

INSTRUCTIONS FOR PETITION FOR ORDER OF PROTECTION—FILED ON BEHALF OF A CHILD

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 is 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 (in this case, a minor child) is called the “Petitioner.” The Petitioner must file a Petition in a court of record, against the other person, called the “Respondent.” There are 2 different Petitions a person can file: one kind allows a person to seek protection for himself or herself, and another allows a representative to ask for protection on behalf of a child. This representative is called the child’s “Next Friend.” This Instruction booklet explains how to fill out forms for a case in which the Next Friend is seeking protection on behalf of a child, *not* for himself or herself. If you want to apply for an Order for Protection for yourself, 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 next friend of the Petitioner provides the Respondent’s date of birth or social security number, the protection order cannot be entered into certain important databases (NCIC database and IDACS). Even without this information, the protection order will still be included in the Indiana Protection Order Registry.

Even if the 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 that the child’s custodian or anyone who has charge of the child, carry the Child’s Order For Protection with them at all times, especially when traveling with the child 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?

A parent, guardian, or other representative may file a Petition for an Order for Protection on behalf of a child against a:

- Family or household member who commits an act of domestic or family violence; or
- A person who has committed stalking or a sex offense against the child.

If you are the parent, guardian, or other representative of such a child, you will be known as the child’s “next friend” and the child will be known as the “Petitioner” or as “the Child”.

“Domestic or family violence” means, except for an act of self-defense, the occurrence of at least one (1) of the following acts committed by a family or household member:

1. attempting to cause, threatening to cause, or actually causing physical harm to the Child and/or another family or household member;
2. placing the Child and/or a family or household member in fear of physical harm;
3. causing the Child 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;
4. beating, torturing, mutilating, or killing a vertebrate animal without justification with an intent to threaten, intimidate, coerce, harass or terrorize the Child.

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 Child; or,
- Person who has committed stalking or a sex offense against the Child.
- In addition, please note that the Respondent may also be a minor child.

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

- The Child and the Respondent are now dating each other, or used to date each other;
- The Child 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 Child and the Respondent have a child in common;
- The Child and the Respondent are related by blood or adoption (for example, they are a brother and sister with the same parents);

- The Child 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 Child was the biological child of the Respondent and was adopted by the Petitioner;
- The Child and the Respondent are now, or used to be, in one of these kinds of relationships:
 - The Respondent is or was the Child’s guardian;
 - The Child is or was the Respondent’s ward;
 - The Respondent is or was the Child’s custodian;
 - The Respondent is or was the Child’s foster parent; or,
 - A similar relationship.

“**Stalking**” is defined by Indiana law (Indiana Code § 35-45-10-1) as: “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.” Stalking can occur solely on the Internet or by text or phone.

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 the Child 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 the Child'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 the Child needs an Order for Protection against more than one (1) Respondent?

The Next Friend 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.

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.

Will the Child have to come to court?

If a hearing is necessary, the Child may have to attend—especially if the Child is the only person who witnessed the Respondent's conduct. You should consult with an attorney. If you do not have an attorney, the lawyer referral service of your local bar association may be of some help.

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 on behalf of a minor child (“Petition”)*—this is the form used by the next friend 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 for the Child, 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 of the situations for which 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.

The Judge can order the following without 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 Child, or the Child's family or household members;
- Prohibiting the Respondent from harassing, annoying, telephoning, contacting, or directly or indirectly communicating with the Child;
- Ordering the Respondent to stay away from the Child's residence, school, place of employment, or other places; and,
- Ordering the Respondent to stay away from places where the Child's family or household members regularly go.

The Judge can order the following immediately but will have to hold a hearing within 30 days:

- Evicting the Respondent from the Child's home;
- Ordering the Respondent to give the Child 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 Child to the parties' home to:
 - Ensure that the Child is safely restored to possession of the home, car, and other necessary personal items—including animals; or
 - Supervise the Child's or the Respondent's removal of personal belongings and animals; and
- Ordering other additional relief.

The Judge can order the following *only after serving the Respondent with the petition and holding a hearing*:

- 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 Child;
- Ordering the Respondent to pay money for the benefit of the Child 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 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 legal requirements for an *ex parte* order.

Why might the 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 legal definition of “family or household member.”
- The Child does not live in Indiana, the Respondent does not live in Indiana, and the incident did not occur in Indiana.
- The factual allegations do not meet the 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 include 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 computer. 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 will 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 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. Fill in the name of the Child.
 - 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, the Child, and 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) 232-6201 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), the Child will be the only person protected by the Order for Protection.
 - h. Remember to sign and date the Petition.

