

REASONS YOU MAY FILE FOR A PROTECTIVE ORDER

Check all that apply regarding your situation:

****ADULT****

___ 1. I am a victim of “**Domestic Violence**” as described:

I.C. 5-26.5-1-3 DOMESTIC VIOLENCE

Sec.3. “Domestic Violence” includes conduct that is an element of an offense under I.C. 35-42 or a threat to commit an act described in I.C. 35-42 by a person against a person who:

- (1) is or was a spouse of;
- (2) is or was living as if a spouse of;
- (3) has a child in common with;
- (4) is a minor subject to the control of; or
- (5) is an incapacitated individual under the guardianship or otherwise subject to the control of;

the other person regardless of whether the act or threat has been reported to a law enforcement agency or results in a criminal prosecution.

As added by P.L. 273-2001 Sec 3

___ 2. I am a victim of “**Stalking**” as described:

I.C. 35-45-10-1 STALKING

Sec.1. As used in this chapter, “**Stalk**” means a knowing or an intentional course of conduct involving **repeated or continuing harassment** of another person that would cause a reasonable person to feel terrorized, frightened, intimidate, or threatened and that actually causes the victim to feel terrorized, frightened, intimidated, or threatened. The term does not include statutorily or constitutionally protected activity.

___ 3. I am a victim of a “**Sexual Offense**” as described:

I.C. 35-42-4-4 SEXUAL OFFENSE

“Sexual Conduct” means sexual intercourse, deviate sexual conduct, exhibition of the uncovered genitals intended to satisfy or arouse the sexual desires of any person, sado-masochistic abuse, sexual intercourse or deviate sexual conduct with an animal, or any fondling or touching of a child by another person or of another person by a child intended to arouse or satisfy the sexual desires of either the child or the other person.

___ 4. I am a victim of “**Workplace Violence**” as described:

HEA 1232 WORKPLACE VIOLENCE

“.....not involving family members or household members....”Where a person is involved in a **repeated and continually** harassment of another person, at work, that would cause a reasonable person to feel terrorized, frightened, intimidated, or threatened and that actually causes the victim to feel terrorized, frightened, intimidated, or threatened.

*****NOTICE*****

Address listed on the WHITE forms will be considered public information.

If you are living at a safe location, please list that address on the GREEN confidential form so the court will know how to contact you.

******Please See Page 2******

Please answer the following questions to help us determine the correct filing procedure. Please return this form back to Clerk's Office Staff when completed.

1. Is there now, or has there ever been a **divorce case** between the PARENT and Respondent (person you are filing against)? Yes No

If **YES**, where was your divorce filed? _____ (County), _____ (State)

2. Is there now, or has there ever been a **protective order case** between the Petitioner (CHILD) and Respondent (person you are filing against)? Yes No

If **YES**, where was your protective order filed? _____ (County), _____ (State)

3. Is there now, or has there ever been a **paternity, custody or support case** between the PARENT and Respondent? Yes No

If **YES**, where was your case filed? _____ (County), _____ (State)

4. Are the Petitioner (CHILD) and Respondent living in the same household? Yes No

5. Are there any other criminal or civil cases involving either the Petitioner or Respondent? Yes No

If **YES**, where did these criminal/civil cases occur? _____ (County), _____ (State)

Signature: _____

Date: _____

**** Please note****

Filling out this protective order petition does **NOT** guarantee a protective order will be granted. These determinations are made solely by the either the Decatur County Superior/Circuit Court Judge's.

The Clerk's Office can **NOT** assist you in locating a correct address or date of birth for the respondents. This information is up to **YOU** to provide.

Also, the Clerk's Office employees are **NOT** permitted to give any kind of legal advice. If you have legal questions you will need to consult an attorney for advice.

INSTRUCTIONS FOR PETITION FOR ORDER OF PROTECTION—FILED BY PERSON SEEKING PROTECTION

Under the Indiana Civil Protection Order Act (Indiana Code § 34-26-5), courts can issue orders to protect people from domestic or family violence, stalking, or a sex offense. These court orders are called “Orders for Protection”. There are two (2) kinds of Orders for Protection—an Ex Parte Order for Protection, which may be issued without a hearing, and an Order for Protection Issued After a Hearing. Orders for Protection normally last 2 years, unless the Judge decides on a different duration.

The protected person is called the “Petitioner.” The Petitioner **must** file a Petition in a court of record, against the other person, called the “Respondent.” This Instruction booklet explains how to fill out forms for a case in which the Petitioner is seeking protection for himself or herself, *not* on behalf of a child. If you want to apply for an Order for Protection on behalf of a child, please ask the Clerk of the Court for the proper Instruction booklet and Petition.

IMPORTANT NOTICE: In order to file a case, you *must* have the Respondent’s correct name. In order to assist law enforcement in enforcing the Order for Protection you should have the Respondent’s date of birth and/or Social Security number and current address. The Respondent’s current address may also be necessary for the Court to grant certain forms of other relief.

Unless the Petitioner provides the Respondent’s date of birth or social security number, the protection order cannot be entered into the national Protection Order Registry. Even without this information, the protection order will still be included in the Indiana Protection Order Registry.

Even if your protection order cannot be entered into the national Protection Order Registry, it will be valid and enforceable throughout the United States. It is highly recommended you carry your Order For Protection with you at all times, especially if you are traveling outside the State of Indiana.

