MEMORANDUM DECISION

Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.

ATTORNEY FOR APPELLANT

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IN THE COURT OF APPEALS OF INDIANA

J. L.,
Appellant-Respondent,

v.

H.S.,
Appellee-Petitioner.

November 5, 2021

Court of Appeals Case No. 21A-PO-810

Appeal from the Grant Superior Court

The Honorable Warren Haas, Senior Judge

Trial Court Cause No. 27D01-1912-PO-305

Riley, Judge.

STATEMENT OF THE CASE

[1] Appellant-Respondent, J.L., appeals the trial court's issuance of a protective order against him in favor of Appellee-Petitioner, H.S.

[2] We affirm.

ISSUES

[3] J.L. raises two issues on appeal which we restate as:

(1) Whether H.S. presented sufficient evidence to support the protective order; and

(2) Whether the protective order is contrary to the law.

FACTS AND PROCEDURAL HISTORY

[4] The parties' marriage was dissolved on May 3, 2013, and they had two children, G.L. and B.L. (collectively, Children) born of their marriage. H.S. has legal and physical custody of the Children. H.S. later remarried and has two stepsons, and a daughter from her current marriage.

[5] Between 2016 and 2019, Wabash County Department of Child Services (DCS) received a total of nine reports regarding child abuse and neglect of the Children. Out of the nine reports, five were investigated by DCS. In the first report in September 2016, which was before H.S. remarried, J.L. claimed that H.S.' current husband (Stepfather), had grabbed the Children by the tops of their heads and squeezed. J.L. later admitted to the caseworker investigating

the report that the claim was unsubstantiated. J.L. was not pleased with that outcome and complained that the investigation was "not complete", and he reiterated his allegation that Stepfather squeezed the Children at the tops of their heads. (Appellant's App. Vol. II, p. 47). The family case manager again explained to J.L. that there was no evidence of abuse and she redirected J.L. to call DCS if he had any further questions.

[6] In November 2016, G.L. had been suffering from a cough. H.S. had not taken G.L. to the doctor because she believed G.L.'s cough would clear on its own, and she was also not a big believer in antibiotics. Over a certain weekend while J.L. had parenting time, he took G.L. to a walk-in clinic after G.L. was up all-night coughing. G.L. was prescribed antibiotics at the walk-in clinic. Following that clinic visit, on November 22, 2016, J.L. reported H.S. to DCS asserting that H.S. was medically neglecting G.L. When DCS investigated the claim, H.S. explained that while she did not believe in antibiotics, she administered the antibiotics prescribed to G.L. Based on H.S.' explanation, DCS unsubstantiated the claim. J.L. was displeased by DCS's conclusion.

[7] The third DCS report filed on May 18, 2018, alleged that H.S.' teenage stepson (Stepson), who has Asperger syndrome and social and behavioral issues, had threatened to blow up the school bus and that the Children were not safe being in the same home with Stepson. That report came after the school had investigated the incident and concluded that the threat was harmless. DCS once again investigated the threatening comment by visiting H.S.'s home, interviewing H.S. and the members of her household. During the interview,

H.S. informed DCS that the Children's school had determined that the threat lacked merit and even the bus driver understood that the threats Stepson made were "not of [a] serous nature." (Appellant's App. Vol. II, p. 39).

[8] The fourth report filed on November 13, 2018, alleged that Stepfather had grabbed G.L. by his arm and thrown him on the bed. DCS visited H.S.' home and interviewed members of her household. H.S. explained that she had gotten into an argument with G.L., G.L. had told her that he hated her and she began to cry. H.S. further explained that Stepfather ordered G.L. to go his room for his attitude. G.L. did not go to his room, and Stepfather put his hand on G.L. and "guided" him to the bedroom. (Appellant's App. Vol. II, p. 36). When DCS interviewed G.L., G.L. recanted his prior allegation that Stepfather had roughly thrown him on the bed. Following that assessment, DCS determined the allegation of abuse on G.L. lacked merit, and it dismissed the claim.

