

I. PROTECTION ORDERS

WHO MAY FILE

1. Petitioner must be a victim of domestic or family violence, stalking or a sex offense;
2. Respondent must be a family or household member of Petitioner or a person who has committed stalking or a sex offense against Petitioner;
3. Parent or guardian or another representative may file on behalf of a child against:
 - a. family or household member who commits an act of domestic or family violence;
 - b. a person who has committed stalking; or
 - c. a person who has committed a sex offense.

WHERE TO FILE

1. can file with the Clerk at Courthouses located in Crown Point, Gary, East Chicago and Hammond;
2. preferred Court is where a Dissolution or a Juvenile matter is already pending.

DEFINITIONS

1. "**DOMESTIC OR FAMILY VIOLENCE**" means, except for an act of self-defense, the occurrence of at least one (1) of the following acts committed by a family or household member:

- a. attempting to cause, threatening to cause, or causing physical harm to another family or household member;
- b. placing a family or household member in fear of physical harm; or
- c. causing a family or household member to involuntarily engage in sexual activity by force, threat of force, or duress.

I.C. §34-6-2-34.5

2. "**FAMILY OR HOUSEHOLD MEMBER**" is a person who:

- a. is a current or former spouse of the other person;
- b. is dating or has dated the other person;
- c. is engaged or was engaged in a sexual relationship with the other person;
- d. is related by blood or adoption to the other person;
- e. is related or was related by marriage to the other person;
- f. has or previously had an established legal relationship:
 - (1) as a guardian of the other person;
 - (2) as a ward of the other person;
 - (3) as a custodian of the other person;
 - (4) as a foster parent of the other person; or
 - (5) in a capacity similar to those listed in (1) through (4);

or

g. has a child in common with the other person.

An individual is a "family or household member" of both persons to whom a. through g. applies if the individual is a minor child of one (1) of the persons.

I.C. § 34-6-2-44.8

3. "**STALKING**" is a knowing or intentional course of conduct involving repeated or continuing harassment of another person that would cause a reasonable person to feel terrorized, frightened, intimidated, or threatened and that actually causes the victim to feel terrorized, frightened, intimidated, or threatened.

I.C. §35-45-10-1

4. "**HARASSMENT**" is defined as conduct directed toward a victim that includes, but is not limited to, repeated or continuing impermissible contact that would cause a reasonable person to suffer emotional distress and that actually causes the victim to suffer emotional distress.

I.C. §35-45-10-2

5. "**IMPERMISSIBLE CONTACT**" includes, but is not limited to, knowingly or intentionally following or pursuing the victim.

I.C. §35-45-10-3

6. "**SEX OFFENSE**" is one of the following crimes:

- a. Rape; b. Criminal deviate conduct; c. Child molesting;
- d. Child exploitation; e. Child solicitation; f. Vicarious sexual gratification; g. Child seduction; h. Sexual battery; or i. Sexual misconduct with a minor.

I.C. § 35-42-4-1 through 9

II. NO CONTACT ORDERS - CRIMINAL

Only the State of Indiana by a Prosecuting Attorney may request a No Contact Order:

1. as a condition of pretrial release;
2. as a condition of probation; or
3. as a condition of pretrial diversion (agreement to withhold prosecution) and must be filed where criminal case is pending.

III. NO CONTACT ORDERS - JUVENILE DELINQUENCY AND CHINS

WHO MAY FILE

The following may petition the Court to order a person to refrain from the direct and/or indirect contact with the child:

1. Prosecuting Attorney;
2. Attorney for the Department of Child Services;
3. Probation Officer;
4. Caseworker;
5. Department of Corrections; or
6. Guardian ad Litem or Court Appointed Special Advocate.

Petition for a No Contact Order may be filed:

1. after a child has been adjudicated a delinquent child; or
2. after a child has been adjudicated a Child in Need of Services.

The Court may enter a No Contact Order in a:

1. Delinquency Dispositional Order; or
2. Child in Need of Services Dispositional Order.

WHERE TO FILE

Must be filed in or ordered in a pending Delinquency or CHINS case in Juvenile Court.

IV. CHILD PROTECTION ORDER - CHINS

Only the Department of Child Services (DCS) may file to remove an alleged perpetrator from the child's residence instead of removing the child from the child's residence. DCS may file in Juvenile Court if there is probable cause to believe that a child is a Child in Need of Services.

V. WORKPLACE VIOLENCE ORDERS

Only employers may file a petition to prohibit unlawful violence or credible threats of violence against their employees. Employers may file with the Clerk in Circuit Court or Superior Court.