

## **S**omeone is bothering me and/ **S**or has hurt me. What can I do?

You can call the police anytime you are hurt or in danger. You can also ask a court to enter an order to make that person (called “the Respondent”) leave you alone. This is called a Protective Order. It is also called an Order of Protection.

*You can get a Protective Order if you are a victim of domestic or family violence, a sexual offence, or stalking.*

## **W**hat is “domestic or family violence”?

Domestic or family violence is when a family or household member harms or threatens to harm you, places you in fear of physical harm, forces you to engage in sexual activity or stalks you. A family or household member includes a spouse; someone you are or were dating or had an intimate relationship with; someone who is related to you; etc. You can get a Protective Order against this family or household member.

*You can also get a Protective Order against someone who is not a family or household member if that person committed a sexual offence or a stalking offence against you.*

## **C**an I get a Protective Order for my child?

**Yes.** A parent or guardian can file a petition for a Protective Order for a child.

## **W**hat do I need to do to get a Protective Order?

File a petition with the court saying why you need a Protective Order. There are certain forms you must use to ask for a Protective Order. Your local county clerk and/or your local prosecutor’s office should have these forms for you. The clerk staff should also help you in reading/filling out the forms.

## **W**ill I have to go to court after I file a petition?

**Maybe.** If the court believes that your petition shows domestic or family violence, the court *can* immediately issue a Protective Order. If the court issues a Protective Order without scheduling a hearing first, either party can ask for a hearing within 30 days of the issuance. The court can also schedule a hearing first, before issuing an order.

If the court issues certain orders (removing Respondent from the home, ordering the possession of the home, automobile or other personal property,

visitation arrangements, payment of fees, or prohibiting gun use), the court **MUST** set a hearing within 30 days of the filing of the petition.

## **W**hat can a court order in a Protective Order proceeding?

The court can order the Respondent:

- ◆ Not to commit or threaten to commit family violence against you and specific family members;
- ◆ Not to harass, annoy, telephone, contact or communicate with you;
- ◆ To move out and stay out of your home (even if the Respondent owns the home);
- ◆ To stay away from your home, school, job or any other place you go;
- ◆ To give you possession and use of the home, a car and other essential personal property (and order the police to help you get the property);
- ◆ To have specified visitation with a child (or to have no visitation);
- ◆ To pay attorney fees, rent or mortgage payments, child support, medical expenses, counselling or shelter expenses, costs for damaged property, and/or court costs;

- ◆ To turn over weapons to the local sheriff during the time of the Protective Order (and order that the Respondent cannot use or have a gun, ammunition or other deadly weapon).

The court can also issue other orders. The terms of the Protective Order will depend on what you ask the court to do and what evidence you present.

## **D**o I have to pay to get a Protective Order?

**NO.** The court cannot charge you a fee for filing a Protective Order. The court can, however, order the Respondent to pay costs or fees if a Protective Order is entered.

## **H**ow long does a Protective Order last?

The Protective Order will last for 2 years unless the court orders a different date.

## **W**hat happens if I still need protection after the 2 years are up?

You can ask the court to renew your Protective Order. The court has forms you can use to do this. You should file a Petition to Renew Order of Protection at least two weeks before the Protective Order ends and state why you still need protection.

## **C**an the judge enter a Protective Order against me too?

The judge **MAY NOT** enter a Protective Order against you unless the Respondent files a separate petition for a Protective Order and proves that he or she needs a Protective Order against you.

## **C**an I get a Protective Order against my spouse if I have not filed a divorce?

Yes, you can ask for a Protective Order against your spouse at any time. However, if you file for a divorce later, the divorce court's orders about property and child custody or visitation will replace the Protective Order court's orders on these matters. The Protective Order will still be good on all other issues.

## **C**an I get a Protective Order against my spouse if I already filed a divorce?

Yes. You should file your petition for a Protective Order in the court that is handling your divorce.

## **A**m I safe once I have a Protective Order?

Getting a Protective Order is not absolute protection against abuse. Violation of a Protective Order is a crime. However, some Respondents act

violently even when they know they might get arrested. If you need a Protective Order, it would be helpful for you to talk with someone at a local domestic violence shelter or similar agency about things you can do to reduce the risk of injury to yourself and/or your children.

## **W**hat happens if I have a Protective Order keeping the Respondent from contacting me, but I really want to talk to the Respondent?

The Protective Order against the Respondent does not stop you from doing anything. You may contact the Respondent and your Protective Order will still be good. However, as a practical matter, if you continue to contact the Respondent, the court and the police may not take you seriously when you complain about the Respondent in the future.

## **W**ho can help me get a protective order or just talk to me about my situation?

The county clerk's offices and/or prosecutor's offices have forms that you should use to file for a Protective Order, and they can help you fill out the forms. Your local domestic violence shelter may also be able to help you get the Protective Order forms filled out and filed in court. The shelter may be able to

give you other help as well. If you do not know what shelter serves your area, you can contact your local legal services organization or your local prosecutor's office.

Rev. 07/02

code 1370101

<b>ILS Office Contact Numbers</b>	
<b>Bloomington:</b> (812) 339-7668 1-800-822-4774	<b>Hammond:</b> (219) 853-2360
<b>Columbus:</b> (812) 372-6918 1-866-644-6407	<b>Indianapolis:</b> (317) 631-9410 1-800-869-0212
<b>Evansville:</b> (812) 426-1295 1-800-852-3477	<b>Lafayette:</b> (765) 423-5327 1-800-382-7581
<b>Fort Wayne:</b> (260) 424-9155 1-888-442-8600	<b>New Albany:</b> (812) 945-4123 1-800-892-2776
<b>Gary:</b> (219) 886-3161 1-888-255-5104	<b>South Bend:</b> (574) 234-8121 1-800-288-8121

# How To Get An Order Protecting You From Abuse

Prepared by:  
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<http://indianajustice.org>

This is for information only. It is not legal advice. For legal advice, contact an attorney or a Legal Services office.

The production of this pamphlet is made possible by a grant from the Indiana Bar Foundation.