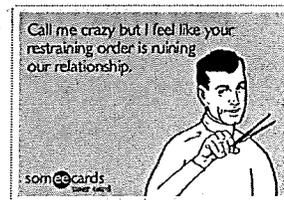
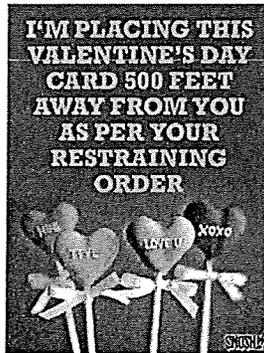


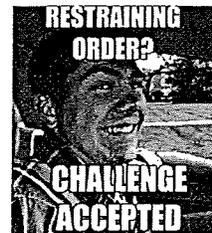
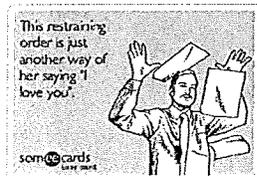
WHEN PROTECTIVE ORDERS COME TO SCHOOL



I always go the extra mile. The restraining order says I have to.



I TRIED TO FOLLOW MY DREAMS... NOW I HAVE MULTIPLE RESTRAINING ORDERS



WHAT'S THE DIFFERENCE

- ***Protective Orders***-Civil court order filed by victim
- ***No Contact Orders***-Signed by perp, condition of bond when released from jail. Condition of court decision
- ***Restraining Orders***-Divorce only, protects assets and kids from being taken out of state
- ***Workplace Protective Order***-Place of business can file against individual who is causing a credible threat to the safety of employees

PROTECTIVE ORDER PROTECTION ACT

35-26-5

- (1) protection and safety of all victims of domestic or family violence in a fair, prompt, and effective manner; and
- (2) prevention of future domestic and family violence.

NO CONTACT ORDERS

IC 35-33-8-3.6

- **Automatic no contact order for certain defendants placed on bail; time limits; modification**

Sec. 3.6.

- (a) This section applies only to a defendant who is charged with committing a violent crime (as defined in IC 5-2-6.1-8) that results in bodily injury to a person.
- (b) If a court releases a defendant described in subsection (a) to bail without holding a bail hearing in open court, the court shall include as a condition of bail the requirement that the defendant refrain from any direct or indirect contact with the victim:
 - (1) for ten (10) days after release; or
 - (2) until the initial hearing;whichever occurs first
- (c) At the initial hearing, the court may reinstate or modify the condition that the defendant refrain from direct or indirect contact with the victim.

WHY OBTAINING A PO MATTERS

- **SAFETY** ~ Victims, family members, friends & workplace
- Paper Trail ~ Very important in DV Cases
- Indiana AG's Address Confidentiality Program
- Changing Social Security Number
- Drivers License exception to above-Confidential
- Relief for victims of DV & SA
 - Work
 - Housing
 - Resources

PROTECTIVE ORDERS INFORMATION

- No cost to file
- Can be filed at county clerk's office
- Good for 2 years
- Do not need a lawyer to obtain a PO
- Can not supersede custody agreements or order

WHO CAN OBTAIN A PO

PETITIONER

- Domestic or Family Violence
 - Household or family members
 - Married, divorced, dated, sexual contact, or child in common
 - Related by blood, marriage, adoption or foster care
- Stalking Victims ~ Ind. Code § 35-45-10-5
 - No relationship needs to be proven
 - Would cause a reasonable person to feel terrorized, frightened, intimidated or threatened *and*
 - Actually causes victim to feel terrorized, frightened, intimidated or threatened
 - "Course of conduct" requires two or more incidents
- Sexual Assault Victims-under Ind. Code § 35-42-4
 - No relationship needs to be proven sexual assault cases

RESPONDENTS

- A “family or household member” who committed acts of “domestic or family violence” against the Petitioner
- *Anyone* (whether or not a “family or household member”) who “stalked” the Petitioner
- *Anyone* (whether or not a “family or household member”) who committed a sex offense against the Petitioner

PO & NCO VIOLATIONS

INVASION OF PRIVACY

35-46-1-15.1

A mis: violation of protective order or No Contact Order to prevent domestic or family violence, workplace violence restraining order or similar order issued in a state other than Indiana or by an Indian tribe.