[9] In the last report filed on October 9, 2019, J.L. claimed that G.L. was a victim of abuse since Stepson had pushed, knocked down, and bit G.L. on his right calf. J.L. indicated that he did not know the circumstances leading up to the bite bruise on G.L. When DCS visited H.S.' home to investigate the bite mark report, H.S. explained that the bite mark was a result of roughhousing. She explained that Stepson had ran up behind G.L. and landed on G.L., a scuffle ensued, and Stepson bit G.L. H.S. stated that she reported the incident to J.L. when it happened, but J.L. was not satisfied with H.S.' explanation, and reported the event to DCS. Based on the information obtained from the

assessment, DCS concluded that there was no evidence to support an allegation of abuse on G.L. J.L. was displeased with the outcome of that investigation.

[10] On December 17, 2019, H.S. filed a Petition for an Order of Protection, alleging that J.L. had repeatedly harassed her by making false reports to DCS. Among the things H.S. requested was for J.L. to refrain from utilizing DCS as a means of harassing her, all communication to be done through the Our Family Wizard application, and that conversations be limited only to drop off/pick up times and medical issues of the Children. On December 16, 2019, while her petition was pending, H.S. received a message from J.L. where J.L. expressed concerns about the Children's safety. H.S. informed J.L. that the Children were not in any danger, asked J.L. to "knock it off" and told him to hire a mediator to resolve his concern. (Appellant's App. Vol. II, p. 12). J.L. did not hire a mediator.

[11] On March 18, 2021, the trial court conducted a fact-finding hearing. J.L. testified that he had made at least three of the reports to DCS that resulted into an investigation. J.L. claimed that he only made the September 11, 2016, November 22, 2016, and October 9, 2019, reports. J.L. then testified that he could not recall whether he made the other two reports, namely, those made on May 18, 2018, and November 13, 2018. H.S., however, testified that J.L. had previously acknowledged to her that he made all of the reports to DCS. J.L. maintained that the reports made to DCS were genuine in all instances, he attempted to communicate his concerns, and that he would not have involved DCS had H.S. responded to his concerns in a satisfactory manner.

[12] Case worker Tammie Bowers (Bowers) testified that a DCS investigation involves a complete review of a child's home. H.S. testified that the investigations subjected her, and the members of her household to spontaneous visits which involved DCS walking through her home, DCS interviewing the members of her household, and DCS visiting the Children and her stepsons at school. H.S. related that the investigations were extremely disruptive and invasive, and that they caused her significant anxiety which, in turn, made her feel threated and intimidated. In particular, H.S. testified that "Uh, I, I feel extremely threatened. There's a fear that I don't want to lose my children over something . . . It's intimidating." (Tr. Vol. II, p. 27). H.S. additionally stated that even after the five reports were investigated and unsubstantiated, J.L. continued to send her messages expressing concern for the Children's safety. At the close of the hearing, the trial court took the matter under advisement.

[13] On April 5, 2021, the trial court issued detailed findings of fact and concluded in relevant part, as follows:

Findings of Fact

> 2. Since taking primary physical custody, H.S. and/or a member of her household have been the subject of nine (9) separate reports made to [DCS].
>
> 3. Tammie Bowers ("Bowers"), DCS caseworker, testified that of these nine (9) reports, two (2) were screened out by workers for the Child Abuse and Neglect Hotline, two (2) were screened out by the local DCS office, and five (5) were investigated. The five (5) reports that were investigated were dated September 11, 2016,

November 22, 2016, May 18, 2018, November 13. 2018 and October 9, 2019.

4. [J.L.] testified that he made at least three (3) of the reports that resulted in investigations. Specifically, [J.L.] admits that he made the September 11, 2016[,] report, the November 22, 2016[,] report and the October 9, 2019[,] report. [J.L.] testified that he could not recall whether he made the other two (2) reports, to wit, the May 18, 2018[,] report and the November 13. 2018 report. His response that he could not recall if he [made] those reports was not credible.

5. [H.S.] testified that Respondent previously acknowledged to her that he made all of the reports to DCS.

