

NO-CONTACT ORDERS IN CHINS CASES

Updated as of August 2024

Order Type	No-Contact Order including Emergency Order	Child Protective Order Removing Alleged Perpetrator from the Home including Temporary Emergency Order	Child Protective Order or No-Contact Order after Notice & Hearing
Stage of Proceeding	Pre-adjudication Post-adjudication	Pre-adjudication	Post-adjudication
What is the applicable statute?	<u>IC 31-32-13-1</u> - Controls the conduct of any person in relation to child. - Includes authority to issue no contact or restraining orders (See <u>Matter of R.L.</u>, 237 N.E.3d 652 (Ind. App. 2024)) <u>IC 31-32-13-7 (emergency)</u> - Controls the conduct of any person in relation to child	<u>IC 31-34-2.3-1</u> - Prohibits a perpetrator of child abuse or neglect to refrain from returning to the child's residence. - Order must require the parent or other adult with whom child will continue to reside to make reasonable efforts to monitor residence; and report to DCS or LEA any attempt by the alleged perpetrator to return to the residence (IC 31-34-2.3-6) <u>IC 31-34-2.3-2 (emergency)</u> - Prohibits a perpetrator of child abuse or neglect to refrain from returning to the child's residence. - Order must require the parent or other adult with whom child will continue to reside to make reasonable efforts to monitor residence; and report to DCS or LEA any attempt by the alleged perpetrator to return to the residence (IC 31-34-2.3-6)	<u>IC 31-34-25-1</u> - Prohibits respondent from having direct or indirect contact with a child who has been adjudicated CHINS or a member of a foster family. <u>IC 31-34-20-1(a)(7) – Dispositional Decree</u> - Order a person who is a party to refrain from direct or indirect contact with the child. <u>IC 31-34-20-1(a)(8) – Dispositional Decree</u> - Order a perpetrator of child abuse or neglect to refrain from returning to the child's residence

NO-CONTACT ORDERS IN CHINS CASES

Updated as of August 2024

Order Type	No-Contact Order including Emergency Order	Child Protective Order Removing Alleged Perpetrator from the Home including Temporary Emergency Order	Child Protective Order or No-Contact Order after Notice & Hearing
Whom does it protect?	<u>IC 31-32-13-1</u> - Child <u>IC 31-32-13-7 (emergency)</u> - Child	<u>IC 31-34-2.3-1</u> - Child <u>IC 31-34-2.3-2 (emergency)</u> - Child	<u>IC 31-34-25-1</u> - Child, member of foster family <u>IC 31-34-20-1(a)(7)</u> - Child <u>IC 31-34-20-1-(a)(8)</u> - Child
Who may file a petition seeking the order?	<u>IC 31-32-13-1</u> - Court, parent, guardian, custodian, GAL, probation officer, caseworker, prosecutor, DCS attorney, service provider for parent or child <u>IC 31-32-13-7 (emergency)</u> - Court, parent, guardian, custodian, GAL, probation officer, caseworker, prosecutor, DCS attorney, service provider for parent or child	<u>IC 31-34-2.3-1</u> - DCS <u>IC 31-34-2.3-2 (emergency)</u> - DCS	<u>IC 31-34-25-1</u> - DCS, GAL, CASA <u>IC 31-34-20-1(a)(7)</u> - Any party to CHINS case <u>IC 31-34-20-1-(a)(8)</u> - Any party to CHINS case
What is the duration of the order?	<u>IC 31-32-13-1</u> - Lasts up to one year, may be extended for an additional year, or modified/dissolved at any time. (IC 31-32-13-6) <u>IC 31-32-13-7 (emergency)</u> - Lasts 72 hours, excluding Saturdays, Sundays and holidays, may be extended upon showing of good cause (IC 31-32-13-8)	<u>IC 31-34-2.3-1</u> - Lasts until the court determines whether the child is not a child in need of services or the child is adjudicated as a child in need of services and enters a dispositional decree. (IC 31-34-2.3-5) <u>IC 31-34-2.3-2 (emergency)</u> - Lasts 48 hours (excluding Saturdays, Sundays, and legal holidays)	<u>IC 31-34-25-1</u> - Must be terminated at case closure. <u>IC 31-34-20-1(a)(7)</u> - Lasts up to one year after decree is entered or date specified in the decree, if any (IC 31-34-20-4) <u>IC 31-34-20-1-(a)(8)</u> - Lasts up to one year after decree is entered or date specified in the decree If any (IC 31-34-20-4)

