts comply with this definition.***
18. ***A certification requirement for Domestic Abuse Intervention Program providers and standards for program providers in rural areas of the state.***

19. ***Adoption of laws which would protect a victim of abuse from eviction from any privately leased property.***
20. ***A state-wide, optional advanced certification process for law enforcement officers*** serving as first responders in domestic abuse situations.

e. Law Implementation & Training Subcommittee Findings

The Law Implementation and Training subcommittee met on three occasions in order to make findings and recommendations to the full Commission. The subcommittee's membership represented various entities within the justice system, and ultimately focused on those priorities they thought were best accomplished in the law enforcement and criminal justice forum:

- 1) The development of a statewide electronic records system for law enforcement and court records;
- 2) The establishment of a method for the collection, reporting and analysis of data on protective orders and their outcomes; and
- 3) The establishment of a process for mandated reporting of perpetrators of domestic violence.

Statewide Electronic Records System for Law Enforcement and Court Records

The subcommittee found that on the implementation side, reliable data collection, management and dissemination is a precursor to any comprehensive training and implementation process. The Louisiana Protective Order Registry (LPOR) is one vehicle which already has significant institutional support, offers a framework of substantial, critical data within which information can be captured and effectively shared amongst the entities working in domestic violence prevention (e.g., clerks of court, law enforcement and prosecutors). Adding a statistically robust and standardized data collection, reporting and analysis component to the LPOR or other central repository would allow officials to track the documented allegations of abuse.

Mandated Reporting of Perpetrators of Domestic Violence

As protective orders are granted, protocol should require that the relevant parish community agencies be notified of all protective orders granted. This would trigger several actions for data sharing of the protective orders information, such as details of the perpetrators' offenses to explain the need for the protective orders and agencies involved so all entities could easily retrieve data from any parish point of contact. The subcommittee reached out to colleagues in the child protection office to gather

information on their use of protective order data as it relates to child abuse cases and investigations, and expects to have this information at a later date.

Data on Dropped Protective Orders and Methods to Discourage the Dropping of Charges

The subcommittee found that data must be reported on the reasons for and the efforts by victims to drop protective orders, and prosecutions. The subcommittee felt that information shared among the various clerks of court, law enforcement agencies, prosecutors and the like, currently presents a host of barriers and problems which have been addressed before in other contexts such as child abuse, community policing, and narcotics prevention. If this data is needed, it is suggested that the establishment of a uniform process be implemented. A form can be developed to be used by all when the victim elects to drop charges without making it a public record. Care must be taken about how to identify a victim who has been intimidated or forced into dropping charges by the perpetrator. The subcommittee also found that specially trained advocates should be involved in this process, if implemented.

Training for Law Enforcement, Prosecutors, Judges, and Other Criminal Justice Agencies

The subcommittee found that more training was necessary for law enforcement officers focused on best practices in a number of areas including risk assessment, victimless prosecution, standardizing diversion practices, and utilizing new and existing supports for victims to discourage dropping meritorious charges. All of the subcommittee's members have experienced frustrations in the under-reporting and under-detection of offenders and believe training would yield improved outcomes.

Training based on best practices would be more effective and standardized if at least provided by a "Train the Trainer" method within each agency (i.e., law enforcement, prosecutors, courts, corrections, and other criminal justice agencies) using a single lesson plan. A further mandate should be that all "Train the Trainer" instructors are trained in a centralized training program with required course materials and hours as mandated. The training piece can be easily implemented because of the current domestic violence-related courses already being taught across the state.

Existing POST academies, the Louisiana District Attorneys Association, the Louisiana Department of Justice, and the Louisiana Judicial College, as well as the Louisiana Supreme Court, are examples of

excellence in training, and offer structures within which to “Train the Trainer”, as well as to get input from many community leaders throughout the state when it comes to implementation.

f. Law Implementation & Training Subcommittee Recommendations to the Commission

1. ***Develop a statistically robust and standardized data collection, report and analysis to a central repository*** which would allow officials to document allegations and convictions of domestic abuse.
2. ***Establish a process for mandatory reporting of perpetrators of domestic violence with statewide notification.***
3. ***Study the use of protective order data as it relates to child abuse*** cases and investigations.
4. ***Develop a process for gathering statistics on the reasons victims fail to pursue protective orders and prosecutions of domestic abusers.***
5. ***Develop “Train the Trainer” instruction for each agency involved in domestic abuse prosecutions*** to include risk assessment, victimless prosecution, diversion practices, and victim support.

V. Commission Recommendations

The Louisiana Domestic Violence Prevention Commission reviewed each subcommittees’ finding and recommendations on Monday, January 12, 2014 and members present voted unanimously to respectfully make the following recommendations to the Governor, the Speaker of the House and the President of the Senate:

1. A comprehensive, state-wide needs assessment be developed and instituted to determine the needs of domestic violence victims and their families and to determine how well the state is responding to the needs of victims in keeping them safe and alive.
2. Development of a uniform system for tracking the criminal justice response to domestic violence crimes. This would include, at a minimum, the data identified in sections 1-3 listed previously in this report (domestic violence homicide rate, law enforcement response, and prosecution response).
3. Creation of a system for tracking TROs and Protective Orders by victim to determine the percentage of TROs which convert to a more Permanent Protective Order in order to compare this percentage to national averages.
4. A review of existing protective order data to create a parish by parish report of the reasons for denials of Protective Orders.

5. On-going evaluation and assessment of public health data be collected and evaluated which would result in potential correlations with other health risk factors, such as deaths during pregnancy, the physical and mental health impacts on victims and exposed children of violence, and the early screening and identification of domestic violence when victims are seeking medical services in the healthcare system.
6. Institution of a state-wide risk assessment tool for assessing the risk of re-offending by the perpetrator that is an evidence-based, validated actuarial tool that does not require clinical background or expertise to administer. The Commission further recommends that a tool be adapted that is specifically designed for use for law enforcement such as the Ontario Domestic Abuse Risk Assessment tool (ODARA) and not one designed to help assess victim safety or lethality. Additionally, the Commission recommends that all police officers responding to domestic violence calls for service be trained to use the instrument and that this risk assessment be used by the courts and prosecutors in determining bail and any bail restrictions, and in determining whether this person poses any future risk to the victim or other family members.
7. Development of a statewide standards and a certification program that would regulate and promote effective practice for DAIP (Domestic Abuse Intervention Programs). Additionally the subcommittee recommends that courts across the state make referrals only to state-certified DAIPs.
8. A comprehensive assessment of the issues identified for 'service provision across the state' be instituted. The assessment would compare the actual level of service capacity to the actual need as supported by criminal justice, community and public health data. Additionally all funding allocations should be assessed to determine effectiveness of each region's coordinated community response and its relationship to incidence of domestic violence and particularly homicide rates.
9. A statewide assessment that would result in recommendations for a) effective screening tools to be used in emergency rooms, physician offices or health care settings; b) directories of all available service providers across the state to be made available to all healthcare providers for appropriate referrals and follow-up; and c) identification of best practices and interventions that would be developed for all systems currently providing any type of physical or mental health services to potential victims of domestic violence or their children.