6. [J.L.] testified that the reports he made to DCS were made out of genuine concern for the Children's safety, that he attempted to communicate with [H.S.] about his concerns and that he would not involve DCS if [H.S.] would respond to his concerns in a satisfactory manner. [H.S.] testified that she did previously discuss with [J.L.] his concerns.

7. All five (5) of the reports made to DCS that were investigated were ultimately unsubstantiated and closed.

8. Bowers testified that a DCS [i]nvestigation involves a complete review of a child's home.

9. [H.S.] testified that the investigations that she and/or members of her household were subjected to involved DCS coming to her home unannounced, walking through her home, talking with her, talking with her husband, talking with the Children and her stepchildren, and sometimes visiting the Children and her stepchildren at school.

10. [H.S.] testified that the DCS investigations were extremely disruptive and invasive, that they cause her significant anxiety and that they make her feel threatened and intimidated.

11. [J.L.] told the DCS caseworker who investigated the report made on September 11, 2016, that his children were not abused or neglected. Nonetheless, at least four (4) additional reports were made after this September 11, 2016[,] report.

12. Bowers, who investigated the report made on May 18, 2018[,]testified that when she informed [J.L.] that the report would be unsubstantiated and closed, he replied that he was not okay with that and attempted to add additional allegations.

13. [H.S.] testified that, even after these DSC investigations were concluded, unsubstantiated and closed, [J.L.] continued to send her messages on the Our Family Wizard app[lication] expressing concerns and making allegations about her treatment of the Children or about the way members of her household treat the Children.

14. Exhibits introduced by [H.S.] and admitted into evidence demonstrate that [J.L.] repeatedly sent Petitioner messages expressing concerns for the Children despite the numerous DCS investigations that were unsubstantiated.

* * * *

Conclusions of Law

* * * *

28. The [c]ourt finds by clear and convincing evidence (not merely by the greater weight of the evidence) that [J.L.] made at

least three (3), and likely made all nine (9) reports to DCS. In addition, even after numerous DCS investigations of [H.S.] and/or members of her household were unsubstantiated and closed, [J.L.] continued to send multiple messages expressing alleged "concerns" and accusing [H.S.] and/or members of her household of abuse or neglect of the Children. This continued even after [H.S.] asked [J.L.] to stop and informed [J.L.] that he could hire a mediator if he wanted to do so. This conduct was directed towards [H.S.] and was "repeated or continuous."

29. False reports to DCS are not statutorily protected and are impermissible pursuant to Indiana law, specifically, I.C. [§] 31-33-22-3(a) makes it a Class A misdemeanor to "intentionally communicate to . . .the department. . . a report of child abuse or neglect knowing the report to be false." Further, I.C. [§] 31-33-22-3(b) makes "a person who intentionally communicates to . . . the department . . . a report of child abuse or neglect knowing the report to be false . . . liable to the person accused of child abuse or neglect for actual damages."

30. The [c]ourt finds [J.L.'s] testimony that all of his reports to DCS were made out of genuine concern for the Children insincere, as the caseworker who investigated the first report made on September 11, 2016[,] noted that [J.L.] stated that the Children were not abused or neglected. This statement was made during the investigation of a report that [J.L.] admits that he made. After this investigation concluded, [J.L.] admits that he made at least two additional reports to DCS. Further, [J.L.] participated in the DCS investigations that were unsubstantiated and had the opportunity to speak with the investigators; thus, he knew that a third-party government worker had been inside [H.S.'] home, had spoken with the Children and had found nothing to support allegations of abuse or neglect directed at [H.S.'] or members of her household. Nonetheless, DCS was ultimately called nine (9) times and investigated five (5) times

and [J.L.] continued to send messages to [H.S.] expressing his "concerns" for the Children's safety.

