Reprinted
March 30, 2007

ENGROSSED
SENATE BILL No. 311

DIGEST OF SB 311 (Updated March 29, 2007 4:45 pm - DI 84)

Citations Affected: IC 5-2; IC 31-9; IC 31-34; IC 34-26; noncode.

Synopsis: Child in need of services (CHINS). Provides that if the department of child services (department) determines that: (1) a child is a child in need of services; and (2) the child would be protected in the child's residence by the removal of the alleged perpetrator of child abuse or neglect; the department may file a petition to remove the alleged perpetrator from the child's residence instead of attempting to remove the child from the child's residence. Allows a court to issue a temporary child protective order without a hearing in an action by the department for the removal of the alleged perpetrator of child abuse or neglect. Requires a court to hold a hearing within 48 hours of issuing the order. Allows the court, after notice and a hearing, to issue a child protective order if certain conditions are met. Makes it a Class A misdemeanor for: (1) a parent or other adult with whom a child continues to reside after the issuance of a child protective order to knowingly or intentionally fail to comply with the requirements of an order; or (2) for an alleged perpetrator of child abuse to knowingly or intentionally return to a child's residence in violation of an order. Requires a court to consider placing a child with a de facto custodian or stepparent before considering an out-of-home placement when a child alleged to be a child in need of services is taken into custody.

Effective: July 1, 2007.

Hershman

(HOUSE SPONSORS — WELCH, GUTWEIN, ORENTLICHER)

January 11, 2007, read first time and referred to Committee on Judiciary.
February 15, 2007, reported favorably — Do Pass.
February 19, 2007, read second time, ordered engrossed. Engrossed.
February 20, 2007, read third time, passed. Yeas 47, nays 0.

HOUSE ACTION

March 12, 2007, read first time and referred to Committee on Courts and Criminal Code.
March 22, 2007, amended, reported — Do Pass.
March 27, 2007, read second time, amended, ordered engrossed.
March 28, 2007, engrossed.
March 29, 2007, read third time, recommitted to Committee of One, amended; passed. Yeas 94, nays 0.

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March 30, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type.~~

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~*this style type*~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

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ENGROSSED
SENATE BILL No. 311

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 5-2-9-2.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2.1. (a) As used in this chapter, "protective order" means:

(1) a protective order issued under IC 34-26-5 (or, if the order involved a family or household member, IC 34-26-2-12(1)(A), IC 34-26-2-12(1)(B), IC 34-26-2-12(1)(C), IC 34-4-5.1-5(a)(1)(A), IC 34-4-5.1-5(a)(1)(B), or IC 34-4-5.1-5(a)(1)(C) before their repeal);

(2) an ex parte protective order issued under IC 34-26-5 (or, if the order involved a family or household member, an emergency protective order issued under IC 34-26-2-6(1), IC 34-26-2-6(2), or IC 34-26-2-6(3) or IC 34-4-5.1-2.3(a)(1)(A), IC 34-4-5.1-2.3(a)(1)(B), or IC 34-4-5.1-2.3(a)(1)(C) before their repeal);

(3) a protective order issued under IC 31-15-4-1 (or IC 31-1-11.5-7(b)(2), IC 31-1-11.5-7(b)(3), IC 31-16-4-2(a)(2), or IC 31-16-4-2(a)(3) before their repeal);

(4) a dispositional decree containing a no contact order issued under IC 31-34-20-1, IC 31-37-19-1, or IC 31-37-19-6 (or IC 31-6-4-15.4 or IC 31-6-4-15.9 before their repeal) or an order containing a no contact order issued under IC 31-32-13 (or IC 31-6-7-14 before its repeal);

(5) a no contact order issued as a condition of pretrial release, including release on bail or personal recognizance, or pretrial diversion;

(6) a no contact order issued as a condition of probation;

(7) a protective order issued under IC 31-15-5-1 (or IC 31-1-11.5-8.2 or IC 31-16-5 before their repeal);

(8) a protective order issued under IC 31-14-16-1 in a paternity action;

(9) a no contact order issued under IC 31-34-25 in a child in need of services proceeding or under IC 31-37-25 in a juvenile delinquency proceeding; ~~or~~

(10) a workplace violence restraining order issued under IC 34-26-6; **or**

(11) a child protective order issued under IC 31-34-2.3.

(b) Whenever a protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order** is issued by an Indiana court, the Indiana court must caption the order in a manner that indicates the type of order issued and the section of the Indiana Code that authorizes the protective order, no contact order, or workplace violence restraining order. The Indiana court shall also place on the order the court's hours of operation and telephone number with area code.

SECTION 2. IC 5-2-9-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. A depository is established in the office of each sheriff and law enforcement agency in Indiana for the purpose of collecting, maintaining, and retaining the following:

(1) Protective orders.

(2) No contact orders.

(3) Workplace violence restraining orders.

(4) Child protective orders.

SECTION 3. IC 5-2-9-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) The clerk of a court that issues a protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order** shall provide a copy of the order to the following:

(1) Each party.