10. Adoption of the term “domestic abuse” in Louisiana statutes with the understanding that domestic violence is a physical manifestation of domestic abuse.
11. A clinical or behavioral definition of domestic abuse which could be used by courts and court-appointed mental health experts assisting the court in determining the existence and nature of alleged domestic abuse and the appropriate amount and duration of final spousal support: “a pattern of assaultive and/or coercive behaviors, including physical, sexual, and psychological attacks, as well as economic coercion that adults or adolescents use against their intimate partners.”^{iv}
12. A definition of domestic abuse which could be used in civil laws which provide protection, assistance and other services to victims and which could include the occurrence of any of the following acts: Causing or attempting to cause physical or mental harm to a family or household member; placing a family or household member in fear of physical or mental harm; causing or attempting to cause a family or household member to engage in voluntary sexual activity by force, threat of force, or duress; and engaging in any activity toward a family or household member that would cause a reasonable person to feel terrorized, frightened, intimidated, harassed or molested.
13. A definition of domestic abuse which could be used in criminal laws which can lead to arrest and misdemeanor or felony prosecution. One recommended definition is “any criminal offence, involving violence or physical harm or threat of violence or physical harm committed by one family or household member against another.” Another recommendation is the addition of a “domestic” modifier in criminal statutes, such as “domestic abuse assault”.
14. Regarding persons included in the definitions of domestic abuse, that domestic abuse laws protect all persons who share a qualifying “personal” relationship. The most common personal relationships recognized in domestic abuse statutes tort are those of spouses and former spouses, persons who are currently living together, persons who have previously lived together, persons involved or previously involved in a dating or intimate relationship or who have a child in common whether or not they have ever lived together. Protected persons should include children, grandchildren and foster children within the household or a child or either adult in a protected relationship.
15. An immediate divorce be granted to any person seeking a La. C.C. art. 103 (4) or (5)) divorce post August 1, 2014 without regard to when the qualifying act of physical or sexual abuse occurred and without regard to when an order of protection was obtained.

16. A spouse against whom a La. C.C. art. 103 (4) or (5) divorce is granted pay all costs, including attorney fees, for the divorce proceedings and for any fees and costs necessitated by the abuse.
17. Consolidation of Uniform Abuse Protective Orders as is practical and amendment of language regarding dispossession of firearms which clearly conforms to federal and state laws.
18. Judges be allowed access to criminal and civil histories of persons against whom a temporary restraining order or protective order is requested.
19. Further study of the reasons for the denial of temporary restraining orders and protective orders.
20. Enhanced and stricter penalties for violations of an order of protection from abuse.
21. Exemplary damages be recoverable by any spouse filing for divorce after August 1, 2014 for any proven act of serious bodily injury or severe emotional distress which occurred during the marriage since actions between married persons are barred by interspousal immunity.
22. Challenges to Gwen's Law be closely monitored and that the law is reviewed to assure any required victim participation in the bail process does not jeopardize federal STOP grant funding.
23. Persons convicted of stalking be prohibited from possessing a firearm for 10 years following completion of the sentence.
24. Further study of law enforcement procedures which would provide for the seizure, surrender or third party transfer of firearms from or by persons subject to protective orders and following a conviction of domestic abuse battery and stalking. This should include, but is not limited to, adding a "flag" to a person's LA Criminal History to identify them as a prohibited firearm possessor. This is critical from an enforcement standpoint because it would alert a law enforcement officer who comes into contact with someone (traffic stop, drug arrest, etc.) that they are/may be a prohibited possessor. Assuming that this person is in possession of a firearm, the officer would then know that there is reason to verify and charge accordingly as well as confiscate the weapon.
25. Adoption of law enforcement procedures which would provide guidance to law enforcement officers regarding the presence and seizure of dangerous weapons in domestic violence situations.
26. Define a Domestic Abuse Intervention Program to prohibit accelerated completion of the required minimum 26 sessions and require that all courts comply with this definition.
27. A certification requirement for Domestic Abuse Intervention Program providers and standards for program providers in rural areas of the state.

28. Adoption of laws which would protect a victim of abuse from eviction from any privately leased property.
29. A state-wide, optional advanced certification process for law enforcement officers serving as first responders in domestic abuse situations.

VI. Conclusion

The Louisiana Domestic Violence Prevention Commission's recommendations include a broad array of potential solutions to addressing the issue of domestic violence in Louisiana, and constitute a range of recommendations from those that are relatively straightforward fixes to those that may require longer timeframes. The commission continues to look at practical ways to implement these recommendations, and to explore ways to integrate these recommendations into practice.

Appendix I. Domestic Violence Prevention Commission Members

Members:

Diane Meaux Broussard	Louisiana Clerks of Court
Derwyn Bunton	Louisiana Association of Criminal Defense Lawyers
Bradley Burget	Louisiana District Attorneys Association
Charmaine Caccioppi	Appointed by the House Committee on the Administration of Criminal Justice
Rutha Chatwood	Louisiana Commission on Law Enforcement and Administration of Criminal Justice
Tommy Clark, Jr.	Louisiana Association of Chiefs of Police
Tracy Dahmer Farris	Louisiana Department of Justice, Office of the Attorney General
Scott Gardner	One district court judge with experience in criminal law matters, selected by the Louisiana District Court Judges Association
Ramona Harris	Louisiana Supreme Court
Cordelia Heaney	Louisiana Department of Children and Family Services
Becki Kondkar	Appointed by the Governor, an attorney who has at least five years of experience in representing victims of domestic violence
Mary Claire Landry	New Orleans Family Justice Center
Beth Meeks (Commission Secretary)	Louisiana Coalition Against Domestic Violence
Rep. Helena Moreno	Appointed by the Louisiana Legislative Women's Caucus
Sami Riley	Appointed by the Governor, the executive director of a shelter-based or direct service program provider for victims of domestic violence
Kim Sport (Commission Chair)	Appointed by the Senate Committee on Judiciary B
Craig Webre	Louisiana Sheriff's Association
Lisa Woodruff-White	One district court judge with experience in family law matters, selected by the president of the Louisiana District Court Judges Association
Amy Zapata	Louisiana Department of Health and Hospitals
Vacant	Office of the Bureau of Alcohol, Tobacco, Firearms and Explosives

Subcommittees:

Data, Needs Assessment & Best Practices	Chair: Mary Claire Landry
Amy Zapata, Beth Meeks, Cordelia Heaney, Kim Lacour, Rep. Helena Moreno, Sami Riley	
Law Implementation & Training	Chair: Rutha Chatwood
Tommy Clark, Diane Broussard, Phillip Durham, Tracy Dahmer Farris, Scott Gardner, Ramona Harris, Beth Meeks, Lisa Woodruff-White	

Law Review	Chair: Craig Webre
Kim Sport, Helena Moreno, Bradley Burget, Derwyn Bunton, Charmaine Caccioppi, Ramona Harris, Phillip Durham, Becki Kondkar	

Appendix II. Louisiana Commission on Law Enforcement Funds and Grantees

**Louisiana Commission on Law Enforcement
FISCAL YEAR 2013 STOP VIOLENCE AGAINST WOMEN FORMULA GRANT PROGRAM NON-PROFITS**