31. The [c]ourt further finds [J.L.'s] testimony that he attempted to discuss his concerns with [H.S.] first before involving DCS disingenuous. [H.S.'] Exhibit D shows that [J.L.] suggested using a mediator, that [H.S.] agreed that he could hire a mediator if he would like, and [J.L.] replied by continuing to communicate accusations against [H.S.]. [J.L.] never hired a mediator. Furthermore, [H.S.'s] Exhibit E shows that [J.L.] expressed concerns and when [H.S.] asked [J.L.] to explain his concerns, [J.L.] replied by saying "Why do you allow this? This must be the nurturer you were accused of." He did not offer any further explanation of his concerns.

32. Finally, the [c]ourt finds [J.L.'s] testimony that he would not make reports to DCS if [H.S.] would respond adequately to his "concerns" to be insincere. The [c]ourt ponders what [H.S.] is supposed to do or say to address [J.L.'s] repeated and continuous "concerns" (particularly when he does not elaborate on what his concerns are, see [H.S.'] Exhibit E). [H.S.] and/or members of her household have already been subjected to five (5) DCS investigations. What more is she to do or say to prove to [J.L.'s] satisfaction that [neither] she, nor members of her household, are abusing or neglecting the Children?

33. [H.S.] testified that the DCS investigations and the messages sent by [J.L.] were intrusive, caused her significant anxiety and made her feel threatened and intimidated. The [c]ourt finds this to be highly credible.

34. The [c]ourt finds by clear and convincing evidence (not merely by the greater weight of the evidence) that [J.L.] did not have a legitimate basis for believing that the Children were victims of abuse or neglect; thus, his acts of reporting alleged

> abuse or neglect to DCS on at least three (3) occasions that he admitted to, and, in all likelihood, nine (9) total occasions, were impermissible.
>
> 35. Although a person who reports suspected abuse or neglect to DCS is typically entitled to immunity, "immunity does not attach for a person who has acted with: (1) gross negligence; or (2) willful or wanton misconduct." I.C. [§] 31-33-6-2.
>
> 36. The [c]ourt finds by clear and convincing evidence (not merely by the greater weight of the evidence) that the reports that [J.L.] made to DCS were made with knowledge that the Children were not abused or neglected and were thus impermissible pursuant to Indiana law; thus, [H.S.] has shown by the greater weight of the evidence [sic] (not merely by the greater weight of the evidence) that harassment has occurred sufficient to justify the issuance of an Order of Protection.

(Appellant's App. Vol II, pp. 10-15). The trial court therefore prohibited J.L. from harassing, annoying, telephoning, or communicating directly or indirectly with H.S. unless it is on the Our Family Wizard Application, and it ordered that communication should be limited to medical health or pick up/drop off times for the Children. The trial court also ordered J.L. to stay away from H.S.'s residence, and to not directly or indirectly communicate any further reports of child abuse or neglect concerning H.S. and her family to DCS.

[14] J.L. now appeals. Additional information will be provided as necessary.

DISCUSSION AND DECISION

I. *Standard of review.*

[15] Before we address J.L.'s arguments on appeal, we note that H.S. did not file an appellee's brief. When an appellee fails to file a brief in response, we need not undertake the burden of constructing an argument on the appellee's behalf. *Tisdial v. Young*, 925 N.E.2d 783, 784 (Ind. Ct. App. 2010). We will reverse the trial court's judgment if the appellant presents a case of *prima facie* error, which is defined in this context as "at first sight, on first appearance, or on the face of it." *Id*. at 784-85.

[16] Protective orders are similar to injunctions, and therefore in granting an order the trial court must make special findings of fact and conclusions thereon. *See Hanauer v. Hanauer*, 981 N.E.2d 147, 148 (Ind. Ct. App. 2013) (citing Ind. Trial Rule 52(A) and Ind. Code §§ 34-26-5-9(a), -(f)). We apply a two-tiered standard of review: We first determine whether the evidence supports the findings, and then we determine whether the findings support the order. *Id.* at 149. "Findings are clearly erroneous when a review of the record leaves us firmly convinced that a mistake has been made. We do not defer to conclusions of law, however, and evaluate them *de novo*." *C.S. v. T.K.*, 118 N.E.3d 78, 81 (Ind. Ct. App. 2019)