6. 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 hurt the Child), 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 if there is a hearing set in the case.
7. Take all of your completed forms 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 the Child; 1 copy for a landlord/security guard; 1 copy for the Child's school, doctor, babysitter, etc.
2. If the court must hold a hearing on the 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. If you are not sure whether or not you will need something, bring it just in case the Judge wants to look at the information.
2. If the Judge issues an Order for Protection Issued After a Hearing, make sure to get enough signed, file-stamped copies for yourself, the Child, one (1) copy for a landlord/security guard; one (1) copy for the Child's school, doctor, babysitter, 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, you may be arrested and 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.

Cover Sheet for Protection Order, No Contact Order, Child Protective Order, Workplace Violence Restraining Order

COVER SHEET (Check Only One)		Case No. <input style="width: 90%;" type="text"/>
Protection Order <input type="checkbox"/> IC 34-26-5	Child Protective Order <input type="checkbox"/> IC 31-34-2.3	Court <input style="width: 90%;" type="text"/>
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		INDIANA
Workplace Violence Restraining Order <input type="checkbox"/> IC 34-26-6		County _____

PETITIONER/PROTECTED PERSON/CHILD'S NAME IF CHILD IS PROTECTED PERSON

First	Middle	Last

And/or on behalf of minor family member(s): [List name, Sex, Race & Birth Year]

V.

PETITIONER/PROTECTED PERSON IDENTIFIERS

BIRTH YEAR	SEX	RACE

Other Protected Persons/Birth Year/Sex/Race:

RESPONDENT/DEFENDANT

First	Middle	Last

Relationship between Petitioner/Protected Person: _____

Respondent's/Defendant's Address: _____

RESPONDENT/DEFENDANT IDENTIFIERS

SEX	RACE	DOB	HT	WT
EYES	HAIR	DISTINGUISHING FEATURES		
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 (219) _____ Court Hours: M-F 8:30am-12pm & 1pm-4:30pm
 To verify status, call: Clerk (219)- _____ Sheriff (219) 477-3000

STATE OF INDIANA)
COUNTY OF _____) SS:

IN THE _____ COURT ____
(_____ DIVISION, ROOM ____)

_____,)
Petitioner)
vs.)

CASE NO: _____

_____,)
Respondent)

**SUPPLEMENT TO COVER SHEET
PROTECTION ORDER**

PROTECTED PERSONS

FIRST	MIDDLE	LAST	BIRTH YEAR	SEX	RACE

FIRST	MIDDLE	LAST	BIRTH YEAR	SEX	RACE

FIRST	MIDDLE	LAST	BIRTH YEAR	SEX	RACE

FIRST	MIDDLE	LAST	BIRTH YEAR	SEX	RACE

FIRST	MIDDLE	LAST	BIRTH YEAR	SEX	RACE

FIRST	MIDDLE	LAST	BIRTH YEAR	SEX	RACE

FIRST	MIDDLE	LAST	BIRTH YEAR	SEX	RACE

STATE OF INDIANA) IN THE _____ COURT _____
) SS: (_____ DIVISION, ROOM _____)
 COUNTY OF _____)
 CASE NO. _____

_____))
 Name of Minor Child, Petitioner)
 _____,)
 By Child's Next Friend, (**Your Name**))
 vs.)
 _____,)
 Respondent (**Person to be Restrained**))

PETITION FOR AN ORDER FOR PROTECTION AND REQUEST FOR A HEARING—Filed on Behalf of a Child

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 a child. The child who needs protection is or has been a victim of domestic or family violence, a sex offense, or stalking, and I am that person's:

- parent
- guardian
- other representative (*describe:* _____).

2. What is the Respondent's relationship to the child who needs protection?

a. The Respondent is a family or household member (*check only the line which best applies*):

- the Respondent is, or used to be my spouse and the child lived with us;
- the Respondent and I resided together in an intimate relationship and the child lived with us;
- the Respondent is a parent of the child;
- the Respondent is, or used to, date the child;
- the Respondent is, or has been, engaged in a sexual relationship with the child;
- the Respondent and the child who needs protection have a child in common;
- the Respondent and the child are related by blood or adoption. The Respondent is the child's _____;
- the Respondent and the child are, or used to be, related by marriage. The Respondent is the child's _____;
- the Respondent is, or used to be, the child's guardian;
- the Respondent is, or used to be, the child's custodian;
- the Respondent is, or used to be, the child's foster parent;

- the child who needs protection is a minor child of someone in one of the types of relationships described above.
- b. the Respondent has committed stalking against the child who needs protection.
- c. the Respondent has committed a sex offense against the child who needs protection.