Subgrant ID	Applicant Agency	Project Title	Project Description	Adj. Award Amount	Start Date	End Date
2013-WF-03-1739	Faith House, Inc.	Domestic Violence Program	Faith House, Inc. is applying for funds to partially fund the position of Survivor Advocate. Survivor Advocates are essential to the work we do with battered women every day. Each woman who enters our shelter are assigned to a Survivor Advocate who will work with them throughout their time with our program.	\$13,624	5/1/2014	12/31/2014
2013-WF-03-1747	St. Bernard Battered Women's Program, Inc.	Domestic Violence Program	This project is to continue funding for full-time Case Manager to sustain services being offered to women and children in St. Bernard and Plaquemines.	\$13,624	5/1/2014	12/31/2014
2013-WF-03-1750	Jefferson Davis Communities Against Domestic Abuse	Domestic Violence Program	Jeff Davis CADA provides a safe shelter and services to victims of domestic abuse and sexual assault 365 days a year, 24 hours a day. Services provided include, but are not limited to: 24-hour hot line, advocacy for women and children, peer counseling/professional counseling, legal advocacy regarding TRO's.	\$25,545	10/1/2013	12/31/2014
2013-WF-03-1755	Safety Net for Abused Persons Inc.	Domestic Violence Program	Safety Net for Abused Persons (SNAP) is a non-profit organization established in 1983. SNAP provides services to battered women and their children. SNAP is the family violence program serving Iberia Parish and St. Martin Parishes. Services includes a 24 hour crisis line, 22 bed shelter, legal advocacy program, support	\$13,624	5/1/2014	12/31/2014
2013-WF-03-1756	Metropolitan Center for Women and Children, Inc.	Domestic Violence Program	Victims of domestic violence in the River Parishes (St. Charles, St. John and St. James) will receive counseling, legal advocacy and legal assistance in obtaining restraining orders.	\$13,624	5/1/2014	12/31/2014
2013-WF-03-1774	Safe Harbor	Domestic Violence Program	This project will allow Safe Harbor to provide a women's advocate to deliver direct services to women during their shelter stay and when receiving non-residential services.	\$11,921	6/1/2014	12/31/2014
2013-WF-03-1776	Oasis A Safe Haven for Survivors of Domestic and Sexual Violence	Domestic Violence Program	This grant provides a full-time Residential Advocate. Advocate works evenings, nights and weekends allowing 24 hour coverage for the shelter and the crisis hotline. She provides crisis intervention, advocacy, safety planning and access to resources for battered women and their children.	\$15,327	4/1/2014	12/31/2014
2013-WF-03-1784	Southeast Spouse Abuse Program	Domestic Violence Program	Southeast Spouse Abuse Program/dba/Southeast Advocates for Family Empowerment (SAFE) provides 24 hour crisis intervention, direct and referral services to survivors who self-identify as being victims of domestic violence and their dependent children in four parishes: Tangipahoa, Livingston, Washington, and St. Helena.	\$17,030	3/1/2014	12/31/2014
2013-WF-03-1794	Beauregard Community Concerns, Inc.	Domestic Violence Program	The June N. Jenkins Women's Shelter will provide Domestic Violence Outreach to survivors in Beauregard Parish.	\$15,327	4/1/2014	12/31/2014
2013-WF-03-1809	The Wellspring Alliance for Families, Inc.	Domestic Violence Program	The project is designed to continue and strengthen direct services to victims in our residential program as well as to maintain the telephone crisis intervention program, which is the initial contact for victims of domestic violence by providing immediate crisis intervention, counseling and shelter referrals.	\$13,624	5/1/2014	12/31/2014

2013-WF-03-1816	Project Celebration, Inc.	Domestic Violence Program	This program is designed to help domestic violence survivors find a safe place to escape from their abusers. The project will support advocacy, a shelter located in Sabine Parish and outreach efforts in Sabine and DeSoto Parishes.	\$44,278	5/1/2014	12/31/2014
2013-WF-02-1817	D.A.R.T. - Domestic Abuse Resistance Team	Domestic Violence Program	Provide legal advocacies for domestic violence victims in Lincoln Parish, provide technical assistance to Rural Advocates in Union, Jackson, Claiborne, Bienville, Winn, and Grant Parishes, and offer community awareness programs that inform domestic violence victims about services available to them.	\$13,624	5/1/2014	12/31/2014
2013-WF-03-1821	New Orleans Family Justice Alliance	Domestic Violence Program	This is a continuation project to provide trauma informed counseling, case management, and advocacy to victims of domestic violence. These services will be provided by a part time social worker and a part time psychologist.	\$13,624	5/1/2014	12/31/2014
2013-WF-03-1828	New Orleans Family Justice Alliance	Domestic Violence Program	This is a continuation project to provide trauma informed counseling, case management, and advocacy to victims of domestic violence. These services will be provided by a part time social worker and a part time psychologist.	\$9,665	5/1/2014	12/31/2014
2013-WF-03-1839	The Haven, Inc.	Domestic Violence Program	This project facilitates trauma informed care for survivors of domestic violence.	\$13,629	5/1/2014	12/31/2014
2013-WF-03-1856	Chez Hope, Inc.	Domestic Violence Program	For the past three decades, Chez Hope, Inc. has provided 24 hour crisis services to victims of domestic violence within the parishes of St. Mary, Assumption and Lafourche parishes.	\$15,327	4/1/2014	12/31/2014
2013-WF-03-1868	Capital Area Family Violence Intervention Center, Inc.	Domestic Violence Program	The woman's advocate will provide court advocacy for victims of domestic and dating violence who are interested in pursuing civil legal remedies (protective orders/injunctions) and/or filing complaints with law enforcement and participating in the prosecution of perpetrators. Staff will accompany victims to court.	\$30,654	11/1/2013	12/31/2014
2012-WF-06-1676	Jena Band of Choctaw Indians	Native American Domestic Violence Program	To develop and implement a domestic violence program, including sexual assault, dating violence, and stalking to address the needs of the Jena Band of Choctaw women. The funds will also provide law enforcement and judicial services for the victims as well as counseling and emergency shelter	\$55,285	11/1/2013	10/31/2014

Total NonProfit Agencies Addressing Domestic Violence \$349,356

Total NonProfit Agencies Addressing Domestic Violence:	\$349,356
Total Law Enforcement Agencies Addressing Domestic Violence:	\$339,005
Total Prosecution Agencies Addressing Domestic Violence:	\$454,718
Total Court Projects Addressing Domestic Violence:	\$92,141
Total FY 2013 STOP VAWA Funds Addressing Domestic Violence:	\$1,235,220

FISCAL YEAR 2013 STOP VIOLENCE AGAINST WOMEN FORMULA GRANT PROGRAM LAW ENFORCEMENT

Subgrant ID	Applicant Agency	Project Title	Project Description	Adj. Award Amount	Start Date	End Date
2013-WF-01-1751	Jefferson Parish Sheriff's Office	Combination Investigation	The Combination Investigation Program is designed to increase the investigation strength of the Personal Violence Unit (PVU) of the Jefferson Parish Sheriff's Office (JPSO). Investigators aggressively investigate crimes of violence perpetuated against women, including sexual assault, domestic violence and stalking.	\$43,757	5/1/2014	12/31/2014
2013-WF-01-1761	Lafayette Parish Sheriff's Office	Law Enforcement Policy Development	The Lafayette Sheriff's Office will utilize VAWA funds to maintain the position of a VAWA/Domestic Violence Investigator in order to improve our methods of investigating cases of domestic assault, sexual assault and stalking. It will also improve the quality of services and assistance we are able to provide victims.	\$28,072	5/1/2014	12/31/2014
2013-WF-01-1762	Lafourche Parish Sheriff's Office	Combination Investigation	The Lafourche Parish Sheriff's Office is seeking funding to continue a VAWA Task Force to address the prevailing problems of domestic violence, sexual assault, and stalking, in Lafourche and the surrounding parishes. The creation of the VAWA Task Force created a collaborative effort between Lafourche Parish Sheriff's	\$20,133	5/1/2014	12/31/2014
2013-WF-01-1764	Bogalusa, City of	Combination Investigation	Officers of our Domestic Violence Task Force (DVTF) will continue to investigate all cases of domestic violence against women who are victims of domestic violence, sexual assault, and stalking. The investigations will be conducted during overtime hours. The work of the DVTF will be documented and secured for grant moni	\$7,808	1/1/2014	12/31/2014
2013-WF-01-1766	Calcasieu Parish Sheriff's Office	Domestic Violence Investigation	This agency is requesting funds for the continuation of providing a specialized unit to include three positions devoted to handling domestic violence cases within the Calcasieu Parish Sheriff's Office. Two investigators and one clerical support will work within the specialized unit handling domestic violence cases.	\$54,985	3/1/2014	12/31/2014
2013-WF-01-1772	Washington Parish Sheriff's Office	Combination Investigation	Washington Parish Sheriff's Office will utilize these grant monies to continue the service of a Domestic Violence investigator to the women of Washington Parish who have fallen prey to domestic violence, at no cost to the victim.	\$12,446	6/1/2014	12/31/2014
2013-WF-01-1775	Bossier Parish Sheriff's Office	Domestic Violence Investigation	Reduce violence against women and strengthen investigation efforts in such.	\$30,158	12/1/2013	12/31/2014
2013-WF-01-1777	St. Tammany Parish Sheriff's Office	Combination Investigation	The purpose of the S.T.O.P. Formula Grant Program to fund programs which serve to reduce violence against women (domestic violence, dating violence, sexual assault and stalking), and strengthen criminal justice efforts in such. This program is applied to crimes against women ages 11 and older as specified by Office on Violence Against Women.	\$5,400	6/1/2014	12/31/2014