(2) A law enforcement agency of the municipality in which the

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protected person resides. If a person and an employer are:

(A) both protected by an order under this section; and

(B) domiciled in different municipalities;

the clerk shall send a copy of the order to the law enforcement agency of the municipality in which the person resides and the employer is located.

(3) If the protected person, including an employer, is not domiciled in a municipality, the sheriff of the county in which the protected person resides.

(b) The clerk of a court that issues a protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order** or the clerk of a court in which a petition is filed shall:

(1) maintain a confidential file to secure any confidential information about a protected person designated on a uniform statewide form prescribed by the division of state court administration;

(2) provide a copy of the confidential form that accompanies the protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order** to the following:

(A) The sheriff of the county in which the protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order** was issued.

(B) The law enforcement agency of the municipality, if any, in which the protected person, including an employer, is domiciled.

(C) Any other sheriff or law enforcement agency designated in the protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order** that has jurisdiction over the area in which a protected person, including an employer, may be located or protected; and

(3) after receiving the return of service information, transmit all return of service information to each sheriff and law enforcement agency required under subdivision (2).

(c) A sheriff or law enforcement agency that receives a protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order** under subsection (a) and a confidential form under subsection (b) shall:

(1) maintain a copy of the protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order** in the depository established under this chapter;

(2) enter:

(A) the date and time the sheriff or law enforcement agency

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receives the protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order;**

(B) the location of the person who is subject to the protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order,** if reasonably ascertainable from the information received;

(C) the name and identification number of the officer who serves the protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order;**

(D) the manner in which the protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order** is served;

(E) the name of the petitioner and any other protected parties;

(F) the name, Social Security number, date of birth, and physical description of the person who is the subject of the protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order,** if reasonably ascertainable from the information received;

(G) the date the protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order** expires;

(H) a caution indicator stating whether a person who is the subject of the protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order** is believed to be armed and dangerous, if reasonably ascertainable from the information received; and

(I) if furnished, a Brady record indicator stating whether a person who is the subject of the protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order** is prohibited from purchasing or possessing a firearm or ammunition under federal law, if reasonably ascertainable from the information received;

on the copy of the protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order** or the confidential form; and

(3) establish a confidential file in which a confidential form that contains information concerning a protected person is kept.

(d) A protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order** may be removed from the depository established under this chapter only if the sheriff or law enforcement agency that administers the depository receives:

(1) a notice of termination on a form prescribed or approved by

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the division of state court administration;

(2) an order of the court; or

(3) a notice of termination and an order of the court.

(e) If a protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order** in a depository established under this chapter is terminated, the person who obtained the order must file a notice of termination on a form prescribed or approved by the division of state court administration with the clerk of the court. The clerk of the court shall provide a copy of the notice of termination of a protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order** to each of the depositories to which the protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order** and a confidential form were sent. The clerk of the court shall maintain the notice of termination in the court's file.

(f) If a protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order** or form in a depository established under this chapter is extended or modified, the person who obtained the extension or modification must file a notice of extension or modification on a form prescribed or approved by the division of state court administration with the clerk of the court. The clerk of the court shall provide a copy of the notice of extension or modification of a protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order** to each of the depositories to which the order and a confidential form were sent. The clerk of the court shall maintain the notice of extension or modification of a protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order** in the court's file.

(g) The clerk of a court that issued an order terminating a protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order** that is an ex parte order shall provide a copy of the order to the following:

(1) Each party.

(2) The law enforcement agency provided with a copy of a protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order** under subsection (a)

SECTION 4. IC 5-2-9-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) Any information:

(1) in a uniform statewide confidential form or any part of a confidential form prescribed by the division of state court administration that must be filed with a protective order, no contact order, ~~or~~ workplace violence restraining order, **or child**

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protective order; or

(2) otherwise acquired concerning a protected person;

is confidential and may not be divulged to any respondent or defendant.

(b) Information described in subsection (a) may only be used by:

(1) a court;

(2) a sheriff;

(3) another law enforcement agency;

(4) a prosecuting attorney; or

(5) a court clerk;

to comply with a law concerning the distribution of the information.

SECTION 5. IC 5-2-9-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. A law enforcement agency that receives a copy of a protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order** shall enter the information received into the Indiana data and communication system (IDACS) computer under IC 10-13-3-35 upon receiving a copy of the order.

SECTION 6. IC 31-9-2-14, AS AMENDED BY P.L.1-2006, SECTION 496, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. (a) "Child abuse or neglect", for purposes of IC 31-32-11-1, IC 31-33, IC 31-34-7-4, and IC 31-39-8-4, refers to a child who is alleged to be a child in need of services as described in IC 31-34-1-1 through IC 31-34-1-5.

(b) **For purposes of subsection (a),** the term **under subsection (a)** does not refer to a child who is alleged to be a child in need of services if the child is alleged to be a victim of a sexual offense under IC 35-42-4-3 unless the alleged offense under IC 35-42-4-3 involves the fondling or touching of the buttocks, genitals, or female breasts.

(c) "Child abuse or neglect", for purposes of IC 31-34-2.3, refers to acts or omissions by a person against a child as described in IC 31-34-1-1 through IC 31-34-1-9.