This Instruction booklet explains how to fill out the Petition and Confidential Form. It also contains some Instructions for Respondents. These Instructions cannot cover all of the problems and questions that may arise in a particular case. If you do not know what to do to protect your rights, you should see an attorney.

GENERAL INFORMATION

Who can get a court order under this law?

The Indiana Civil Protection Order Act was passed to promote the protection and safety of all victims of domestic or family violence, sexual assault, and stalking, and to prevent future violence against such victims. In order to apply for protection under this law, a **Petitioner** must have been a victim of:

- **Domestic or family violence;**
- **Stalking;** or,
- **A sex offense.**

“Domestic or family violence” means a **family or household member** committed one or more of the following acts:

1. *attempting to cause, threatening to cause, or actually causing physical harm to another family or household member;*
2. placing a family or household member in fear of physical harm;
3. causing a family or household member to involuntarily engage in sexual activity by force, threat of force, or duress—in other words, forcing someone to engage in a sexual act against the person’s will; and
4. beating, torturing, mutilating, or killing a vertebrate animal without justification with an intent to threaten, intimidate, coerce, harass or terrorize a family or household member.

Stalking and sex offenses are subject to a Protection Order whether or not committed by a household member

The **Respondent** must be either a:

- **Family or household member** of the Petitioner; or,
- Person who has committed stalking or a sex offense against the Petitioner.

The Petitioner and Respondent are **“family or household members”** if:

- The Petitioner and Respondent are now married to each other or used to be married to each other (“current or former spouse”);
- The Petitioner and Respondent are now dating each other or used to date each other;
- The Petitioner and the Respondent are now engaged in a sexual relationship with each other or used to be in a sexual relationship with each other;
- The Petitioner and the Respondent have a child in common;
- The Petitioner and the Respondent are related by blood or adoption (for example, they are a brother and sister with the same parents);
- The Petitioner and the Respondent are now related to each other by marriage or used to be related to each other by marriage (for example, they are a step-brother and a step-sister);
- The Petitioner has adopted the child of the Respondent;

- The Petitioner and the Respondent are now or used to be, in one of these kinds of relationships:
 - One of them was the other’s guardian;
 - One of them was the other’s ward;
 - One of them was the other’s custodian;
 - One of them was the other’s foster parent; or,
 - A similar relationship.
- Finally, a “family or household member” could mean a minor child (under age 18) of a person in one of the kinds of relationships described above.

“**Stalking**” is defined by Indiana Code § 35-45-10-1: “A knowing or intentional course of conduct involving repeated or continuing harassment of another person that would cause a reasonable person to feel terrorized, frightened, intimidated, or threatened and that actually causes the victim to feel terrorized, frightened, intimidated, or threatened.” The term “course of conduct” means two (2) or more incidents.

As used in the stalking law, “**harassment**” means: “Conduct directed toward a victim that includes but is not limited to repeated or continuing **impermissible contact** that would cause a reasonable person to suffer emotional distress and that actually causes the victim to suffer emotional distress. Harassment does not include statutorily or constitutionally protected activity, such as lawful picketing pursuant to labor disputes or lawful employer-related activities pursuant to labor disputes.”

As used in the stalking law, “**impermissible contact**” includes (but is not limited to): “Knowingly or intentionally following or pursuing the victim.”

A “**sex offense**” means one of the following crimes under Indiana law (Indiana Code § 35-42-4):

- Rape;
- Criminal deviate conduct (repealed);
- Child molesting;
- Child exploitation—Possession of child pornography;
- Vicarious sexual gratification—Performing sexual conduct in the presence of a minor;
- Child solicitation;
- Child seduction;
- Sexual battery;
- Sexual misconduct with a minor;
- Unlawful employment near children by a sexual predator;
- Sex offender residency offense;
- Sex offender Internet offense;
- Inappropriate communication with child; and,
- Serious sex offender entering school property.

In order for a person to ask for an Order for Protection because he or she was a victim of stalking or a sex offense, it is not necessary for criminal charges to actually be filed. However, a victim of one of these kinds of crimes should always seek help from the police or sheriff and the prosecutor.

Are a Petitioner's family or household members covered by an Order for Protection?

The judicial officer will decide who will be protected from the names listed on the Petition in Paragraph 9 and the names listed on the Confidential Form.

What if a Petitioner needs an Order for Protection against more than one (1) Respondent?

The Petitioner should tell the Clerk how many Respondents he or she is filing against. The Clerk has to create a new and different court case for each Respondent—there can be only one Respondent per case. So, make sure the Petitioner has the correct number of Petitions, Confidential Forms, etc.

What if the Respondent is a juvenile?

If the Respondent is under 18 and still lives at home (is not “emancipated”), any court of record can hear the Petition. If a hearing is set, the case may be transferred to juvenile court.

What do you need to get the Order for Protection or to object to one?

You will need to get the correct forms from the Clerk of the court, or from this Web site: <http://www.in.gov/judiciary/center/2645.htm>

What forms must be used for this kind of case?

Here is a list of some of the different kinds of forms in a protective order case and the function of each form. If you want a complete list, ask the Clerk or go to the Web site.