2013-WF-01-1781	Concordia Parish Sheriff's Office	Domestic Violence Investigation	The Concordia Parish Sheriff's Office seeks to continue and expand its efforts to track and investigate all incidents of domestic violence and violence against women by using the Victims Advocate to contact every victim of domestic violence and interviewing every victim to determine their need for assistance.	\$13,750	2/1/2014	1/31/2015
2013-WF-01-1800	Shreveport, City of	Domestic Violence Investigation	The Shreveport Police Department proposes a sexual assault initiative designed to implement a comprehensive, strategic approach to reduce the rising climb of female sexual assaults in the community. Communication and collaboration will be parish-wide, consisting of many local agencies that include law enforcement.	\$17,450	5/1/2014	12/31/2014
2013-WF-01-1820	Ascension Parish Sheriff's Office	Domestic Violence Program	This is a continuation grant for funding the Domestic Violence Unit, under the supervision of the Family Services Division, in the Ascension Parish Sheriff's Office.	\$14,637	1/1/2014	12/31/2014
2013-WF-01-1824	Pineville, City of	Domestic Violence Investigation	The Pineville Police Department will designate a full-time police officer to act as a domestic violence investigator in all cases of domestic violence including both men and women and in crimes against women and the elderly reported to the Pineville Police Department to coordinate immediate crisis intervention.	\$25,535	10/1/2013	12/31/2014
2013-WF-01-1826	St. Charles Parish Sheriff's Office	Combination Investigation	St Charles Parish Sheriff's Office utilizes Victim Advocates to assist the Crime Victims Assistance unit with after hours, weekends, and holidays. Continuing to utilize this grant enables victims to receive 24 hour service in St. Charles Parish.	\$7,101	6/1/2014	12/31/2014
2013-WF-01-1895	Livingston Parish Sheriff's Office	Combination Investigation	The requested funds from this grant will be used to compensate Detectives for overtime worked on follow-up investigations and arrests related to domestic violence, sexual assault and stalking cases.	\$8,338	8/1/2014	12/31/2014
2013-WF-01-1905	Natchitoches, City of	Domestic Violence Investigation	Officers will conduct follow-up investigations of domestic violence cases to locate and arrest those suspects at large, and to check on the welfare of the victims of those cases that have been cleared by arrest and those victims that have had protective orders issued on their behalf.	\$10,695	3/1/2015	12/31/2015
2013-WF-01-1910	West Feliciana Parish Sheriff's Office	Combination Investigation	This project will continue to expand the capabilities of the WFPSO to prevent domestic violence in the Parish. The deputies will continue to work overtime in order to follow up on domestic violence, sexual assault, and stalking cases to ensure effective prosecution and safety.	\$8,168	6/1/2014	3/31/2015

2013-WF-01-1918	Lafayette City Parish Consolidated Government	Violence Tracking	Patrol officers can only respond to the initial incidents but has no means of conducting follow-ups. Most cases require some type of follow-up investigation to make sure that the victim remains safe. Officers will be able to follow up on every domestic violence case in the city of Lafayette.	\$28,072	10/1/2014	3/31/2015
2013-WF-01-1921	St. Francisville, Town of	Combination Investigation	This project will continue to expand the capabilities of the SFPD to prevent domestic violence and other crimes against women in the Town, The officers will continue to work overtime in order to follow-up on domestic violence, sexual assault and stalking cases to ensure effective prosecution and offender compliance.	\$2,500	6/1/2014	12/31/2014

Total Law Enforcement Agencies Addressing Domestic Violence: \$339,005

FISCAL YEAR 2013 STOP VIOLENCE AGAINST WOMEN FORMULA GRANT PROGRAM PROSECUTION

Subgrant ID	Applicant Agency	Project Title	Project Description	Adj. Award Amount	Start Date	End Date
2013-WF-02-1742	19th Judicial District Attorney's Office	Domestic Violence Prosecution	One full-time Domestic Violence Assistant to work directly with victims of Domestic Violence in case management and service referral functions. This assistant will serve as a liaison between victim and prosecution and court staff and may accompany victims to court proceedings.	\$24,910	1/1/2014	12/31/2014
2013-WF-01-1745	17th Judicial District Attorney's Office	Combination Prosecution	The 17th Judicial District Attorney Combination Prosecution project intends to have a part-time specialized prosecutor to prosecute crimes of domestic violence, sexual assault, and stalking. Having a prosecutor specializing in these crimes should lead to a higher rate of conviction and better service for victims.	\$7,123	4/1/2014	12/31/2014
2013-WF-02-1752	3rd Judicial District Attorney's Office	Domestic Violence Prosecution	To establish a more personal relationship with domestic violence victims; get them to cooperate with our office in the prosecution of the offender; help the victims of domestic violence take advantage of other community services to help them stop the cycle of abuse; discuss with them counseling services and substance abuse programs that are available as part of the sentencing process for the offenders	\$21,900	6/1/2013	12/31/2014
2013-WF-02-1754	3rd Judicial District Attorney's Office	Combination Prosecution	Prosecution staff dedicated to the prosecution of violence against women - Lincoln Parish and Union Parish.	\$21,328	7/1/2013	12/31/2014
2013-WF-02-1763	12th Judicial District Attorney's Office	Domestic Violence Network	The participating agencies will meet weekly to go over files involving domestic violence, sexual abuse and child abuse. Based on information from the meeting, the decision is made to pursue prosecution.	\$51,298	1/1/2014	12/31/2014
2013-WF-02-1765	14th Judicial District Attorney's Office	Domestic Violence Prosecution	To continue a specialized unit within the 14th Judicial District Attorney's Office devoted exclusively to the handling of domestic violence cases. This unit includes a prosecutor, investigator and clerical support.	\$54,985	6/1/2014	12/31/2014
2013-WF-02-1767	21st Judicial District Attorney's Office	Domestic Violence Prosecution	Continuation of STOP funding is requested to provide the resources necessary to strengthen and improve prosecutorial strategies which are effective in the combat of crimes committed against women including domestic and dating violence, sexual assault and stalking.	\$42,821	1/1/2014	12/31/2014
2013-WF-02-1770	22nd Judicial District Attorney's Office	Domestic Violence Program	This project will provide a based person located in Slidell to deliver victim services in Violence Against Women Cases to the Eastern Portion of St. Tammany Parish. This person will provide guidance through, and understanding of the criminal justice process to all victims of violence against women.	\$30,158	7/1/2013	12/31/2014

