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HOUSE BILL No. 1286

Proposed Changes to introduced printing by AM128604

DIGEST OF PROPOSED AMENDMENT

Evidence. Amends a provision concerning the court's consideration of evidence and issuance of an order for protection.

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 34-26-5-5 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. At a hearing to
3 obtain an order for protection, each party has a continuing duty to
4 inform the court of:
5 (1) each separate proceeding for an order for protection;
6 (2) any civil litigation;
7 (3) each proceeding in a family, domestic relations, or juvenile
8 court; ~~and~~
9 (4) each criminal case; **and**
10 **(5) any military protective order issued by a military**
11 **commander in effect under 10 U.S.C. 1567;**
12 involving a party or a child of a party. The information provided under
13 this section must include the case name, the case number, and the
14 county and state in which the proceeding is held, if that information is
15 known by the party.
16 SECTION 2. IC 34-26-5-9, AS AMENDED BY P.L.9-2024,
17 SECTION 527, IS AMENDED TO READ AS FOLLOWS
18 [EFFECTIVE JULY 1, 2026]: Sec. 9. (a) If it appears from a petition
19 for an order for protection or from a petition to modify an order for
20 protection that domestic or family violence has occurred or that a
21 modification of an order for protection is required, a court may:

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- (1) without notice or hearing, immediately issue an order for protection ex parte or modify an order for protection ex parte; or
- (2) upon notice and after a hearing, whether or not a respondent appears, issue or modify an order for protection.

If the petitioner presents evidence that a military protective order is in effect for the protection of the petitioner against the respondent, the court ~~must~~ [may] consider this evidence and may issue an order for protection ex parte or modify an order for protection ex parte under subdivision (1) based upon this evidence.

(b) If it appears from a petition for an order for protection or from a petition to modify an order for protection that harassment has occurred, a court:

- (1) may not, without notice and a hearing, issue an order for protection ex parte or modify an order for protection ex parte; but
- (2) may, upon notice and after a hearing, whether or not a respondent appears, issue or modify an order for protection.

A court must hold a hearing under this subsection not later than thirty (30) days after the petition for an order for protection or the petition to modify an order for protection is filed.

(c) A court may grant the following relief without notice and hearing in an ex parte order for protection or in an ex parte order for protection modification under subsection (a):

- (1) Enjoin a respondent from threatening to commit or committing acts of domestic or family violence against a petitioner and each designated family or household member.
- (2) Prohibit a respondent from harassing, annoying, telephoning, contacting, or directly or indirectly communicating with a petitioner.
- (3) Prohibit a respondent from using a tracking device (as defined by IC 35-31.5-2-337.6) to determine the location of:
 - (A) the petitioner or property owned or used by the petitioner; and
 - (B) any other family or household member or property owned or used by the family or household member.
- (4) Remove and exclude a respondent from the residence of a petitioner, regardless of ownership of the residence.
- (5) Order a respondent to stay away from the residence, school, or place of employment of a petitioner or a specified place frequented by a petitioner and each designated family or household member.
- (6) Order that a petitioner has the exclusive possession, care,



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custody, or control of any animal owned, possessed, kept, or cared for by the petitioner, respondent, minor child of either the petitioner or respondent, or any other family or household member.

(7) Prohibit a respondent from removing, transferring, injuring, concealing, harming, attacking, mistreating, threatening to harm, or otherwise disposing of an animal described in subdivision (6).

(8) Order possession and use of the residence, an automobile, and other essential personal effects, regardless of the ownership of the residence, automobile, and essential personal effects. If possession is ordered under this subdivision or subdivision (6), the court may direct a law enforcement officer to accompany a petitioner to the residence of the parties to:

(A) ensure that a petitioner is safely restored to possession of the residence, automobile, animal, and other essential personal effects; or

(B) supervise a petitioner's or respondent's removal of personal belongings and animal.

(9) Order other relief necessary to provide for the safety and welfare of a petitioner and each designated family or household member.

(d) A court may grant the following relief after notice and a hearing, whether or not a respondent appears, in an order for protection or in a modification of an order for protection:

(1) Grant the relief under subsection (c).

(2) Specify arrangements for parenting time of a minor child by a respondent and:

(A) require supervision by a third party; or

(B) deny parenting time;

if necessary to protect the safety of a petitioner or child.