1. *Petition for an Order for Protection and Request for a Hearing—Filed by Person Seeking Petition (“Petition”)*—this is the form used by the Petitioner to ask the Judge to issue an Order for Protection and also to ask for a hearing, if a hearing is required by law. The Petitioner uses this form to explain to the Judge why the Petitioner needs an Order for Protection, to describe what happened, and to list every kind of relief the Petitioner is asking for.
2. *Confidential Form*—this is the form used by the Petitioner and the Clerk of the court to record important information about the people involved in the case. The information on this form is entered into a computer that law enforcement officers (police, sheriff, etc.) can access. The information on this form is confidential according to state law. The only people who will have access to it are law

enforcement officers, prosecutors, and court and clerk staff. This form must be submitted with the Petition at the time the case is filed.

3. *Notice of Exclusion Form.* This Notice informs anyone reviewing the Court file that the Confidential Form, a document excluded from public access under Indiana law, has been filed with the Court. This form must be submitted with the Confidential Form at the time the case is filed.
4. *Respondent's Verified Request for a Hearing*—once a Respondent has received a copy of the Petition and the Ex Parte Order for Protection, he or she can ask the Judge to set the case for a hearing. The Respondent should use this form to make that request.

Will the case automatically be set for a hearing?

It depends on what the Judge orders. Some Ex Parte Orders for Protection do not require a hearing—although a Respondent can ask for one within 30 days of receiving a copy of the Ex Parte Order for Protection. If a Petitioner asks for certain things, or if the Judge orders certain things, then a hearing must automatically be set. Here is a list of the different kinds of things a Judge can order and whether the law requires a hearing. Remember, the Respondent can always ask for a hearing, as long as the request is made within 30 days of receiving a copy of the Ex Parte Order.

Things that don't require a hearing unless the Respondent asks for one:

- Prohibiting the Respondent from committing, or threatening to commit, acts of domestic or family violence, stalking, or sex offenses against the Petitioner or the Petitioner's family or household members;
- Prohibiting the Respondent from harassing, annoying, telephoning, contacting, or directly or indirectly communicating with the Petitioner;
- Ordering the Respondent to stay away from the Petitioner's residence, school, place of employment, or other places; and,
- Ordering the Respondent to stay away from places where the Petitioner's family or household members regularly go.

Things that can be ordered by the Judge right away, but that require a hearing to be held within 30 days:

- Evicting the Respondent from the Petitioner's home;
- Ordering the Respondent to give the Petitioner the possession and use of:
 - A home they both share;
 - A car or other motor vehicle;
 - Other necessary personal items;
- Giving Petitioner possession of an animal;
- Prohibiting Respondent from taking action against an animal;
- Directing a law enforcement officer to accompany the Petitioner to the parties' home to:
 - Ensure the Petitioner is safely restored to possession of the home, car, and other necessary personal items—including animals; or,

- Supervise the Petitioner’s or Respondent’s removal of personal belongings and animals; and,
- Ordering other additional relief.

Things that can only be ordered by the Judge once a hearing has been held:

- Parenting time—establish rules for parenting time, require that it be supervised by a third party, or deny parenting time altogether if necessary to protect the safety of the Petitioner or child;
- Ordering the Respondent to pay money to the Petitioner for various things, such as:
 - Attorney fees;
 - Rent/mortgage payments;
 - Child support/maintenance;
 - Medical expenses, counseling, shelter, repair or replacement of damaged property;
- Pay the costs and expenses incurred in connection with using a GPS tracking device, if one is ordered by the Court;
- Prohibiting the Respondent from possessing firearms, ammunition, or deadly weapons; and,
- If the Respondent owns a firearm, ammunition, or a deadly weapon, ordering the Respondent to surrender those items to a local law enforcement agency for the duration of the Order for Protection.
- Allow Petitioner or a child to continue to use a telephone number for which Petitioner will be financially responsible.

Should you see a lawyer?

In general, you have the right to file a Petition and to defend against one and go to court with or without an attorney. Because your situation may involve unique problems, you may want to consult with an attorney. Whether or not you have a lawyer, the other party may have one. The Clerk, the Court, and other court staff are prohibited from giving you legal advice.

What does the phrase *ex parte* mean?

The term *ex parte* means one-sided. A basic principle in our legal system is that all sides to a dispute get to present their case to a judge before the judge makes a decision on the case and issues an order or a ruling. All parties to a case have a right to be notified that a legal action is being taken against them, and they have a right to be heard and to dispute the action in court.

An *ex parte* order is contrary to this principle. It is issued after the judge has only heard one side of the case, and before the opposing side even has notice that legal action is being taken against them. An *ex parte* order is rare in the justice system. *Ex parte* orders are granted by courts in exceptional circumstances.

Are *Ex Parte* Orders for Protection automatically issued?

No. As just explained, *ex parte* orders are only granted in exceptional circumstances which require an immediate order without giving the other party an opportunity to respond. Court orders are not issued just because a person asks for one. It is important to pay attention to every detail in filling out your Petition for an Ex Parte Order for Protection. The Judge who reviews the Petition will carefully examine the information in the Petition to determine if the situation meets the statutory, or legal, requirements for an *ex parte* order.

Why might my Petition for an Ex Parte Order for Protection be denied?