2013-WF-02-1771	27th Judicial District Attorney's Office	Domestic Violence Prosecution	This project is designed and developed to increase the number of successful domestic violence prosecutions by retaining two experienced prosecutors. One will handle DV cases in court, and the other will interview victims for assessment and collect information on the cases. Both will be assisted by a clerical asst	\$28,072	6/1/2014	12/31/2014
2013-WF-02-1792	24th Judicial District Attorney's Office	Domestic Violence Prosecution	The Investigative and Support Personnel grant will provide the Unit with aid in the location and transportation of victims and witnesses. It will also help Assistant District Attorneys in the Unit with preparation and trying of cases exclusively in the Domestic Violence Unit.	\$31,353	6/1/2014	12/31/2014
2013-WF-02-1823	Orleans Parish District Attorney	Domestic Violence Program	This project will continue to provide an experienced assistant district attorney to screen and try domestic violence cases, and a social worker to provide services to victims of domestic violence. Services provided will include courtroom advocacy regarding the criminal case if any, referral to other resources, explanations of court procedures, and any other advocacy needed.	\$83,689	2/1/2014	12/31/2014
2013-WF-02-1834	26th Judicial District Attorney's Office	Vertical Prosecution Program	Improve prosecution and enhance services to domestic violence victims.	\$15,076	12/1/2013	12/31/2014
2013-WF-02-1873	25th Judicial District Attorney's Office	Domestic Violence Program	This is a continuation of the program which began in October 1998 and has been awarded grant funds annually to provide services to women who are victims of violence, in particular, domestic violence. The services provided include assistance in filing charges, cases status notification, assistance with court proceedings	\$12,896	3/1/2014	12/31/2014
2013-WF-02-1911	Plaquemine, City Of	Domestic Violence Prosecution	This grant allows the court to employ an attorney to prosecute domestic violence cases and allows the court to employ a counselor certified for group therapy for victims of domestic violence.	\$14,274	3/1/2014	12/31/2014
2013-WF-02-1946	12th Judicial District Attorney's Office	Domestic Violence Prosecution	This program will use an Assistant District Attorney for the purpose of focusing on the prosecution of domestic violence-related cases.	\$14,835	10/1/2014	9/30/2015

Total Prosecution Agencies Addressing Domestic Violence: \$454,718

FISCAL YEAR 2013 STOP VIOLENCE AGAINST WOMEN FORMULA GRANT PROGRAM COURTS

Subgrant ID	Applicant Agency	Project Title	Project Description	Adj. Award Amount	Start Date	End Date
2012-WF-04-1545	Louisiana Supreme Court	Domestic Violence Network	The Louisiana Protective Order Registry (LPOR) is a statewide database of court orders issued to protect victims of domestic abuse, dating violence, and stalking. We provide ongoing training and technical assistance with components of registry, as well as provide educational seminars.	\$46,070	12/1/2013	11/30/2014
2012-WF-04-1562	Louisiana Supreme Court	Training for Judicial Program	This is the fourth year of a multi-year collaborative to bring specialized Domestic Violence training to the Louisiana Judiciary.	\$46,071	5/1/2014	4/30/2015

Total Court Projects Addressing Domestic Violence: \$92,141

**Appendix III. La. Department of Children and Family Services Domestic Violence
Funds FY 2014-2015**

<p><u>CHEZ HOPE</u> <i>Franklin, Louisiana</i> St. Mary Parish \$287,695</p>	<p><u>OASIS</u> <i>Lake Charles, Louisiana</i> Calcasieu Parish \$374,655</p>
<p><u>NEW ORLEANS FAMILY JUSTICE ALLIANCE</u> <i>New Orleans, Louisiana</i> Orleans Parish \$449,708</p>	<p><u>SAFE HARBOR</u> <i>Mandeville, Louisiana</i> St. Tammany Parish \$252,887</p>
<p><u>DART</u> <i>Ruston, Louisiana</i> Lincoln Parish \$411,241</p>	<p><u>SAFETY NET FOR ABUSED PERSONS</u> <i>New Iberia, Louisiana</i> Iberia Parish \$274,715</p>
<p><u>FAITH HOUSE</u> <i>Lafayette, Louisiana</i> Lafayette Parish \$839,452</p>	<p><u>SAFE</u> <i>Hammond, Louisiana</i> Tangipahoa Parish \$259,206</p>
<p><u>THE HAVEN</u> <i>Houma, Louisiana</i> Terrebonne Parish \$328,520</p>	<p><u>ST. BERNARD BATTERED WOMEN'S PROGRAM</u> <i>Arabi, Louisiana</i> St. Bernard Parish \$256,513</p>
<p><u>IRIS</u> <i>Baton Rouge, Louisiana</i> East Baton Rouge Parish \$550,736</p>	<p><u>TAYLOR HOUSE/PROJECT CELEBRATION</u> <i>Shreveport & Many, Louisiana</i> Caddo and Sabine Parish \$548,243</p>
<p><u>JEFF DAVIS CADA</u> <i>Jennings, Louisiana</i> Jeff Davis Parish \$96,787.90</p>	<p><u>THE WELLSPRING ALLIANCE</u> <i>Monroe, Louisiana</i> Ouachita Parish \$647,431</p>
<p><u>JUNE N. JENKINS WOMEN'S SHELTER</u> <i>DeRidder, Louisiana</i> Beauregard Parish \$192,639</p>	<p><u>METROPOLITAN CENTER FOR WOMEN AND CHILDREN</u> <i>Jefferson, Louisiana</i> Jefferson Parish \$365,184</p>

Revised 10/2/14

Appendix IV. 2014 Louisiana Domestic Violence & Stalking Statutes and LPOR Forms

2015 QUICK REFERENCE: Louisiana's Domestic Violence Law and LPOR forms (v.8)

Statute # Name	Eligibility Who can file?	Court	Venue Where to file	Relief available	Duration	Penalties for violation
La R.S. 46:2131 et seq. Domestic Abuse Assistance Act	<ul style="list-style-type: none"> ➤ family members: spouses, former spouses, parents & children, stepparents & stepchildren, foster parents & foster children, grandparents, grandchildren ➤ household members: person of opposite sex presently or formerly living with defendant as spouse ➤ parent, adult household member or D.A.: on behalf of minor child or alleged incompetent adult 	Any court that hears family or juvenile matters: Family Court, Juvenile Court, District Court, some City or Municipal Courts	Must be one of following: <ul style="list-style-type: none"> ➤ parish of the household or marital domicile ➤ parish where defendant resides ➤ parish where abuse occurred ➤ parish where petitioner resides ➤ parish where divorce or annulment can be brought (where petitioner is domiciled, where defendant is domiciled, and/or last matrimonial domicile) <p><i>If a suit for divorce is pending, the petition for domestic abuse assistance must be filed in that proceeding.</i></p>	Temporary Restraining Order (TRO): <ul style="list-style-type: none"> ➤ prohibit abuse, harassment, stalking, monitoring, contacting or interfering with protected person(s) ➤ prohibit going near person, residence or employment of protected person(s) ➤ award use or return of certain specific property/pets ➤ award use of residence to petitioner, evict defendant (unless solely owned by defendant, or solely leased by defendant who has no duty to support petitioner or person on whose behalf petition is brought) ➤ barring both parties from giving away, selling or destroying property mutually owned or leased ➤ award temporary custody of children ➤ allows the parties to return once with law enforcement escort to retrieve personal belongings ➤ court may cast defendant for all costs if TRO is issued Protective Order (PO): <ul style="list-style-type: none"> ➤ relief as listed above ➤ defendant evicted from separate property/residence & petitioner awarded possession if petitioner is awarded custody of minor child(ren) of the parties ➤ award temporary support ➤ establish temporary visitation ➤ order counseling, court-monitored domestic violence intervention, or medical evaluation/treatment ➤ defendant required to pay court costs, other fees (see R.S. 46:2136.1) ➤ firearms restrictions (see LPOR Firearms Prohibition Guide) 	TRO: from judge's signature to hearing, hearing to be set within 21 days Can be reissued if the hearing is continued (continuance shall not exceed 15 days, unless good cause is shown for further continuance) If the court does not grant the TRO, a hearing for the request on the PO shall be scheduled within 10 days from service of the petition Cannot be modified If a hearing officer presides at PO hearing, TRO may remain in effect for up to 15 days following the hearing or until the judge signs the PO, whichever occurs last. PO: up to 18 mon., can be extended or modified after a hearing. Certain orders which direct the defendant to refrain from abusing, harassing, or interfering with the person protected (Paragraphs 1-5) can be issued for an indefinite period of time.	Civil: <ul style="list-style-type: none"> ➤ held in contempt ➤ parish jail up to 6 months, and/or ➤ fine up to \$500 Criminal: arrest pursuant to R.S. 14:79 (on TRO, after served to defendant; on PO, after issued)
LPOR FORMS Instructions Petition Confidential Address (optional) Service of Process Temporary Restraining Order (TRO) Protective Order (PO) Protective Order (PO) & La. R.S. 9:361 et seq. Order of protection, multi-statute Modify PO - Motion Modify PO - Order Dissolve PO - Motion Dissolve PO - Order Judgment of Dismissal Rule to show cause, contempt of court Rule to show cause, when TRO denied <i>If filing in reconvention use indicated forms, with -R ending, i.e. LPOR B-R</i>	LPOR A LPOR B LPOR F LPOR H LPOR 1 LPOR 3 LPOR 19 LPOR 20 LPOR P LPOR 5 LPOR P LPOR 5 LPOR 7 LPOR K LPOR M	Costs Court cannot require petitioner to prepay or be cast with court costs, cost of service or subpoena, filing, or dismissal of petition or issuance or dissolution of TRO or PO. If court finds the filing was frivolous, may order petitioner to pay court costs & reasonable attorney fees for other party.				

