

What is domestic violence?

Domestic violence is the use of power and control within an intimate relationship that threatens a person's well-being. The abuse can be physical, sexual, emotional and financial. It can happen to anyone of any race, age, sexual orientation, religion or gender. It can happen to couples who are married, living together or dating.

Domestic violence affects people of all socioeconomic backgrounds and education levels. It can happen to friends, family or co-workers. It can happen to you.

Respectful relationships allow both partners to feel supported and connected but still feel independent. Ultimately, the two people in the relationship decide what is healthy for them and what is not. If something doesn't feel right, you should have the freedom to voice your concerns to your partner.

Preventing domestic violence begins when we all agree that fair treatment in a relationship is a basic right.



This project was supported by Grant No. 5390 awarded by the Office for Victims of Crime, U.S. Department of Justice. The opinions, findings, conclusion, and recommendations expressed in this publication are those of the author and do not necessarily reflect the views of the Department of Justice, Office for Victims of Crime.

RESOURCES

Representing yourself:
The Indiana Supreme Court Pro Se
www.in.gov/judiciary/selfservice/2333

Directory of legal service providers in Indiana
www.in.gov/judiciary/probono/2343

Do-it-yourself paperwork and filings
www.icadvinc.org

Legal resources for immigrant survivors of domestic violence, sexual assault and human and sexual trafficking
www.icadvinc.org

Indiana Coalition Against Domestic Violence

One in four women has been the victim of severe physical violence by an intimate partner; one in five children live in families where this has occurred. Since 1980, the Indiana Coalition Against Domestic Violence has worked to ensure that people who help survivors have the information and resources they need. To prevent future violence, ICADV advocates for change through public policy, informational campaigns to increase awareness and educating young people on the cyclical nature of violence so we can all say "No More" in Indiana.

1915 W. 18th St., Suite B
Indianapolis, IN 46202
Phone 317.917.3685 / 800.538.3393
VideoPhone 317.644.6206
Fax 317.917.3695
Email icadv@icadvinc.org
Website icadvinc.org

Domestic Violence and the law

Information for survivors



INDIANA SAYS
NO MORE

TOGETHER WE CAN END DOMESTIC VIOLENCE & SEXUAL ASSAULT



Indiana's Victims' Rights Law

Indiana Code Sec. 35-40 states you have a right to:

- fairness, dignity and respect.
- be informed if abuser is released or escaped from custody.
- confer with prosecuting attorney's office.
- be heard at sentencing or release.
- pursue restitution.
- be informed.
- make an oral or written statement at court proceedings

You also have a right to:

- be safeguarded from the accused and their family in court. *Indiana Code Sec. 35-37-4-11*
- not be required to disclose information in court if danger exists. *Indiana Code Sec. 35-37-4-12*
- have a victim advocate in court. *Indiana Code Sec. 34-60*
- relief from interference with custody, which can be a crime in Indiana. *Indiana Code 35-42-3-4*

For more information about any of these laws contact ICADV Legal Counsel at 317.917.3695, ext. 109

Why and when domestic violence matters in your family law case

No Fault divorce

It is not true that because Indiana is a "no fault" divorce state, domestic violence suffered during the relationship doesn't matter. It does. The existence of a pattern of domestic or family violence by either parent must be considered by a judge. *Indiana Code Sec. 31-17-2-8*

Parenting Time Orders

The Indiana Parenting Time Guidelines are based on the premise that it is usually in a child's best interest to have frequent, meaningful and continuing contact with each parent. However, these Guidelines are not applicable in cases involving family violence. <https://secure.in.gov/judiciary/rules/parenting/parenting.pdf>



Convictions Matter

If the conviction is based on an incident that happened in the presence of a child under 16 (seeing or hearing it), the courts may order supervised parenting time. *Indiana Code Sec. 31-17-2-8.3*

Paternity Cases

Custody

The mother has sole physical custody of a child born out of wedlock in Indiana unless a court determines otherwise. *Indiana Code Sec. 31-14-13-1*

Paternity affidavits

These are important and establish legal rights that cannot be undone without court intervention. *Indiana Code Sec. 16-37-2-2.1*

- Before you sign, before you check any boxes, consult an advocate or another adult with whom you can review the papers.
- You have a right to understand what all papers mean before you sign.
- Keep copies of everything.

