

FREQUENTLY ASKED QUESTIONS

Do I need an attorney to obtain a protective order?

No.

Is there a fee for obtaining a protective order?

No. There is no fee charged.

Can I obtain a protective order from any court in Indiana?

Yes. 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 abuser lives; or (3) the abuse occurred.

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 workplace, and a friend's or relative's house.



What should I do if the abuser 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.

Violation of a protective order is a crime in Indiana. The abuser can be arrested for violating your protective order. Violation of a protective order also may be considered "civil contempt." You can ask the judge to help force the abuser to obey the protective order. You may also call the prosecutor's office. They can help enforce your protective order based upon your particular situation.

What happens if I invite the abuser 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. Only the judge can modify or terminate the order. It is not recommended that you invite the abuser to your home; however, the police and the court can still enforce the protective order against the abuser.

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.

You do not need an attorney to file the petition, and no fee is required.

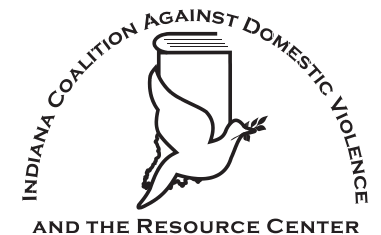
It is also a good idea to "register" your protective order in the new state. This means contacting the



local clerk's office and filing the required paperwork. You will not be charged any fee to register your protective order, and the abuser will not be notified of your registration. Registration is not necessary to making 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, talk to your advocate or call 1-800-321-1907.



24 hr toll-free crisis line
800-332-7385 Voice and TTY

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What is a protective order?

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

- prohibit another person from threatening to commit or committing an act of domestic or family violence against you;
- prohibit another person from abusing, harassing, or contacting you or a member of your household;
- prohibit another person from entering your property or workplace;
- prohibit another person from damaging your property; and
- evict the abuser from the home and order the payment of child support and maintenance if you are married to the abuser.

How do I get a protective order?

You must file a “petition” with the court. You may seek a protective order for yourself or a household member. If you need a protective order, contact your local prosecutor’s or county clerk’s office to obtain a petition. Standard forms are provided and the clerk’s office will provide clerical assistance. **You do not need an attorney to file the petition, and no fee is required.**

What is an ex parte protective order?

An ex parte order is issued by the judge immediately after the petition is filed. It is

issued when the judge has reason to believe that you or a household member, or your property are threatened by, or in danger from another person. The court then gives copies of the order to you, to the abuser, and to the county sheriff and other local law enforcement agencies. The order will be in effect for 2 years, or until such other date specified by the judge.

What is a protective order hearing?

After an ex parte order is issued, a hearing must be held within 30 days if requested by you or the abuser. A hearing is also required in other situations, such as where the judge is considering evicting the abuser from the home; ordering child support and/or maintenance, or restricting the abuser from possessing firearms. If after hearing evidence, the judge finds that the abuser represents a credible threat to your safety or a member of your household, 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, a volunteer may be able to help you decide what

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information is needed and how to get it. For example, you may need to bring:

- witnesses;
- pictures of your injuries;
- police reports;
- medical reports; or
- any other information you have about the violence.

You should dress nicely and use your best manners.

Attorney’s fees

When a judge issues a protective order, the judge also may order the abuser to pay any attorneys’ fees incurred by you.

Divorce

If you are seeking 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.



Protective Orders

Assisting Victims of Domestic Violence

Indiana Coalition Against Domestic Violence
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