IC 5-2-9
   Chapter 9. Protective Order Depositories

IC 5-2-9-0.1
Application of certain amendments to chapter
   Sec. 0.1. The following amendments to this chapter apply as follows:
      (1) The addition of section 1.3 and sections 1.5, 1.6, and 6.3 of this chapter (before their repeal) by P.L.280-2001 applies to foreign protection orders issued before, on, or after July 1, 2001.
      (2) The amendments made to sections 2.1, 5, 6, 7, and 8 of this chapter by P.L.280-2001 apply to foreign protection orders issued before, on, or after July 1, 2001.
As added by P.L.220-2011, SEC.62.

IC 5-2-9-1
"Law enforcement agency" defined
   Sec. 1. As used in this chapter, "law enforcement agency" means the department or agency of a city or town whose principal function is the apprehension of criminal offenders.
As added by P.L.53-1989, SEC.1.

IC 5-2-9-1.2
"IDACS coordinator" defined
   Sec. 1.2. As used in this chapter, "IDACS coordinator" means an individual who holds an administrative position within a law enforcement agency that has operational Indiana data and communication system (IDACS) terminals and who is appointed by the director of the law enforcement agency.
As added by P.L.116-2009, SEC.1; P.L.130-2009, SEC.6. Amended by P.L.1-2010, SEC.12.

IC 5-2-9-1.3
"County clerk" defined
   Sec. 1.3. As used in this chapter, "county clerk" refers to the clerk of the circuit court.
As added by P.L.280-2001, SEC.3.

IC 5-2-9-1.4
"Indiana protective order registry" or "registry" defined
   Sec. 1.4. As used in this chapter, "Indiana protective order registry" or "registry" means the Internet based registry of protective orders established under section 5.5 of this chapter and developed and maintained by the division of state court administration.
As added by P.L.116-2009, SEC.2; P.L.130-2009, SEC.7. Amended by P.L.1-2010, SEC.13.

IC 5-2-9-1.5
Repealed

(Repealed by P.L.133-2002, SEC.69.)

IC 5-2-9-1.6
Repealed
   (Repealed by P.L.133-2002, SEC.69.)

IC 5-2-9-1.7
"Protected person" defined
   Sec. 1.7. As used in this chapter, "protected person" means a person or an employer (as defined in IC 34-26-6-4) protected under a protective order, as defined in section 2.1 of this chapter.
As added by P.L.221-2003, SEC.1. Amended by P.L.116-2009, SEC.3; P.L.130-2009, SEC.8; P.L.1-2010, SEC.14.

IC 5-2-9-2
Repealed
   (Repealed by P.L.1-1991, SEC.26.)

IC 5-2-9-2.1
"Protective order" defined
   Sec. 2.1. (a) As used in this chapter, "protective order" means:
   (1) a protective order issued under IC 34-26-5 (or, if the order involved a family or household member, IC 34-26-2-12(1)(A), IC 34-26-2-12(1)(B), IC 34-26-2-12(1)(C), IC 34-4-5.1-5(a)(1)(A), IC 34-4-5.1-5(a)(1)(B), or IC 34-4-5.1-5(a)(1)(C) before their repeal);
   (2) an ex parte protective order issued under IC 34-26-5 (or, if the order involved a family or household member, an emergency protective order issued under IC 34-26-2-6(1), IC 34-26-2-6(2), or IC 34-26-2-6(3) or IC 34-4-5.1-2.3(a)(1)(A), IC 34-4-5.1-2.3(a)(1)(B), or IC 34-4-5.1-2.3(a)(1)(C) before their repeal);
   (3) a protective order issued under IC 31-15-4-1 (or IC 31-1-11.5-7(b)(2), IC 31-1-11.5-7(b)(3), IC 31-16-4-2(a)(2), or IC 31-16-4-2(a)(3) before their repeal);
   (4) a dispositional decree containing a no contact order issued under IC 31-34-20-1, IC 31-37-19-1, or IC 31-37-19-6 (or IC 31-6-4-15.4 or IC 31-6-4-15.9 before their repeal) or an order containing a no contact order issued under IC 31-32-13 (or IC 31-6-7-14 before its repeal);
   (5) a no contact order issued as a condition of pretrial release, including release on bail or personal recognizance, or pretrial diversion;
   (6) a no contact order issued as a condition of probation;
   (7) a protective order issued under IC 31-15-5-1 (or IC 31-1-11.5-8.2 or IC 31-16-5 before their repeal);
   (8) a protective order issued under IC 31-14-16-1 in a paternity action;
   (9) a no contact order issued under IC 31-34-25 in a child in need of services proceeding or under IC 31-37-25 in a juvenile

delinquency proceeding;

 (10) a workplace violence restraining order issued under IC 34-26-6;

 (11) a child protective order issued under IC 31-34-2.3; or

 (12) a foreign protective order registered under IC 34-26-5-17.

