

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

_____,)
 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 (*describe by checking the correct line*):
 - the Respondent is, or used to be, my spouse;
 - 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 have a child in common;
 - 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.
- 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 any cases (divorce, paternity, guardianship, criminal, juvenile) 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. The public mailing address I wish to use for the purposes of serving pleadings, notices, and court orders is:
- _____
- _____

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.

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: _____;

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: _____;
- 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 visitation with our minor child(ren);
- Require that visitation be supervised by a third party;
- Deny the Respondent visitation;
- 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 9a.

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;
- establishing rules for child visitation;
- requiring the Respondent to pay fees, expenses, or child support;
- forbidding the Respondent from possessing a firearm, ammunition, or a deadly weapon; or,
- ordering the Respondent to surrender firearm(s), ammunition, or deadly weapons,

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 will 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)

CONFIDENTIAL FORM

For use by Court, Clerk, Prosecuting Attorney, and Law Enforcement Personnel ONLY
DIVISION OF STATE COURT ADMINISTRATION

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

STATE OF INDIANA)
COUNTY OF _____)

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

CASE #: _____ - _____ - _____ - _____

PETITIONER/PLAINTIFF/STATE OF INDIANA

v.

DATE: _____
m/d/yyyy

RESPONDENT/DEFENDANT

EMPLOYEE (IF WVRO)

PERSON PROTECTED

Name:

Does the protected person live within a municipal boundary?
(i.e., within city/town limits) Yes No

Home address:

If yes, which municipality? _____

DOB:

SSN: (optional)

Race:

Sex:

Telephone No.:

Home: (_____) _____

Work: (_____) _____

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:

PERSON RESTRAINED

Name:

Telephone No.:

Home address:

Home: (_____) _____

Work: (_____) _____

Postal address (if different from home address):

Location of place of business or where person is usually or often found:

Sex: male female

DOB:	SSN:	Describe nature and location of any scars or tattoos:	
Any scars or tattoos? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Race:	Hair color:	Height:	Weight:

List the name(s), dates of birth [DOB], race, and sex of any person(s) residing at the household of the protected person. Attach an additional sheet of paper if necessary.

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

NOTE: This portion of the Confidential Form must be completed when an order for protection, no-contact order, or workplace violence restraining order is requested. The information provided on this form will be used to update the statewide protective order database for the enforcement of the order.

To be filled out by court staff only:

SECTION I. TERMS AND CONDITIONS OF ORDER [check all that apply]

- 01 The respondent/defendant is restrained from assaulting, battering, threatening, abusing, harassing, following, interfering, or stalking the protected person and/or the child of the protected person.
- 02 The respondent/defendant shall not threaten a member of the protected person's family or household.
- 03 The protected person is granted exclusive possession of the residence or household.
- 04 The respondent/defendant is required to stay away from the residence, property, school or place of employment of the protected person or other family or household member.

- 05 The respondent/defendant is restrained from making any communication with the protected person(s), including but not limited to, personal, written, or telephone contact, or their employer, employees, or fellow workers, or others with whom the communication would be likely to cause annoyance or alarm the protected person(s).
- 06 The respondent [**not the protected person**] is awarded temporary custody of the children named.
- 07 The respondent/defendant is prohibited from possessing and/or purchasing a firearm or other weapon or ammunition.
- 08 Special terms and conditions of the order, such as keeping a certain number of yards away from the protected person, or whether this is a workplace violence restraining order. Please comment:

SECTION II. BRADY LAW: POSSESSION OR PURCHASE OF FIREARM OR AMMUNITION

PROHIBITED

Note: The person restrained under this Order is prohibited from *possessing* and/or *purchasing* a firearm or ammunition under Federal law { 18 USC §922(d)(8)} if the answer to each of the following three questions is “YES”.

1. Does the Order protect an intimate partner or child?

Yes No

2. Did the person restrained have an opportunity to participate in the hearing?

Yes No

3. Does the Order find that person a credible threat or explicitly prohibit physical force?

Yes No

Is the person restrained prohibited from possessing or purchasing a firearm/ammunition?

Yes No

(If the answers to Questions 1,2 and 3 above are all “YES”, check the “YES” box. If any are “NO”, check “NO”.)

Authorized by:
(signature) _____, **Presiding**
Judicial Officer

Date Order Issued: _____
m/d/yyyy

Date Order Expires: _____
m/d/yyyy

Cover Sheet for Protection Order No Contact Order, or Workplace Violence Restraining Order

COVER SHEET (Check Only One)

Protection Order
IC 34-26-5

No Contact Order

IC 31-32-13 IC 31-34 IC 31-37
IC 33-14-1-7 IC 35-33-8-3.2 IC 35-38-2-2.3

Workplace Violence Restraining Order
IC 34-26-6

Case No.