SECTION 7. IC 31-9-2-35.5, AS AMENDED BY P.L.145-2006, SECTION 186, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 35.5. "De facto custodian", for purposes of IC 31-14-13, ~~and~~ IC 31-17-2, **and IC 31-34-4,** means a person who has been the primary caregiver for, and financial support of, a child who has resided with the person for at least:

(1) six (6) months if the child is less than three (3) years of age; or

(2) one (1) year if the child is at least three (3) years of age.

Any period after a child custody proceeding has been commenced may not be included in determining whether the child has resided with the

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person for the required minimum period. The term does not include a person providing care for a child in a foster family home (as defined in IC 31-9-2-46.9).

SECTION 8. IC 31-34-2.3 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

Chapter 2.3. Child Protective Orders for Removal of Alleged Perpetrators

Sec. 1. If, after an investigation, the department determines that:

(1) there is probable cause to believe that a child is a child in need of services; and

(2) the child would be protected in the child's residence by the removal of the alleged perpetrator of child abuse or neglect;

the department may file a petition to remove the alleged perpetrator from the child's residence instead of attempting to remove the child from the child's residence.

Sec. 2. A court may issue a temporary child protective order in an action by the department for the removal of an alleged perpetrator of child abuse or neglect under section 1 of this chapter without a hearing if the department's petition to remove the alleged perpetrator states facts sufficient to satisfy the court of all of the following:

(1) There is an immediate danger to the physical health or safety of the child or the child has been a victim of sexual abuse.

(2) There is not time for an adversary hearing given the immediate danger to the physical health or safety of the child.

(3) The child is not in danger of child abuse or neglect from a parent or other adult with whom the child will continue to reside in the child's residence.

(4) The issuance of a temporary child protective order is in the best interest of the child.

Sec. 3. The department shall serve a temporary child protective order issued under section 2 of this chapter on:

(1) the alleged perpetrator of child abuse or neglect; and

(2) the parent or other adult with whom the child will continue to reside.

Sec. 4. (a) A juvenile court shall hold a hearing on the temporary child protective order issued under this chapter not more than forty-eight (48) hours (excluding Saturdays, Sundays, and any day on which a legal holiday is observed for state

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employees as provided in IC 1-1-9) after the temporary child protective order is issued.

(b) The department shall provide notice of the time, place, and purpose of the hearing to the following:

(1) The child.

(2) The child's parent, guardian, or custodian if the person can be located.

(3) Any adult with whom the child is residing.

(4) The alleged perpetrator of child abuse or neglect.

Sec. 5. (a) After notice and a hearing, the court may issue a child protective order if the department's petition to remove the alleged perpetrator states facts sufficient to satisfy the court that:

(1) the child is not in danger of child abuse or neglect from a parent or other adult with whom the child will continue to reside in the child's residence; and

(2) one (1) or more of the following exist:

(A) The presence of the alleged perpetrator of child abuse or neglect in the child's residence constitutes a continuing danger to the physical health or safety of the child.

(B) The child has been the victim of sexual abuse, and there is a substantial risk that the child will be the victim of sexual abuse in the future if the alleged perpetrator of child abuse or neglect remains in the child's residence.

(b) If the court issues a child protective order under this section, the court may grant other relief as provided under IC 34-26-5-9.

(c) A child protective order issued under this section is valid until one (1) of the following occurs:

(1) The court determines the child is not a child in need of services.

(2) The child is adjudicated a child in need of services and the court enters a dispositional decree.

Sec. 6. A temporary child protective order issued under this chapter or any other order that requires the removal of an alleged perpetrator of child abuse or neglect from the residence of a child must require that the parent or other adult with whom the child will continue to reside in the child's residence makes reasonable efforts:

(1) to monitor the residence; and

(2) to report to the department and the appropriate law enforcement agency any attempt by the alleged perpetrator of child abuse or neglect to return to the child's residence.

Sec. 7. A parent or other adult with whom a child continues to

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reside after the issuance of a child protective order issued under section 2 or 5 of this chapter for removal of an alleged perpetrator of child abuse or neglect who knowingly or intentionally fails to comply with the requirements under section 6 of this chapter commits a Class A misdemeanor.

Sec. 8. An alleged perpetrator of child abuse who knowingly or intentionally returns to a child's residence in violation of a child protective order issued under section 2 or 5 of this chapter commits a Class A misdemeanor. However, the offense is a Class D felony if the alleged perpetrator has a prior unrelated conviction under this section.

SECTION 9. IC 31-34-4-2, AS AMENDED BY P.L.145-2006, SECTION 290, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) If a child alleged to be a child in need of services is taken into custody under an order of the court under this chapter, the court shall consider placing the child with a:

(1) suitable and willing blood or **an** adoptive relative caretaker, including a grandparent, an aunt, an uncle, or an adult sibling;

(2) de facto custodian; or

(3) stepparent;

before considering any other out-of-home placement.

(b) Before placing a child in need of services with a blood relative or an adoptive relative caretaker, **a de facto custodian, or a stepparent,** the court may order the department to:

(1) complete a home study of the relative's home; and

(2) provide the court with a placement recommendation.