II. *Sufficiency of Evidence*

[17] J.L. argues that the evidence is insufficient to support the issuance of an order for protection. In reviewing the sufficiency of the evidence to support the trial

court's judgment regarding a protective order, we neither reweigh the evidence nor resolve questions of credibility. *See Tons v. Bley*, 815 N.E.2d 509, 511 (Ind. Ct. App. 2004). We consider only the probative evidence and reasonable inferences that support the trial court's judgment. *Maurer v. Cobb-Maurer*, 994 N.E.2d 753, 755 (Ind. Ct. App. 2013). We will reverse the trial court's judgment regarding a protective order only if it is clearly erroneous—that is to say, when a review of the record leaves us firmly convinced that a mistake has been made. *See Mysliwy v. Mysliwy*, 953 N.E.2d 1072, 1076 (Ind. Ct. App. 2011), *trans. denied.*

[18] The Indiana Civil Protection Order Act (CPOA) and similar statutes are meant "to prohibit actions and behavior that cross the lines of civility and safety in the workplace, at home, and in the community." *Torres v. Ind. Family & Soc. Servs. Admin.*, 905 N.E.2d 24, 30 (Ind. Ct. App. 2009). We construe the CPOA, in part, to promote the "protection and safety of all victims of harassment in a fair, prompt, and effective manner[.]" I.C. § 34-26-5-1(2). The petitioner for an order for protection bears the burden of proof and must prove entitlement to the order by a preponderance of the evidence. *Costello v. Zollman*, 51 N.E.3d 361, 367 (Ind. Ct. App. 2016), *trans. denied*.

[19] Under Indiana Code section 34-26-5-2(b), "[a] person who is or has been subjected to harassment may file a petition for an order for protection against a person who has committed repeated acts of harassment against the petitioner." Harassment is defined in the criminal statute defining stalking as conduct "directed toward a victim that includes but is not limited to repeated or

continuing impermissible contact that would cause a reasonable person to suffer emotional distress and that actually causes the victim to suffer emotional distress." I.C. § 35-45-10-2; *see R.W. v. J.W.*, 160 N.E.3d 195, 203 (Ind. Ct. App. 2020) (evaluating Indiana Code section 34-26-5-2(b) by applying the definition of harassment from Indiana Code section 35-45-10-2).

[20] On appeal, J.L. claims that at least three of the reports he admitted to making to DCS were genuine and legitimate, and he further challenges the fact that three complaints he filed were unsubstantiated. Thus, he argues that H.S. did not show by a preponderance of the evidence that harassment occurred when he pursued his legitimate complaints with DCS. J.L. is essentially asking us to reweigh the evidence which we will not do. *Costello*, 51 N.E.3d at 367. Although we do not reweigh the evidence, we agree with the trial court's assessment that J.L. harassed H.S. with several DCS reports. Other than G.L.'s false claim that Stepfather had roughly thrown him on the bed, the record shows the other reports pursued by J.L. were either spurious or based on his displeasure of H.S.' handling of certain situations.

[21] For instance, in the September 2016 report, J.L. claimed that Stepfather had grabbed the Children by the tops of their heads and squeezed. BetweenSeptember and October 2016, DCS thoroughly investigated that allegation by conducting various home interviews with H.S., visiting the Children's school and interviewing the Children, and conducting family team meetings. Notwithstanding the abuse claim, at some point, J.L. admitted to the FCM investigating the claim that the Children had not been "abused or

neglected." (Appellant's App. Vol. II, p. 46). At the close of its investigation, DCS' FCM informed J.L. that she would not be substantiating the abuse claim. J.L. expressed his dissatisfaction with that outcome and stated that the investigation was "not complete." (Appellant's App. Vol. II, p. 47). FCM reiterated that there was no evidence of abuse, and she redirected J.L. to call DCS if he had any further questions.