Statute # Name	Eligibility Who can file?	Court	Venue Where to file	Relief available	Duration	Penalties for violation
La. R.S. 46:2151 Protection from Dating Violence Act	dating partner: person who is or has been in a social relationship of a romantic or intimate nature	District Court, Family Court	<ul style="list-style-type: none"> ➤ parish where defendant resides ➤ parish where abuse occurred ➤ parish where petitioner resides 	<p>Temporary Restraining Order (TRO):</p> <ul style="list-style-type: none"> ➤ prohibit abuse, harassment, stalking, monitoring, contacting or interfering with protected person(s) ➤ prohibit going near person, residence or employment of protected person(s) ➤ award use or return of certain specific property/pets ➤ award use of residence to petitioner, evict defendant (unless solely owned by defendant, or solely leased by defendant who has no duty to support petitioner or person on whose behalf petition is brought) ➤ barring both parties from giving away, selling or destroying property mutually owned or leased ➤ award temporary custody of children ➤ allows the parties to return once with law enforcement escort to retrieve personal belongings ➤ court may cast defendant for all costs if TRO is issued <p>Protective Order (PO):</p> <ul style="list-style-type: none"> ➤ relief as listed above ➤ award temporary child support ➤ establish temporary visitation ➤ order counseling, court-monitored domestic violence intervention, or medical evaluation/treatment ➤ defendant required to pay court costs, other fees (see R.S. 46:2136.1) ➤ firearms restrictions (see LPOR Firearms Prohibition Guide) 	<p>TRO: from judge's signature to hearing, hearing to be set within 21 days</p> <p>Can be reissued if the hearing is continued (continuance shall not exceed 15 days, unless good cause is shown for further continuance)</p> <p>If the court does not grant the TRO, a hearing for the request on the PO shall be scheduled within 10 days from service of the petition</p> <p>Cannot be modified</p> <p>If a hearing officer presides at the PO hearing, the TRO may remain in effect for up to 15 days following the hearing or until the judge signs the PO, whichever occurs last.</p> <p>PO: up to 18 mon., can be extended or modified after a hearing. Certain orders which direct the defendant to refrain from abusing, harassing, or interfering with the person protected (Paragraphs 1-5) can be issued for an indefinite period of time.</p>	<p>Civil:</p> <ul style="list-style-type: none"> ➤ held in contempt ➤ parish jail up to 6 months, and/or ➤ fine up to \$500 <p>Criminal: arrest pursuant to R.S. 14:79 (on TRO, after served to defendant; on PO, after issued)</p>
		Costs				
LPOR FORMS						
<p>Instructions</p> <p>Petition</p> <p>Confidential Address (optional)</p> <p>Service of Process</p> <p>Temporary Restraining Order (TRO)</p> <p>Protective Order (PO)</p> <p>Protective Order (PO) & La. R.S. 9:361 et seq.</p> <p>Order of protection, multi-statute</p> <p>Modify PO - Motion</p> <p>Modify PO - Order</p> <p>Dissolve PO - Motion</p> <p>Dissolve PO - Order</p> <p>Judgment of Dismissal</p> <p>Rule to show cause, contempt of court</p> <p>Rule to show cause, when TRO denied</p> <p><i>If filing in reconviction use indicated forms, with -R ending, i.e. LPOR B-R</i></p>	<p>LPOR A</p> <p>LPOR B</p> <p>LPOR F</p> <p>LPOR H</p> <p>LPOR 1</p> <p>LPOR 3</p> <p>LPOR 19</p> <p>LPOR 20</p> <p>LPOR P</p> <p>LPOR 5</p> <p>LPOR P</p> <p>LPOR 5</p> <p>LPOR 7</p> <p>LPOR K</p> <p>LPOR M</p>					

Statute # Name	Eligibility Who can file?	Court	Venue Where to file	Relief available	Duration	Penalties for violation
La. Children's Code Art. 1564 et seq. Domestic Abuse Assistance Act	<ul style="list-style-type: none"> ➤ family or household member: spouses, former spouses, parents & children, stepparents & stepchildren, foster parents & foster children, or person living with defendant as spouse if minor child(ren) live in household ➤ parent, adult household member, local child protection unit of the Dept. of Soc. Services, or D.A.: on behalf of minor child or alleged incompetent adult 	<p>Any court with juvenile jurisdiction:</p> <p>District Court, Juvenile Court, City Court with juvenile jurisdiction</p>	<p>Must be one of following:</p> <ul style="list-style-type: none"> ➤ parish of the household or marital domicile ➤ parish where defendant resides ➤ parish where abuse occurred ➤ parish where petitioner resides <p><i>NOTE: If this is the only venue option, limited relief is available ex parte. Relief not available until hearing is indicated by asterisks.</i></p> <ul style="list-style-type: none"> ➤ parish where divorce or annulment can be brought (where petitioner is domiciled, where defendant is domiciled, and/or last matrimonial domicile) <p><i>If a suit for divorce is pending, the petition for domestic abuse assistance must be filed in that proceeding.</i></p>	<p>Temporary Restraining Order (TRO):</p> <ul style="list-style-type: none"> ➤ prohibit abuse, harassment, stalking, monitoring, contacting or interfering with protected person(s) ➤ prohibit going near person, residence or employment of protected person(s) ➤ award use or return of certain specific property/pets* ➤ award use of residence to petitioner, evict defendant (unless solely owned by defendant, or solely leased by defendant who has no duty to support petitioner or person on whose behalf petition is brought)* ➤ barring both parties from giving away, selling or destroying property mutually owned or leased* ➤ award temporary custody of children* ➤ allows the parties to return once with law enforcement escort to retrieve personal belongings ➤ court may cast defendant for all costs if TRO is issued <p>Protective Order (PO):</p> <ul style="list-style-type: none"> ➤ relief as listed above ➤ award temporary support ➤ establish temporary visitation ➤ order counseling or medical evaluation/treatment ➤ defendant required to pay court costs, other fees (see Ch. C. Art. 1570.1) ➤ firearms restrictions (see LPOR Firearms Prohibition Guide) 	<p>TRO: from judge's signature to hearing, hearing to be set within 21 days</p> <p>Can be reissued if the hearing is continued (continuance shall not exceed 15 days, unless good cause is shown for further continuance)</p> <p>If the court does not grant the TRO, a hearing for the request on the PO shall be scheduled within 10 days from service of the petition</p> <p>Cannot be modified</p> <p>PO: up to 6 mon., (unless protected person is minor child who was sexually abused, then until child reaches age 18).</p> <p>Can be extended or modified after a hearing</p>	<p>Civil:</p> <ul style="list-style-type: none"> ➤ held in contempt ➤ parish jail up to 6 months, and/or ➤ fine up to \$500 <p>Criminal: arrest pursuant to R.S. 14:79 (on TRO, after served to defendant; on PO, after issued)</p>
<p>LPOR FORMS</p> <p>Instructions Petition Confidential Address (optional) Service of Process Temporary Restraining Order (TRO) Protective Order (PO) Protective Order (PO) & La. R.S. 9:361 et seq. Order of protection, multi-statute Modify PO - Motion Modify PO - Order Dissolve PO - Motion Dissolve PO - Order Judgment of Dismissal Rule to show cause, contempt of court Rule to show cause, when TRO denied</p> <p><i>If filing in reconvention use indicated forms, with -R ending, i.e. LPOR C-R</i></p>		<p>Court cannot require petitioner to prepay or be cast with court costs, cost of service or subpoena, filing, or dismissal of petition or issuance or dissolution of TRO or PO.</p> <p>If court finds the filing was frivolous, may order petitioner to pay court costs & reasonable attorney fees for other party.</p>	<p>LPOR A LPOR C LPOR F LPOR H LPOR 1 LPOR 3 LPOR 19 LPOR 20 LPOR P LPOR 5 LPOR P LPOR 5 LPOR 7 LPOR K LPOR M</p>			