Court

INDIANA

County

PETITIONER/PROTECTED PERSON

--	--	--

First Middle Last

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

V.

PETITIONER/PROTECTED PERSON IDENTIFIERS

DOB	SEX	RACE

Other Protected Persons/DOB/Sex/Race:

RESPONDENT/DEFENDANT

--	--	--

First Middle Last

Relationship to 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 HERBY 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 HEREBY ORDERS:

- That the above named Respondent/Defendant be restrained from committing further acts of abuse or threats of abuse.
- That the Respondent/Defendant is Brady disqualified.
- That the above named Respondent/Defendant be restrained from any contact with the Petitioner/Protected Persons.

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 of any state, the District of Columbia, any U.S. Territory, and may be enforced by Tribal Lands (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 () Court Hours:
To verify status, call: Clerk () Sheriff ()

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

CASE NO. _____

_____,)
 Petitioner)
 vs.)
 _____,)
 Respondent)

EX PARTE ORDER FOR PROTECTION

The Court, under the authority of Indiana Code 34-26-5-9 (b), issues this Ex Parte Order for Protection.

FINDINGS

The Court, having reviewed the Petition and/or hearing testimony, now makes the following Findings:

- a. The Petitioner has shown, by a preponderance of the evidence, that domestic or family violence, stalking, or a sex offense has occurred sufficient to justify the issuance of this Order.
- b. The Respondent represents a credible threat to the safety of the Petitioner or a member of the Petitioner's household.*
- c. The following relief is necessary to bring about a cessation of the violence or the threat of violence.*

ORDER

(Check all applicable relief ordered)

- 1. *The Respondent is hereby enjoined from threatening to commit or committing acts of domestic or family violence, stalking, or a sex offense against the Petitioner and the following designated family or household members, if any:*

- 2. *The Respondent is prohibited from harassing, annoying, telephoning, contacting,
 or directly or indirectly communicating with the Petitioner.*
- 3. *The Respondent shall be removed and excluded from the Petitioner's residence.*

___4. *The Respondent is ordered to stay away from the residence, school, and/or place of employment of the Petitioner. The Respondent is further ordered to stay away from the following place(s) that is/are frequented by the Petitioner and/or the Petitioner's family or household members:* _____

___5. *The Petitioner shall have the possession and use of the residence/motor vehicle/other essential personal effects as follows:*

___6. The Court orders the following additional relief to provide for the safety and

welfare of the Petitioner and each family or household member designated in

Paragraph 1 of this Order:

___7. To law enforcement officers: You are hereby directed to accompany the Petitioner to the residence of the parties to ensure that the Petitioner is safely restored to the possession of the residence/motor vehicle/other essential personal effects listed above; and/or, you are to supervise the Petitioner's or Respondent's removal of personal belongings.

THIS EX PARTE ORDER FOR PROTECTION EXPIRES:

TWO (2) YEARS FROM THE DATE IT IS ISSUED;

OR

___ ON THE ___ DAY OF _____, 20__.

DATE: _____, JUDGE

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

VIOLATION OF THIS ORDER IS PUNISHABLE BY CONFINEMENT IN JAIL, PRISON, AND/OR A FINE.

IF SO ORDERED BY THE COURT, THE RESPONDENT IS FORBIDDEN TO ENTER OR STAY AT THE PETITIONER'S RESIDENCE, EVEN IF INVITED TO DO SO BY THE PETITIONER OR ANY OTHER PERSON. IN NO EVENT IS THE ORDER FOR PROTECTION VOIDED.

PURSUANT TO 18 U.S.C. 2265, THIS ORDER FOR PROTECTION SHALL BE GIVEN FULL FAITH AND CREDIT IN ANY OTHER STATE OR TRIBAL LAND AND SHALL BE ENFORCED AS IF IT WERE AN ORDER ISSUED IN THAT STATE OR TRIBAL LAND.

PURSUANT TO 18 U.S.C. 922(g), ONCE A RESPONDENT HAS RECEIVED NOTICE OF THIS ORDER AND AN OPPORTUNITY TO BE HEARD, IT IS A FEDERAL VIOLATION TO PURCHASE, RECEIVE, OR POSSESS A FIREARM WHILE SUBJECT TO THIS ORDER IF THE PROTECTED PERSON IS:

(A) THE RESPONDENT'S CURRENT OR FORMER SPOUSE;

(B) A CURRENT OR FORMER PERSON WITH WHOM THE RESPONDENT RESIDED WHILE IN AN INTIMATE RELATIONSHIP; OR

(C) A PERSON WITH WHOM THE RESPONDENT HAS A CHILD.

INTERSTATE VIOLATION OF THIS ORDER MAY SUBJECT THE RESPONDENT TO FEDERAL CRIMINAL PENALTIES UNDER 18 U.S.C. 2261 AND 18 U.S.C. 2262.