PROTECTION ORDERS: UPDATES AND FAQS

INDIANA COURTS

• In 2022:

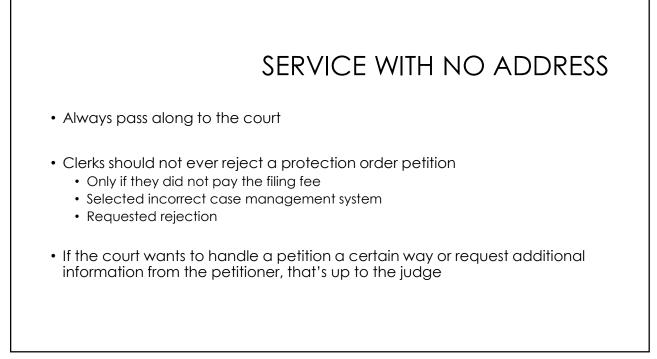
37,274

Civil Protection Order Petitions Filed

SERVICE WITH NO ADDRESS

MOST ASKED QUESTION

- Typically those are served by the county sheriff
- We are working on better instructions for electronic filing
- Indiana Rule of Trial Procedure 4
- Judge should be able to help
- Many more ways to get a respondent actual notice of an order
- Get as much information as you can: phone, email, social media, etc.



SERVICE OUT OF STATE

• Federal law (and Indiana law) prohibit charging any fees for protection orders

• If you have to send an order out of state

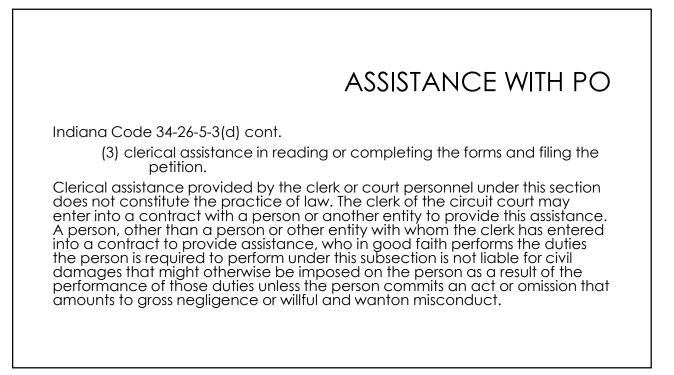
- Call ahead and speak to the local sheriff's office
- Remind them that they need to serve the order at no cost
- Continuing to charge a fee will affect the state's funding through the Violence Against Women Act
- If all of that fails, the charge for service can be passed along to the respondent

VFNUF A petition for an order for protection must be filed in the county in which the: (1) Petitioner currently or temporarily resides; (2) Respondent resides; or (3) Domestic or family violence occurred. There is no minimum residency requirement to petition for an order for protection.

ASSISTANCE WITH PO

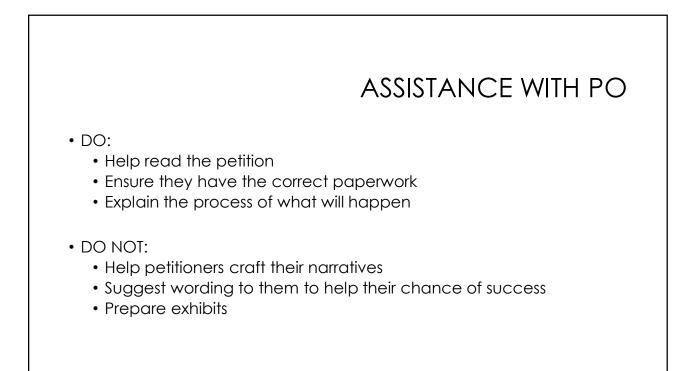
Indiana Code 34-26-5-3(d):

- The clerk of the circuit court, or a person or entity designated by the clerk of the circuit court, shall provide to a person requesting an order for protection:
 - (1) the forms adopted under subsection (a);
 - (2) all other forms required to petition for an order for protection, including forms:
 - (A) necessary for service; and
 - (B) required under IC 31-21 (or IC 31-17-3 before its repeal);



ASSISTANCE WITH PO

- Work with legal advocates
- Have the paper forms available
- Computer Access



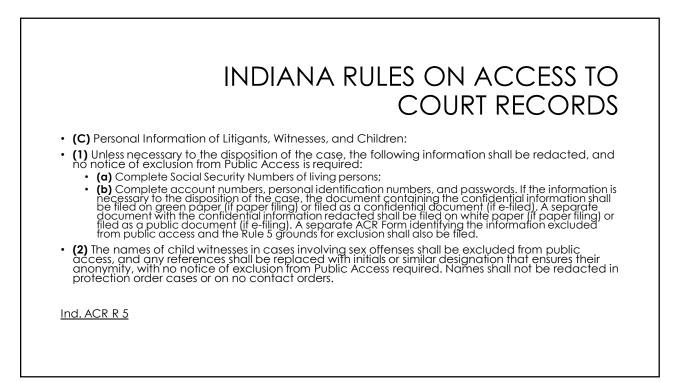
CONFIDENTIALITY

Protection Orders are not Confidential

EXCEPT

Information contained in Confidential Form**

**And protection orders transferred to juvenile court



EXPUNGEMENTS

34-26-7.5-3. Petition to expunge protection order.

(a)At any time after a court dismisses or denies an order for protection following issuance of an order for protection ex parte, as described in section 1(1) [*IC* 34-26-7.5-1(1)] of this chapter, the subject of the protection order may petition to expunge protection order records:

(1) with the court that issued or denied the protection order; and

(2) in the cause the protection order was issued under.

	EXPUNGEMENTS
(b) A	petition seeking to expunge protection order records must be filed under seal, verified, and include the following information:
	(1)The petitioner's full name.
	(2)The petitioner's date of birth.
	(3)The petitioner's address.
	(4)The case number or court cause number, if available.
	(5)The petitioner's Social Security number.
	(6)The petitioner's driver's license number.
	(7) The date of the order for protection or order for protection ex parte, if applicable.
	(8)A description of why the petitioner is entitled to relief, including all relevant dates.
	(9)Certified copies of the following, if applicable:
	(A)The order for protection.
	(B)The order for protection ex parte.
	(C)The order denying an order for protection.
	(D)The opinion from the appellate court reversing or vacating an order for protection or an order for protection ex parte.



ADDITIONAL INFORMATION

Protection Order Committee -Purpose, Structure, Meetings

Forms → https://www.in.gov/courts/iocs/publications/po-forms/

Desk Book

-Purpose, Layout, Update Version, Where to Find

Survey of Counties - PO Processes/Duties -Allen County

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