[22] In the November 2016 report was based on an allegation that H.S. was medically neglecting G.L. who had a cough at the time. Prior to making the report, J.L. had talked to H.S. regarding G.L.'s cough and H.S. had advised J.L. that G.L. had no fever, that the cough would go away on its own, and that G.L. did not need antibiotics. H.S. then informed J.L. that he was not allowed to take G.L. to the doctor because "she has full custody." (Appellant's App. Vol. II, p. 43). Despite H.S.' advice, J.L. took G.L. to a walk-in clinic and G.L. was prescribed antibiotics. Following that clinic visit, J.L. reported H.S. to DCS claiming that H.S. was neglecting her son. When DCS visited H.S.' home to investigate the medical abuse claim, H.S. stated that "she does not believe in using antibiotics as a preventative medicine. She does however believe in using antibiotics once they are prescribed." (Appellant's App. Vol. II, p. 43). When DCS later contacted J.L. and informed him that the medical claim would be unsubstantiated against H.S., J.L. "expressed disappointment in the findings of the investigation. (Appellant's App. Vol. II, p. 43).

[23] Next, the report filed in May 2018, which involved an allegation that Stepson had threatened to blow up the school bus and that the Children were not safe

being around Stepson, came after J.L. was displeased with the outcome of the school investigation after the school decided that Stepson's threat was harmless. Based on J.L.'s reported claim that the Children were not safe around Stepson, DCS once again visited H.S.' home, interviewed her and the members of her household, and visited the Stepson's and Children's schools to interview the children. When case worker Bowers explained to J.L. that Stepson did not pose a threat to the Children with his comment and that the claim would be unsubstantiated, J.L. tried to "add additional allegations on to the assessment." (Tr. Vol. II, pp. 24-25). When Bowers explained to J.L. that he could just not "add allegations without another report unless it's the exact same allegation," J.L. "was not pleased." (Tr. Vol. II, p. 26).

[24] The last report, which J.L. filed in October 2019, alleged that Stepson had physically abused G.L. When DCS visited H.S.' home to investigate the bite mark report, H.S. explained that the bite mark was a result of roughhousing. H.S. explained to DCS that Stepson had run up behind G.L., landed on G.L., a scuffle ensued, and Stepson bit G.L. on the leg. When DCS questioned J.L. about his knowledge of the events leading to the bite, J.L. feigned any knowledge of the circumstances leading up to the injury. However, H.S. testified that she had narrated the incident to J.L. when it happened, and the record shows that J.L. was not pleased or convinced with her explanation. Like the other reports, DCS conducted home visits, interviewed H.S. and the members of her household including the Children, and visited the Children's school to appraise the abuse claim. DCS ultimately concluded that there was

no evidence to support an allegation of abuse on G.L. Furthermore, while H.S.' protective order petition was pending in court, H.S. received a message from J.L. where J.L. expressed concerns about the Children's safety. H.S. informed J.L. that the Children were not in any danger, asked J.L. to "knock it off", and directed him to hire a mediator to resolve his concerns. (Appellant's App. Vol. II, p. 12). J.L. did not hire a mediator.

[25] In the instant case, H.S. sought a protective order against J.L., arguing that J.L. was utilizing DCS as a means of harassing her. The record shows that DCS was contacted at least nine times. Out of the nine calls, DCS investigated five reports, between September 2016 and October 2019. J.L. admitted to only making the September 2016, November 2016, and the October 2019, reports to DCS. At the evidentiary hearing, J.L., claimed that he could not remember if he made the two reports in May and November 2018, to DCS. Notwithstanding J.L.'s claim, H.S. testified that J.L. admitted to him that he made all the reports, including those that were not investigated. In all five cases, J.L. participated in the DCS investigations and he understood the extent of DCS' involvement with each report. With some of the reports, DCS investigated them for several months and the investigation included multiple spontaneous home visits, school visits, family team meetings, and the implementation of safety plans.

[26] The law provides that a person cannot engage in repeated or continuing impermissible contact that would cause a reasonable person to suffer emotional

distress and that actually causes the victim to suffer emotional distress. *See R.W.*, 160 N.E.3d at 203.

