

→ **What should I do with the protective order after I obtain it?**

Make several copies of the protective order. You should keep a copy with you at all times and keep a copy in other locations such as your car, your home, your childcare provider, your workplace, and a friend's or relative's house.

→ **What should I do if the Respondent violates the protective order?**

If you don't feel safe, immediately call the police. Once the police arrive, show them a copy of the protective order and tell them what happened. The police should enforce the protective order, as violation of a protective order is a crime. In Indiana, violating a protective order is listed as the crime of Invasion of Privacy, but it can also be part of other crimes such as stalking. Violating the protective order also puts the person who violated it in contempt of court. This means the person has violated a court order, in this case, the protective order. A prosecutor will decide whether to file criminal charges for the violation of a protective order. You could also file a contempt case. The Respondent could be sentenced to jail under either option.

→ **What happens if I invite the Respondent to my home while the protective order is in effect?**

This does not matter. The police and the court can still enforce the protective order. It is not recommended that you invite the Respondent to your home while a protective order is active. Only the Judge can modify or dismiss the order, and they may do so by your request. Forms to modify or dismiss the protective order are available through your county clerk. Henry County, IN, residents can also seek assistance through Safe At Home.

→ **What should I do if I move to or visit another state?**

Your Indiana protective order is valid and enforceable in every other state. Likewise, if you move to or visit Indiana, and you have a valid protective order from another state, it is valid and enforceable in Indiana. However, if you move to a new state, give a copy of your protective order to the local and county law enforcement agencies in the new state. It is also a good idea to "register" your protective order in the new state. This means contacting the local clerk's office and filing the required paperwork. You will not be charged any fee to register your protective order, and the Respondent will not be notified of your registration. Registration is not necessary to make your order enforceable in the new state, but it is recommended.

→ **How can I keep my new address secret?**

If you move within Indiana, you can keep your new address secret by participating in the Address Confidentiality Program. The ACP law allows you to use a PO Box registered to the Attorney General as your permanent address. For more information on this program, speak with Safe At Home for Henry County, IN, residents or your local advocacy agency.

**Website for ACP Program:** <https://www.in.gov/attorneygeneral/about-the-office/appeals/victim-services/address-confidentiality-program/>



**Safe At Home, Inc.**  
Prevention\*Awareness\*Advocacy

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# Protective Order Information



## → What is a protective order?

A “protective order” is an order issued by a Judge that prohibits or restricts another person (the Respondent) from engaging in certain conduct. Protective orders can:

- Prohibit the Respondent from threatening to commit or committing an act of domestic or family violence, stalking, harassment, or sex offenses against you or your family/household members
- Prohibit the Respondent from abusing, harassing, or contacting you or a member of your family/household
- Prohibit the Respondent from entering your property, school, workplace, or places frequented by your family/household

(The following relief may be granted immediately by the Judge, but the Court must hold a hearing within 30 days):

- Evict the Respondent from the home
- Order the Respondent to give you the possession or use of the residence, vehicle, or necessary personal items
- Prohibit the Respondent from harming an animal/ Order that you have the exclusive possession of said animal

(The following relief may be granted ONLY after notice to the Respondent and after a hearing held within 30 days):

- Specify parenting time/Order the payment of child support and maintenance if you are married to the Respondent
- Prohibit the Respondent’s use of a firearm/Order the Respondent to surrender those in their possession

## → How do I get a protective order?

You must file a “petition” with the court. You may seek a protective order by contacting Safe At Home for Henry County, IN, residents, your county clerk, or by utilizing the e-filing system. **You do not need an attorney to file the petition, and no fee is required. Any Indiana court of record has jurisdiction to issue a protective order. The law requires that the petition be filed in the county in which: (1) you currently or temporarily live; (2) the Respondent lives; or (3) the abuse occurred.**

**Website to e-file: <https://www.in.gov/courts/help/efiling/protection-orders/>**

## → What is an ex parte protective order?

An ex parte order can be issued by the Judge immediately after the petition is filed. It is an emergency order for protection. It is issued when the Judge has reason to believe that you are threatened by, or in danger from, another person. The court then gives copies of the order to you, to the Respondent, and to the county sheriff and other local law enforcement agencies. The order will be in effect for two years, or until such other date specified by the Judge. About two weeks before the expiration date of the order, you can petition to the Judge to extend the protective order.

## → What is a protective order hearing?

After an ex parte order is issued under domestic or family violence, stalking, or a sex offense, a hearing must be held within 30 days if requested by you or the Respondent. A hearing is dependent on certain requests filed in the protective order petition or if the Respondent contests the ex parte order.

Petitions based on harassment alone are likely to be granted ONLY after notice to the Respondent and after a hearing to be held within 30 days, versus being issued as an ex parte protective order.

If after hearing evidence, the Judge finds that the Respondent represents a credible threat to the petitioner’s safety, the Judge will enter a protective order with terms necessary to stop the violence or threat of violence.

## → How do I prepare for a protective order hearing?

Before you go to court, an advocate may be able to help you decide what information is needed and how to get it. For example, you may need to bring:

- Screenshots of necessary text messages
- Audio/Video recordings of threats and/or violence (must be put on a flash drive and given to the court in timely fashion prior to the hearing)
- Witnesses (prepare questions to ask them beforehand)
- Pictures of your injuries
- Police reports (Judge, however, may deem as hearsay)
- Medical reports; or
- Any other information you have about the violence

**You should dress nicely and use your best manners.**

## Attorney’s fees

It is not required to have an attorney for a protective order hearing, but they are encouraged if it will make you more comfortable when addressing the Judge. When a Judge issues a protective order, the Judge may also order the Respondent to pay any attorney’s fees incurred by you.

## Divorce

If you have already filed for a divorce or legal separation, the petition for a protective order should be filed with the Judge presiding over the divorce. The process for filing the petition and any hearing is the same. In an emergency situation, even though you have a divorce pending in one court, you can still apply for a protective order from another Judge. The law requires that Judge, after entering an ex parte protective order, to transfer the case to the Judge presiding over your divorce.

**I SUPPORT.**

**I PREVENT.**

**I SPEAK.**