

## **Instructions**

### **Petitions for requesting court emergency protection orders**

The OSCE Presence in Albania and the Council of Europe have developed pre-printed petitions for requesting court emergency protection orders.

The sample forms have been modelled to reflect requirements of petitions for emergency protection orders under the law no.9669, dated 18 December 2007, “On Measures against Violence in Family Relations” that entered into force on 1 June 2007.

The petition forms can be downloaded and filled out by victims of domestic violence, as well as police officers, prosecutors, representatives of the social services and NPOs, and then submitted to the civil district court to request court protection orders.<sup>1</sup>

For more information, please see law no.9669, dated 18 December 2007, “On Measures against Violence in Family Relations” and on protection orders, and the publication "Seeking Protection from Domestic Violence: A handbook for victims and NPOs".

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<sup>1</sup> The petitioner may be the victim or other persons authorized to request an emergency protection order on behalf of the victim as indicated in Article 13, section 3 of the law no. 9669, of 18 December 2006 “On measures against violence in family relations”. These persons could be the victim’s legal representative, police/prosecutor or, in the case of minor victims, relatives of the minor, representatives of social services or licensed victim protection centres.

# PETITION FOR EMERGENCY PROTECTION ORDER

**1. TO THE DISTRICT COURT OF:** \_\_\_\_\_  
(Provide district court name and address)

PETITION/CASE No: \_\_\_\_\_

## 2. PETITIONER<sup>1</sup>

Vs.

## 3. RESPONDENT

_____ (Name, father's name, surname)
_____ (Permanent/temporary residence address)
_____ Telephone: _____
<b>Represented by:</b>
_____ (Name of legal or other representative, if any)
_____ (Address of representative)
_____ Telephone: _____

_____ (Name, father's name, surname)
Permanent residence address: _____
_____ Telephone: _____
Temporary residence address: _____
_____ Telephone: _____

**4. Indicate name and address of victim(s) if different from petitioner (name, father's name and surname)** \_\_\_\_\_

**5. NOTE:** If you fear your security or that of other people under your responsibility may be compromised by providing your address, please provide below another address that you wish to be used for purposes of the judicial proceedings:

Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Other contact details: \_\_\_\_\_

**6. Object of Petition:** Issuance of emergency protection order

**7. Legal basis:** Law no. 9669, dated 18 December 2006 "On measures against violence in family relations"

**8. Explain what is the family relationship of victim with respondent.** (according to the note below):

Victim is \_\_\_\_\_ of the respondent

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**NOTE:** Members of family are (a) Spouses or cohabitating partners or former spouses or cohabitating partners, (b) Brothers, sisters, relatives of direct blood line, including adoptive parents and children, (c) Spouses of persons provided above, (d) Persons related by direct blood line, including parents and adoptive children of the spouse or the cohabitating partner, (e) Brothers and sisters of the spouse if these have been living together during the last 3 (three) months, (f) Children of spouses or cohabitating partner

**9. Additional information on the victim:**

<b>Date of birth</b>	
<b>Place of birth</b>	
<b>Civil status</b>	
<b>How many children</b>	
<b>How many children with respondent</b>	
<b>Profession</b>	
<b>Employment</b>	
<b>Citizenship</b>	

**10. Additional information on the respondent.**

<b>Date of birth</b>	
<b>Place of birth</b>	
<b>Civil status</b>	
<b>How many children</b>	
<b>Profession</b>	
<b>Employment</b>	
<b>Employment address</b>	
<b>Citizenship</b>	
<b>Possesses or has access to the following weapons</b>	
<b>Has title over the common residence?</b>	

**11. Other ongoing processes involving the victim or their children and the respondent**

<b>Case Name</b>	<b>Case number</b>	<b>Competent court</b>

**12. Facts and circumstances.** Clearly and carefully explain facts and circumstances of domestic violence incidents between victim and respondent (attach additional sheets if necessary):

