

STATE OF INDIANA)
)SS:
COUNTY OF _____)

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

CASE NO. _____

PLAINTIFF: _____
DEFENDANT: _____
EMPLOYEE: _____

**PETITION OF EMPLOYER FOR INJUNCTION PROHIBITING VIOLENCE OR
THREATS OF VIOLENCE AGAINST EMPLOYEE**

Application for Temporary Restraining Order

Read the Instructions for Petitions to Prohibit Workplace Violence before completing this form. NOTE: Plaintiff must be an employer with standing to bring this action under IC 34-26-6-4.

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 Defendant.

1. Plaintiff (*name*): _____ is a _____ corporation
_____ sole proprietorship _____ other (*specify*): _____
and is filing this case on behalf of the employee identified in Paragraph 2.

2. Employee (*name*): _____
Sex: _____ Male _____ Female
Date of birth: _____
(*Use a separate petition for each employee you are seeking to protect.*)

3. Defendant (*name*): _____
a. Resides at (*state address and county*): _____

b. Works at (*state address and county*): _____

c. _____ Is _____ Is not a current employee of plaintiff
(*explain if defendant is still an employee*): _____

4. This case is filed in this county because
a. _____ defendant resides in this county.
b. _____ defendant has caused physical or emotional injury to plaintiff's
employee in this county.
c. _____ other (*specify*): _____

5. Defendant has ___ battered ___ stalked or ___ made a credible threat of violence against the employee by knowing or willing statements or a course of conduct that would place a reasonable person in fear for his or her safety, or the safety of his or her immediate family.

a. One of more of these acts can reasonably be construed to be carried out or to have been carried out at the employee's workplace at *(address)*:

b. Describe what happened *(including the dates, who did what to whom, and any injuries)*: _____

___ Continued on Attachment 5b.

6. ___ Employee will suffer great and irreparable harm before this petition can be heard in court unless the court makes those orders requested below effective now and until the hearing. *(Specify the harm and why it will occur before the hearing)*:

___ Continued on Attachment 6

___ Plaintiff/plaintiff's attorney hereby certifies the following *(Check the appropriate box)*:

___ Oral notice of this petition has been given to the defendant.

___ Written notice of this petition has been given to the defendant.

___ Oral notice of this petition has been given to the defendant's attorney.

___ Written notice of this petition has been given to the defendant's attorney.

___ A good faith attempt was made to inform the defendant and/or the defendant's attorney of this petition. The efforts to inform consisted of *(specify)*: _____

___ Because of the following reasons, plaintiff/plaintiff's attorney should not be required to give notice to the defendant/defendant's attorney *(specify)*: _____

7. Defendant's conduct has been directed against employee and is knowing and willful, is not constitutionally protected, and does not constitute lawful acts of self-defense or defense of others.

PLAINTIFF REQUESTS THE COURT TO MAKE THE ORDERS INDICATED BY THE CHECK MARKS IN THE BOXES BELOW.

8. **RESTRAINING ORDERS** **To be ordered now and effective until the hearing**

a. **Defendant shall not engage in unlawful violence or make threats of violence against the employee and the following members of employee's family or household who reside with the employee:**

(1) **(Name):** _____

Sex: Male Female

Date of birth: _____

(2) **(Name):** _____

Sex: Male Female

Date of birth: _____

(3) **(Name):** _____

Sex: Male Female

Date of birth: _____

Continued on Attachment 8a.

b. **Specifically, defendant**

(1) shall not batter or stalk the employee and other protected persons.

(2) shall not follow or stalk the employee and other protected persons to or from the place of work.

(3) shall not follow the employee and other protected persons during hours of employment.

(4) shall not contact the employee and other protected persons, directly or indirectly, by **any** means, including but not limited to, in person, by telephone, in writing, by public or private mail, interoffice mail, by e-mail, by text message, by fax, or by other electronic means.

(5) shall not enter the workplace of the employee and other protected persons.

(6) other (*specify*): _____

9. **STAY-AWAY ORDERS** **To be ordered now and effective until the hearing.**

a. **Defendant** shall stay at least (*specify*): _____ **yards** away from the following places and persons (*the addresses of the places are optional and may be kept confidential*):

(1) Employee and other protected person identified in Paragraph 8a.

(2) Employee's residence (*address optional*): _____

(3) Employee's place of work (*address optional*): _____

(4) Employee's children's school or place of child care (*address optional*): _____

(5) Employee's vehicle (*specify*): _____

(6) Other (*specify*): _____

b. Will granting of any of the stay-away orders in Paragraph 9a deprive Defendant of access to his or her residence or place of employment?
 Yes No (*If yes, explain*): _____

10. **COSTS**
 Defendant should be ordered to pay costs as follows (*specify*): _____

11. **OTHER ORDERS** (*specify other orders you request to help carry out the orders previously requested*): _____

12. Plaintiff requests that copies of orders be given to the following law enforcement agencies:

<u>Law enforcement agency</u>	<u>Address</u>
_____	_____
_____	_____
_____	_____

13. Plaintiff requests that time for service of the *Order to Show Cause* and accompanying papers be shortened so that they may be served no less than (*specify number*): _____ days before the date set for the hearing. I need to have the order shortening time because of the facts contained in this petition.

14. Plaintiff has asked for restraining orders against the defendant in (*specify*): _____ County, Case No. (*specify*): _____

15. Employee has asked for an order for protection against the defendant in (*specify*): _____ County, Case No. (*specify*): _____

16. **DESCRIPTION OF DEFENDANT TO BE RESTRAINED**

Sex: Male Female Ht: _____ Wt. _____
Eye color: _____ Hair color: _____ Race: _____

Age: _____ Date of birth: _____

- 17. Plaintiff requests additional relief as may be proper.
- 18. ___ Plaintiff is not required to pay a fee for filing this petition because the petition alleges that the defendant has inflicted or threatened violence against an employee of the plaintiff, or stalked the employee, or acted or spoke in any other manner that has placed the employee in reasonable fear of violence, and seeks protective or restraining orders or injunctions restraining stalking or future violence or threats of violence in an action brought under IC 34-26-6-1 *et seq.*
- 19. Plaintiff understands that if the court issues an *Order to Show Cause*, a hearing will be held on the date shown in Paragraph 2 of the *Order to Show Cause*. At that hearing, plaintiff will be prepared to present evidence supporting the petition.
- 20. Number of pages attached: _____

(TYPE OR PRINT NAME)

(SIGNATURE OF ATTORNEY, IF ANY)

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 plaintiff's information and belief, plaintiff must attach affidavits by one or more persons who have personal knowledge of the facts stated.*)

Date: _____

(TYPE OR PRINT NAME)

(SIGNATURE OF PLAINTIFF)

Title of person signing: _____

ATTORNEY OR PARTY WITHOUT ATTORNEY (*Name, attorney registration number, and address*):

TELEPHONE NO.:

FAX NO.:

ATTORNEY FOR (*Name*):