

IN THE \_\_\_\_\_ COURT OF \_\_\_\_\_, MISSISSIPPI

PLAINTIFF

VS.

CAUSE NO. \_\_\_\_\_

DEFENDANT

## CRIMINAL DOMESTIC ABUSE PROTECTION ORDER

**This Court**, pursuant to M.C.A. § 97-3-7(11), having found the above-named defendant to be guilty of (check one)  Simple Domestic Violence (§ 97-3-7(3));  Aggravated Domestic Violence (§ 97-3-7(4));  4<sup>th</sup> or subsequent Domestic Violence Assault (§ 97-3-7(5)), and (check one)  hearing no objection from the assault victim or the victim’s lawful representative, or  finding that a criminal protection order is necessary for the safety and well-being of a victim who is a minor child or incompetent adult, hereby issues a Criminal Domestic Abuse Protection Order against the Defendant.

**Defendant Identifiers:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Sex:  F  M Race: \_\_\_\_\_

Social Security #: \_\_\_\_\_

Driver License #: \_\_\_\_\_

**Defendant: Caution and Medical Conditions (Check all that apply)**

- Alcoholic       Allergies       Hemophiliac       Diabetic
- Epilepsy       Escape Risk       International Flight Risk
- Armed and Dangerous       Heart Condition       Explosive Expertise
- Known to Abuse Drugs       Martial Arts Expert
- Medication Required       Other \_\_\_\_\_

**Relationship of Defendant to Victim(s):**

- Current or former spouses
- Persons living as spouses or who formerly lived as spouses
- Parent, grandparent, child, grandchild or someone similarly situated
- Persons with a child in common
- Person in a current dating relationship or who formerly dated

Said order is issued for the protection of the person or persons listed below and defendant shall be subject to all conditions contained herein until such time as this Order expires or is otherwise dismissed by this Court.

**PERSON(S) TO BE PROTECTED**  
(may include assault victim & his/her household members)

LAST NAME	FIRST NAME	MIDDLE NAME	DOB (MM/DD/YYYY)	SEX	RACE

**EXPIRATION DATE:** \_\_\_\_\_

The Court orders that the above-named Defendant is subject to the following conditions (check all that apply):

Defendant is prohibited from abusing, harassing, stalking, following or threatening the victim or protected person(s) in any manner whatsoever, including by electronic means, that would place that person in reasonable fear of bodily injury. This also includes the use, attempted use or threatened use of physical force against the victim or protected person(s) that would reasonably be expected to cause bodily injury.

Defendant is prohibited from contacting the protected person(s) in person, by phone, by electronic communication, or through a third party, except such contact as may be necessary for the purposes set forth below.

Defendant is prohibited from going within \_\_\_\_\_ yards of the protected person(s) (to include place of employment, school, etc.), except for purposes set forth below.

Exceptions to the contact and/or distance prohibition(s):

To exchange the minor child(ren) for visitation pursuant to an existing court order.

During medical emergencies involving minor child(ren).

To attend special events involving minor child(ren) (sporting events, school functions, etc.) as deemed appropriate by the Court. Please specify events:

\_\_\_\_\_

\_\_\_\_\_

Other (please specify): \_\_\_\_\_

\_\_\_\_\_

**NO EXCEPTIONS.**

The protected person(s) is granted exclusive use of the residence located at \_\_\_\_\_ (he reinafter referred to as “residence”) to the exclusion of the Defendant and Defendant shall not enter upon the premises of the residence for any reason whatsoever except as may be otherwise provided by the Court below. Defendant shall in no way interfere with the use and enjoyment of the residence by the protected person(s) by any act that prevents access to the residence or results in disconnection of services to the residence.

Defendant or a representative shall be allowed to retrieve the items listed below from the protected person(s) and/or residence **provided that Defendant is accompanied by a law enforcement officer to ensure the protection and safety of the parties. The law enforcement agency having jurisdiction in the locality of the protected person(s) and/or residence shall accompany the Defendant or representative at a date and time deemed appropriate by that agency.** Retrieval of said items shall be scheduled without delay and at a date and time most likely to result in successful retrieval of the necessary items. **NO FORCED ENTRY ALLOWED.**

Items to be retrieved: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Defendant is prohibited from transferring or disposing of property mutually owned or leased by Defendant and the protected person(s).

Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

**THE COURT FURTHER ORDERS:**

- (1) A copy of this Order shall be provided to the Defendant and to the victim of the assault or his/her lawful representative.
- (2) Only the Court can modify, change or dismiss this Order or any provisions contained herein. The protected person(s) **CANNOT** waive the terms of this Order or give Defendant permission to violate this Order.
- (3) ANY LAW ENFORCEMENT OFFICER HAS THE DUTY TO ENFORCE THE TERMS OF THIS ORDER.
- (4) The issuance of this Order shall not prevent the assault victim or his/her lawful representative from seeking a Civil Domestic Abuse Protection order or other remedies otherwise available under the law.
- (5) The issuance of a subsequent Civil Domestic Abuse Protection Order shall not alter any condition contained herein, without prior written approval of this Court. A subsequent Civil Domestic Abuse Protection Order may impose conditions not otherwise contained in this Order to the extent that such conditions do not interfere with or impact a condition contained herein.

**NOTICE TO DEFENDANT**

Any knowing violation of this Order may subject you to arrest and prosecution for a misdemeanor which is punishable by a fine of up to \$1000.00 or by confinement in jail for as long as 6 months, or both. This order is enforceable by all law enforcement officers in Mississippi, in another state of the United States, a U.S. Territory or Tribal Territory.

As a result of this Order, it may be unlawful for you to possess or purchase a firearm, including a handgun or long gun, or ammunition pursuant to federal law under 18 U.S.C. 922(g)(8), and/or the laws of another State, U.S. Territory or Tribe. If you have any questions regarding whether you are subject to the firearms prohibitions under federal law or the laws of another State, U.S. Territory, or Tribe, you should consult an attorney.

**SO ORDERED AND ADJUDGED, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.**

\_\_\_\_\_  
**Judge**

**Only applicable when a DAPO is not issued due to objection by the victim or victim representative.**

Criminal DAPO shall not issue due to objection by victim or victim’s lawful representative.

\_\_\_\_\_  
Signature and Date of Objecting Party