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

4. **Please list all cases (divorce, protection orders, paternity, guardianship, criminal, juvenile, civil) involving the Respondent, or the 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. the child who needs protection lives in this county.
- d. the Petitioner lives 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. 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 the child who needs protection;
- the Respondent threatened to cause physical harm to the child who needs protection;
- the Respondent did cause physical harm to the child who needs protection;
- the Respondent placed the child who needs protection in fear of physical harm;
- the Respondent caused the child who needs protection to involuntarily

- engage in sexual activity by force, threat of force, or duress;
- ___ the Respondent committed stalking against the child who needs protection;
- ___ the Respondent committed a sex offense against the child who needs protection.
- ___ 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 the child who needs protection;

Prohibit the Respondent from committing, or threatening to commit, acts of domestic or family violence, stalking, or sex offenses against the family or household members of the child who needs protection. Their names are:

_____;

Prohibit the Respondent from harassing, annoying, telephoning, contacting, or directly or indirectly communicating with the child who needs protection;

Order the Respondent to stay away from the child's 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 the family or household member(s) of the child, which may include a residence, school, or place of employment:

_____;

Please complete:

Please list all owners or lease signers at the Child's 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 the child's residence, which is located at: _____;

Order the Respondent to give the child 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>Description:</i>	<i>Black hair, pink collar</i>

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

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

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

Additional animals listed on Attachment 9(a).

___ Order the following additional relief necessary to provide for the child's safety and welfare and the safety and welfare of the child's 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;
- ___ Require that parenting time be supervised by a third party;
- ___ Deny the Respondent parenting time;
- ___ Order the Respondent to pay the Petitioner's or child's attorney fees;
- ___ Order the Respondent to pay rent for the child's residence;
- ___ Order the Respondent to make payment on a mortgage for the child's residence;

- ___ Order the Respondent to pay support for the child, or for minor child(ren) in common with the child who needs protection;
- ___ Order the Respondent to reimburse the Petitioner and/or the child who needs protection 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 the Petitioner or child has 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 9b.**

- ___ 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 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 for relief from the Court regarding any of the following:

- evicting the Respondent from the child's home;
- giving the child 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 in my custody to continue to use a telephone number that I will be financially responsible for;

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 - Type or print name of child

Signature of child's next friend

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 _____)

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

CASE #: _____ - _____ - _____ - _____

 PETITIONER/PLAINTIFF/NEXTFRIEND/STATE OF INDIANA
 v.

DATE: _____

 RESPONDENT/DEFENDANT

mm/dd/yyyy

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

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) _____

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: _____

Sex: Male Female

Date of Birth: _____

Race: _____

Name: _____

Age: _____

Sex: Male Female

Date of Birth: _____

Race: _____

Name: _____

Age: _____

Sex: Male Female

Date of Birth: _____

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

STATE OF INDIANA) IN THE _____ COURT
) SS:
COUNTY OF _____) Case Number:
(To be supplied by Clerk when case is filed.)

(Caption)

APPEARANCE BY ATTORNEY IN CIVIL CASE

This Appearance Form must be filed on behalf of every party in a civil case.

1. The party on whose behalf this form is being filed is:

Initiating _____ Responding _____ Intervening _____ ; and

the undersigned attorney and all attorneys listed on this form now appear in this case for the following parties:

Name of party _____

Address of party (see Question # 6 below if this case involves a protection from abuse order, a workplace violence restraining order, or a no-contact order)

Telephone # of party _____

(List on a continuation page additional parties this attorney represents in this case.)

2. Attorney information for service as required by Trial Rule 5(B)(2)

Name: _____ Atty Number: _____

Address: _____

Phone: _____

FAX: _____

Email Address: _____

(List on continuation page additional attorneys appearing for above party)

3. This is a _____ case type as defined in administrative Rule 8(B)(3).

4. I will accept service by:

FAX at the above noted number: Yes _____ No _____

Email at the above noted number: Yes ____ No ____

5. This case involves child support issues. Yes ____ No ____ (If yes, supply social security numbers for all family members on a separately attached document filed as confidential information on **light green paper**. Use Form TCM-TR3.1-4.)

6. This case involves a protection from abuse order, a workplace violence restraining order, or a no – contact order. Yes ____ No ____ (If Yes, the initiating party must provide an address for the purpose of legal service but that address should not be one that exposes the whereabouts of a petitioner.) The party shall use the following address for purposes of legal service:

_____ Attorney's address
_____ The Attorney General Confidentiality program address
(contact the Attorney General at 1-800-321-1907 or e-mail address is **confidential@atg.state.in.us**).
_____ Another address (provide)

7. This case involves a petition for involuntary commitment. Yes ____ No ____

8. If Yes above, provide the following regarding the individual subject to the petition for involuntary commitment:

a. Name of the individual subject to the petition for involuntary commitment if it is not already provided in #1 above: _____

b. State of Residence of person subject to petition: _____

c. At least one of the following pieces of identifying information:

