

THE INDIANA CIVIL PROTECTION ORDER ACT AND HEARINGS

Things that don't require a hearing unless the Respondent asks for one (Ind. Code 34-26-5-9 (b)):

- Enjoin the Respondent from committing, or threatening to commit, acts of domestic or family violence, stalking, or sex offenses against the Petitioner and each designated family or household member **(b)(1)**;
- Prohibit the Respondent from harassing, annoying, telephoning, contacting, or directly or indirectly communicating with the Petitioner **(b)(2)**;
- Remove and exclude the Respondent from the Petitioner's residence (regardless of ownership of the residence) **(b)(3)**;
- Order the Respondent to stay away from the Petitioner's school or place of employment, or other place frequented by the Petitioner **(b)(4)**;
- Order the Respondent to stay away from places where the Petitioner's designated family or household members regularly go **(b)(4)**.

Things that can be ordered by the Judge right away, but that require a hearing within 30 days:

- Order that the Petitioner has the exclusive possession, care, custody, or control of any animal owned, possessed, kept, or cared for by the Petitioner, Respondent, minor child of either party, or any other family or household member **(b)(5)**;
- Prohibit the Respondent from removing, transferring, injuring, concealing, harming, attacking, mistreating, threatening to harm, or otherwise disposing of an animal described in subsection (5) **(b)(6)**;
- Evict the Respondent from the Petitioner's residence **(b)(3)**;
- Order the Respondent to give the Petitioner the possession and use—regardless of ownership—of:
 - A home they both share;
 - A car or other motor vehicle;
 - Other necessary personal items **(b)(7)**;
- Direct a law enforcement officer to accompany Petitioner to the parties' residence to:
 - Ensure that Petitioner is safely restored to possession of the residence, automobile, animal(s), and other essential personal items **(b)(7)(A)**; or
 - Supervise Petitioner's or Respondent's removal of personal belongings and animal(s) **(b)(7)(B)**; and,
- Ordering other additional relief **(b)(8)**.

Things that can only be ordered by the Judge once a hearing has been held (Ind. Code 34-26-5-9 (c)):

- Parenting time—establish rules for visitation, require that it be supervised by a third party, or deny visitation altogether if necessary to protect the safety of Petitioner or child **(c)(2)**;
- Ordering the Respondent to pay money to the Petitioner for various things, such as:
 - Attorney fees **(c)(3)(A)**;
 - Rent/mortgage payments on the Petitioner's residence **(c)(3)(B)**;
 - Child support **(c)(3)(C)**;
 - Expenses related to the domestic or family violence, including:
 - Medical expenses, counseling, shelter, repair or replacement of damaged property **(c)(3)(D)**;
- Pay the costs and expenses incurred in connection with the use of a GPS tracking device, if one is ordered **(c)(3)(E)**;
- Prohibit the Respondent from using or possessing firearms, ammunition, or deadly weapons; and,
 - Direct the Respondent to surrender those items to a specified law enforcement agency for the duration of the Order for Protection (unless the court orders another date) **(c)(4)**.

Other relief that can be ordered by the Judge once a hearing has been held (Ind. Code 34-26-5-21):

- Order a cell phone provider to transfer a mobile telephone number used by the Petitioner, or the Petitioner's child, to the Petitioner alone, even if the phone number and account are held in the Respondent's name. Note that the financial responsibility for that phone number will also be transferred to the Petitioner.