(c) Except as provided in subsection (e), before placing a child in need of services in an out-of-home placement, including placement with a blood or an adoptive relative caretaker, **a de facto custodian, or a stepparent,** the court shall order the department to conduct a criminal history check of each person who is currently residing in the location designated as the out-of-home placement.

(d) Except as provided in subsection (f), a court may not order an out-of-home placement if a person described in ~~subsection (c)(1) or (c)(2)~~ **subsection (c)** has:

(1) committed an act resulting in a substantiated report of child abuse or neglect; or

(2) been convicted of a felony listed in IC 31-27-4-13 or had a juvenile adjudication for an act that would be a felony listed in IC 31-27-4-13 if committed by an adult.

(e) The court is not required to order the department to conduct a criminal history check under subsection (c) if the court orders an

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out-of-home placement to an entity or a facility that is not a residence (as defined in IC 3-5-2-42.5) or that is licensed by the state.

(f) A court may order an out-of-home placement if:

(1) a person described in ~~subsection (c)(1) or (c)(2)~~ **subsection (c)** has:

(A) committed an act resulting in a substantiated report of child abuse or neglect; or

(B) been convicted or had a juvenile adjudication for:

(i) reckless homicide (IC 35-42-1-5);

(ii) battery (IC 35-42-2-1) as a Class C or D felony;

(iii) criminal confinement (IC 35-42-3-3) as a Class C or D felony;

(iv) arson (IC 35-43-1-1) as a Class C or D felony;

(v) a felony involving a weapon under IC 35-47 or IC 35-47.5 as a Class C or D felony;

(vi) a felony relating to controlled substances under IC 35-48-4 as a Class C or D felony; or

(vii) a felony that is substantially equivalent to a felony listed in items (i) through (vi) for which the conviction was entered in another state; and

(2) the court makes a written finding that the person's commission of the offense, delinquent act, or act of abuse or neglect described in subdivision (1) is not relevant to the person's present ability to care for a child, and that the placement is in the best interest of the child.

However, a court may not order an out-of-home placement if the person has been convicted of a felony listed in IC 31-27-4-13 that is not specifically excluded under subdivision (1)(B), or has a juvenile adjudication for an act that would be a felony listed in IC 31-27-4-13 if committed by an adult that is not specifically excluded under subdivision (1)(B).

(g) In making its written finding under subsection (f), the court shall consider the following:

(1) The length of time since the person committed the offense, delinquent act, or abuse or neglect.

(2) The severity of the offense, delinquent act, or abuse or neglect.

(3) Evidence of the person's rehabilitation, including the person's cooperation with a treatment plan, if applicable.

SECTION 10. IC 31-34-20-1, AS AMENDED BY P.L.146-2006, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. Subject to section 1.5 of this chapter, if a child is a child in need of services, the juvenile court may enter one (1) or

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more of the following dispositional decrees:

(1) Order supervision of the child by the probation department or the county office or the department.

(2) Order the child to receive outpatient treatment:

(A) at a social service agency or a psychological, a psychiatric, a medical, or an educational facility; or

(B) from an individual practitioner.

(3) Remove the child from the child's home and place the child in another home or shelter care facility. Placement under this subdivision includes authorization to control and discipline the child.

(4) Award wardship to a person or shelter care facility.

(5) Partially or completely emancipate the child under section 6 of this chapter.

(6) Order:

(A) the child; or

(B) the child's parent, guardian, or custodian;

to receive family services.

(7) Order a person who is a party to refrain from direct or indirect contact with the child.

(8) Order a perpetrator of child abuse or neglect to refrain from returning to the child's residence.

SECTION 11. IC 34-26-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) The division of state court administration shall:

(1) develop and adopt:

(A) a petition for an order for protection;

(B) an order for protection, including:

(i) orders issued under this chapter;

(ii) ex parte orders;

(iii) no contact orders under IC 31 and IC 35; ~~and~~

(iv) forms relating to workplace violence restraining orders under IC 34-26-6; **and**

(v) forms relating to a child protective order under IC 31-34-2.3;

(C) a confidential form;

(D) a notice of modification or extension for an order for protection, a no contact order, ~~or~~ a workplace violence restraining order, **or a child protective order;**

(E) a notice of termination for an order for protection, a no contact order, ~~or~~ a workplace violence restraining order, **or a child protective order;** and

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(F) any other uniform statewide forms necessary to maintain an accurate registry of orders; and

(2) provide the forms under subdivision (1) to the clerk of each court authorized to issue the orders.

(b) In addition to any other required information, a petition for an order for protection must contain a statement listing each civil or criminal action involving:

(1) either party; or

(2) a child of either party.

(c) The following statements must be printed in boldface type or in capital letters on an order for protection, a no contact order, ~~or~~ a workplace violence restraining order, **or a child protective order:**

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 **OR RESIDENCE OF ANY CHILD WHO IS THE SUBJECT OF THE ORDER,** 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.

(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

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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 31-17-3; and

(3) clerical assistance in reading or completing the forms and filing the petition.