There are many reasons why the Ex Parte Order for Protection might be denied. Some of the most common reasons include:

- The parties do not fit the statutory, or legal, definition of “family or household member.”
- The parties do not meet Indiana residency or employment requirements.
- The factual allegations do not meet the statutory, or legal, definitions of “domestic or family violence,” “stalking,” or of a “sex offense.”
- The allegations are vague. They lack a clear and understandable description of the time, place, or acts of the incident.
- If you are relying solely on what another person saw or told you, a failure to have a sworn affidavit from that other person.

INSTRUCTIONS FOR PETITIONERS

What steps need to be taken to get the court order?

1. **There are no fees associated with this kind of case. You should not be asked to pay a filing fee, a service of process fee, a witness fee, or a subpoena fee.**
2. You will need 4 copies of the Petition: 1 for a worksheet; 1 for the court’s file; 1 copy to be served on the Respondent; and, 1 copy for yourself.
3. You will need 1 copy of the Confidential Form. **Please note: you should have the Respondent’s correct name, correct date of birth or Social Security number, and correct, current address.** Respondent’s date of birth and/or Social Security number is required by federal law to get the Order for Protection into the national computer database. Every law enforcement officer in the state of Indiana and the United States has access to this computer database. In order for your order to be enforceable by the police, sheriff, or court, it needs to go into the Protection Order Registry. A correct, current address is required so that the Respondent can be served with copies of the court’s orders and other papers. If the Respondent is not served with those copies, he or she may not be held responsible for violating the order. Service is very important. It tells the Respondent about the order and about the hearing (if one has been set). Without service, there will not be a court

hearing (if one has been set) and your Ex Parte Order will expire unless the Judge extends it.

4. You will need 3 copies of the Notice of Exclusion: 1 for the court's file; 1 copy to be served on the Respondent; and, 1 copy for yourself. This Notice informs anyone reviewing the Court's file that the Confidential Form, a document excluded from public access under Indiana law, has been filed with the Court. 5. Fill in the Petition. Some courts may require that the Petition be typewritten. **The Petition is a public document. A copy of the Petition will be kept in the Court's file. Also, if an Ex Parte Order for Protection is granted or if the case is set for a hearing, a copy of the Petition will be sent to the Respondent.**

- a. Fill in the name of the county where the case will be filed and the court name.
 - b. Fill in your name and the Respondent's full name. Remember, you will need one Petition for each Respondent.
 - c. Check ("X") only the line which best applies to your case in Paragraph 2.a. Read each item carefully and fill in the necessary information. Be specific.
 - d. Make sure you list all the requested information about every court case in Paragraph 5 involving the Respondent, any child you may have with the Respondent, or yourself.
 - e. Regarding Paragraph 6: there is no minimum residency requirement for filing a Petition.
 - f. **If you are not represented by an attorney, fill in your public mailing address in Paragraph 7 of the Petition. This address will NOT be kept secret, so you should use a mailing address that you feel comfortable having public.** The address you place on the Confidential Form, PO-0104 will be kept confidential. If the order has been granted by the court, you may be eligible to obtain a confidential address through the Attorney General's Address Confidentiality Program (ACP). Call the ACP at: (317) 232-4747 or visit: <http://www.in.gov/attorneygeneral/3093.htm> to get information on how to participate in that program.
 - g. If you do not list the names of other family or household members you want protected in Paragraph 10 (and also list those people on the Confidential Form), you will be the only person protected by the Order for Protection.
 - h. Remember to sign and date the Petition.
4. If you are seeking an Order for Protection based on information given to you by other people (for example, a neighbor who saw the Respondent leave a threatening note in your mailbox, or follow you home one night), and not on the basis of what **you** personally observed, you must attach to the Petition affidavits by the people who do have personal knowledge of the facts that support the granting of an Order for Protection. Also, those people will have to appear in court in person, as witnesses, to testify for you if there is a hearing set in your case.

5. Take all of your completed forms and all copies to the Clerk's office. The Clerk will tell you where to take your papers.

What if the Judge issues an Ex Parte Order for Protection?

1. If you get an Ex Parte Order for Protection, make sure you get several copies from the clerk that are file-stamped and that have the judge's signature on them. Think about how many copies of the Order you will need: 1 to carry with you; 1 copy to give to your employer; 1 copy for your landlord/security guard; 1 copy for your children's school, etc.
2. If the court must hold a hearing on your Petition, make sure you know the correct date and time of the hearing before you leave the Clerk's office. Make sure you have the court's telephone number so that you can call ahead a few days before the hearing and confirm the court date and time.

How should I prepare for a hearing?

1. If the court holds a hearing on your Petition, go to the court hearing with any and all evidence you might have. If there are any witnesses to the Respondent's conduct, they must also be at the hearing.
2. If the Judge issues an Order for Protection Issued After a Hearing, make sure to get enough signed, file-stamped copies for yourself, your employer, etc.

