

Instructions

Petitions for requesting court protection orders

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

The sample forms have been modelled to reflect requirements of petitions for 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.¹

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”.

¹ The petitioner may be the victim or other persons authorized to request a protection order on behalf of the victim as indicated in Article 13, section 1 and 2 of the law no. 9669, of 18 December 2006 “On measures against violence in family relations”. The 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’s protection centres.

PETITION FOR PROTECTION ORDER

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

PETITION/CASE No: _____

2. PETITIONER¹

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

Vs.

3. RESPONDENT

_____ (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 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

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,

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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:

Date of birth	
Place of birth	
Civil status	
How many children	
How many children with respondent	
Profession	
Employment	
Citizenship	
Has title over the common residence?	
How many dependants	
Income	

10. Additional information on the respondent.

Date of birth	
Place of birth	
Civil status	
How many children	
How many dependants	
Profession	
Employment	
Employer's address	
Citizenship	
Possesses or has access to the following weapons	
Has title over the common residence?	
Income	

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

Case Name	Case number	Competent court

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 supporting 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 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 be 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) _____
- _____ Authorise (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) _____
- _____ Respondent to allow petitioner to possess the common residence at (address): _____
- _____ Respondent to pay monthly (amount) _____ to (name) _____ for rent

_____ Respondent to pay monthly (amount) _____ to (name) _____ as support obligation for persons mentioned above

_____ Respondent to refrain from disposing of marital property

_____ Removing parental responsibility of respondent over their children (names): _____

_____ Granting temporary custody rights over their children (names) _____ to the petitioner

_____ Ordering social services (names) _____ to provide the following to the persons above (list services that victim wants) _____

_____ Order respondent's employer (name) _____ to pay monthly (amount) _____ to (who) _____

_____ Involving the victim in rehabilitation programmes

_____ Ordering the perpetrator to participate in rehabilitation programmes and ordering programme to report weekly to the court as to respondent's participation

17. Duration of protection order _____

Petitioner name: _____ **Date:** _____

Petitioner signature: _____

Representative name: _____
(if applicable)

Representative signature: _____