

# INDIANA CIVIL PROTECTION ORDERS

Survivors across the country seek safety through civil protection orders. Courts use these vital orders to issue stay away orders, or order an abuser pay medical bills, and even make temporary custody decisions. The remedies are important, but jurisdictions often have several types of orders and the distinctions are not always clear. This resource provides a brief overview of the different types of civil protection orders in each jurisdiction, answering vital questions such as: who can apply; and who can be restrained? The orders included in this resource are limited to those where a survivor can apply themselves, other protective measures may exist in your jurisdiction—reach out to VRLC’s TA team if you have questions!

In Indiana, there is 1 type of civil protection order:

- **Civil Protection Orders** are available for individuals seeking protection from (1) domestic violence; (2) stalking; (3) sexual violence; or (4) harassment (Ind. Code § 34-26-5-1 to 34-26-5-21).

# CIVIL PROTECTION ORDER

<p><b>Who can apply?</b></p>	<p>Anyone who has been the victim of: (1) <b>domestic or family violence</b> committed by a <b>family or household member</b>; (2) stalking; (3) a <b>sex offense</b>; or (4) harassment. <i>Ind. Code § 34-26-5-2(a)(1)-(2) &amp; Ind. Code § 34-26-5-2(b).</i></p> <p>In addition to the above four situations, the parent/guardian/representative may seek an order of protection on behalf of a child against a (1) person who engaged in a course of conduct involving repeated or continuing contact with a child that is intended to prepare or condition a child for sexual activity. <i>Ind. Code § 34-26-5-2(c)(4).</i></p> <p><b>Domestic or family violence is defined as:</b></p> <ul style="list-style-type: none"> <li>• Attempting, threatening, or causing physical harm to a family or household member;</li> <li>• Placing a family or household member in fear of physical harm;</li> <li>• Involuntary sexual activity due to force, threat, or duress;</li> <li>• Physically harming or killing a vertebrate pet with the intent to threaten, intimidate, or terrorize a family or household member.</li> </ul> <p><i>Ind. Code § 31-9-2-42.</i></p> <p><b>Sex offense</b> includes any of the crimes listed at Ind. Code § 35-42-4.</p> <p>See “Who Can be Restrained?” for the definition of a family or household member.</p>
<p><b>Can minors apply?</b></p>	<p>No; a minor’s parent, guardian, or another representative may file the petition for an order of protection on behalf of the minor. <i>Ind. Code § 34-26-5-2(c)(1)-(4).</i></p>



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<p><b>Who can be restrained?</b></p>	<p>The Respondent must be:</p> <ol style="list-style-type: none"> <li>1. A family or household member who commits an act of domestic or family violence against Petitioner;</li> <li>2. Any person who commits stalking or a sex offense against Petitioner;</li> <li>3. Any person who commits repeated acts of harassment against Petitioner; or</li> <li>4. Any person who engaged in repeated contact with a child Petitioner that is intended to prepare the child for sexual activity.</li> </ol> <p><i>Ind. Code § 34-26-5-2(a)-(c).</i></p> <p><b>Family or household member is defined as:</b></p> <ul style="list-style-type: none"> <li>• A current or former spouse;</li> <li>• Those in a dating or sexual relationship;</li> <li>• Those related by blood, marriage, or adoption;</li> <li>• Those in certain established legal relationships (e.g. guardian/ward, custodian, foster parent);</li> <li>• Those with a child in common including adopted children.</li> </ul> <p><i>Ind. Code § 34-6-2-44.8.</i></p>
<p><b>What types of relief may a court order?</b></p>	<p>Ex parte Protection Order may include the following provisions:</p> <ul style="list-style-type: none"> <li>• No committing/threatening acts of domestic or family violence against Petitioner;</li> <li>• No harassment of Petitioner;</li> <li>• No contact/communication with Petitioner;</li> <li>• Remove Respondent from Petitioner’s residence;</li> <li>• Order Respondent to stay away from Petitioner’s residence, school, place of employment, or a specific designated place;</li> </ul> <p style="text-align: right;"><i>continued on next page</i></p>

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<p><b>What types of relief may a court order?</b></p>	<ul style="list-style-type: none"> <li>• Order that Petitioner have exclusive custody of minor children;</li> <li>• Order possession/use of residence, car or other essential personal effects – regardless of ownership.</li> </ul> <p><i>Ind. Code § 34-26-5-9(c).</i></p> <p>Final Protection Order may include all the above and</p> <ul style="list-style-type: none"> <li>• Specify parent time arrangements;</li> <li>• Prohibit Respondent from possessing firearms; and</li> <li>• Order Respondent to pay various costs and fees.</li> </ul> <p><i>Ind. Code § 34-26-5-9(d).</i></p>
<p><b>How long does the order last?</b></p>	<p>A final hearing must occur within 30 days of an ex parte protection order.</p> <p><i>Ind. Code § 34-26-5-9(b).</i></p> <p>Generally up to two years, unless the court specifically orders otherwise. In instances where the respondent is a sex or violent offender requiring registration, the order may last indefinitely.</p> <p><i>Ind. Code § 34-26-5-9(f).</i></p>
<p><b>Can the order be renewed?</b></p>	<p>Yes. You can find a Petition to Extend an Order of Protection form online at: <a href="https://www.in.gov/courts/iocs/publications/po-forms/">https://www.in.gov/courts/iocs/publications/po-forms/</a></p> <p>You may have to file a new petition for protective order.</p>

## CIVIL PROTECTION ORDER

### Is a hearing with the respondent required?

If the Petition alleges harassment only, a hearing is required. However, Respondent's presence at the hearing is not required.

*Ind. Code § 34-26-5-9(b).*

If the Petition alleges domestic or family violence [including stalking or sex offenses] the court may without a hearing, issue an ex parte order for protection. After issuance of the ex parte order for protection, the Petitioner or Respondent may, at any time, request a hearing on that order. The hearing must be held within 30 days of the request for the hearing.

*Ind. Code § 34-26-5-9(a), Ind. Code § 34-26-5-10(a)(2).*

## HOW TO APPLY

Forms are available at courthouse and online at <https://www.in.gov/courts/iocs/publications/po-forms/>.

Petitioner files petition in circuit court for county where Petitioner currently or temporarily resides, or where the domestic or family violence or harassment occurred.

*Ind. Code § 34-26-5-4(b).*

**SCAN ME!**



**For specific questions about how to use this guide, or if you have any other questions, VRLC is here to help!**

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