Statute # Name	Eligibility Who can file?	Court	Venue Where to file	Relief available	Duration	Penalties for violation
La. R.S. 9:361 et seq. Post Separation Family Violence Relief Act	abused parent, or parent on behalf of abused child(ren)	any court empowered to hear family matters, or La. R.S. 46:2131 et seq.	<p>If filed in conjunction with divorce, where divorce can be filed (where petitioner or defendant is domiciled or parish of last matrimonial domicile)</p> <p>If filed in conjunction with custody, where that action may be filed</p>	<ul style="list-style-type: none"> ➤ prohibit contact with abused parent or child(ren) except as approved by court and agreed to by abused parent ➤ bar defendant from going within 50 yards of home, school, employment, or person of abused parent or child(ren) ➤ bar defendant from going within 50 feet of automobile of abused parent or child(ren) ➤ order only supervised visitation of child(ren), conditioned on defendant's completion of court-monitored domestic violence intervention program ➤ supervisor must not be relative, friend, therapist or associate of abusive parent ➤ order abusive parent to pay costs of supervision ➤ bar defendant from visitation overnight or in defendant's home ➤ bar sole or joint custody of child(ren) by abusive parent until completion of a court-monitored domestic violence intervention program ➤ bar all contact with child(ren) for parent found to have sexually abused child(ren) until successful completion of a treatment program designed specifically for such perpetrators, thereafter only supervised visitation ➤ order abusive parent to pay costs of court, attorney fees, evaluation fees, expert witness fees, medical or psychological care for abused parent and/or child(ren) resulting from abuse ➤ firearms restrictions (see LPOR Firearms Prohibition Guide) 	<p>TRO 2-10 days (unless requested in a suit for divorce, then TRO lasts until the hearing on the request for the preliminary injunction)</p> <p>Can be modified, can be reissued if hearing continued</p> <p>Preliminary injunction until trial on permanent injunction</p> <p>Can be modified, can be reissued if hearing continued</p> <p>Permanent Injunction does not expire</p> <p>Can be modified</p>	<p>Civil:</p> <ul style="list-style-type: none"> ➤ contempt of court ➤ parish jail up to 6 mon. and/or ➤ fine up to \$1,000 ➤ termination of court ordered visitation <p>Criminal: arrest pursuant to R.S. 14:79 (on TRO, after served to defendant; on preliminary and permanent injunctions, after issued)</p>
		Costs				
<p>LPOR FORMS</p> <p>Temporary Restraining Order (TRO) Preliminary Injunction Permanent Injunction Modify - Motion Modify - Order Dissolve - Motion Dissolve - Order Rule to show cause - contempt of court Protective Order (PO) & La. R.S. 46:2131 et seq. Order of protection, multi-statute</p> <p><i>If filing in reconvention use indicated forms, with -R ending, i.e. LPOR 11-R</i></p>	<p>LPOR 11 LPOR 11 LPOR 11 LPOR T LPOR 14 LPOR T LPOR 14 LPOR K LPOR 19 LPOR 20</p>	<p>Petitioner cannot be required to prepay or be cast with court costs, cost of service or subpoena, filing, or dismissal of petition or issuance or dissolution of TRO, preliminary or permanent injunction, or PO.</p>				

Statute # Name	Eligibility Who can file?	Court	Venue Where to file	Relief available	Duration	Penalties for violation
La. R.S. 9:372 Injunction against abuse (filed in conjunction with a divorce)	spouses	any court that hears family matters: District Court Family Court	<ul style="list-style-type: none"> ➤ where petitioner is domiciled ➤ where defendant is domiciled ➤ parish of last matrimonial domicile 	<ul style="list-style-type: none"> ➤ order prohibiting physical or sexual abuse of spouse or child(ren) of either party ➤ firearms restrictions (see LPOR Firearms Prohibition Guide) 	<p>TRO until hearing on preliminary injunction</p> <p>Can be modified, can be reissued if hearing continued</p> <p>Preliminary Injunction until trial on permanent injunction</p> <p>Can be modified</p> <p>Permanent Injunction does not expire</p> <p>Can be modified</p>	<p>Civil:</p> <ul style="list-style-type: none"> ➤ held in contempt ➤ parish jail up to 6 months, and/or ➤ fine up to \$1,000 <p>Criminal: arrest pursuant to R.S. 14:79 (on TRO, after served to defendant; on preliminary and permanent injunctions, after issued)</p>
LPOR FORMS						
Temporary Restraining Order (TRO) Preliminary Injunction Permanent Injunction Modify - Motion Modify - Order Dissolve - Motion Dissolve - Order Rule to show cause - contempt of court Order of protection, multi-statute <i>If filing in reconvention use indicated forms, with -R ending, i.e. LPOR 9-R</i>	LPOR 9 LPOR 9 LPOR 9 LPOR T LPOR 14 LPOR T LPOR T LPOR 14 LPOR K LPOR 20					

Statute # Name	Eligibility Who can file?	Court	Venue Where to file	Relief available	Duration	Penalties for violation
La. Code of Civil Proc. Art. 3601 et seq. Injunction (“generic” restraining order)	anyone seeking protection	District Court City Court	city or parish where behavior sought to be enjoined is likely to occur (where victim believes abuse will happen) <i>Note: City Court jurisdiction limited to inside city limits</i>	<ul style="list-style-type: none"> ➤ prohibit abusive behavior, to include actions which may result in irreparable harm or injury ➤ firearms restrictions (see LPOR Firearms Prohibition Guide) 	<p>TRO until hearing on preliminary injunction (2-10 days)</p> <p>Can be modified, can be reissued if hearing continued</p> <p>Preliminary Injunction until trial on permanent injunction</p> <p>Can be modified</p> <p>Permanent Injunction does not expire</p> <p>Can be modified</p>	<p>Civil:</p> <ul style="list-style-type: none"> ➤ held in contempt ➤ parish jail, up to 6 mon. and/or ➤ fine up to \$1,000 <p>Criminal: arrest pursuant to R.S. 14:79 (on TRO, after served to defendant; on preliminary and permanent injunctions, after issued)</p>
		Costs				
<p>LPOR FORMS</p> <p>Instructions Petition Service of Process Temporary Restraining Order (TRO) Preliminary Injunction Permanent Injunction Modify - Motion Modify - Order Dissolve - Motion Dissolve - Order Rule to show cause - contempt of court Order of protection, multi-statute</p> <p><i>If filing in reconvention use indicated forms, with -R ending, i.e. LPOR O-R</i></p>	<p>LPOR Z LPOR O LPOR H LPOR 13 LPOR 13 LPOR 13 LPOR T LPOR 14 LPOR T LPOR 14 LPOR K LPOR 20</p>	<p>If seeking protection from domestic abuse or dating violence, petitioner cannot be required to prepay or be cast with court costs, cost of service or subpoena, filing or dismissal of petition, or issuance or dissolution of TRO, preliminary or permanent injunction, or PO.</p>	<p>NOTE: Other statutes listed in this guide should be considered as they may provide more extensive and comprehensive relief for victims of domestic abuse or dating violence.</p>			