(3) Order a respondent to:

(A) pay attorney's fees;

(B) pay rent or make payment on a mortgage on a petitioner's residence;

(C) if the respondent is found to have a duty of support, pay for the support of a petitioner and each minor child;

(D) reimburse a petitioner or other person for expenses related to the domestic or family violence or harassment, including:

(i) medical expenses;

(ii) counseling;

(iii) shelter; and



- 1 (iv) repair or replacement of damaged property;
 2 (E) pay the costs and expenses incurred in connection with
 3 the use of a GPS tracking device under subsection (k); or
 4 (F) pay the costs and fees incurred by a petitioner in
 5 bringing the action.
- 6 (4) Prohibit a respondent from using or possessing a firearm,
 7 ammunition, or a deadly weapon specified by the court, and
 8 direct the respondent to surrender to a specified law enforcement
 9 agency the firearm, ammunition, or deadly weapon for the
 10 duration of the order for protection unless another date is ordered
 11 by the court.
- 12 (5) Permit the respondent and petitioner to occupy the same
 13 location for any purpose that the court determines is legitimate
 14 or necessary. The court may impose terms and conditions upon
 15 a respondent when granting permission under this subdivision.
- 16 An order issued under subdivision (4) does not apply to a person who
 17 is exempt under 18 U.S.C. 925.
- 18 (e) The court shall:
- 19 (1) cause the order for protection to be delivered to the county
 20 sheriff for service;
- 21 (2) make reasonable efforts to ensure that the order for
 22 protection is understood by a petitioner and a respondent if
 23 present;
- 24 (3) electronically notify each law enforcement agency:
- 25 (A) required to receive notification under IC 5-2-9-6; or
 26 (B) designated by the petitioner;
- 27 (4) transmit a copy of the order to the clerk for processing under
 28 IC 5-2-9;
- 29 (5) indicate in the order if the order and the parties meet the
 30 criteria under 18 U.S.C. 922(g)(8); and
- 31 (6) require the clerk of court to enter or provide a copy of the
 32 order to the Indiana protective order registry established by
 33 IC 5-2-9-5.5.
- 34 (f) Except as provided in subsection (g), an order for protection
 35 issued ex parte or upon notice and a hearing, or a modification of an
 36 order for protection issued ex parte or upon notice and a hearing, is
 37 effective for two (2) years after the date of issuance unless another date
 38 is ordered by the court. The sheriff of each county shall provide
 39 expedited service for an order for protection.
- 40 (g) This subsection applies to an order for protection issued ex
 41 parte or upon notice and a hearing, or to a modification of an order for
 42 protection issued ex parte or upon notice and a hearing, if:

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- (1) the respondent named in the order is a sex or violent offender (as defined in IC 11-8-8-5) and is required to register as a lifetime sex or violent offender under IC 11-8-8-19; and
- (2) the petitioner was the victim of the crime that resulted in the requirement that the respondent register as a lifetime sex or violent offender under IC 11-8-8-19.

An order for protection to which this subsection applies is effective indefinitely after the date of issuance unless another date is ordered by the court. The sheriff of each county shall provide expedited service for an order for protection.

(h) A finding that domestic or family violence or harassment has occurred sufficient to justify the issuance of an order under this section means that a respondent represents a credible threat to the safety of a petitioner or a member of a petitioner's household. Upon a showing of domestic or family violence or harassment by a preponderance of the evidence, the court shall grant relief necessary to bring about a cessation of the violence or the threat of violence. The relief may include an order directing a respondent to surrender to a law enforcement officer or agency all firearms, ammunition, and deadly weapons:

- (1) in the control, ownership, or possession of a respondent; or
- (2) in the control or possession of another person on behalf of a respondent;

for the duration of the order for protection unless another date is ordered by the court.

(i) An order for custody, parenting time, or possession or control of property issued under this chapter is superseded by an order issued from a court exercising dissolution, legal separation, paternity, or guardianship jurisdiction over the parties.

(j) The fact that an order for protection is issued under this chapter does not raise an inference or presumption in a subsequent case or hearings between the parties.

(k) Upon a finding of a violation of an order for protection, the court may:

- (1) require a respondent to wear a GPS tracking device; and
- (2) prohibit the respondent from approaching or entering certain locations where the petitioner may be found.

If the court requires a respondent to wear a GPS tracking device under subdivision (1), the court shall, if available, require the respondent to wear a GPS tracking device with victim notification capabilities.

(l) The court may permit a victim, a petitioner, another person, an organization, or an agency to pay the costs and expenses incurred in



1 connection with the use of a GPS tracking device under subsection (k).
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