INSTRUCTIONS FOR RESPONDENTS

1. If you are served with a *Petition for an Order for Protection and Request for a Hearing* and an *Ex Parte Order for Protection*, you should promptly seek legal advice. If you have no attorney, the lawyer referral service of your local bar association may be helpful. The Clerk, the Court, and other court staff are prohibited from giving you legal advice.
2. Read the papers served on you very carefully. The *Ex Parte Order for Protection* will forbid you from doing certain things, and may order you to do certain other things. **If you disobey the court's orders, criminal charges may be filed against you.**
3. If you wish to oppose the Petition or Order, or want to request your own Order for Protection, or if you want the court to have a hearing on the Petition and Order, you must go in person to the Clerk of the court that issued these papers. If you want to oppose the Petition or Order, you must do that at a hearing—the judge must hear your side of the case. To request a hearing, get a form from the Clerk entitled, "Respondent's Verified Request for a Hearing" and fill it out completely. You should not be charged a fee to file this form with the court. If you want to ask for your own Order for Protection, you will need to follow the "Instructions for Petitioners" and file a separate case.
4. If there is a hearing, you need to be there in person to allow the Judge to hear your side of the case. If you do not attend the hearing, the Judge can hear the case

without you and issue orders in your absence. If you have any witnesses, they must attend the hearing in person in order to testify for your side.

<p align="center">COVER SHEET (Check Only One)</p> <p>Protection Order <input checked="" type="checkbox"/> IC 34-26-5</p> <p>Child Protective Order <input type="checkbox"/> IC 31-34-2.3</p> <p>No Contact Order <input type="checkbox"/> IC 31-32-13 <input type="checkbox"/> IC 33-39-1-8 <input type="checkbox"/> IC 35-33-8-3.6 <input type="checkbox"/> IC 31-34 <input type="checkbox"/> IC 35-33-8-3.2 <input type="checkbox"/> IC 35-38-1-30 <input type="checkbox"/> IC 31-37 and/or 35-38-2-2.3</p> <p>Workplace Violence Restraining Order <input type="checkbox"/> IC 34-26-6</p>	<p>Case No. <input style="width:100%;" type="text" value="16 01- -PO-"/></p> <p>Court <input style="width:100%;" type="text"/></p> <p>DECATUR INDIANA</p> <p>County <input style="width:100%;" type="text"/></p>
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<p align="center">PETITIONER/PROTECTED PERSON/CHILD'S NAME IF CHILD IS PROTECTED PERSON</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%; height: 20px;"></td> <td style="width:33%; height: 20px;"></td> <td style="width:33%; height: 20px;"></td> </tr> <tr> <td align="center">First</td> <td align="center">Middle</td> <td align="center">Last</td> </tr> </table> <p>And/or on behalf of minor family member(s):[List name, Sex, Race & Birth Year] _____ _____ _____</p>				First	Middle	Last	<p align="center">PETITIONER/PROTECTED PERSON IDENTIFIERS</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="width:33%;">BIRTH YEAR</th> <th style="width:33%;">SEX</th> <th style="width:33%;">RACE</th> </tr> <tr> <td style="height: 20px;"></td> <td></td> <td></td> </tr> </table> <p>Other Protected Persons/Birth Year/Sex/Race: _____ _____ _____</p>	BIRTH YEAR	SEX	RACE			
First	Middle	Last											
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V.

<p align="center">RESPONDENT/DEFENDANT</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%; height: 20px;"></td> <td style="width:33%; height: 20px;"></td> <td style="width:33%; height: 20px;"></td> </tr> <tr> <td align="center">First</td> <td align="center">Middle</td> <td align="center">Last</td> </tr> </table> <p>Relationship between Petitioner/Protected Person: _____ _____</p> <p>Respondent's/Defendant's Address: _____ _____</p>				First	Middle	Last	<p align="center">RESPONDENT/DEFENDANT IDENTIFIERS</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="width:16.6%;">SEX</th> <th style="width:16.6%;">RACE</th> <th style="width:16.6%;">DOB</th> <th style="width:16.6%;">HT</th> <th style="width:16.6%;">WT</th> </tr> <tr> <td style="height: 20px;"></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <th>EYES</th> <th>HAIR</th> <th colspan="3">DISTINGUISHING FEATURES</th> </tr> <tr> <td style="height: 20px;"></td> <td></td> <td colspan="3"></td> </tr> <tr> <th colspan="2">DRIVERS LICENSE #</th> <th>STATE</th> <th colspan="2">EXP DATE</th> </tr> <tr> <td colspan="2" style="height: 20px;"></td> <td></td> <td colspan="2"></td> </tr> </table>	SEX	RACE	DOB	HT	WT						EYES	HAIR	DISTINGUISHING FEATURES								DRIVERS LICENSE #		STATE	EXP DATE						
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DRIVERS LICENSE #		STATE	EXP DATE																																		

CAUTION: Weapon Involved Weapon Present on the property

THE COURT FINDS:

That it has jurisdiction over the parties and subject matter, and the Respondent/Defendant has been or will be provided with reasonable notice and opportunity to be heard.

Additional findings of this order follow on succeeding pages.

THE COURT ORDERS:

The Respondent/Defendant is restrained from committing further acts of abuse or threats of abuse to the Petitioner/Protected Person.

___ Yes ___ No The Respondent/Defendant is Brady disqualified.

___ The Respondent/Defendant is restrained from any contact with the Petitioner. OR ___ The Respondent may only contact the Petitioner in the conditions in paragraph (s) ___ of the order.

Additional terms of this order follow on succeeding pages.

The terms of this order shall be effective until: (Check Only One)

_____ [date]

further order of the court.