**Incident no. 1**

Date: \_\_\_\_\_

Place of incident: \_\_\_\_\_

Act or omission committed: \_\_\_\_\_

Against whom (list): \_\_\_\_\_

Effects on victim(s) (list): \_\_\_\_\_

Additional description of incident: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
People present during the incident (list): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Incident no. 2**

Date: \_\_\_\_\_  
Place of incident: \_\_\_\_\_  
Act or omission committed: \_\_\_\_\_  
Against whom (list): \_\_\_\_\_  
Effects on victim(s) (list): \_\_\_\_\_  
\_\_\_\_\_  
Additional description of incident: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
People present during the incident (list): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Incident no. 3**

Date: \_\_\_\_\_  
Place of incident: \_\_\_\_\_  
Act or omission committed: \_\_\_\_\_  
Against whom (list): \_\_\_\_\_  
Effects on victim(s) (list): \_\_\_\_\_  
\_\_\_\_\_  
Additional description of incident: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
People present during the incident (list): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**13. Explain reasons to clarify the damage to victim's security, health or well-being:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**14. Evidence:** (list here support evidence and attach documents to this petition)

- \_\_\_\_\_ Police case number: \_\_\_\_\_
- \_\_\_\_\_ Copy of police report
- \_\_\_\_\_ Medical report
- \_\_\_\_\_ Medico-legal act of expertise

\_\_\_\_\_ Certificates from domestic violence service providers  
 (list): \_\_\_\_\_  
 \_\_\_\_\_ Expert evaluation (list): (e.g. psychologist, pet specialist etc.) \_\_\_\_\_  
 \_\_\_\_\_ Witness statements (list): \_\_\_\_\_  
 \_\_\_\_\_ Other evidence (list): (e.g. victim's diary, children's paintings, pictures of injuries, e-mail communications, SMS, tape recordings etc.) \_\_\_\_\_

**15. Petitioner respectfully requests the Court to order protection for the following persons:**

Name	Date of Birth	Relationship to respondent
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**16. Petitioner respectfully requests the court to order the following measures in its emergency protection order:** (tick more than one if applicable)

- \_\_\_\_\_ Respondent not to commit a domestic violence act against persons mentioned above
- \_\_\_\_\_ Respondent refrain from threatening persons mentioned above
- \_\_\_\_\_ Respondent not to harm, harass, contact or communicate with the persons mentioned above
- \_\_\_\_\_ Respondent to leave residence (address) \_\_\_\_\_ by (time) \_\_\_\_\_ and not to return without subsequent court authorization
- \_\_\_\_\_ Respondent not to approach closer than \_\_\_\_\_ (distance) persons mentioned above
- \_\_\_\_\_ Respondent not to go to:
  - School (name) of: \_\_\_\_\_, at (address) \_\_\_\_\_
  - Kindergarten (name) of: \_\_\_\_\_, at (address) \_\_\_\_\_
  - Work (name) of: \_\_\_\_\_, at (address) \_\_\_\_\_
  - Home (name) of: \_\_\_\_\_, at (address) \_\_\_\_\_
- \_\_\_\_\_ To relocate the following persons to: (a shelter/temporary residence) \_\_\_\_\_ under the responsibility of (name of organization/authority) \_\_\_\_\_
- \_\_\_\_\_ Respondent to contact (name of child) \_\_\_\_\_ only (when, day of week, time limits) at (place) \_\_\_\_\_ or by (means of contact) \_\_\_\_\_
- \_\_\_\_\_ Prohibit respondent to enter or stay at residence of (name) \_\_\_\_\_ at (address) \_\_\_\_\_
- \_\_\_\_\_ Authorize (position/authority) \_\_\_\_\_ to accompany (who) \_\_\_\_\_ to victim's residence and accompany removal of their personal belongings
- \_\_\_\_\_ Respondent to hand over all weapons to (name of institution/officer) \_\_\_\_\_

**17. Duration of emergency protection order** \_\_\_\_\_

**Petitioner name:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Petitioner signature:** \_\_\_\_\_

**Representative name:** \_\_\_\_\_  
(if applicable)

**Representative signature:** \_\_\_\_\_