

STATE OF INDIANA)
)
)
) IN THE _____
) SUPERIOR/CIRCUIT COURT
)
) SS:
 COUNTY OF _____) CAUSE NO. _____

 Petitioner,
 -vs.-

 Respondent.

**MOTION FOR RULING ON
 VERIFIED PETITION FOR ORDER OF PROTECTION**

COMES NOW, the Petitioner, _____, pro se, and requests that the Court rule on the verified Petition for Order for Protection filed on _____. In support of this motion, Petitioner states as follows:

1. On or about _____, Petitioner filed a verified Petition for Order for Protection pursuant to The Indiana Civil Protection Order Act, IC 34-26-5 (“the Act”), alleging that they are a victim of domestic violence, as defined by IC 34-6-2-34.5¹.
2. The Court has not ruled on the Petition as of the date of this motion.
3. By its terms, the Act is to be construed to promote the “protection and safety of all victims of domestic or family violence” and the “prevention of future domestic [and] family violence” all in a fair, prompt, and effective manner. Ind. Code § 34-26-5-1.
4. To achieve its goals, the Act provides for a speedy and efficient *ex parte* remedy, while protecting the rights of Respondents by requiring a hearing within 30 days if requested by the Respondent or dictated by the relief requested. *See* Ind. Code §§ 34-26-5-9 (ex parte relief) and 34-26-5-10.

¹ **34-6-2-34.5. Domestic or family violence.**

“Domestic or family violence” means, except for an act of self-defense, the occurrence of at least one (1) of the following acts committed by a family or household member:

- (1) Attempting to cause, threatening to cause, or causing physical harm to another family or household member.
- (2) Placing a family or household member in fear of physical harm.
- (3) Causing a family or household member to involuntarily engage in sexual activity by force, threat of force, or duress.
- (4) Abusing (as described in IC 35-46-3-0.5), torturing (as described in IC 35-46-3-0.5), mutilating (as described in IC 35-46-3-0.5), or killing a vertebrate animal without justification with the intent to threaten, intimidate, coerce, harass, or terrorize a family or household member.

For purposes of IC 34-26-5, domestic and family violence also includes stalking (as defined in IC 35-45-10-1) or a sex offense under IC 35-42-4, whether or not the stalking or sex offense is committed by a family or household member.

5. Our Indiana Supreme Court has recently emphasized the critical importance of the remedy afforded by the Act to those who have been victims of, and remain threatened by, family and intimate partner violence:

Three years ago, we recognized that domestic and family violence is "a public-health crisis that harms both the victim and those within the victim's household." ... Since that decision, the crisis in Indiana has—unfortunately—only intensified. . . . The Indiana Civil Protection Order Act provides Hoosiers and our trial courts with a vital tool to remedy and guard against domestic or family violence in their communities.

S.D. v. G.D., 211 N.E.3d 494, [pin cite], (Ind. 2023)(emphasis supplied).

6. “A court may not delay granting relief because of the existence of a pending action between the petitioner and respondent.” Ind. Code § 34-26-5-1.
7. The most important argument in favor of a ruling is this: failing to render a ruling on a petition for an order of protection not only leaves that petitioning alleged survivor unprotected, if/when the Respondent is notified of the filing, but that failure to rule increases the lethality of the risk to that survivor.² As the Judicial Conference of Indiana has counseled, “all ex parte petitions should be considered emergency situations and it is recommended that the petition be reviewed promptly.” Protection Order Deskbook, Chapter 3, “Ex Parte Proceedings and Orders” p. 39 (July 2023 rev.)
8. In the verified petition, Petitioner has set forth facts entitling relief under the Act.

WHEREFORE, the Petitioner requests an emergency ruling on the Protection Order referenced in this action and for all other just and possible relief as allowed under the Indiana Civil Protection Order Act.

Date: _____

Respectfully submitted,

/s/ _____

Petitioner Pro Se

² According to the National Coalition Against Domestic Violence, the majority of domestic violence homicides and most serious injuries in abusive relationships occur when the survivor ends the relationship. <https://ncadv.org/why-do-victims-stay>

CERTIFICATE OF SERVICE

I, _____, hereby certify that a copy of the foregoing motion was served to all partes and/or counsel of record today: _____, pursuant to Indiana Trial Rules.

/s/ _____

Petitioner

Date: _____