

So that the Order of Protection is valid
YOU MUST REPLACE THIS PAGE with
Cover Sheet: Order of Protection

STATE OF INDIANA)
COUNTY OF _____) SS:

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

Department of Child Services,
Petitioner

v.

Alleged Perpetrator/ Respondent

Case Number _____

Parent or other adult with whom the child
will continue to reside

In the Matter of:)
)
)
_____,)
Initials of the Child)
Alleged to be a)
Child in Need of Services)

CHILD PROTECTIVE ORDER AFTER NOTICE AND HEARING – CHINS

The following appear for the hearing:

DCS Attorney by _____
Attorney _____
GAL/CASA _____
Parent (s) _____
FCM _____

Comes now the Court, under Indiana Code § 31-34-2.3 and issues this Child Protective Order.

Findings

a. The Court finds the Department of Child Services filed a Verified Petition for a Child Protective Order.

b. The Court finds:

(1) A Temporary Child Protective Order was issued on the _____ day of _____, at _____, _____ m.

(2) A hearing was held on _____.

(3) The Alleged Perpetrator/Respondent, _____, had notice of this hearing and an opportunity to be heard. The Alleged Perpetrator/Respondent was/was not present.

(4) _____, the Parent or other adult, with whom the child _____ (insert initials of child) will continue to reside, has had notice of this hearing and an opportunity to be heard. The Parent or other adult was/was not present.

c. The Court also finds:

(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: [choose one or both of the following provisions]

_____ (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 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.

d. The Court finds the best interests of the child will be served if the Alleged Perpetrator/Respondent is removed from the child's residence.

e. The Court also finds pursuant to Indiana Code § 34-26-5-9 (c) that in order to protect the child, the Alleged Perpetrator/Respondent's parenting time shall be denied until further order of the Court.

ORDER

IDACS Codes

1. THE ALLEGED PERPETRATOR/RESPONDENT,
_____, shall be removed from the child's residence at
_____.

04

- 2. THE ALLEGED PERPETRATOR/RESPONDENT, _____, shall not enter the child’s residence at _____.
- 3. THE ALLEGED PERPETRATOR/RESPONDENT, _____, is ordered to have no contact with _____ in person, by telephone or in writing, including by electronic media, through an intermediary, or in any other way, directly or indirectly. This includes, but is not limited to, acts of harassment, stalking, intimidation, threats, and physical force of any kind.
- 4. _____, the parent or other adult with whom the child will continue to reside in the child's residence shall make reasonable efforts:
 - (a) to monitor the residence; and
 - (b) 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.
- 5. Other relief as provided under Indiana Code § 34-26-5-9: _____.

This order 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.

6. All references in this cause to the child shall be by initials only in order to protect the confidentiality of the child.

DATE: _____ Judge _____

DISTRIBUTION:

*******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 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.

A parent or other adult with whom a child continues to reside after the issuance of a child protective order for removal of an alleged perpetrator of child abuse or neglect who knowingly or intentionally fails to comply with this order commits a Class A misdemeanor.

STATEMENT OF RESPONDENT

I have read the above Order and I understand it. I also understand that violation of this Order constitutes a Class A misdemeanor in violation of Indiana Code § 31-34-2.3-8. However, the offense is a Level 6 felony if the alleged perpetrator has a prior unrelated conviction under this section. A copy of this Order has been given to me this _____ day of _____, _____.

Signature of Respondent

STATEMENT OF PARENT OR ADULT

I have read the Order and I understand it. I also understand that violation of this Order constitutes a Class A misdemeanor in violation of Indiana Code § 31-34-2.3-7. A copy of this Order has been given to me this _____ day of _____, _____.

Signature of parent or other adult with whom
the child will continue to reside