

2010

State Law Report Card

Indiana



Access to Civil Protection Orders

In Indiana, minors can obtain Civil Protection Orders (CPOs),¹ and courts can issue CPOs against minor abusers.² Indiana also allows people in dating relationships to seek CPOs against their abusers.³

Procedure

State law does not specify whether minors can petition for CPOs on their own behalf. A parent or guardian, among others, may petition for a CPO on the minor's behalf.⁴ If a minor is able to file on their own behalf, Indiana law does not specify whether the parent or guardian of the minor will be notified about the CPO. If the respondent is a minor, the court may transfer the petition to juvenile court for the hearing.⁵

Definition of Abuse

A judge may issue a CPO when the respondent has physically abused, sexually abused, threatened to physically abuse, stalked or harassed the petitioner.⁶ The statute may recognize other forms of abuse not specifically listed here.

Relief Available

The court may order⁷ the respondent to:

- stay away from the petitioner (including petitioner's school);
- vacate the petitioner's residence;
- provide petitioner exclusive use/possession of property;
- comply with a custody/visitation schedule;
- pay child support;
- pay spousal support;
- not possess a gun;
- pay attorneys' fees;
- pay restitution for other harm; and/or
- other relief within the court's discretion.

The statute may allow other forms of relief not specifically listed here and may cover individuals other than the petitioner. The Civil Protection Order is modifiable.⁸

Minors' Access to Sensitive Services⁹

All minors can consent to:

- STI testing and treatment
- Adoption

Some minors can consent to contraceptive services. Minors can only access abortion services with parental consent.

School Response to Dating Violence

Indiana law does not provide for a school response to dating violence.

Recommendations for Immediate Policy Change

In order to improve Indiana's response to teen dating violence, the following changes are recommended:

- Allow minors to petition for CPOs on their own behalf and explicitly describe the procedure for doing so.
- Ensure all CPO cases involving minors are heard in the same court as adult domestic violence victims.
- Allow all minors to access all sensitive services, including HIV services, prenatal care and medical care for a child, without parental involvement.
- Mandate dating violence education, implement school policies, and provide training for school personnel in all middle schools and high schools.

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References

¹ IND. CODE ANN. § 34-26-5-2(b) (West 2009).

² *Id.* §34-26-5-2(d).

³ *Id.* § 34-6-2-44.8.

⁴ *Id.* §34-26-5-2(b).

⁵ *Id.* §34-26-5-2(d).

⁶ *Id.* § 34-6-2-34.5; § 35-45-10-1.

⁷ *Id.* §§ 34-26-5-9(b)-(c).

⁸ *Id.* § 34-26-5-9(a).

⁹ Guttmacher Institute, An overview of minors' consent law, *State Policies in Brief*, New York: Guttmacher Institute, 2009, http://www.guttmacher.org/statecenter/spibs/spib_OMCL.pdf, accessed December 1, 2009.

Break the Cycle

Empowering Youth to End
Domestic Violence

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