Clerical assistance provided by the clerk or court personnel under this section does not constitute the practice of law. The clerk of the circuit court may enter into a contract with a person or another entity to provide this assistance. A person, other than a person or other entity with whom the clerk has entered into a contract to provide assistance, who in good faith performs the duties the person is required to perform under this subsection is not liable for civil damages that might otherwise be imposed on the person as a result of the performance of those duties unless the person commits an act or omission that amounts to gross negligence or willful and wanton misconduct.

(e) A petition for an order for protection must be:

(1) verified or under oath under Trial Rule 11; and

(2) issued on the forms adopted under subsection (a).

(f) If an order for protection is issued under this chapter, the clerk shall comply with IC 5-2-9.

SECTION 12. IC 34-26-5-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 18. The following orders are required to be entered into the Indiana data and communication system (IDACS) by a county sheriff or local law enforcement agency:

(1) A no contact order issued under IC 31-32-13 in a juvenile case.

(2) A no contact order issued under IC 31-34-20 in a child in need of services (CHINS) case.

(3) A no contact order issued under IC 31-34-25 in a CHINS case.

(4) A no contact order issued under IC 31-37-19 in a delinquency case.

(5) A no contact order issued under IC 31-37-25 in a delinquency case.

(6) A no contact order issued under IC 33-39-1-8 in a criminal case.

(7) An order for protection issued under this chapter.

(8) A workplace violence restraining order issued under IC 34-26-6.

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(9) A no contact order issued under IC 35-33-8-3.2 in a criminal case.

(10) A no contact order issued under IC 35-38-2-2.3 in a criminal case.

(11) A child protective order issued under IC 31-34-2.3.

SECTION 13. [EFFECTIVE JULY 1, 2007] **IC 31-34-2.3-6 and IC 31-34-2.3-7, both as added by this act, apply only to offenses committed after June 30, 2007.**

C o p y

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 311, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 311 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 6, Nays 0.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 311, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 31-9-2-14, AS AMENDED BY P.L.1-2006, SECTION 496, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. (a) "Child abuse or neglect", for purposes of IC 31-32-11-1, IC 31-33, IC 31-34-7-4, and IC 31-39-8-4, refers to a child who is alleged to be a child in need of services as described in IC 31-34-1-1 through IC 31-34-1-5.

(b) **For purposes of subsection (a),** the term **under subsection (a)** does not refer to a child who is alleged to be a child in need of services if the child is alleged to be a victim of a sexual offense under IC 35-42-4-3 unless the alleged offense under IC 35-42-4-3 involves the fondling or touching of the buttocks, genitals, or female breasts.

(c) "Child abuse or neglect", for purposes of IC 31-34-2.3, refers to acts or omissions by a person against a child as described in IC 31-34-1-1 through IC 31-34-1-9.".

Page 1, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 3. IC 31-34-2.3 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

Chapter 2.3. Removal of Alleged Perpetrators

Sec. 1. If, after an investigation, the department determines that:

(1) a child is a child in need of services; and

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(2) the child would be protected in the child's residence by the removal of the alleged perpetrator of child abuse or neglect;

the department may file a petition to remove the alleged perpetrator from the child's residence instead of attempting to remove the child from the child's residence.

Sec. 2. (a) A court may issue a temporary restraining order in an action by the department for the removal of an alleged perpetrator of child abuse or neglect under section 1 of this chapter if the department's petition to remove the alleged perpetrator states facts sufficient to satisfy the court of all of the following:

(1) There is an immediate danger to the physical health or safety of the child or the child has been a victim of sexual abuse.

(2) There is not time for an adversary hearing given the immediate danger to the physical health or safety of the child.

(3) The child is not in danger of child abuse or neglect from a parent or other adult with whom the child will continue to reside in the child's residence.

(4) The issuance of a temporary restraining order is in the best interest of the child.

(b) The court shall order the temporary removal of an alleged perpetrator of child abuse or neglect from a child's residence if the court finds:

(1) that the child is not in danger of child abuse or neglect from a parent or other adult with whom the child will continue to reside in the child's residence; and

(2) one (1) or more of the following:

(A) The presence of the alleged perpetrator in the child's residence constitutes a continuing danger to the physical health or safety of the child.

(B) The child has been the victim of sexual abuse, and there is a substantial risk that the child will be the victim of sexual abuse in the future if the alleged perpetrator remains in the child's residence.

Sec. 3. The department shall serve a temporary restraining order issued under section 2 of this chapter on:

(1) the alleged perpetrator of child abuse or neglect; and

(2) the parent or other adult with whom the child will continue to reside.

Sec. 4. A temporary restraining order issued under this chapter expires not later than the fourteenth day after the date the temporary restraining order is issued.

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Sec. 5. A temporary restraining order issued under this chapter or any other order that requires the removal of an alleged perpetrator of child abuse or neglect from the residence of a child must require that the parent or other adult with whom the child will continue to reside in the child's residence makes reasonable efforts:

(1) to monitor the residence; and

(2) to report to the department and the appropriate law enforcement agency any attempt by the alleged perpetrator of child abuse or neglect to return to the child's residence.