[27] H.S. testified the investigations were extremely disruptive and invasive, and that they caused her significant anxiety which, in turn, made her feel threated and intimidated. The trial court found H.S.' testimony credible and thereby concluded that all the reports made to DCS were made by J.L. On appeal, J.L. maintains that the reports he made to DCS were sincere and he claims that in almost all cases, prior to filing his complaints with DCS, he contacted H.S. and articulated his concerns but H.S. failed to respond in a satisfactory manner. We disagree. As discussed above, the reports made to DCS were either spurious or made because J.L. was unhappy with the outcome of third-party investigations (the Children's school), or because J.L. was unhappy with H.S.' explanation of certain incidents. For instance, J.L. admitted that the first report he filed wherein he claimed that Stepfather had squeezed the Children at the tops of their heads, was a false claim. Further, the medical abuse claim came after H.S., who is legal custodian of G.L., refused to take G.L. to the doctor due to a cough, J.L. bypassed H.S.' authority, took G.L. to the clinic, and then reported her to DCS. Turning to the bomb threat asserted by Stepson, that abuse report came after the school investigated the claim and found it baseless especially because Stepson is autistic, "emotionally not seventeen" years old, and suffers from social and behavioral issues. (Tr. Vol. II, p. 19). Finally, we note that even after numerous DCS investigations of H.S. and the members of her household were unsubstantiated and closed, J.L. continued to send multiple

messages expressing alleged concerns and accusing H.S. and the members of her household of abuse or neglect of the Children. This continued even after H.S. asked J.L. to stop and informed J.L. that he could hire a mediator if he wanted to do so to resolve his purported concerns.

[28] Based on the evidence presented and our *prima facie* standard of review, we find that the evidence is sufficient to support the trial court's findings that (1) harassing occurred, (2) H.S. and the members of her family actually did suffer emotional distress and felt terrorized, frightened, intimidated, or threatened by the numerous DCS filings; and (3) an order of protection was necessary to bring about a cessation of the numerous DCS filings that were mostly unsupported by the evidence. Therefore, we conclude that there was sufficient evidence to support the trial court's findings of fact which, in turn, support the conclusions of law in favor of granting H.S.' petition for a protective order against J.L.

III. *Protective Order Violates the Law*

[29] J.L. makes two arguments under this section, only one of which we find dispositive. J.L. contends that the relief in question, the order forbidding him from directly or indirectly communicating any further reports of child abuse or neglect concerning H.S. and her family to DCS, is not among the articulated reliefs that can be granted in an order of protection and is therefore contrary to the law. We find this argument unpersuasive.

[30] Indiana Code section 34-26-5-2(b) provides that "[a] person who is or has been subjected to harassment may file a petition for an order for protection against a

person who has committed repeated acts of harassment against the petitioner." Indiana Code section 34-26-5-9(g) then provides that "[a] finding that [] harassment has occurred sufficient to justify the issuance of an order under this section means that a respondent represents a credible threat to the safety of a petitioner or a member of a petitioner's household," then "[u]pon a showing of [] harassment by a preponderance of the evidence, the court shall grant relief necessary to bring about a cessation of [] the threat of violence."

[31] The trial court in this case was able to assess the credibility of H.S. and J.L. and weigh their testimony and the evidence, and concluded that based upon the record, H.S. presented sufficient evidence of probative value to establish by a preponderance of the evidence that J.L.'s conduct, the filing of numerous DCS reports directed to her and the members of her family, consisted of repeated or continuing impermissible contact that caused H.S. and the members of her family to feel threatened, and suffer emotional distress, which supports the issuance of the protective order. Here, we cannot say the protective order is contrary to the law and we affirm the protective order in favor of H.S.

CONCLUSION

[32] For the reasons stated above, we hold that J.L. harassed H.S. with the multiple abuse and neglect reports he made to DCS. In addition, we hold that the protective order is not contrary to the law.

[33] Affirmed.

[34] Najam, J. and Brown, J. concur