 (b) Whenever a protective order is issued by an Indiana court, the Indiana court must caption the order in a manner that indicates the type of order issued and the section of the Indiana Code that authorizes the protective order. The Indiana court shall also place on the order the court's hours of operation and telephone number with area code.

As added by P.L.1-1991, SEC.27. Amended by P.L.49-1993, SEC.1; P.L.23-1994, SEC.1; P.L.1-1997, SEC.32; P.L.37-1997, SEC.1; P.L.2-1998, SEC.13; P.L.1-1998, SEC.66; P.L.1-2001, SEC.2; P.L.280-2001, SEC.6; P.L.1-2002, SEC.15; P.L.133-2002, SEC.3; P.L.52-2007, SEC.1; P.L.116-2009, SEC.4; P.L.130-2009, SEC.9.

IC 5-2-9-3

"Sheriff" defined

 Sec. 3. As used in this chapter, "sheriff" refers to a county sheriff.

As added by P.L.53-1989, SEC.1.

IC 5-2-9-4

Repealed

 (Repealed by P.L.1-1991, SEC.28.)

IC 5-2-9-5

Depository established

 Sec. 5. A depository is established in the office of each sheriff and law enforcement agency in Indiana for the purpose of collecting, maintaining, and retaining the following:

 (1) Protective orders.

 (2) No contact orders.

 (3) Workplace violence restraining orders.

 (4) Child protective orders.

As added by P.L.1-1991, SEC.29. Amended by P.L.49-1993, SEC.2; P.L.1-1997, SEC.33; P.L.1-1998, SEC.67; P.L.1-2001, SEC.3; P.L.280-2001, SEC.7; P.L.133-2002, SEC.4; P.L.52-2007, SEC.2.

IC 5-2-9-5.5

Indiana protective order registry; duties of division of state court administration

 Sec. 5.5. (a) The Indiana protective order registry is established.

 (b) The registry is an Internet based, electronic depository for protective orders. Copies of all protective orders shall be retained in the registry.

 (c) The registry must contain confidential information about protected persons.

 (d) The division of state court administration shall create, manage, and maintain the registry.

(e) A protective order retained under section 5 of this chapter may be entered in the registry.

(f) The division of state court administration shall make the protective order registry established by this section available so that county case management systems may interface with the protective order registry by not later than December 31, 2009.

(g) The division of state court administration shall submit information concerning a standard protocol for county case management systems to interface with the protective order registry to each:

(1) prosecuting attorney; and

(2) court.

As added by P.L.116-2009, SEC.5; P.L.130-2009, SEC.10. Amended by P.L.1-2010, SEC.15.

IC 5-2-9-6 Version a
Copies of orders issued; confidential file; confidential form; registry

Note: This version of section amended by P.L.116-2009, SEC.6. See also following version of this section amended by P.L.130-2009, SEC.11.

Sec. 6. (a) The clerk of a court that issues a protective order shall:

(1) provide a copy of the order to the petitioner; and

(2) provide a copy of the order and service of process to the respondent or defendant in accordance with the rules of trial procedure.

(b) The clerk of a court that issues a protective order or the clerk of a court in which a petition is filed shall maintain a confidential file to secure any confidential information about a protected person designated on a uniform statewide form prescribed by the division of state court administration.

(c) This subsection applies to a protective order that a sheriff or law enforcement agency receives under subsection (a) before July 1, 2009, and a confidential form under subsection (b) that is not retained in the registry. The sheriff or law enforcement agency shall:

(1) maintain a copy of the protective order in the depository established under this chapter;

(2) enter:

(A) the date and time the sheriff or law enforcement agency receives the protective order;

(B) the location of the person who is subject to the protective order, if reasonably ascertainable from the information received;

(C) the name and identification number of the officer who serves the protective order;

(D) the manner in which the protective order is served;

(E) the name of the petitioner and any other protected parties;

(F) the name, Social Security number, date of birth, and physical description of the person who is the subject of the

protective order, if reasonably ascertainable from the information received;

(G) the date the protective order expires;

(H) a caution indicator stating whether a person who is the subject of the protective order is believed to be armed and dangerous, if reasonably ascertainable from the information received; and

(I) if furnished, a Brady record indicator stating whether a person who is the subject of the protective order is prohibited from purchasing or possessing a firearm or ammunition under federal law, if reasonably ascertainable from the information received;

on the copy of the protective order or the confidential form; and

(3) except for a protective order that is retained in the registry, establish a confidential file in which a confidential form that contains information concerning a protected person is kept.