Sec. 6. A parent or other adult with whom a child continues to reside after the issuance of a temporary restraining order for removal of an alleged perpetrator of child abuse or neglect who knowingly or intentionally fails to comply with the requirements under section 5 of this chapter commits a Class A misdemeanor.

Sec. 7. An alleged perpetrator of child abuse who knowingly or intentionally returns to a child's residence in violation of an order issued under this chapter commits a Class A misdemeanor. However, the offense is a Class D felony if the alleged perpetrator has a prior unrelated conviction under this section.".

Page 3, after line 24, begin a new paragraph and insert:

"SECTION 5. [EFFECTIVE JULY 1, 2007] **IC 31-34-2.3-6 and IC 31-34-2.3-7, both as added by this act, apply only to offenses committed after June 30, 2007.**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 311 as printed February 16, 2007.)

HOY, Chair

Committee Vote: yeas 12, nays 0.

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 311 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-2-9-2.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2.1. (a) As used in this chapter, "protective order" means:

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(1) a protective order issued under IC 34-26-5 (or, if the order involved a family or household member, IC 34-26-2-12(1)(A), IC 34-26-2-12(1)(B), IC 34-26-2-12(1)(C), IC 34-4-5.1-5(a)(1)(A), IC 34-4-5.1-5(a)(1)(B), or IC 34-4-5.1-5(a)(1)(C) before their repeal);

(2) an ex parte protective order issued under IC 34-26-5 (or, if the order involved a family or household member, an emergency protective order issued under IC 34-26-2-6(1), IC 34-26-2-6(2), or IC 34-26-2-6(3) or IC 34-4-5.1-2.3(a)(1)(A), IC 34-4-5.1-2.3(a)(1)(B), or IC 34-4-5.1-2.3(a)(1)(C) before their repeal);

(3) a protective order issued under IC 31-15-4-1 (or IC 31-1-11.5-7(b)(2), IC 31-1-11.5-7(b)(3), IC 31-16-4-2(a)(2), or IC 31-16-4-2(a)(3) before their repeal);

(4) a dispositional decree containing a no contact order issued under IC 31-34-20-1, IC 31-37-19-1, or IC 31-37-19-6 (or IC 31-6-4-15.4 or IC 31-6-4-15.9 before their repeal) or an order containing a no contact order issued under IC 31-32-13 (or IC 31-6-7-14 before its repeal);

(5) a no contact order issued as a condition of pretrial release, including release on bail or personal recognizance, or pretrial diversion;

(6) a no contact order issued as a condition of probation;

(7) a protective order issued under IC 31-15-5-1 (or IC 31-1-11.5-8.2 or IC 31-16-5 before their repeal);

(8) a protective order issued under IC 31-14-16-1 in a paternity action;

(9) a no contact order issued under IC 31-34-25 in a child in need of services proceeding or under IC 31-37-25 in a juvenile delinquency proceeding; ~~or~~

(10) a workplace violence restraining order issued under IC 34-26-6; **or**

(11) a child protective order issued under IC 31-34-2.3.

(b) Whenever a protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order** is issued by an Indiana court, the Indiana court must caption the order in a manner that indicates the type of order issued and the section of the Indiana Code that authorizes the protective order, no contact order, or workplace violence restraining order. The Indiana court shall also place on the order the court's hours of operation and telephone number with area code.

SECTION 2. IC 5-2-9-5 IS AMENDED TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2007]: Sec. 5. A depository is established in the office of each sheriff and law enforcement agency in Indiana for the purpose of collecting, maintaining, and retaining the following:

(1) Protective orders.

(2) No contact orders.

(3) Workplace violence restraining orders.

(4) Child protective orders.

SECTION 3. IC 5-2-9-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) The clerk of a court that issues a protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order** shall provide a copy of the order to the following:

(1) Each party.

(2) A law enforcement agency of the municipality in which the protected person resides. If a person and an employer are:

(A) both protected by an order under this section; and

(B) domiciled in different municipalities;

the clerk shall send a copy of the order to the law enforcement agency of the municipality in which the person resides and the employer is located.

(3) If the protected person, including an employer, is not domiciled in a municipality, the sheriff of the county in which the protected person resides.

(b) The clerk of a court that issues a protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order** or the clerk of a court in which a petition is filed shall:

(1) maintain a confidential file to secure any confidential information about a protected person designated on a uniform statewide form prescribed by the division of state court administration;

(2) provide a copy of the confidential form that accompanies the protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order** to the following:

(A) The sheriff of the county in which the protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order** was issued.

(B) The law enforcement agency of the municipality, if any, in which the protected person, including an employer, is domiciled.

(C) Any other sheriff or law enforcement agency designated in the protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order** that has

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jurisdiction over the area in which a protected person, including an employer, may be located or protected; and

(3) after receiving the return of service information, transmit all return of service information to each sheriff and law enforcement agency required under subdivision (2).

