

HOUSE BILL No. 1016

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-26-5.

Synopsis: Minors filing protective orders. Allows a minor who: (1) is at least 14 years of age; and (2) is or has been a victim of domestic or family violence; to file an order for protection. Allows the matter to be transferred to a court with juvenile jurisdiction. Allows a court to appoint a guardian ad litem for the minor.

Effective: July 1, 2014.

Kubacki

January 7, 2014, read first time and referred to Committee on Judiciary.



Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

HOUSE BILL No. 1016

A BILL FOR AN ACT to amend the Indiana Code concerning civil laws and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 34-26-5-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A person,
3 **including a minor who is at least fourteen (14) years of age**, who is
4 or has been a victim of domestic or family violence may file a petition
5 for an order for protection against a:
6 (1) family or household member who commits an act of domestic
7 or family violence; or
8 (2) person who has committed stalking under IC 35-45-10-5 or a
9 sex offense under IC 35-42-4 against the petitioner.
10 (b) A parent, a guardian, or another representative may file a
11 petition for an order for protection on behalf of a child against a:
12 (1) family or household member who commits an act of domestic
13 or family violence; or
14 (2) person who has committed stalking under IC 35-45-10-5 or a
15 sex offense under IC 35-42-4 against the child.
16 (c) A court may issue only one (1) order for each respondent. If a



1 petitioner files a petition against more than one (1) respondent, the
2 court shall:

3 (1) assign a new case number; and
4 (2) maintain a separate court file;
5 for each respondent.

6 (d) If a petitioner:

7 (1) seeks relief against an unemancipated minor; or

8 (2) **is a minor described in subsection (a);**

9 the case may originate in any court of record and, if it is an emergency
10 matter, be processed the same as an ex parte petition. When a hearing
11 is set, the matter may be transferred to a court with juvenile
12 jurisdiction.

13 SECTION 2. IC 34-26-5-19 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 19. In a proceeding
15 under this chapter, a court may appoint a guardian ad litem to represent
16 the interests of a:

17 (1) child of one (1) or both parents; or

18 (2) **a minor described in section 2(a) of this chapter who files**
19 **an order for protection under section 2(a) of this chapter.**