NO-CONTACT ORDERS IN CHINS CASES

Updated as of August 2024

Order Type	No-Contact Order including Emergency Order	Child Protective Order Removing Alleged Perpetrator from the Home including Temporary Emergency Order	Child Protective Order or No-Contact Order after Notice & Hearing
Is it a crime to violate the order?	Yes <u>IC 31-32-13-1</u> - A person who violates a protective order...commits a Class A misdemeanor invasion of privacy (IC 35-46-1-15.1) - The offense is a Level 6 felony if the person has a prior unrelated conviction for the offense. (IC 35-46-1-15.1) <u>IC 31-32-13-7 (emergency)</u> - A person who violates a protective order...commits a Class A misdemeanor invasion of privacy (IC 35-46-1-15.1) - The offense is a Level 6 felony if the person has a prior unrelated conviction for the offense. (IC 35-46-1-15.1)	Yes <u>IC 31-34-2.3-1</u> - An alleged perpetrator of child abuse who knowingly or intentionally returns to a child's residence...commits a class A misdemeanor (IC 31-34-2.3-8) - Offense is Level 6 felony if alleged perpetrator has a prior unrelated conviction. - A parent or other adult with whom child continues to reside after issuance or order who knowingly fails to comply with the requirements under Section 6 commits a Class A Misdemeanor (IC 31- 34-2.3-7) Yes <u>IC 31-34-2.3-2 (emergency)</u> - An alleged perpetrator of child abuse who knowingly or intentionally returns to a child's residence...commits a class A misdemeanor (IC 31-34-2.3-8) - Offense is Level 6 felony if alleged perpetrator has a prior unrelated conviction. - A parent or other adult with whom child continues to reside after issuance or order who knowingly fails to comply with the requirements under Section 6 commits a Class A Misdemeanor (IC 31- 34-2.3-7)	<u>IC 31-34-25-1</u> - A person who knowingly or intentionally violates a no contact order issued under IC 31-34-25 in a CHINS proceeding... commits a level 6 felony (IC 35-46-1-15.3) <u>IC 31-34-20-1(a)(7)</u> - A person who violates a protective order...commits a Class A misdemeanor invasion of privacy (IC 35-46-1-15.1) - The offense is a Level 6 felony if the person has a prior unrelated conviction for the offense. (IC 35-46-1-15.1) <u>IC 31-34-20-1-(a)(8)</u> - A person who violates a protective order...commits a Class A misdemeanor invasion of privacy (IC 35-46-1-15.1) - The offense is a Level 6 felony if the person has a prior unrelated conviction for the offense. (IC 35-46-1-15.1)

NO-CONTACT ORDERS IN CHINS CASES

Updated as of August 2024

Order Type	No-Contact Order including Emergency Order	Child Protective Order Removing Alleged Perpetrator from the Home including Temporary Emergency Order	Child Protective Order or No-Contact Order after Notice & Hearing
What is the notice/hearing requirement?	<u>IC 31-32-13-1</u> - Notice must be given to any person whose conduct will be regulated. (IC 31-32-13-3) - Hearing is required (IC 31-32-13-2) <u>IC 31-32-13-7 (emergency)</u> - Hearing is not required.	<u>IC 31-34-2.3-1</u> - Notice and hearing required. (IC 31-34-2.3-4) <u>IC 31-34-2.3-2 (emergency)</u> - Hearing is not initially required if sufficient facts plead. (IC 31-34-2.3-2) - However, a hearing is required within 48 hours (excluding Saturdays, Sundays and holidays) - DCS shall provide notice. (IC 31-34-2.3-4)	<u>IC 31-34-25-1</u> - Notice and hearing required. Can be conducted concurrently with a dispositional hearing. (IC 31-34-25-4) <u>IC 31-34-20-1(a)(7)</u> - Notice and hearing required as part of dispositional decree. <u>IC 31-34-20-1-(a)(8)</u> - Notice and hearing required as part of dispositional decree.
Findings Required	<u>IC 31-32-13-1</u> - Good cause. The court may also consider any other evidence presented in other proceedings or hearings authorized under the juvenile law concerning the child. (IC 31-32-13-4) <u>IC 31-32-13-7</u> - Court upon review of the record finds an emergency exists, or moving party demonstrates that an emergency exists (IC 31-32-13-7)	<u>IC 31-34-2.3-1</u> - The child is not in danger of abuse or neglect from a parent or other adult with whom the child will continue to reside in the child's residence; AND - One or more of the following exist: - The presence of the alleged perpetrator of child abuse or neglect in the child's residence constitutes a continuing danger to the physical health or safety of the child. - The child has been the victim of sexual abuse, and there is substantial risk that the child will be the victim of a sexual abuse in the	<u>IC 31-34-25-1</u> - Respondent is likely to have direct or indirect contact with the child in the absence of an order. - That the child has been adjudicated a child in need of services. - That the best interests of the child will be served if the person refrains from direct or indirect contact with the child. (IC 31-34-25-3 and IC 31-34-25-4)

NO-CONTACT ORDERS IN CHINS CASES

Updated as of August 2024

	No-Contact Order including Emergency Order	Child Protective Order Removing Alleged Perpetrator from the Home including Temporary Emergency Order	Child Protective Order or No-Contact Order after Notice & Hearing
Additional Notes	<u>IC 31-32-13-1</u> - Clerk shall comply with protective order depository and Petitioner shall file a confidential form with clerk (IC 31-32-13-9) <u>IC 31-32-13-7 (emergency)</u> - Clerk shall comply with protective order depository and Petitioner shall file a confidential form with clerk (IC 31-32-13-9) <u>IC 31-30-1-1(a)(7)</u> - Provides jurisdiction to juvenile courts to issue a protective order under IC 31-32-13.	<u>IC 31-34-2.3-1</u> - This is a "JQ" case type. Court can grant any other relief in IC 34-26-5-9, including requiring clerk to put into protection order registry. (IC 31-34-2.3-5) <u>IC 31-34-2.3-2 (emergency)</u> - This is a "JQ" case type. Court can grant any other relief in IC 34-26-5-9, including requiring clerk to put into protection order registry. (IC 31-34-2.3-5)	<u>IC 31-34-25-1</u> - Clerk shall comply with protective order depository (IC 31-34-25-5) <u>IC 31-34-20-1(a)(7)</u> - Clerk shall comply with protective order depository and Petitioner shall file a confidential form with clerk (IC 31-34-20-2) - Clerk shall provide a copy to each party, sheriff, and LEA. A copy of the decree shall be maintained in the protective order registry. (IC 31-34-20-4) <u>IC 31-34-20-1-(a)(8)</u> - Clerk shall provide a copy to each party, sheriff, and LEA. A copy of the decree shall be maintained in the protective order registry. (IC 31-34-20-4)