

# PROPOSED AMENDMENT

## HB 1286 # 3

### DIGEST

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

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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.)