WARNINGS TO RESPONDENT/DEFENDANT:

This order shall be enforced, even without registration, by the courts and law enforcement personnel of any state, the District of Columbia, any U.S. Territory, and may be enforced by Indian Tribal Government (18 U.S.C. Section 2265). Crossing state, territorial, or tribal boundaries to violate this order may result in Federal imprisonment (18 U.S.C. Section 2262).

Federal law provides penalties for possessing, transporting, shipping, or receiving any firearm or ammunition (18 U.S.C. Section 922(g)(8)).

Only the Court can change this order. [The following court information is required by statute.]

Court Phone (812) 663-8523

Court Hours: 8: 00 am to 4:00 pm

To verify status, call: Clerk (812) 663-8223

Sheriff (812)663-8125

Back page

STATE OF INDIANA) IN THE _____ COURT _____
) SS: (_____ DIVISION, ROOM _____)
COUNTY OF DECATUR)

CASE NO. 16 01- -PO-

_____,)
Petitioner (Your Name))
vs.)
_____,)
Respondent (Person to be Restrained))

PETITION FOR AN ORDER FOR PROTECTION AND REQUEST FOR A HEARING—Filed by Person Seeking Protection

IMPORTANT: This is a public document and a copy of it will be placed in the Court's file. A copy may also be sent to the Respondent. (Check those which apply)

1. I am filing this Petition for myself:

- a. I am or have been a victim of domestic or family violence;
- b. I am or have been a victim of a sex offense;
- c. I am or have been a victim of stalking.

2. The Respondent's relationship to me is:

- a. the Respondent is my family or household member (*check only the line which best applies*):
 - the Respondent is my spouse;
 - the Respondent used to be my spouse;
 - the Respondent and I resided together in an intimate relationship;
 - the Respondent and I have a child in common;
 - the Respondent and I are dating, or have dated, each other;
 - the Respondent and I are, or have been, engaged in a sexual relationship;
 - the Respondent and I are related by blood or adoption. The Respondent is my _____;
 - the Respondent and I are, or used to be, related by marriage. The Respondent is my _____;
 - the Respondent is, or used to be, my guardian;
 - the Respondent is, or used to be, my ward;
 - the Respondent is, or used to be, my custodian;
 - the Respondent is, or used to be, my foster parent; or,
 - I am a minor child of a person in one of the types of relationships described above.
 - I have adopted the child of the respondent.

- b. ___ the Respondent has committed stalking against me.
- c. ___ the Respondent has committed a sex offense against me.

3. **How old is the Respondent? _____ years old.**

4. **Please list all cases (divorce, protection orders, paternity, guardianship, criminal, juvenile, civil) involving the Respondent, yourself, or a child you have with the Respondent (*attach additional sheets of paper if necessary*):**

Case Name	Case Number	County & State

_____ **Continued on Attachment 4a.**

5. **This case is filed in this county because:**

- _____ a. the Respondent lives in this county.
- _____ b. the incident(s) of domestic or family violence, stalking, or the sex offense happened in this county.
- _____ c. I live in this county.

6. If you are not represented by an attorney, fill in your public mailing address:

This address will not be kept secret, so you should use a mailing address that you feel comfortable having public. The address you place on the Confidential Form, PO-0104 will be kept confidential. If the Court grants the order, you may be eligible to obtain a confidential address through the Attorney General’s Address Confidentiality Program (ACP). Email the ACP at: confidential@atg.state.in.us to get information on how to participate in that program.

7. **The Respondent has committed the following act(s) of domestic or family violence, stalking, or a sex offense (*check those which apply*):**

- ___ the Respondent attempted to cause physical harm to me;
- ___ the Respondent threatened to cause physical harm to me;
- ___ the Respondent did cause physical harm to me;
- ___ the Respondent placed me in fear of physical harm;
- ___ the Respondent caused me to involuntarily engage in sexual activity by force, threat of force, or duress;
- ___ the Respondent committed stalking against me;
- ___ the Respondent committed a sex offense against me;
- ___ the Respondent committed an act of animal cruelty by beating, torturing, mutilating, or killing a vertebrate animal without justification with an intent

to threaten, intimidate, coerce, harass or terrorize a family or household member.

- 8.** Describe what happened in each of the above incidents including the date(s), place(s) and witnesses to each incident (*attach additional sheets of paper if necessary*):

Date of Incident #1: _____

Place of Incident: _____

Description of Incident:

List the names of all of the people who were present during the incident. You must include your own name if you were present:

Date of Incident #2: _____

Place of Incident: _____

Description of Incident:

List the names of all of the people who were present during the incident. You must include your own name if you were present:

Date of Incident #3: _____

Place of Incident: _____

Description of Incident:

List the names of all of the people who were present during the incident. You must include your own name if you were present:

_____ **Continued on Attachment 8a.**

- 9.** I am asking the Court to order the following relief (*check all which apply*):

___ Prohibit the Respondent from committing, or threatening to commit, acts of domestic or family violence, stalking, or sex offenses against me;

___ Prohibit the Respondent from committing, or threatening to commit, acts of domestic or family violence, stalking, or sex offenses against my family or household members, whose names are:

_____;

___ Prohibit the Respondent from harassing, annoying, telephoning, contacting, or directly or indirectly communicating with me;

___ Order the Respondent to stay away from my residence, school, place of employment, or other place, which is the _____, located at:

_____;

___ Order the Respondent to stay away from the following location(s) frequented by my family or household member(s), which may include a residence, school, or place of employment: _____

_____.

Please complete:

Please list all owners or lease signers at my residence: _____

_____.

NOTE: The following requested relief may be granted immediately by the Judge, but the Court must hold a hearing within thirty (30) days:

___ Evict the Respondent from my residence, which is located at:

_____;

___ Order the Respondent to give me the possession and use of the following:

___ The residence located at: _____;

___ An automobile/other motor vehicle described as: _____;

___ Other necessary personal items, described as: _____

_____;

___ Prohibit Respondent from removing, transferring, injuring, concealing, harming, attacking, mistreating, threatening to harm, or otherwise disposing of the animal(s) listed below.