(d) Except for a protective order that is retained in the registry, a protective order may be removed from the depository established under this chapter only if the sheriff or law enforcement agency that administers the depository receives:

(1) a notice of termination on a form prescribed or approved by the division of state court administration;

(2) an order of the court; or

(3) a notice of termination and an order of the court.

(e) If a protective order in a depository established under this chapter is terminated, the person who obtained the order must file a notice of termination on a form prescribed or approved by the division of state court administration with the clerk of the court. The clerk of the court shall:

(1) enter the notice of termination into; or

(2) provide a copy of the notice of termination to;

the registry and provide a copy of the notice of termination to each of the depositories to which the protective order was sent. The clerk of the court shall maintain the notice of termination in the court's file.

(f) If a protective order or form is extended or modified, the person who obtained the extension or modification must file a notice of extension or modification on a form prescribed or approved by the division of state court administration with the clerk of the court. Except for a protective order retained in the registry, the clerk of the court shall provide a copy of the notice of extension or modification of a protective order to each of the depositories to which the order and a confidential form were sent. The clerk of the court shall maintain the notice of extension or modification of a protective order in the court's file.

(g) The clerk of a court that issued an order terminating a protective order that is an ex parte order shall provide a copy of the order to the following:

(1) Each party.

(2) Except for a protective order retained in the registry, the law enforcement agency provided with a copy of a protective order

under subsection (a).

As added by P.L.23-1994, SEC.2. Amended by P.L.31-1996, SEC.3; P.L.32-1996, SEC.3; P.L.280-2001, SEC.8; P.L.133-2002, SEC.5; P.L.221-2003, SEC.2; P.L.52-2007, SEC.3; P.L.116-2009, SEC.6.

IC 5-2-9-6 Version b
Copies of orders issued; confidential file; confidential form; depository

Note: This version of section amended by P.L.130-2009, SEC.11. See also preceding version of this section amended by P.L.116-2009, SEC.6.

Sec. 6. (a) The clerk of a court that issues a protective order shall:

(1) provide a copy of the order to the petitioner; and

(2) provide a copy of the order and service of process to the respondent or defendant in accordance with the rules of trial procedure.

(b) The clerk of a court that issues a protective order or the clerk of a court in which a petition is filed shall maintain a confidential file to secure any confidential information about a protected person designated on a uniform statewide form prescribed by the division of state court administration.

(c) This subsection applies to a protective order that a sheriff or law enforcement agency received under subsection (a) before July 1, 2009, and a confidential form under subsection (b) that was not created in the registry. The sheriff or law enforcement agency shall:

(1) maintain a copy of the protective order in the depository established under this chapter;

(2) enter:

(A) the date and time the sheriff or law enforcement agency receives the protective order;

(B) the location of the person who is subject to the protective order, if reasonably ascertainable from the information received;

(C) the name and identification number of the officer who serves the protective order;

(D) the manner in which the protective order is served;

(E) the name of the petitioner and any other protected parties;

(F) the name, Social Security number, date of birth, and physical description of the person who is the subject of the protective order, if reasonably ascertainable from the information received;

(G) the date the protective order expires;

(H) a caution indicator stating whether a person who is the subject of the protective order is believed to be armed and dangerous, if reasonably ascertainable from the information received; and

(I) if furnished, a Brady record indicator stating whether a person who is the subject of the protective order is prohibited from purchasing or possessing a firearm or

ammunition under federal law, if reasonably ascertainable from the information received;

on the copy of the protective order or the confidential form; and

(3) except for a protective order that is created in the registry, establish a confidential file in which a confidential form that contains information concerning a protected person is kept.

(d) Except for a protective order that is created in the registry, a protective order may be removed from the depository established under this chapter only if the sheriff or law enforcement agency that administers the depository receives:

(1) a notice of termination on a form prescribed or approved by the division of state court administration;

(2) an order of the court; or

(3) a notice of termination and an order of the court.

(e) If a protective order in a depository established under this chapter is terminated, the person who obtained the order must file a notice of termination on a form prescribed or approved by the division of state court administration with the clerk of the court. The clerk of the court shall:

(1) enter the notice of termination into the registry; or

(2) provide a copy of the notice of termination of a protective order;

to the registry and to each of the depositories to which the protective order was sent. The clerk of the court shall maintain the notice of termination in the court's file.

