

STATE OF INDIANA	)	IN THE SUPERIOR COURT 1
	)SS:	ROOM 1
COUNTY OF HENDRICKS	)	CAUSE NO. 32D01-2508-PO-000405
KRISTA TSCHAENN,	)	
Petitioner,	)	
vs	)	
	)	
TRAVIS TSCHAENN,	)	
Respondent.	)	

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**  
**ON PROTECTIVE ORDER EVIDENTIARY HEARING**

This matter came before the Court on January 16, 2026, for the second part of the evidentiary hearing on Petitioner’s Petition for Protective Order, wherein Petitioner, Krista Tschaenn (“Wife”), appeared in person and with counsel, Paul Hadley, and Respondent, Travis Tschaenn (“Husband”), appeared in person and with counsel, Matthew McConnell, and the parties having now completed their case, the Court now finds as follows:

1. In the middle of the night on July 8, 2025, Husband woke Wife yelling and screaming, accusing her of being in a relationship with another person and called her slanderous names.
2. Husband was so upset during the incident he had to go into another room to calm himself down.
3. Husband removed a gun from a gun safe located underneath the bed and left the bedroom.
4. Wife followed Husband downstairs and into the back yard where Husband put the gun to his head and threatened to kill himself. Husband was distraught and said Wife had ruined his life and ended his career.
5. Wife talked to Husband asking him to not kill himself and bringing to his attention he was standing under their daughter’s bedroom window. Husband gave Wife the gun

- and they both went back onto the house where Husband “raged” at Wife until he went upstairs. Husband was having a mental health crisis.
6. Although Husband did not point the gun at Wife or harm her, she felt scared and left the residence. Wife left the loaded gun on the kitchen counter.
  7. After leaving the residence, Wife contacted Husband and told him the gun had been left on the kitchen counter so he would remove it.
  8. The parties’ daughter, C.T., and Wife’s adult son and his girlfriend were in the residence when this occurred and did not see or hear the incident. Wife left the residence without taking C.T. with her.
  9. At the time of the incident, Wife believed Husband had intent to harm her.
  10. The day following the incident, Wife returned to the house to pick up some of her belongings.
  11. Approximately one (1) week after the incident, Wife asked Husband if she could move back in the house and could sleep on an air mattress. Husband responded saying it was not a good idea, but she could if she wanted; however, he did not want to see her or “converse” with her. Wife replied, “you’ll probably have to see me”.
  12. Wife did not move back into the house, but in the weeks between the incident and the filing of the protective order, Wife came back to the home several times to pick up belongings and to exchange parenting time for C.T. There were times when Husband and Wife were in a room alone together.
  13. In the weeks between the incident and the protective order, the parties communicate civilly via text messages about CT and other matters.
  14. On August 5, 2025, nearly thirty (30) days later and on the advice of counsel, Wife filed a Petition for Order For Protection and Request for a Hearing. Said petition

alleged:

- A. Wife was the victim of domestic or family violence and of repeated acts of harassment by Husband;
- B. Husband caused Wife physical harm and placed her in fear of physical harm;
- C. Incident on July 8, 2025, wherein husband shouting and name-calling, pulled a handgun and threatened to kill himself;
- D. Incident in 2020 wherein Husband shouted and name-calling while intoxicated;
- E. Incident in 2020 wherein Husband shouted obscenities in public place; and
- F. Incident in 2013 wherein Husband shouting and name-calling, shoved Wife down causing her to hit her head on a wall.

15. Wife's petition requested Husband be prohibited from:

- A. committing, or threatening to commit, acts of domestic or family violence, stalking or sex offenses against me;
- B. committing, or threatening to commit, acts of domestic or family violence, stalking or sex offenses against five (5) persons, including the parties' daughter, C.T.
- C. using a tracking device to determine her location;
- D. harassing, annoying, telephoning, contacting, or directly or indirectly communicating with me;
- E. stay away from my residence, school, and place of employment;
- F. removing, transferring, injuring, concealing, harming, attacking, mistreating, threatening to harm or otherwise disposing of two (2) dogs;
- G. Husband's parenting time; and
- H. having possession of a handgun and shotgun.

16. On August 5, 2025, the Court signed an Ex Parte Order of Protection on behalf of Petitioner against Respondent granting all relief requested by Wife except it did not stop Husband's parenting time or order him to turn over possession of his handgun or shotgun.

17. The ex parte protective order did not include the parties' daughter, C.T. However, Wife stopped Husband from having any parenting time between August 5, 2025, and September 23, 2025, when they had a hearing in the divorce case.

18. The evidentiary hearing on the on Wife's Ex Parte Order of Protection was held on November 14, 2025, and January 16, 2026.