<i>Example</i>	<i>Name:</i>	<i>Max</i>
	<i>Age/Type:</i>	<i>9 year old dog</i>
	<i>Size /Breed:</i>	<i>Large 55 pound black lab</i>
	<i>Color/Description:</i>	<i>Black hair, pink collar</i>

Animal 1	Name:	_____
	Age/Type:	_____
	Size/Breed:	_____
	Color/Description:	_____

Animal 2 Name: _____
 Age/Type: _____
 Size/Breed: _____
 Color/Description: _____

Additional animals listed on Attachment 9(a).

___ Order that I will have the exclusive possession, care, custody, or control of an animal(s) owned, possessed, kept, or cared for by myself, the Respondent, a minor child of myself or the Respondent, or any other family or household member listed below.

Animal 1 Name: _____
 Age/Type: _____
 Size/Breed: _____
 Color/Description: _____

Animal 2 Name: _____
 Age/Type: _____
 Size/Breed: _____
 Color/Description: _____

Additional animals listed on Attachment 9(a).

___ Order the following additional relief necessary to provide for my safety and welfare and the safety and welfare of my family or household members:

NOTE: The following requested relief may be granted ONLY after notice to the Respondent and at a hearing to be held within thirty (30) days:

- ___ Specify the arrangements for parenting time with our minor child(ren);
- ___ Require that parenting time be supervised by a third party;
- ___ Deny the Respondent parenting time;
- ___ Order the Respondent to pay my attorney fees;
- ___ Order the Respondent to pay rent for my residence;
- ___ Order the Respondent to make payment on a mortgage for my residence;
- ___ Order the Respondent to pay child support for our minor child(ren);
- ___ Order the Respondent to pay support/maintenance for me;
- ___ Order the Respondent to reimburse me for expenses related to the domestic or family violence, stalking, or sex offense as follows

(specify the amount for each expense and bring documentation of the expense with you to Court for the Hearing):

___ Medical expenses: \$ _____
 ___ Counseling: \$ _____
 ___ Shelter: \$ _____
 ___ Repair or replacement of
 damaged property: \$ _____

 ___ Other costs or fees I have
 as a result of bringing this case: \$ _____

___ Prohibit the Respondent from using or possessing a firearm, ammunition, or
 deadly weapon;
 ___ Order the Respondent to surrender the following firearm(s), ammunition, or
 deadly weapon(s) to a specified law enforcement agency (*list each item
 below and attach an additional sheet of paper if necessary*):

 _____;

___ **Continued on Attachment 9(b).**

___ Order a wireless service provider to transfer to me the right to continued use
 of, and financial responsibility for, the following telephone number(s) used
 by me or by a minor child in my custody:

Telephone Number and User: _____
 Wireless Service Provider: _____
 Current Account Holder: _____

Telephone Number and User: _____
 Wireless Service Provider: _____
 Current Account Holder: _____

Additional telephone numbers listed on Attachment 9(c)

NOTE: A wireless service provider's normal requirements for setting up a new cellular telephone account still apply. You should consider whether you will be able to set up an account in your own name and whether you will be able to pay for the account.

10. Number of pages attached: _____

By filing this Petition, I am respectfully requesting that the Court immediately issue an Ex Parte Order for Protection. I understand that, if I have asked the Court for any of the following:

- evicting the Respondent from my/our home;

- giving me the possession of personal property;
- giving me possession of an animal;
- prohibiting Respondent from taking action against an animal;
- establishing rules for child parenting time;
- requiring the Respondent to pay fees, expenses, or child support;
- forbidding the Respondent from possessing a firearm, ammunition, or a deadly weapon;
- ordering the Respondent to surrender firearm(s), ammunition, or deadly weapons, or,
- allowing me or a child to continue to use a telephone number for which I will be financially responsible;

I must also ask the Court to set a date for a Hearing within thirty (30) days of today's date.

I understand that if a Hearing is set, and if I fail to appear for the Hearing, the Court may terminate the Ex Parte Order and dismiss the case.

I affirm, under the penalties for perjury, that the foregoing representations are true:

- a. on the basis of my own personal knowledge.
- b. on the basis that I have been informed and believe that the facts stated are true. *(NOTE: If this Petition is made solely on the basis of Petitioner's information and belief, Petitioner must attach affidavits by one or more persons who have personal knowledge of the facts stated.)*

DATE: _____

PETITIONER (Signature)

PETITIONER (Type or print name)

CASE IDENTIFICATION INFORMATION FOR CONFIDENTIAL FORM

For use by Court, Clerk, Prosecuting Attorney, and Law Enforcement Personnel ONLY

DIVISION OF STATE COURT ADMINISTRATION

STATE OF INDIANA)
 COUNTY OF DECATUR)

COURT: Superior, Room #: _____
 (check one) Circuit

CASE #: 16 01 - _____ - PO - _____

 PETITIONER/PLAINTIFF/NEXTFRIEND/STATE OF INDIANA
 v.