(i) Date of Birth _____

(ii) Driver's License Number _____

State where issued _____ Expiration date _____

(iii) State ID number _____

State where issued _____ Expiration date _____

(iv) FBI number _____

(v) Indiana Department of Corrections Number _____

(vi) Social Security Number is available and is being provided in an attached confidential document Yes ____ No ____

9. There are related cases: Yes ____ No ____ (If yes, list on continuation page.)

10. Additional information required by local rule:

11. There are other party members: Yes ____ No ____ *(If yes, list on continuation page.)*

12. This form has been served on all other parties and Certificate of Service is attached:
Yes ____ No ____

Attorney-at-Law
(Attorney information shown above.)

APPEARANCE FORM –CONTINUATION PAGE (Civil Case)

Case Number: _____

First Name in Case Caption: _____

Continuation of Item #1 (For Attorney use only; list additional parties this attorney represents in this case):

Name: _____

Address: _____

Name: _____

Address: _____

Continuation of Item # 2 (For Attorney use only; list additional attorneys appearing for party member, as applicable):

Name: _____ Atty. Number: _____

Address: _____ Phone: _____

_____ FAX: _____

_____ Email Address: _____

Name: _____ Atty. Number: _____

Address: _____ Phone: _____

_____ FAX: _____

_____ Email Address: _____

Continuation of Item # 9 (Caption and case number of related cases):

Caption: _____ Case Number: _____

Continuation of Item # 11 (For Attorney use only; other party members not represented by this attorney)

Use additional continuation forms if needed.

NOT FOR PUBLIC ACCESS
IN ACCORDANCE WITH ADMINISTRATIVE RULE 9

Special Instructions: *This page must be on separate, light green paper. See bottom of page for text of Trial Rule 5(G)(2).*

STATE OF INDIANA) IN THE _____ COURT
) **SS:**
COUNTY OF _____) Case Number:

(Caption)

CIVIL APPEARANCE FORM

Item 5 (Social Security numbers of all family members in cases involving support):

Name: _____	SS # _____

Item 8 (Social Security number of person who is subject to involuntary commitment):

Name: _____ SS # _____

When only a portion of a document contains information excluded from public access pursuant to Administrative Rule 9(G)(1), said information shall be omitted [or redacted] from the filed document and set forth on a separate accompanying document on **light green paper** conspicuously marked "Not For Public Access" and clearly designating [or identifying] the caption and number of the case and the document and location within the document to which the redacted material pertains.

NOT FOR PUBLIC ACCESS

STATE OF INDIANA) IN THE _____ COURT _____
) SS: (_____ DIVISION, ROOM ____)
 COUNTY OF _____)
 _____,)
 Petitioner)
 vs.) CASE NO. _____
 _____,)
 Respondent)

NOTICE TO APPEAR

The Petitioner having filed a petition for an Order for Protection, the Court now finds the conditions in Indiana Code § 34-26-5 have been met, and sets this matter for Hearing as follows:

TO: _____
 DATE OF HEARING: _____
 TIME OF HEARING: _____
 LOCATION OF HEARING: _____

Please bring all documents and witnesses relating to this case with you to Court on your hearing date.

___ THE SHERIFF OF _____ COUNTY, INDIANA, IS ORDERED to personally serve this notice upon Respondent and make due return.

DATE: _____ Recommended for approval by, if applicable:
 _____, COMMISSIONER/REFEREE

Approved and ordered by:
 _____, JUDGE/MAGISTRATE

*******IMPORTANT NOTICE*******

IF YOU DO NOT ATTEND THE HEARING IN THIS CASE, THE JUDGE MAY HEAR THE CASE IN YOUR ABSENCE AND ORDER ADDITIONAL RELIEF THAT MAY INCLUDE:

- **EVICTION/EXCLUSION FROM A RESIDENCE;**
- **RESTRICTING POSSESSION OF PERSONAL PROPERTY;**
- **RESTRICTING PARENTING TIME;**
- **AWARDING CHILD SUPPORT; AND,**
- **PROHIBITING POSSESSION OF FIREARMS, AMMUNITION, OR DEADLY WEAPONS.**

Form Administrative Rule 9-G1

STATE OF INDIANA
IN THE _____ COURT, COUNTY OF _____

_____,)
Plaintiff(s),)
) Case No: _____
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, _____ has filed confidential information on green paper in accordance with Administrative Rule 9(G)(6). Pursuant to Administrative Rule 9(G)(5), _____, 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,

[Insert Name]

CERTIFICATE OF SERVICE

I certify that on this _____ day of _____, 20_____, the foregoing was served upon the following by _____:

[list names and addresses of counsel of record]

[Signature]