

# EXCERPT: TRO

## LR02-TR65-719. Temporary Restraining Orders

Temporary Restraining Order-Marital Property Upon the filing of a verified petition for dissolution of marriage or verified petition for legal separation, the Court will issue the following temporary restraining order with respect to marital property: Petitioner and Respondent are both enjoined from transferring, encumbering, concealing, selling or otherwise disposing of any joint property of the parties or asset of the marriage except in the usual course of business or for the necessities of life, without the written agreement of both parties or the permission of the Court.

(2) Temporary Restraining Order-Relocation of Children Upon the filing of a verified petition for dissolution of marriage or verified petition for legal separation, the Court will issue the following temporary restraining order with respect to the relocation of children from the marriage: Petitioner and Respondent are both enjoined from removing any child of the parties then residing in the State of Indiana from the State with the intent to deprive the Court of jurisdiction over such child without the prior written consent of all parties or the permission of the Court.

(3) Preparation of Temporary Restraining Order At the time of the filing of a verified petition for dissolution of marriage or verified petition for legal separation, Petitioner or Petitioner's counsel shall submit to the Court a proposed temporary restraining order for issuance by the Court. The proposed order shall be in a format that has been approved by the Court.

(4) Request for Hearing Any party may file a motion for modification or termination of a temporary restraining order issued by the Court pursuant to this Rule. A motion for modification or termination of a temporary restraining order will be given an expedited hearing by the Court.

Adopted effective May 1, 2007.

## LR02-TR65-720 Motions Alleging Emergencies

(1) Trial Rule 65(B)(1) and (2), and current case law, including In Re: Anonymous, 726 N.E.2d 566 (Ind.2005), shall govern all motions alleging an emergency where Court action is sought without notice. Strict construction and application of Trial Rule 65(B) shall be required. (2) Emergency relief may also be sought upon notice. The Court will review such motions and may set them upon summary hearing or other expedited calendar. Adopted effective May 1, 2007. LR02-TR65-721 Orders For Protection (1) A Petition For An Order For Protection And Request For A Hearing shall be filed in the Allen Superior Court Small Claims Division. (2) Pursuant to I.C.34-26-5-6 (4), if a person who petitions for an ex parte order for protection also has a pending case involving: 1. the respondent; or 2. a child of the petitioner and respondent; the Court that has been petitioned for relief shall immediately consider the ex parte petition and then transfer the Protective Order case to the Court in which the other case is pending. (3) The Protective Order cause of action shall be maintained with the pending JP, DR, JC, JT, JS, JM, RS or JD cause of action. However, the cases are not consolidated. (4) All pleadings, hearings, and orders pertaining to a Protective Order shall be in the Protective Order cause of action. An attorney who also represents a party in a related Family Law case must file a separate written appearance in the Protective Order case.

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