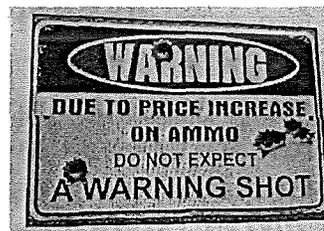
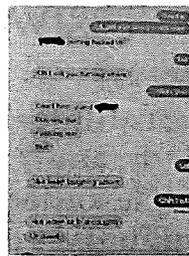
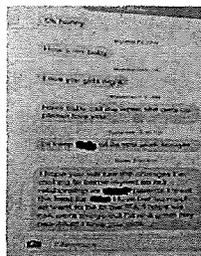
Level 6: if the person has a prior unrelated conviction for an offense under this section



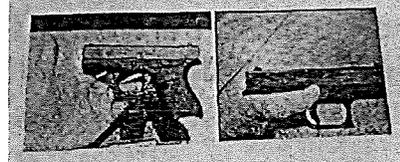
VIOLATIONS OF NCO'S & PO'S

- Texting
- Calling
- Notes/Letters/Emails
- Social Media Communication
- Third Party Communication
- Showing up at protected addresses/locations
 - Work, Daycare, School
- Driving by frequented locations multiple times

VIOLATION OF PO & NCO'S



Glock 42 .38 new for 2014. People knocking at my doc
Geoffrey C. Brown, small but
Powerful.



IMPACT OF NCO'S & PO'S ON SCHOOLS

- Students have the right to a reasonably safe learning environment. And schools have special duties, under tort law, to protect students from unreasonable risks of harm.
- Specifically, schools must exercise the level of care an ordinary, prudent person would under the same or similar circumstance.
- Schools may have to enforce the protective order for potentially the entirety of the student's education.
- Schools can be held liable for failing to take appropriate protective action when notified of a potentially dangerous situation.

IMPACT OF NCO'S & PO'S ON SCHOOLS

- Liability is premised on the failure to use ordinary care to protect a student from injury when the misconduct is foreseeable and could have been prevented.
 - Foreseeability can be broadly interpreted. Some courts have held that reasonably foreseeable misconduct exists whenever students are brought together.
- If a school has knowledge of a protective order, civil liability focuses on the reasonableness of the school's preventive actions.
- If you have knowledge of bullying, threats, verbal, physical or sexual abuse, protective orders; you **MUST** report it, investigate and document findings as well as actions taken to prevent further violence.

LIABILTY CASES

- A school was held liable for failing to prevent a student from being shot after a threat was reported to a school security guard.
- A school was held liable when it allowed a perpetrator to be placed in the victim's class—school stated they would not allow this to happen.
- A school and a teacher were held liable when a student assaulted a fellow student ; the school failed to act while knowing that the perpetrator was aggressive.
- A school was held liable for a student's injury because it failed to act after the student reported that her life was threatened.
- A school was held liable after allowing a respondent of a PO to pick up their child from school early ~ the child was murdered by respondent.

A CHECKLIST FOR PRACTICE

- The reality for school systems is that protection orders are becoming more common.
- A proactive approach for schools is advised; create or update policies and procedures regarding protection orders.
- Policies should promote a safe atmosphere through compliance with the laws related to the bullying prevention act and other harmful behaviors.
- This may also create opportunities for students to communicate.
 - Schools should provide a safe and trusting environment so students will feel comfortable talking to staff before a protection order is issued. Prevention is the name of the game.

BE PROACTIVE ~ STEP 1

- Schools should begin with their most basic function—education.
 - It is important that schools inform parents, students, teachers, and staff members that inappropriate behavior will not be tolerated.
 - This should include descriptive lessons regarding bullying, threatening behavior, proper use of, and other inappropriate behavior in schools.
- Education for staff on protective orders and the laws regarding protective orders
 - Annual training recommended
 - New staff training

BE PROACTIVE ~ STEP 2

- School boards and their administrative teams should enact policies and procedures for handling protection orders without overreacting or underreacting.
 - These policies should address how to comply with the orders and how best to create a safe environment for those involved.
 - They should also identify the person responsible for handling the protective order.
 - Policies should contain the appropriate method to remove the respondent, should the need arise, in a discrete, safe and professional manner.

BE RESPONSIVE ~ STEP 1

- Respond to the NCO or PO ~ Obtain an actual copy of the order.
 - To err on the side of caution, if a copy of the protection order is not immediately provided, the school should still proceed as if there is an order.
- Once a copy of the order has been obtained, a careful reading of the order will provide meaningful information to the school.
 - Specifically, the school should carefully examine the order to determine what is prohibited.

BE RESPONSIVE ~ STEP 2

- Begin the communication process with those parties within the school that should be aware of the protection order.
 - All affected parties (SRO's, teachers, librarians, coaches, lunch aides, and other staff members) should be notified of the protection order and the parties involved.
- Obtaining a current picture of the respondent may be a necessary course of action in a large facility.
- If parties on the PO are both students; school staff should map the path students will take between classes.
 - Although this may seem time consuming, this step can help the petitioner and respondent avoid unnecessary or inadvertent contact.

POINTS TO TAKE AWAY

- SAFETY
- LIABILITY
- A petitioner who has sought and obtained an order for protection should not be considered a troublemaker.
- Protection orders within a school present a unique and challenging situation. While it can be difficult to limit the contact between persons who may have to attend the same class, eat lunch at the same time, or pass each other between classes, the solution is not to “give-up” and ignore the order.
- It is important for school personnel and students to understand these orders and what it means once they are filed and obtained.

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