

PROPOSED AMENDMENT

HB 1286 # 3

DIGEST

Foreign protection orders. Amends provisions concerning facially valid foreign protection orders.

- 1 Page 6, after line 1, begin a new paragraph and insert:
2 "SECTION 3. IC 34-26-5-17, AS AMENDED BY P.L.161-2018,
3 SECTION 110, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2026]: Sec. 17. (a) A foreign protection order
5 is facially valid if it:
6 (1) identifies the protected person and the respondent;
7 (2) is currently in effect;
8 (3) was issued by a state, **Canada**, or a tribal court with
9 jurisdiction over the:
10 (A) parties; and
11 (B) subject matter;
12 under the law of the issuing state, **Canada**, or **the** Indian tribe;
13 and
14 (4) was issued after a respondent was given reasonable notice and
15 an opportunity to be heard sufficient to protect the respondent's
16 right to due process. In the case of an ex parte order, notice and
17 opportunity to be heard must be provided within the time required
18 by state, **Canadian**, or tribal law and within a reasonable time
19 after the order is issued sufficient to protect the respondent's due
20 process rights.
21 (b) A facially valid foreign protection order is prima facie evidence
22 of its validity. The protection order may be inscribed on a tangible
23 medium or stored in an electronic or other medium if it is retrievable
24 in perceivable form. Presentation of a certified copy of an order for
25 protection is not required for enforcement.
26 (c) Except as provided in subsection (d), a protection order that is
27 facially valid and issued by a court of a state (issuing state), **Canada**,
28 or **an** Indian tribe shall be accorded full faith and credit by Indiana

1 courts.

2 (d) A mutual foreign protection order is not entitled to full faith and
3 credit if the order is issued by a state, **Canadian**, or tribal court against
4 a person who has petitioned, filed a complaint, or otherwise filed a
5 written pleading for protection against a family or household member,
6 unless:

- 7 (1) a separate petition or motion was filed by a respondent;
8 (2) the issuing court has reviewed each motion separately and
9 granted or denied each on its individual merits; and
10 (3) separate orders were issued and the issuing court made
11 specific findings that each party was entitled to an order.

12 (e) Registration or filing of a foreign protection order is not a
13 prerequisite to enforcement of the order in Indiana, and a protection
14 order that is consistent with this section shall be accorded full faith and
15 credit notwithstanding a failure to register or file the order in Indiana.
16 However, if a petitioner wishes to register a foreign protection order in
17 Indiana, all Indiana courts of record shall accommodate the request.
18 The office of judicial administration shall develop a form to be used by
19 courts, clerks, and law enforcement agencies when a petitioner makes
20 a request to register a foreign protection order. Except for a protective
21 order issued to the Indiana protective order registry established by
22 IC 5-2-9-5.5, the courts, clerks of the courts, and sheriffs or law
23 enforcement agencies maintaining depositories shall employ the same
24 procedures required under IC 5-2-9-6 for entering, modifying,
25 extending, or terminating a foreign protection order as those used for
26 a protection order and a no contact order originating in Indiana.

27 (f) A facially valid foreign protection order shall be enforced by a
28 law enforcement officer and a state court as if it were an order
29 originating in Indiana. The order must be enforced if the foreign
30 protection order contains relief that the state courts lack the power to
31 provide in an order for protection issued in Indiana.

32 (g) An Indiana law enforcement officer:

- 33 (1) may not require notification, registration, or filing of a facially
34 valid foreign order for protection as a prerequisite to enforcement
35 of an order;
36 (2) if a foreign protection order is not presented, may consider
37 other information to determine under a totality of the
38 circumstances whether there is probable cause to believe that a
39 valid foreign order for protection exists; and
40 (3) who determines that an otherwise valid foreign protection

- 1 order cannot be enforced because a respondent has not been
2 notified or served with the order, shall:
- 3 (A) inform the respondent of the order;
 - 4 (B) serve the order on the respondent;
 - 5 (C) ensure that the order and service of the order are entered
6 into the state depository;
 - 7 (D) allow the respondent a reasonable opportunity to comply
8 with the order before enforcing the order; and
 - 9 (E) ensure the safety of the protected person while giving the
10 respondent the opportunity to comply with the order.
- 11 (h) After a foreign protective order is registered, the clerk shall enter
12 the order in the Indiana protective order registry established by
13 IC 5-2-9-5.5."
- 14 Renumber all SECTIONS consecutively.
(Reference is to HB 1286 as introduced.)