



Legally Brief-FACT SHEET:

The County Clerk's Legal Responsibility to Assist Survivors in Filing Protection Orders

The Indiana Civil Protection Order Act is very specific about this. Clerk's offices not only must provide the PO forms to petitioners, but they must help them navigate through that process.

If your county clerk contracts out this responsibility (example: Hamilton County contracts this out to Prevail), that is acceptable. But the survivor should not have to navigate these waters alone.

Source:

IC 34-26-5-3(d)

(d) The clerk of the ... court, or a person or entity designated by the clerk of the ... court, shall provide to a person requesting an order for protection:

- (1) the forms adopted under subsection (a);***
- (2) all other forms required to petition for an order for protection, including forms:***
 - (A) necessary for service; and***
 - (B) required under IC 31-21 (or IC 31-17-3 before its repeal); and***
- (3) clerical assistance in reading or completing the forms and filing the petition.***

Clerical assistance provided by the clerk or court personnel under this section does not constitute the practice of law. The clerk of the circuit court may enter into a contract with a person or another entity to provide this assistance. A person, other than a person or other entity with whom the clerk has entered into a contract to provide assistance, who in good faith performs the duties the person is required to perform under this subsection is not liable for civil damages that might otherwise be imposed on the person as a result of the performance of those duties unless the person commits an act or omission that amounts to gross negligence or willful and wanton misconduct. (emphasis added)

Best Practice: Share this information with your clerk and your judge. If your clerk's office is unable or unwilling to provide this service, ask them what their plan is to comply with Indiana law. Can it include your assistance?