(c) A sheriff or law enforcement agency that receives a protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order** under subsection (a) and a confidential form under subsection (b) shall:

(1) maintain a copy of the protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order** in the depository established under this chapter;

(2) enter:

(A) the date and time the sheriff or law enforcement agency receives the protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order;**

(B) the location of the person who is subject to the protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order,** if reasonably ascertainable from the information received;

(C) the name and identification number of the officer who serves the protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order;**

(D) the manner in which the protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order** is served;

(E) the name of the petitioner and any other protected parties;

(F) the name, Social Security number, date of birth, and physical description of the person who is the subject of the protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order,** if reasonably ascertainable from the information received;

(G) the date the protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order** expires;

(H) a caution indicator stating whether a person who is the subject of the protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order** is believed to be armed and dangerous, if reasonably ascertainable from the information received; and

(I) if furnished, a Brady record indicator stating whether a person who is the subject of the protective order, no contact

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order, ~~or~~ workplace violence restraining order, **or child protective order** is prohibited from purchasing or possessing a firearm or ammunition under federal law, if reasonably ascertainable from the information received;

on the copy of the protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order** or the confidential form; and

(3) establish a confidential file in which a confidential form that contains information concerning a protected person is kept.

(d) A protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order** may be removed from the depository established under this chapter only if the sheriff or law enforcement agency that administers the depository receives:

(1) a notice of termination on a form prescribed or approved by the division of state court administration;

(2) an order of the court; or

(3) a notice of termination and an order of the court.

(e) If a protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order** in a depository established under this chapter is terminated, the person who obtained the order must file a notice of termination on a form prescribed or approved by the division of state court administration with the clerk of the court. The clerk of the court shall provide a copy of the notice of termination of a protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order** to each of the depositories to which the protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order** and a confidential form were sent. The clerk of the court shall maintain the notice of termination in the court's file.

(f) If a protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order** or form in a depository established under this chapter is extended or modified, the person who obtained the extension or modification must file a notice of extension or modification on a form prescribed or approved by the division of state court administration with the clerk of the court. The clerk of the court shall provide a copy of the notice of extension or modification of a protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order** to each of the depositories to which the order and a confidential form were sent. The clerk of the court shall maintain the notice of extension or modification of a protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order** in the court's file.

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(g) The clerk of a court that issued an order terminating a protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order** that is an ex parte order shall provide a copy of the order to the following:

(1) Each party.

(2) The law enforcement agency provided with a copy of a protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order** under subsection (a)

SECTION 4. IC 5-2-9-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) Any information:

(1) in a uniform statewide confidential form or any part of a confidential form prescribed by the division of state court administration that must be filed with a protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order;** or

(2) otherwise acquired concerning a protected person;

is confidential and may not be divulged to any respondent or defendant.

(b) Information described in subsection (a) may only be used by:

(1) a court;

(2) a sheriff;

(3) another law enforcement agency;

(4) a prosecuting attorney; or

(5) a court clerk;

to comply with a law concerning the distribution of the information.

SECTION 5. IC 5-2-9-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. A law enforcement agency that receives a copy of a protective order, no contact order, ~~or~~ workplace violence restraining order, **or child protective order** shall enter the information received into the Indiana data and communication system (IDACS) computer under IC 10-13-3-35 upon receiving a copy of the order.".

Page 2, line 15, after "2.3" insert "**Child Protective Orders for**".

Page 2, line 18, after "(1)" insert "**there is probable cause to believe that**".

Page 2, line 24, delete "(a)".

Page 2, line 24, delete "restraining" and insert "**child protective**".

Page 2, line 26, after "chapter" insert "**without a hearing**".

Page 2, line 37, delete "restraining" and insert "**child protective**".

Page 2, delete lines 39 through 42.

Page 3, delete lines 1 through 10.

Page 3, line 11, delete "restraining" and insert "**child protective**".

Page 3, delete lines 16 through 18, begin a new paragraph and

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insert:

"**Sec. 4. (a) A juvenile court shall hold a hearing on the temporary child protective order issued under this chapter not more than forty-eight (48) hours (excluding Saturdays, Sundays, and any day on which a legal holiday is observed for state employees as provided in IC 1-1-9) after the temporary child protective order is issued.**

(b) The department shall provide notice of the time, place, and purpose of the hearing to the following:

(1) The child.

(2) The child's parent, guardian, or custodian if the person can be located.

(3) Any adult with whom the child is residing.

(4) The alleged perpetrator of child abuse or neglect.

Sec. 5. (a) After notice and a hearing, the court may issue a child protective order if the department's petition to remove the alleged perpetrator states facts sufficient to satisfy the court that:

(1) the child is not in danger of child abuse or neglect from a parent or other adult with whom the child will continue to reside in the child's residence; and

(2) one (1) or more of the following exist:

(A) The presence of the alleged perpetrator of child abuse or neglect in the child's residence constitutes a continuing danger to the physical health or safety of the child.

(B) The child has been the victim of sexual abuse, and there is a substantial risk that the child will be the victim of sexual abuse in the future if the alleged perpetrator of child abuse or neglect remains in the child's residence.

(b) If the court issues a child protective order under this section, the court may grant other relief as provided under IC 34-26-5-9.

(c) A child protective order issued under this section is valid until one (1) of the following occurs:

(1) The court determines the child is not a child in need of services.