(f) If a protective order or form is extended or modified, the person who obtained the extension or modification must file a notice of extension or modification on a form prescribed or approved by the division of state court administration with the clerk of the court. Except for a protective order created in the registry, the clerk of the court shall provide a copy of the notice of extension or modification of a protective order to each of the depositories to which the order and a confidential form were sent. The clerk of the court shall maintain the notice of extension or modification of a protective order in the court's file.

(g) The clerk of a court that issued an order terminating a protective order that is an ex parte order shall provide a copy of the order to the following:

(1) Each party.

(2) Except for a protective order created in the registry, the law enforcement agency provided with a copy of a protective order under subsection (a).

As added by P.L.23-1994, SEC.2. Amended by P.L.31-1996, SEC.3; P.L.32-1996, SEC.3; P.L.280-2001, SEC.8; P.L.133-2002, SEC.5; P.L.221-2003, SEC.2; P.L.52-2007, SEC.3; P.L.130-2009, SEC.11.

IC 5-2-9-6.3
Repealed
(Repealed by P.L.133-2002, SEC.69.)

IC 5-2-9-6.5
Information placed in the registry; law enforcement agency duties
Sec. 6.5. (a) After a court issues a protective order and issues the order to the registry, an IDACS coordinator may provide additional information about the parties in the order, including:
　　(1) dates of birth;
　　(2) Social Security numbers;
　　(3) driver license numbers; and
　　(4) physical descriptions of the parties;
to ensure the accuracy of the orders in the registry and information in IDACS.
　　(b) A law enforcement agency that perfects service of a protective order issued to the registry shall enter into the registry:
　　　　(1) the date and time the law enforcement agency received the protective order;
　　　　(2) the location of the person who is the subject of the protective order, if this information is available;
　　　　(3) the name and identification number of the law enforcement officer who served the protective order; and
　　　　(4) the manner in which the protective order was served.
As added by P.L.116-2009, SEC.7; P.L.130-2009, SEC.12. Amended by P.L.1-2010, SEC.16.

IC 5-2-9-7
Confidentiality
Sec. 7. (a) Any information:
　　(1) in a uniform statewide confidential form or any part of a confidential form prescribed by the division of state court administration that must be filed with a protective order; or
　　(2) otherwise acquired concerning a protected person;
is confidential and may not be divulged to any respondent or defendant.
　　(b) Information described in subsection (a) may only be used by:
　　　　(1) a court;
　　　　(2) a sheriff;
　　　　(3) another law enforcement agency;
　　　　(4) a prosecuting attorney; or
　　　　(5) a court clerk;
to comply with a law concerning the distribution of the information.
As added by P.L.23-1994, SEC.3. Amended by P.L.280-2001, SEC.10; P.L.133-2002, SEC.6; P.L.52-2007, SEC.4; P.L.116-2009, SEC.8; P.L.130-2009, SEC.13.

IC 5-2-9-8 Version a
Entry of information into IDACS
Note: This version of section amended by P.L.116-2009, SEC.9. See also following version of this section amended by P.L.130-2009, SEC.14.
Sec. 8. Except for a protective order that is retained in the registry, a law enforcement agency that receives a copy of a

protective order shall enter the information received into the Indiana data and communication system (IDACS) computer under IC 10-13-3-35 upon receiving a copy of the order.

As added by P.L.31-1996, SEC.4 and P.L.32-1996, SEC.4. Amended by P.L.280-2001, SEC.11; P.L.133-2002, SEC.7; P.L.97-2004, SEC.18; P.L.52-2007, SEC.5; P.L.116-2009, SEC.9.

IC 5-2-9-8 Version b
Entry of information into IDACS
Note: This version of section amended by P.L.130-2009, SEC.14. See also preceding version of this section amended by P.L.116-2009, SEC.9.

Sec. 8. Except for a protective order that is created in the registry, a law enforcement agency that receives a copy of a protective order shall enter the information received into the Indiana data and communication system (IDACS) computer under IC 10-13-3-35 upon receiving a copy of the order.

As added by P.L.31-1996, SEC.4 and P.L.32-1996, SEC.4. Amended by P.L.280-2001, SEC.11; P.L.133-2002, SEC.7; P.L.97-2004, SEC.18; P.L.52-2007, SEC.5; P.L.130-2009, SEC.14.