

GUIDELINES TO FILE A PROTECTIVE ORDER

IC 34-6-2-34.5 Adds the definition of “Domestic or family violence” from the Model code, and found in our proposed, revised PO statute.

“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:**

- (1) Attempting to cause, threatening to cause, or causing physical harm to another family or household member.**
- (2) Placing a family or household member in fear of physical harm.**
- (3) Causing a family or household member to involuntarily engage in sexual activity by force, threat of force, or duress.**

For purposes of IC 43-26-5, domestic and family violence also includes stalking (as defined in IC 35-45-10-1) or a sex offense under IC 35-42-4

IC 34-6-2-44.8 Adds the definition of “Family or household member”. This is based on the Model code’s definition, with some additions. This change in the law is necessary because we are proposing limiting the availability of PO’s to cases involving family or household members – i.e., domestic or family violence cases only. **“Family or household member” means:**

- (1) a person who is a current or former spouse;**
- (2) a person who is dating or has dated**
- (3) a person who is engaged or was engaged in a sexual relationship;**
- (4) a person who is related by blood or adoption;**
- (5) a person who is related or was related by marriage;**
- (6) a person who has an established legal relationship or previously established a legal relationship:**
 - (a) as a guardian;**
 - (b) as a ward;**
 - (c) as a custodian**
 - (d) as a foster parent; or**
 - (e) in a capacity similar to those listed in clauses (a) through (d);**
- (7) a person who has a child in common; and**
- (8) a minor child of a person in a relationship described in subdivisions (1) through (7)**

If there is a domestic case (paternity, legal separation or divorce) pending in another county, Protective Order will have to be filed in that county.