Statute # Name	Eligibility Who can file?	Court	Venue Where to file	Relief available	Dura tion	Penalties for violation
CRIMINAL ORDERS OF PROTECTION: La. C. Cr. Proc. Art. 26 et seq. - Peace bonds	petitioner initiates when defendant has threatened or is about to commit a specific breach of the peace	City Court Mayor's Court District Court	where threat or likely breach of peace has or will occur	<ul style="list-style-type: none"> ➤ enjoin from threat or likely breach of peace ➤ defendant may be ordered to post a bond of up to \$1,000 	up to 6 months	<ul style="list-style-type: none"> ➤ jail up to 5 days for failure to post bond ➤ forfeit bond if breach of peace ➤ arrest pursuant to R.S. 14:79
La. C. Cr. Proc. Art. 327.1 Bail restrictions AND La. C. Cr. Proc. Art. 335.1 Conditions of Release	- when defendant is charged with an offense against a family or household member (as in R.S. 46:2132[4]) or dating partner (R.S. 46:2151) or is charged with domestic abuse battery (R.S. 14:35.3) & court determines defendant poses a threat or danger to victim, the court is <u>required</u> to issue - victim, DA or prosecutor can request	where criminal action is pending		<ul style="list-style-type: none"> ➤ prohibit contact, communication or physical proximity to victim ➤ prohibit defendant from going to victim's residence, school, employment ➤ electronic monitoring of defendant ➤ firearms prohibition (see LPOR Firearms Prohibition Guide) 	discretion of the court can be modified	<ul style="list-style-type: none"> ➤ forfeiture of bail ➤ issuance of bench warrant ➤ arrest pursuant to R.S. 14:79
La. C. Cr. Proc. Art. 895 Conditions of probation AND La. C. Cr. Proc. Art. 871.1 Sentencing Orders	- court can grant on its own motion when defendant has been convicted of an offense against a family or household member (R.S. 46:2132[4]) or dating partner (R.S. 46:2151[B]) or convicted of domestic abuse battery (R.S. 14:35.3) -victim, probation officer, DA or prosecutor can request	where criminal action is pending		<ul style="list-style-type: none"> ➤ prohibit contact, communication or physical proximity to victim ➤ prohibit defendant from going to victim's residence, school, employment ➤ defendant can be ordered to complete court-monitored domestic violence intervention or counseling program ➤ restitution ➤ electronic monitoring of defendant ➤ firearms prohibition (see LPOR Firearms Prohibition Guide) 	all or part of probationary period can be modified	<ul style="list-style-type: none"> ➤ revocation of probation ➤ modify conditions of probation ➤ arrest pursuant to R.S. 14:79
LPOR FORMS: Order for bail restriction, sentencing orders, probation conditions Order for bail restriction, sentencing orders, probation conditions, with Domestic Abuse Battery conviction Modify or dissolve an LPOR 17 or 22			LPOR 17 LPOR 22 LPOR 18			

2015 QUICK REFERENCE: Louisiana's Stalking Law and LPOR forms (v.8)

Statute # Name	Eligibility Who can file?	Court	Venue Where to file	Relief available	Duration	Penalties for violation
CIVIL ORDER OR PROTECTION La. R.S. 46:2171 et seq.	victim of stalking or cyberstalking by <u>stranger or acquaintance*</u> *see Quick Reference: Louisiana's Domestic Violence Law and LPOR forms for options when defendant is NOT stranger or acquaintance	District Court	Must be one of following: ➤ parish where defendant resides ➤ parish where stalking occurred ➤ parish where petitioner resides	Temporary Restraining Order (TRO): ➤ prohibit abuse, harassment, stalking, monitoring, contacting or interfering with protected person(s) ➤ prohibit contact with protected person(s)' family or acquaintances ➤ prohibit going near person, residence or employment of protected person(s) ➤ prohibit damage to or order return of certain specific property ➤ court may cast defendant for all costs if TRO is issued Protective Order (PO): ➤ relief as listed above ➤ order counseling ➤ defendant required to pay court costs, other fees (see R.S. 46:2136.1)	TRO: from judge's signature to hearing, hearing to be set within 21 days Can be reissued if the hearing is continued (continuance shall not exceed 15 days, unless good cause is shown for further continuance) If the court does not grant the TRO, a hearing for the request on the PO shall be scheduled within 10 days from service of the petition Cannot be modified PO: up to 18 mon., can be extended or modified after a hearing. Certain orders which direct the defendant to refrain from abusing, harassing, or interfering with the person protected (Paragraphs 1-5) can be issued for an indefinite period of time.	Civil: ➤ held in contempt ➤ parish jail up to 6 months, and/or ➤ fine up to \$500 Criminal: arrest pursuant to R.S. 14:79 (on TRO, after served to defendant; on PO, after issued)
		Costs				
LPOR FORMS Instructions Petition Confidential Address (optional) Service of Process Temporary Restraining Order (TRO) Protective Order (PO) Modify PO - Motion Modify PO - Order Dissolve PO - Motion Dissolve PO - Order Judgment of Dismissal Rule to show cause, contempt of court			LPOR Y LPOR D LPOR F LPOR H LPOR 2 LPOR 4 LPOR P LPOR 5 LPOR P LPOR 5 LPOR 7 LPOR K			

Statute # Name	Eligibility Who can file?	Court	Venue Where to file	Relief available	Duration	Penalties for violation
CRIMINAL ORDERS OF PROTECTION La. C. Cr. Proc. Art. 26 et seq. - Peace bonds	petitioner initiates when defendant has threatened or is about to commit a specific breach of peace	City Court Mayor's Court District Court	where threat or likely breach of peace has or will occur	<ul style="list-style-type: none"> ➤ enjoin from threat or likely breach of peace ➤ defendant may be ordered to post a bond of up to \$1,000 	up to 6 months	<ul style="list-style-type: none"> ➤ jail up to 5 days for failure to post bond; forfeit bond if breach of peace ➤ arrest pursuant to R.S. 14:79
La. C. Cr. Proc. Art. 327.1 Bail restrictions AND La. C. Cr. Proc. Art. 335.1 and 335.2 Conditions of release	-when defendant is charged with stalking by stranger or acquaintance (R.S. 14:40.2) & court determines defendant poses a threat or danger to victim, the court is <u>required</u> to issue - victim, DA or prosecutor can request	where criminal action is pending		<ul style="list-style-type: none"> ➤ prohibit abuse, harassment, stalking, monitoring, contacting or interfering with protected person(s) ➤ prohibit contact with protected person(s)' family or acquaintances ➤ prohibit going near person, residence or employment of protected person(s) ➤ restitution to victim ➤ electronic monitoring ➤ firearms prohibition (see LPOR Firearms Prohibition Guide) 	discretion of the court can be modified	<ul style="list-style-type: none"> ➤ forfeiture of bail ➤ issuance of bench warrant ➤ arrest pursuant to R.S. 14:79
LPOR FORMS Order for bail restriction, sentencing orders, probation conditions Modify or dissolve an LPOR 21		LPOR 21 LPOR 18				

For more information regarding the Louisiana Domestic Violence Prevention Commission, visit:

<http://doa.louisiana.gov/boardsandcommissions/viewBoard.cfm?board=607>

Or, contact:

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Endnotes

ⁱ Violence Policy Center, “When Men Murder Women: An Analysis of 2011 Homicide Data.” September 2013.

ⁱⁱ Violence Policy Center, “When Men Murder Women: An Analysis of 2012 Homicide Data.” September 2014.

ⁱⁱⁱ *Definitions of Domestic Violence*, Child Welfare Information Gateway, Children’s Bureau/ACYF/ACF/HHS.

^{iv} *Definitions of Domestic Violence*, Child Welfare Information Gateway, Children’s Bureau/ACYF/ACF/HHS.