

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

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

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

ORDER FOR PROTECTION

FINDINGS

This matter having been heard by the Court on _____, the Court now makes the following Findings (~~strike through~~ those which do not apply):

- a. _____ filed a timely Request for Hearing under Ind. Code § 34-26-5-10(a); and/or,
- b. The Court is required to hold a hearing under Ind. Code § 34-26-5-9(b) or § 34-26-5-10(b).
- c. The Petitioner was present at the hearing and the Respondent was / was not present.
- d. This order does / does not protect an intimate partner or child.
- e. The Respondent had notice and an opportunity to be heard.
- f. The Respondent represents a credible threat to the safety of the Petitioner or a member of the Petitioner’s household.
- g. The Petitioner has shown, by a preponderance of the evidence, that domestic or family violence, a sex offense, stalking, a course of conduct involving repeated or continuing contact with Petitioner that is intended to prepare or condition the Petitioner for sexual activity (as defined in Ind. Code § 35-42-4-13), or repeated acts of harassment has occurred sufficient to justify the issuance of this Order.
- h. The Respondent does/does not agree to the issuance of the Order for Protection.
- i. The following relief is necessary to bring about a cessation of the violence or the threat of violence.

ORDER

(~~strike through~~ those which do not apply)

Section 1—General Provisions

- 1. The Respondent is hereby enjoined from threatening to commit or committing acts of domestic or family violence, stalking, sex offenses, a course of conduct involving repeated or continuing contact with Petitioner that is intended to prepare or condition the Petitioner for sexual activity (as defined in Ind. Code § 35-42-4-13), or harassment against the Petitioner and the following designated family or household members, if any:

IDACS Codes:

01 -
 Petitioner

- _____ 02 - Others
- _____
2. The Respondent is prohibited from harassing, annoying, telephoning, contacting, or directly or indirectly communicating with the Petitioner, except: 05
- _____
3. The Respondent shall be removed and excluded from the Petitioner's residence. 03
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: 04
- _____
5. The Petitioner and Respondent are permitted to occupy the same location as follows: 08
- _____
6. The Petitioner shall have the possession and use of the residence/motor vehicle/other essential personal effects as follows: 03- Residence
- _____ 08 - Other
7. 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: 08
- _____
- _____
- _____
8. Respondent is prohibited from removing, transferring, injuring, concealing, harming, attacking, mistreating, threatening to harm, or otherwise disposing of the following animals: 08
- Animal 1** Name: _____
- Age/Type: _____
- Size/Breed: _____
- Color/Description: _____
- Animal 2** Name: _____
- Age/Type: _____
- Size/Breed: _____
- Color/Description: _____
- (attach a separate sheet if necessary)
9. Petitioner shall have the exclusive possession, care, custody, or control of the following animal(s):
- Animal 1** Name: _____
- Age/Type: _____ 08

Size/Breed: _____
 Color/Description: _____
Animal 2 Name: _____
 Age/Type: _____
 Size/Breed: _____
 Color/Description: _____

(attach a separate sheet if necessary)

10. **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/animals listed above; or, you are to supervise the Petitioner's or Respondent's removal of personal belongings/animals.** 08

11. The Respondent is prohibited from using or possessing a firearm, ammunition, or deadly weapon. The Respondent is ordered to surrender the following firearm[s], ammunition, and/or deadly weapon[s] which the Court finds are in the control, ownership, or possession of the Respondent or in the control or possession of another person on behalf of the Respondent: 07

- a. _____;
- b. _____;
- c. _____;

(attach a separate sheet if necessary).

12. The Respondent shall surrender the items listed above between the hours of __: __ and __: __ on the date of _____ to the following law enforcement agency _____ at the following location: 08

13. The law enforcement agency listed above shall provide the Respondent with a receipt for the items the Court has ordered the Respondent to surrender. The law enforcement agency shall also provide the Court with written verification of the Respondent's compliance with this Order no later than one (1) business day after such compliance. **If the Respondent does not appear at the specified date and time, or appears but does not have all of the items listed above, the law enforcement agency is ordered to contact the Court immediately by the following means:** 08

_____.

14. The items listed above shall be kept by the law enforcement agency for the duration of this Order or until the following date: _____.

(if the parties do not have children, proceed to Section 3)

Section 2—Parenting Time Provisions

15. The Court, now orders, under Ind. Code § 34-26-5-9(c)(2): (~~strike through~~ those which do not apply):

- a. The Court finds that it is necessary to deny parenting time at this time in order to protect the safety of the Petitioner and/or the minor child[ren] in question; or,
- b. Respondent’s parenting time shall be supervised by a third party and/or limited as follows: _____

_____;

or,

c. The Court finds that it is necessary that parenting time be supervised by a third (3rd) party in order to protect the safety of the Petitioner and/or the minor child[ren] in question. Parenting time shall occur only under the following conditions:

- i. Parenting time shall take place every _____ from _____ .m. to _____ .m. at _____ and in the presence of the third (3rd) party,

The Petitioner is responsible for dropping off the child[ren] by _____ .m. and for picking up the child[ren] by _____ .m. In the event that parenting time cannot take place, the Petitioner or Respondent must telephone the third (3rd) party,

_____, at _____, by _____ .m., and parenting time shall then take place the following _____ with the same provisions;

- ii. Respondent shall not consume any alcohol or illegal drugs during the 12 hours prior to and during parenting time. If the Respondent appears to have violated this provision, the third (3rd) party is authorized to deny the Respondent parenting time on that occasion. The third (3rd) party is also required to file a written report of the incident with this Court on the next business day.