19. Husband had notice of the hearing, was represented by counsel, and had an opportunity to be heard.

20. The Court finds on July 8, 2025, an act of domestic and family violence occurred between Husband and Wife in the house where they resided together. Husband and Wife both describe the events on this night nearly identical.
21. Husband's acts of screaming and yelling at Wife, calling her slanderous names, being so angry that he had to go into the bathroom to calm down, removing a loaded gun from under the bed in Wife's presence, leaving the bedroom into another part of the house where Wife could not see what he was doing with the gun, threatening to kill himself while pointing a loaded gun at his head, standing under his young daughter's bedroom window with the gun pointed at his head threatening to kill himself all individually or together would be sufficient to place Wife in fear of physical harm.
22. Husband's contention that Wife should not have feared physical harm to herself because he never pointed the gun at her or threatened her shows a lack of situational awareness that night (which may be caused by the anger, rage, and/or mental health break he was experiencing) or hindsight bias (where he recalls the events being only about himself and does not consider how his actions felt to others). An angry, raging, name-calling Husband pulling out a loaded gun from under the bed you are sitting on is sufficient to strike fear in Wife. Wife following Husband through the house and out into the yard where she tries to stop him from killing himself is not evidence of no fear, it is evidence of action in spite of fear, action to either help Husband or protect the children in the house. Wife took action despite the fact that her Husband, who was angry and threatening to kill himself, was holding a loaded gun.
23. Wife's contention that she remained afraid of Husband during the weeks between the July 8, 2025 incident and was still in fear at the time she filed her petition is not credible for the following reasons:

- A. Wife returned to the house the day following the incident to pick up clothing and other items;
- B. On July 13, 2025, less than one (1) week after the incident, Wife requested to shower at the house. Husband replied “I’d rather you didn’t”;
- C. One July 13, 2025, Wife requested to move back in the house. Husband stated, “I honestly think it is a bad idea, “I don’t want to see you or converse with you”. Wife persisted saying “I’m allowed to stay at the house”;
- D. Husband and Wife exchanged friendly and cordial text messages, Wife making small talk about a broken A/C unit, the fact that she needs a shower after work and the dog’s vet appointment. Most often the messages were about C.T., her activities and their parenting time exchanges;
- E. On July 24, 2025, Wife messages Husband to her Art show, saying “Art show is at 1 if you want to come”;
- F. Wife messages Husband she is coming to the house to pick up swimsuits for her and C.T. Husband offers to put them in the garage. Wife replies she will come in the house and get them; and
- G. Wife messages Husband about C.T.’s Air Pod case. Husband says he will leave it in the mailbox with a piece of Wife’s mail. Wife says, “you can just leave it on the counter, I’ll come get it.”.

24. Wife’s contention that her actions, as identified in paragraph twenty-three (23) above, were for the sole purpose of not triggering Husband because he is unpredictable, is not credible either. In a text message between the parties on July 25, 2025, Wife asked Husband what was the point of him piling up her belongings when they both own the house and he responded by saying “You fell in love with another person while married to me.” Wife’s reply was “Oops.” Wife’s response was flippant and shows no concern for angering Husband, especially when considering the incident of violence on July 8, 2025, arose from the same issue.

24. The Court does not find there are reasonable grounds to show Wife believed the threat of violence persisted at the time she filed her petition. It is true one act, regardless of when it was made, can justify a Court’s *credible threat* finding. But when viewed

objectively at the time Wife sought relief, her actions do not reveal she believed the threat of violence persisted.

#### INDIANA LAW

25. An individual may petition for a protective order against a family or household member who commits an act of domestic or family violence. IC 34-26-5-2(a)(1).
26. To justify an order, the petitioner must show by a preponderance of the evidence that the respondent committed an act of domestic or family violence that the respondent presents a credible threat to the safety of the petitioner or a member of their household. IC 34-26-5-9(h).
27. A Court cannot deny relief solely because of a lapse of time between an act of domestic or family violence and the filing of a petition. IC 34-26-5-13.
28. A petitioner must a showing of specific facts before a Court can issue a protective order.
29. IC 31-9-2-42 defines “domestic or family violence” as the occurrence of one (1) or more 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 without legal justification.*
  - (2) *Placing a family or household member in fear of physical harm without legal justification.*
  - (3) Causing a family or household member to involuntarily engage in sexual activity by force, threat of force, or duress.
  - (4) Abusing, torturing, mutilating, 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 22-4-15-1](#) and [IC 34-26-5](#), domestic or 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.

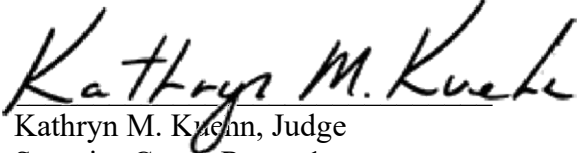
30. The Court must consider the evidence and determine whether the respondent’s actions, viewed objectively at the time the petitioner seeks relief, provide reasonable grounds

to believe the threat of violence persists. While lapses in time or intervening events may be probative of whether a threat persists, so too are a variety of other relevant circumstances including the parties' history and relationship, the respondent's past behavior, the nature of the respondent's actions or the respondent's demeanor in court. *S.D. v G.D.*, 211 N.E. 3d 494 (2025).

ORDER

31. The Court finds although Wife was able to show by a preponderance of the evidence that domestic or family violence occurred sufficient to justify the Ex Parte Order of Protection on August 5, 2025, after hearing testimony and reviewing the admitted evidence, there are not reasonable grounds to believe Husband posed an objective, credible threat to Wife at the time she sought relief by filing her petition.
32. Wife's request for a Protective Order is denied.

Date: 1/29/2026

  
Kathryn M. Kuehn, Judge  
Superior Court, Room 1  
Hendricks County, Indiana

Distribution to:

Paul Hadley  
Matthew McConnell