(2) The child is adjudicated a child in need of services and the court enters a dispositional decree.".

Page 3, line 19, delete "5." and insert "**6.**".

Page 3, line 19, delete "restraining" and insert "**child protective**".

Page 3, line 29, delete "6." and insert "**7.**"

Page 3, line 30, delete "temporary restraining" and insert "**child protective**".

Page 3, line 30, after "order" insert "**issued under section 2 or 5 of**

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this chapter".

Page 3, line 34, delete "7." and insert "**8.**".

Page 3, line 35, delete "an" and insert "**a child protective**".

Page 3, line 36, after "under" insert "**section 2 or 5 of**".

Page 5, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 10. IC 31-34-20-1, AS AMENDED BY P.L.146-2006, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. Subject to section 1.5 of this chapter, if a child is a child in need of services, the juvenile court may enter one (1) or more of the following dispositional decrees:

(1) Order supervision of the child by the probation department or the county office or the department.

(2) Order the child to receive outpatient treatment:

(A) at a social service agency or a psychological, a psychiatric, a medical, or an educational facility; or

(B) from an individual practitioner.

(3) Remove the child from the child's home and place the child in another home or shelter care facility. Placement under this subdivision includes authorization to control and discipline the child.

(4) Award wardship to a person or shelter care facility.

(5) Partially or completely emancipate the child under section 6 of this chapter.

(6) Order:

(A) the child; or

(B) the child's parent, guardian, or custodian;

to receive family services.

(7) Order a person who is a party to refrain from direct or indirect contact with the child.

(8) Order a perpetrator of child abuse or neglect to refrain from returning to the child's residence.

SECTION 11. IC 34-26-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) The division of state court administration shall:

(1) develop and adopt:

(A) a petition for an order for protection;

(B) an order for protection, including:

(i) orders issued under this chapter;

(ii) ex parte orders;

(iii) no contact orders under IC 31 and IC 35; ~~and~~

(iv) forms relating to workplace violence restraining orders under IC 34-26-6; **and**

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(v) forms relating to a child protective order under IC 31-34-2.3;

(C) a confidential form;

(D) a notice of modification or extension for an order for protection, a no contact order, ~~or~~ a workplace violence restraining order, **or a child protective order;**

(E) a notice of termination for an order for protection, a no contact order, ~~or~~ a workplace violence restraining order, **or a child protective order;** and

(F) any other uniform statewide forms necessary to maintain an accurate registry of orders; and

(2) provide the forms under subdivision (1) to the clerk of each court authorized to issue the orders.

(b) In addition to any other required information, a petition for an order for protection must contain a statement listing each civil or criminal action involving:

(1) either party; or

(2) a child of either party.

(c) The following statements must be printed in boldface type or in capital letters on an order for protection, a no contact order, ~~or~~ a workplace violence restraining order, **or a child protective order:**

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 **OR RESIDENCE OF ANY CHILD WHO IS THE SUBJECT OF THE ORDER,** 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

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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.

(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 31-17-3; and

(3) clerical assistance in reading or completing the forms and filing the petition.

Clerical assistance provided by the clerk or court personnel under this section does not constitute the practice of law. The clerk of the circuit court may enter into a contract with a person or another entity to provide this assistance. A person, other than a person or other entity with whom the clerk has entered into a contract to provide assistance, who in good faith performs the duties the person is required to perform under this subsection is not liable for civil damages that might otherwise be imposed on the person as a result of the performance of those duties unless the person commits an act or omission that amounts to gross negligence or willful and wanton misconduct.

(e) A petition for an order for protection must be:

(1) verified or under oath under Trial Rule 11; and

(2) issued on the forms adopted under subsection (a).

(f) If an order for protection is issued under this chapter, the clerk shall comply with IC 5-2-9.

SECTION 12. IC 34-26-5-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 18. The following orders are required to be entered into the Indiana data and communication system (IDACS) by a county sheriff or local law enforcement agency:

(1) A no contact order issued under IC 31-32-13 in a juvenile case.

(2) A no contact order issued under IC 31-34-20 in a child in need of services (CHINS) case.

(3) A no contact order issued under IC 31-34-25 in a CHINS case.

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(4) A no contact order issued under IC 31-37-19 in a delinquency case.
(5) A no contact order issued under IC 31-37-25 in a delinquency case.
(6) A no contact order issued under IC 33-39-1-8 in a criminal case.
(7) An order for protection issued under this chapter.
(8) A workplace violence restraining order issued under IC 34-26-6.
(9) A no contact order issued under IC 35-33-8-3.2 in a criminal case.
(10) A no contact order issued under IC 35-38-2-2.3 in a criminal case.
(11) A child protective order issued under IC 31-34-2.3.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 311 as printed March 23, 2007.)

ORENTLICHER

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 311 be recommitted to a Committee of One, its sponsor, with specific instructions to amend as follows:

Page 9, line 4, delete "5" and insert "**6**".

(Reference is to ESB 311 as reprinted March 28, 2007.)

WELCH

COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed Senate Bill 311, begs leave to report that said bill has been amended as directed.

WELCH

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