- iii. Parenting time is conditioned upon the Respondent receiving weekly counseling for _____ from _____, for a length of time to be no less than _____;

- iv. Parenting time may be denied if the Respondent is more than 30 minutes late and does not call by 8:30

- a.m. on the day the parenting time is scheduled to occur to alert the third (3rd) party of this fact;
- v. The Petitioner must arrive at the drop-off location 20 minutes before the Respondent, and then leave before the Respondent arrives. At the end of the parenting time, the Respondent must remain at the location for 20 minutes while the Petitioner leaves with the child[ren];
- vi. If the Respondent wishes to exercise parenting time rights, the Respondent must call the third (3rd) party, _____, at _____, by 10:00 a.m. on the day before each scheduled parenting time. The third (3rd) party, _____, shall then call the Petitioner; or,
- d. Parenting time shall be unsupervised and shall occur as follows:
 - i. _____
 - _____
 - _____

16. The Court now sets a hearing to review the terms of this Order with respect to parenting time. The parties are ordered to appear without further notice in this Courtroom on the following date and time: _____.
(if monetary relief is not ordered, proceed to Section 4)

Section 3—Monetary Relief

- 17. The Respondent is ordered to pay the Petitioner’s attorney fees in the amount of: 08
 \$ _____ on or before _____. The payment shall be made at the following location: _____ and in the following form: _____. The Petitioner’s attorney shall provide the Respondent a receipt for the payment.
- 18. The Respondent is ordered to pay rent or to make payments on the mortgage at the 08
 Petitioner’s residence in the amount of: \$ _____ per week/month. The payment shall be made at the following location: _____ and in the following form: _____. The Respondent shall be provided with receipts for the payments by the following person or entity:
 _____.
- 19. The Court finds that the Respondent owes a duty of child support for the following 08
 minor child[ren]: _____.
- 20. The Court finds that the Respondent owes a duty of support to the Petitioner. 08
- 21. The Respondent shall pay child support/support to the Petitioner as follows: 08
 payments of \$ _____ per week/month according to the child support worksheet attached. Payments from employers shall be made to the Indiana State Central Collection Unit, P.O. Box 6219, Indianapolis, IN 46206-6219 via an income withholding order. Payments from non-custodial parents should be made to the Indiana State Central Collection Unit, P.O. Box 7130, Indianapolis, IN 46207-7130.

22. The 6% Rule shall apply, with the (Petitioner) (Respondent) paying the first \$ _____ of the total medical, dental, optical and orthodontia expenses not covered by insurance. Thereafter, the Petitioner shall pay ____ % of such uncovered expenses and the Respondent shall pay ____ % . 08

23. The Respondent is ordered to reimburse the Petitioner or the following specified person, _____, for expenses: 08

- a. medical expenses \$ _____
- b. counseling \$ _____
- c. shelter \$ _____
- d. repair or replacement \$ _____
of damaged property
- e. costs/fees incurred \$ _____
by the Petitioner in
bringing this action

TOTAL: \$ _____.

Such payment is to be made at the following location: _____ and in the following form: _____. The Respondent shall be provided with receipts for the payments by the following person or entity: _____
_____.

Section 4 – Telephones

24. a. _____, a wireless service provider, shall transfer to Petitioner the following telephone numbers: 08

Telephone number: _____
Current Account Holder: _____

Telephone number: _____
Current Account Holder: _____

Telephone number: _____
Current Account Holder: _____

and Petitioner shall have the sole right to continued use of, and sole financial responsibility for services associated with, the telephone numbers.

b. Petitioner ____ is/____ is not awarded possession of the device(s) currently programmed with the above telephone number(s). Ind. Code § 34-26-5-9 (b) (5).

c. _____, a wireless service provider, shall terminate Respondent’s use of the telephone numbers listed in paragraph 23 unless the provider notifies Petitioner and the court within seventy-two (72) hours after issuance of this order that:

- (a) an account holder named in the order for protection has terminated the account; or
- (b) the requested transfer, if completed, would
 - (i) impair proper function of a wireless device;

- (ii) result in network or service disruption; or
- (iii) cause another technical or operational issue.

Section 5—Duration of Order

THIS ORDER FOR PROTECTION EXPIRES:

___ TWO (2) YEARS FROM THE DATE IT IS ISSUED;
OR
___ ON THE ___ DAY OF _____, 2___.

THE RESPONDENT IS ORDERED TO PAY COURT COSTS TO THE CLERK IN THE AMOUNT OF \$ ___ UNDER INDIANA CODE § 34-26-5-16.

DATE: _____

Recommended for approval by, if applicable:

_____, COMMISSIONER/REFEREE

Approved and ordered by:

_____, JUDGE/MAGISTRATE

*******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.