DATE: _____
 mm/dd/yyyy

 RESPONDENT/DEFENDANT

 EMPLOYEE (IF WVRO)

PERSON RESTRAINED

Name:	Home: (____) _____
Home address:	Work: (____) _____
Postal address (if different from home address):	Cell: (____) _____
Sex: <input type="checkbox"/> male <input type="checkbox"/> female	Email: _____
DOB:	Location of place of business or where person is usually or often found:
Any scars or tattoos? <input type="checkbox"/> Yes <input type="checkbox"/> No	Describe nature and location of any scars or tattoos:
Race:	Eye Color:
Hair color:	Height:
	Weight:

List the name(s), age, race, and sex of any person(s) residing at the household of the protected person who are NOT PROTECTED parties. Protected parties are listed on the Confidential Form which follows. Attach an additional sheet of paper if necessary.

Name:	Age:	Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female
	Race:	
Name:	Age:	Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female
	Race:	
Name:	Age:	Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female
	Race:	
Name:	Age:	Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female
	Race:	
Name:	Age:	Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female
	Race:	

CONFIDENTIAL FORM

Note: The following information is confidential under Indiana law pursuant to Indiana Code § 5-2-9-7, and it may not be released.

PETITIONER

Home address: _____

DOB: _____

Race: _____

Sex: male female

SSN: (optional)
____-____-____

DL# ____-____-____

ST: ____ EX: _____

Home: (____) _____

Work: (____) _____

Fax: (____) _____

Cell: (____) _____

Email: _____

PROTECTION ORDERS ONLY:

Do you wish to receive notifications when the order is issued, served, and about to expire? Yes No

Method: Email Text Fax

Cell Phone Service Provider (if you selected Text as the notification method): _____

You must provide data in the proper fields above to match the Method of notification chosen. See Notification Information at the bottom of this form.

Postal address (if different from home address): _____

When can protected person be reached at the above numbers or any alternative numbers?

Other protected address: _____

List the cities/counties where the protected person would like a copy of the order sent:

Address from confidentiality program of Attorney General: _____

OTHER PROTECTED PARTIES

Name: _____

Age: _____

Date of Birth: _____

Sex: Male Female

Race: _____

Name: _____

Age: _____

Date of Birth: _____

Sex: Male Female

Race: _____

Name: _____

Age: _____

Date of Birth: _____

Sex: Male Female

Race: _____

Attach an additional sheet of paper if necessary to list additional protected parties.

PERSON RESTRAINED

SSN: _____

The "Confidential Form" portion of this form must be on green paper according to Admin. Rule 9

Notification Information

- The user will incur standard text-messaging fees for any messages received.
- The user is responsible to notify the Clerk's office of any changes to their contact information which may include their cell phone number and email address.
- The Indiana Supreme Court's Division of State Court Administration may not be held liable for the failure of the receipt of a notification.
- The notifications sent to users are a service being provided by the Indiana Supreme Court's Division of State Court Administration.
- Cell Phone Service Providers Supported: Alltel, AT&T, Boost, Cellular South, Centennial Wireless, Cincinnati Bell, Cricket Wireless, Metro PCS, Powertel, Qwest, Rogers, Sprint, Suncom, Telus, T-Mobile, US Cellular, Verizon Wireless, Virgin Mobile

Form Administrative Rule 9-G1

STATE OF INDIANA
IN THE _____ COURT, COUNTY OF DECATUR

_____,)
Plaintiff(s),)
) Case No: 16__01-_____-PO-_____
vs.)
)
_____,)
Defendant(s))

**Administrative Rule 9(G)(5) Notice of Exclusion
of Confidential Information from Public Access
(FILED WITH TRIAL COURT CLERK)**

Contemporaneous with the filing of this notice, _____ [YOUR name]
has filed confidential information on green paper in accordance with Administrative Rule
9(G)(6). Pursuant to Administrative Rule 9(G)(5), _____ [YOUR name],
provides this notice that the confidential information contained on that green paper is to remain
excluded from public access in accordance with the authority listed below:

<u>Name or description of document filed on green paper.</u>	<u>Administrative Rule 9(G) grounds upon which exclusion is authorized.</u>
PO-0104, Confidential Form	1. Admin. R. 9 (G) (2) (g) (i) 2. Admin. R. 9 (G) (3) (b) 3. Ind. Code 5-2-9-5.5 (c) 4. Ind. Code 5-2-9-6 5. Ind. Code 5-2-9-7 6. Ind. Code 31-37-19-2 (2) 7. Ind. Code 33-39-1-8 (i) (2) 8. Ind. Code 34-26-5-3 (a) (C) 9. Ind. Code 34-26-6-13 10. Ind. Code 35-33-8-3.2 (f) (2) 11. Ind. Code 35-38-2-2.3 (f) (2)

Respectfully submitted,

[YOUR Name]

CERTIFICATE OF SERVICE

I certify that on this _____ day of _____, 20_____, the foregoing was served upon the following by [state method of service]:

[list names and addresses of counsel of record]

[Signature]