

IC 31-14-15

Chapter 15. Temporary Restraining Orders and Permanent Injunctions Against Custodial Parents

IC 31-14-15-1

Parenting time rights; permanent injunction against custodial parent

Sec. 1. A noncustodial parent who:

(1) has been granted parenting time rights with a child who lives with the custodial parent;

(2) regularly pays support ordered by a court for the child; and

(3) is barred by a custodial parent from exercising parenting time rights ordered for the noncustodial parent and the child;

may file, in the court that has jurisdiction over the paternity action, an application for an injunction against the custodial parent under Rule 65 of the Indiana Rules of Trial Procedure.

As added by P.L.1-1997, SEC.6. Amended by P.L.68-2005, SEC.24.

IC 31-14-15-2

Parenting time rights; temporary restraining order against custodial parent

Sec. 2. (a) If:

(1) an application for an injunction is filed under this chapter (or IC 31-6-6.1-12.1 before its repeal); and

(2) the noncustodial parent submits an affidavit as described in subsection (b);

the court may grant, without notice, a temporary restraining order restraining the custodial parent from further violation of the parenting time order.

(b) In the affidavit, the noncustodial parent shall state under penalties for perjury:

(1) that the noncustodial parent has been granted parenting time rights with the child; and

(2) that the noncustodial parent regularly pays the support ordered by a court for the child.

(c) The court shall hold a hearing upon the restraining order at the earliest convenience of the court.

As added by P.L.1-1997, SEC.6. Amended by P.L.68-2005, SEC.25.

IC 31-14-15-3

Security

Sec. 3. (a) This section does not apply to an order under IC 31-14-13-6.5 or IC 31-14-14-2.5.

(b) A court may not require an applicant for a temporary restraining order or an injunction under this chapter (or IC 31-6-6.1-12.1 before its repeal) to give security.

As added by P.L.1-1997, SEC.6. Amended by P.L.171-2001, SEC.6; P.L.207-2013, SEC.43.

IC 31-14-15-4

Remedies for contempt

Sec. 4. A court that finds a violation without justifiable cause by a custodial parent of an injunction or a temporary restraining order issued under this chapter (or IC 31-6-6.1-12.1 before its repeal):

- (1) shall find the custodial parent in contempt of court;
- (2) shall order the exercise of parenting time that was not exercised due to the violation under this section (or IC 31-6-6.1-12.1(e) before its repeal) at a time the court considers compatible with the schedules of the noncustodial parent and the child;
- (3) may order payment by the custodial parent of reasonable attorney's fees, costs, and expenses to the noncustodial parent; and
- (4) may order the custodial parent to perform community restitution or service without compensation in a manner specified by the court.

As added by P.L.1-1997, SEC.6. Amended by P.L.32-2000, SEC.17; P.L.68-2005, SEC.26.

IC 31-14-15-5**Additional remedies**

Sec. 5. The remedies in this chapter are in addition to and do not limit other civil or criminal remedies available to the noncustodial parent.

As added by P.L.1-1997, SEC.6.